

City Council Regular Meeting Transcript – 04/20/2017

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[10:08:28 AM]

>> Mayor Adler: All right. I think that we have a critical mass here. So we'll go ahead and before we convene the meeting, we have an invocation this morning with reverend Anna shouse with unity of Austin. Would everybody please rise?

>> Spirit of life, that holy essence within and around us that we know by many different names and find on many different paths, each according to our own calling. We come to this day open and receptive to all that is good, we're grateful for this day a clean slate upon which to write new hopes, possibilities and fulfillments: And for our councilmembers, today as you meet, discuss and make decisions, you are inspired with wisdom, are endowed with patience. You express with courtesy and you see with respect. Today you trust that you can think clearly, concentrate fully and express your ideas perfectly. You comprehend with clarity all the business before you this day and you take action that is for the highest and best of all concerned. Today you are at peace in your minds and hearts, all stress is released. You're strengthened and vitalized. You're filled with energy and joy and accomplish all that is yours to do this day. Today you're filled with courage, you find your deepest, most honorable values and you stand for them without standing against anyone or anything. You express yourselves eloquently and are fully heard and understood by all. Today you bring forth excellent solutions for our city and all who call it home. We place all that concerns us into the hands of life and go forth into this day with confidence and joy.

[10:10:31 AM]

We accept the good and so it is. Amen.

>> Mayor Adler: Thank you. I'm going to go ahead and convene the Austin city council meeting today Thursday, April 20th, the year 2017. We're in the city councilmember chambers here at 301 west second street, Austin, Texas. We have a quorum. Let's take a look at the agenda. We have some changes and corrections to be read. Item number 10 is postponed to may 11th, 2017. Item number 13, postponed to may 18th, 2017. Item number 15 the notation should read that mbe/wbe for the services required for the solicitation, there were insufficient subcontracting opportunities therefore no subcontracting goals were established. That's the single grounds for that. There are not two grounds. April 20th -- item 20, rather, item 20, should be noted that on April 17th, 2017, this was not recommended by the electric utility commission, 3-4 vote. Commissioners jet ski, ahen, Osbourne, stout voting aye. Two were absent and the commission has two vacancies. Contractors voting nay, voiced concerns about sustainability standards in fleet purchases. Item number 20, it says authorize negotiation and execution for 25 contracts, not 27, with -- there are several entities listed, but should not have been listed are Alamo city Chevrolet and Gunn Nissan.

[10:12:38 AM]

And the contract amount is not to exceed \$16 million to bind the amount of the contractors. We have some items that I was looking at the consent agenda, we have some items that have been pulled or postponed. With respect to item number 1, the 4-13-17 agenda is being postponed and is not part of the consent motion today. Item number 6 and 7 are being pulled for staff presentations. Item number 10 is being postponed to may 11th. Item number 13 postponed to may 18th. We also have item number 26 being pulled by councilmember alter. 28 pulled by councilmember Garza. 32 pulled by councilmember troxclair. 33 pulled by councilmember tovo. We also have item number 11. Is Mr. Pena here?

>> I'm here.

>> Is Mr. Larson here? Is Albert Longoria here? Do you wish to speak on this item or should it just go on consent?

>> He wants to speak on the item, mayor?

>> Mr. Longoria wants to speak? Then we have item number 11, which is being pulled for speakers. Item number 31 is being withdrawn.

>> Flannigan: Mayor, I just pulled item number 30.

>> Mayor Adler: Item number 30 being pulled by Mr. Flannigan.

[10:14:46 AM]

Okay -- yes, mayor pro tem?

>> Tovo: Unless we have any speakers on item 30, which I pulled -- excuse me, 33, which I pulled, we can put that back on the consent. We had a few individuals who wanted to come down and speak in support, but they're going to come when it returns to council through the process. So 33 can go back on consent.

>> Mayor Adler: 33 is back on the consent agenda. Is Mr. Fisher here?

>> [Indiscernible].

>> Mayor Adler: So item 37 is being pulled.

>> [Inaudible].

>> Mayor Adler: So 37 is not pulled. Yes. Troxclair can I also pull item number 16 and 20, please.

>> Mayor Adler: Item 16 pulled by troxclair and what was the other one?

>> Troxclair: 20.

>> Mayor Adler: And item number 20. Okay. Anything else? Ms. Houston?

>> Houston: I have just a quick comment on item number 27.

>> Mayor Adler: Do we need to pull that?

>> Houston: Yes.

>> Mayor Adler: Let's pull item number 27. Let's have the speakers speak on the consent agenda. Mr. Hirsch are you here?

>> Yes, mayor.

>> Mayor Adler: Speaking on items 4 and it looks like 36. I don't know if there was a third one you signed up for or not.

>> 35, I believe.

>> Mayor Adler: Okay. That's been pulled.

>> Thank you, mayor and members of the council. My name is stu and I live in district 2. Last week I talked to you about an item that's appearing on your agenda as item number 4 today.

[10:16:51 AM]

That's technology improvements and development services. Given your lengthy conversation last week on the strategic housing plan and your detailed conversation about net production of housing units at your work session on Tuesday, I cannot emphasize how important it is to make sure that this item includes the ability to monitor certificates of occupancy that are issued in the 10-year planning period compared to the number of demolition permits relative to housing. I'm afraid that this is drawn so nature Rowley, based on the backup, that you won't be able to electronically track how are we doing on the 135 unit total goal and the 60,000 income restricted goal, if you don't use your technology systems to do that electronically and you continue to try to do it manually, which appears to be the way the city does business these days. So I want to emphasize the importance of making sure the language is broad rather than narrow. Finally on items 35 and 36, I also want to make sure that this language isn't drawn so narrowly in the posting so that if you decide that it's worthwhile to adopt the international codes as an alternate method of compliance with the uniform codes that you've posted the language broadly enough when the hearings take place in a couple of months so that you have the ability to do both. I'm no lawyer so I don't know about that, but I'm very fearful that when you don't mention a code that you might adopt in your posting language it may preclude you being able to do that. So I ask you to seek the advice of your counsel on how to do this so when you take these topics up in June you can take advantage of all your options and not just a few of them. Thank you very much.

>> Mayor Adler: Thank you. Gus Pena.

[10:18:57 AM]

>> Morning, mayor, councilmembers. Gus Pena, proud native east austinite and you know proud Marine Corps veteran. Number 11 -- number 3 having to do with \$100,000 for the department of aviation membership. That's too much money for a membership. If you can educate the public about this funding for membership, the aviation department, we would like to know. It doesn't sound good to us. Item number 11 I'll make it quick because I have a lot of items. Department of family and protective services, this is very important, mayor and councilmembers. When I was officer and bailiff at criminal district courts I took court custody of my nephew, Lucio, he's 24 years old, productive. Very crucial and important to have all these services for the youngsters, not have them in offices. We were at the capitol -- I'm wearing a monkey suit because I'm going to meet over there, governor Abbott, he's a friend of mine even though he's a Republican. We need to make sure people are taken care of. We have military people who grow into homelessness also and they fall into the cracks also. So public health and human services funding for prevention of juvenile delinquency, very well needed. And this is something we talked to when mayor Bruce Todd was mayor we talked about the juvenile probation services and the need for services for not only for education, but also for mental health issues. 12, austin-travis county mental health and mental retardation center. People in need of permanent supportive housing. This is a no brainer. I don't know for why arrest what reason, but it should have been passed. That's a no brainer. I know you have difference of opinions, but it hits me close to home. Dave Evans was a close friend of mine when it was Travis county mhmr. We go back 35 years. Very, very important to help out Travis county mental health and mental retardation center for housing and other services.

[10:20:59 AM]

Mayor, I just want to say

this: We've got a lot of veterans that are still homeless, but do you know what? I appreciate you much more than I do any other elected official because you've been very proactive, but I don't agree that we have zero veterans that are homeless here and you will hear one that's here today. And if you don't

mind, with your permission he's new here so I'm going to stand right behind him. I just met him today. He's kind of nervous. I want to thank you for all your leadership, your stewardship. We need more help for homeless veterans, especially for the single female veterans with children that are homeless. We need to help them. And that's why CPS is hot and heavy on these issues. Thank you very much and have a good day.

>> Mayor Adler: Thank you, sir. The record should also reflect that on item 27, which is nominations to the citizens task force that's working on the city manager profile statement, councilmember kitchen is nominating bill Spelman. Yes, Mr. Casar?

>> Casar: I'd like to add that I'm nominating Julio Gonzalez.

>> Mayor Adler: Julio Gonzalez by Mr. Casar to that same panel. Okay. The next speaker that we have is John Larson. The next speaker we have, bill fisher was on 37, but 37 has been pulled by Ms. Houston. 37 is being pulled, not 27. 37 is being pulled by Ms. Houston, not 27. That is still on consent. That gets us to David king. And actually, both these items, both 28 and 30 have been pulled.

>> 22?

>> Mayor Adler: But not 22.

>> Thank you, mayor, mayor pro tem and councilmembers. Item 22 is an item of over \$13 million for Oracle software.

[10:22:59 AM]

And I was in the I.T. Field and I know Oracle has good products. We used Oracle in the state agency that I worked at. It's a good product, but it's a lot of money that we're spending for these companies here and we recall that Oracles campus when they're giving up their campus on lakeshore is they displaced hundreds of families, low income families there. And we're left trying to deal with that. And so what I'm asking -- the reason I'm addressing it in the context of this, this item, is that we're spending millions of dollars with these companies. And I would ask that we ask them to help us solve some of these problems. If we're going to spend millions of dollars for these companies to be here and do business with them, then they need to help us solve these problems and they need to help us avoid the displacement in the first place. And I have asked our Travis central appraisal district if Oracle is -- has appealed the appraisal on that property, their campus. And I will get that information to you because I think if they're going appeal they're appraisals and lower their appraisals and reduce the amount of money that they would pay in property taxes that would go to our districts and go to our city to help us solve these problems, then that's not fair. And I hope that this council will establish a policy that if we're going to spend millions of dollars with or corporations that we'll look and see if they're playing this game and getting reductions in they're appraised property values and then that we're going to ask them about that and hold them accountable to that when they come ask for a multi-million-dollar contracts. Thank you very much.

>> Mayor Adler: Thank you. Those were all the speakers that we have, council. To go through it again --

>> [Inaudible].

>> Mayor Adler: One more? Albert Longoria. Item 11 has been pulled.

[10:25:00 AM]

Pulled for speakers, that's correct. Yes, Ms. Kitchen?

>> Kitchen: I just want a follow-up on number 4. So you can either pull it or I'll ask my question.

>> Mayor Adler: Let's pull it. So I have item number 1 we are not voting on the 4-13-17 agenda. That's being postponed. Item number 4 is pulled by kitchen. Item number 6 and 7 are pulled for staff presentation. You're here to testify on item number 11?

>> Yes, mayor.

>> Mayor Adler: That was a pulled item. That was a pulled item, so we'll get to you in just one moment, okay? Item number 1, 4-13-17, is not part of that. Item number 4 is being pulled by kitchen. 6 and 7 are pulled for staff presentation. Item number 11 is pulled by speakers. Item number 16 pulled by troxclair. Item number 20 is pulled by troxclair. Item number 26 pulled by alter. Item number 28 pulled by Garza. 30 pulled by Flannigan. 31 is withdrawn. 32 pulled by troxclair. Item number 35 has been pulled by speakers. And that is just setting a public hearing. So the only testimony we're going to take is whether we should set a public hearing on that day, not anything about the merits of the item. And item number 37 has been pulled by Ms. Houston. Yes, mayor pro tem?

>> Tovo: Mayor, my item that was withdrawn, 31, several people have asked about that. It was withdrawn for today because there was a posting error. The language didn't indicate that it was a robot. So that's why it's withdrawn, but it will be back on the next agenda, I know.

[10:27:01 AM]

I've gotten a lot of questions so I wanted to make sure everybody knew it is coming back, not just at this meeting.

>> Mayor Adler: Anybody want to make any announcements concerning any of these votes? Yes Ms. Troxclair, then Ms. Garza? >>

>> Garza: I was going to move the consent agenda.

>> Mayor Adler: I'll come right back to you. Do you want to make any notice of any votes?

>> Troxclair: Yes. I just want to be shown as abstaining from item number 3, which is airport membership dues and I'm not a big fan of using taxpayer money for lobbyists. I want to be shown voting no on item number 9, which is spending almost four million dollars for land for storage for the convention center. I don't think that's the most critical thing that we need to be spending four until dollars on right now. I want to be shown abstaining from item number 17, which is something that we just only received one bit on. And item number 29, I think I'm generally supportive, but I don't know the background of the federal legislation and the funding involved. Thank you.

>> Mayor Adler: Ms. Garza moves approval of the consent agenda. Is there a second? Ms. Pool seconds that. Any discussion? Those in favor please raise your hand? Those opposed? It's unanimous on the dais. Everybody is here. That then goes through the pulled item. Ms. Kitchen, you pulled item number 4.

>> Kitchen: Yes, I just have a quick question for staff. If they're here. I wanted to follow-up on the question that Mr. Hirsch raised for the ability for technology to be used to monitor -- I think -- did you hear his question, he was monitoring the co's versus the demolition?

>> Mayor and council, Rodney Gonzalez, director of development services department.

[10:29:04 AM]

I didn't hear Mr. Hirsch's question.

>> Kitchen: I may have to ask him to be specific, come up and specify again, Mr. Hirsch, your question. If Christmas something that you need to go back and research for us, that's okay. I just want to research the question. I think it's a very important question that we are using technology to the fullest advantage. So will you please state your question again?

>> Yes, councilmember. The question was whether these improvements will allow us to track the net housing development over the next 10 years. The number of housing units that are being demolished as opposed to the numbers of certificates of occupancy for units that are created.

>> Kitchen: Okay.

>> Mayor and council, we would need some time to look into that matter. We do have a great system, Amanda. It's a good robust database. Of course the information in the database depends on what we put into the database. So it may be information that we're not currently capturing that we may also have to capture. But it's something that we would have to look into.

>> Kitchen: Okay. Thank you very much. If you would let my office know and I guess the other councilmembers know, there's two aspects of this, one aspect is does the technology have the capability to track. So that would be one question. And then the second question just is that a function that's on y'all's to do list, so to speak, to develop the ability in terms of your business processes to do that?

>> Thank you.

>> Mayor Adler: Thank you. Is there a motion to approve item number 4? Ms. Kitchen makes that motion, seconded by councilmember alter. Any discussion? Those in favor please raise your hand? Those opposed? It's unanimous on the dais. That gets us to items number 6 and 7. These are proposed settlements in two cases.

[10:31:05 AM]

And you have a dollar amount to be filled in to each?

>> Yes. What's the dollar amount for number six.

>> \$915,000.

>> Mayor Adler: And would you identify yourself for the record.

>> Gray laird, assistant attorney.

>> Mayor Adler: And what's the number in number 7?

>> Shelly sing, assistant city attorney. It's 85,000.

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

>> Houston:

>> Mayor Adler:, I need to recuse myself on item number 6.

>> Mayor Adler: Okay, Ms. Houston, thank you. Is there a motion to approve items of and 7 at the stated amount. Mr. Renteria makes that motion, Mr. Casar seconds that motion. Any discussion? Those in favor please raise your hand? Those opposed? It's unanimous on the dais, noting that Ms. Houston recused herself from that one vote. Thank you very much. The next pulled item we have is number 11. Number 11, sir.

>> Houston: Mayor, there is a feedback someplace.

>> Mayor Adler: There is some feedback that we're hearing up here. Mr. Longoria.

>> Yes, mayor, city council. My name is Albert Longoria and I'm here to speak with you. I would like to voice my -- I'm sorry. I'm a little bit hesitant. It's a little bit embarrassing for me, I'm sorry. But I would like to speak in favor of item number 11 in accepting just over half a million dollars for juvenile delinquency prevention services. I think it's extremely important to be there for our youth, emceeing that they are our future.

[10:33:12 AM]

The first step in way side is to push this city and our future to the way side. I've recently been seeing firsthand what happens to individuals when they come to unfortunate circumstances. I'm a military veteran, I've recently become homeless. And it's -- I haven't been in Austin very long. I've been trying to speak with business people and see if there are any programs to help individuals or youth to help get them back on their feet. I haven't received -- I haven't been very -- I'm sorry -- successful in my attempts. I've seen a lot of homeless individuals around Austin. That is something that I was not expecting. It actually shocked me, the number of homeless individuals that I've been seeing. And as far as I've seen

they're not exactly stationed in one particular portion of the city. They seem to be throughout the entire city. Just last night I saw a homeless individual sleeping on the doorsteps of the city council -- of the city hall, just right outside of the city hall. That was extremely shocking for me. Individuals sleeping outside the police headquarters. It seems like they're not getting the assistance that they need to help get them back on their feet. I know there are programs out there. I spent a majority of yesterday and a portion of the night on the front steps. I know that's a program to help individuals get back on their feet.

[10:35:13 AM]

I'm not sure how many of you guys have been there recently. I know I was there, as I just said, a majority of yesterday. While I was there the ambulance was called on three separate occasions, police as well. It seems that it's riddled with drug addiction and prostitution, crime and sending individuals to that area I feel is just setting them up for failure. The program doesn't seem to be effective or efficient.

[Buzzer sounds] That's all I would like to say. Thank you.

>> Mayor Adler: Thank you very much for coming and sharing with us today.

>> Thank you, mayor.

>> Mayor Adler: Does anybody else want to speak on item 11? Is there a motion to approve item 11? Mcraven makes that motion, Ms. Houston seconds that motion. Those in favor of item number 11 please raise your hand? Those opposed? It's unanimous on the dais. That then gets us to item number 16.

>> Troxclair: Mayor, I pulled that item. I was hoping that the dais would grant a postponement to our next meeting. This is to approve a contract for water meter reading. And we had some issues, I believe last year, where we did an audit of our meter reading because there were some -- there were some -- there were some issues with people receiving potentially inaccurate bills with no explanation and we found that the company was exceeding what was in the contract. I think we weren't supposed to have more than five inaccurate meter readings for every thousand meters read. I would love some more time to look at this new contract and make sure that there are some assurances in place to the city and the customers are getting the value for our money.

[10:37:17 AM]

>> Mayor Adler: Ms. Kitchen?

>> Kitchen: I would support that. From reading the backup it seems like -- that it's not time sensitive for today. I know it needs to be addressed soon, but I think there's a four month holdover or something like that that would give time. The difficulties that councilmember troxclair pointed out is something that we did talk about in our public utilities committee and we -- it's more a matter of understanding what the options are if there are difficulties. I'm not seeing the actual contract in the backup and perhaps I missed it. I didn't see it in the Q and a either. I saw a response, but I didn't see the actual contract. Maybe I missed it. It's possible I missed it. The other concern that I have is a concern about -- which I asked about in the Q and a and I would just like some more details around how this contract would fit with the water utility's efforts to move towards electrification of the meters. So anyway, so that's why I'm standing.

>> Mayor Adler: So staff, there were three questions. One was about any prejudice from a delay for a week. The second is the substance of the contract on this issue that was raised. And the third would be the electrification K you respond to those?

>> Yolanda Miller, deputy machining officer. We have someone here to speak to councilmember troxclair's issue from Austin energy. It is a time sensitive item. And then one of our colleagues from water will respond to councilmember kitchen's question.

>> Good morning, Elaine Kelly, vice-president of customer account management with Austin energy. This contract is time sensitive. The contract with our current vendor is under a holdover period and will expire in August. And implementation of the contract this month will allow us to fully test and vet conversion of system people, processes, vehicles, will allow time for the vendor to be set and run in paralegal and give us -- parallel and give us some quality assurance before we go live with the new reading vendor.

[10:39:26 AM]

>> Mayor Adler: Can it be postponed one week? Is it that sensitive?

>> We can postpone one week, yes.

>> Mayor Adler: I mean two weeks. Does it work if we --

>> We would hate for it to go into may because then it starts getting into the hot summer months. But two weeks would be better than a later may council date.

>> So may 4th works for you? Any further discussion?

>> Flannigan: Mayor, I'm concerned that the water and wastewater commission did not have quorum to review this. And I'm supportive of a postponement or finding a way for that commission to find a way to review it, but I think it's also our responsibility to reach out to our commissioners and make sure they're showing up to the meeting. That input would have been extremely important to me. My commissioner hasn't yet been able to attend one of the meetings and that would have been very useful information for me to know whether to support it or not. If they can't see it within two weeks, I won't be ready because I want the commission to give an input on this.

>> Mayor Adler: Mayor pro tem?

>> Tovo: I wanted staff to address the question that arose earlier from one of my colleagues about whether the new contract tracs the -- addresses the issue of meter reading errors and a limit on them. Thanks.

>> The specifics were provided back to councilmember troxclair as backup for the questions. We have -- the meter read accuracy referenced in the contract is first pass meter read accuracy. So we also have a reread process and other intern process that validate meter reads. So I want to qualify that's the first pass of someone doing the meter read. There's also liquidated damages for any reads that fall outside of the contracted service levels that can be assessed.

[10:41:26 AM]

We have contract remedies such as right of assurance, right to audit, and we also have some place an internal vendor quality assurance report to ensure that meter reads reach the level of accuracy.

>> Tovo: Thanks for that additional information. I had skipped over that question in that level of detail. I appreciate knowing that the question that was just raised was indeed answered in the Q and a about how the contract addresses some of the issues that have arisen in the past. So I guess before we would vote on a postponement, I guess I would want to be clear on exactly what remains to be determined here in the next couple of weeks beyond the information that staff has already provided.

>> Mayor Adler: Councilmember troxclair?

>> Troxclair: Can I ask a follow-up question. I know the previous contract had a provision that there couldn't be more than one error for every thousand minimum -- for every thousand meter reads. This contract has increases that to five in every thousand, is that right?

>> For the first pass -- sorry, one moment. A minimum read accuracy of 99.5 percent is required. And so the minimum read accuracy for this is the first pass read accuracy. I believe that wasn't clear in the original contract. And so that also included rereads. So it may be a lower number, but we're attempting

to -- we want the higher percentage on the first pass meter read not allowing the vendor to have a second try. So it's structured a little bit differently than the original contract. But this will give us better first pass with the meter reads.

>> Troxclair: It's a lower accuracy required. The previous one was one in a thousand. And this was -- is five in a thousand.

[10:43:34 AM]

So I guess councilmember tovo's question, I think it's really important -- considering the issues that we've had with our water bills, I think it's really important that we make sure that this contract is correct and that we can hold -- it's a third-party that we're able to hold them accountable for when mistakes are made. I know in last contract they were significantly above that error rate and I'm not sure that the city ever was actually able to regain -- to recoup the losses or to make people whole based on those inaccurate meter reads. So I -- we talked in work session the other day about how if there's a councilmember who is requesting a postponement that it hasn't been -- that it's always been granted. So I'm here, I'm requesting a postponement. If you disagree, that's fine.

>> It's structured a little bit differently with regard to the service levels and we took into consideration some of the confusion and some of the questions around the first contract to provide to clarify that and get additional accuracy on the first time the meter readers read the meter, versus allowing them to go back out and get a reread and potentially delaying a customer's bill or having an estimation. So we estimated to get higher accuracy on the first pass so that's why the numbers may be a little bit different, but I can validate. I would also reiterate the a week we would be -- we could be comfortable with. If it goes two weeks or into the may 20th or mid may council date, it pushes us into the summer while we're trying to do the conversion.

>> Mayor Adler: Okay. Councilmember alter, then councilmember pool.

>> Alter: I just wanted to clarify our next meeting is on may fourth. Is that too late or is that a date that you can live with?

>> That's two weeks from now?

[10:45:35 AM]

>> Alter: Yes.

>> And I know there's concern about going into the water and wastewater commission and that's why we asked to go ahead and have this approve PDF and go to the water commission after because the way that timing works, it pushes us too far into may. I think we were asked to hit a may council date and that pushed us too far back. So may 4th a matter of a couple of weeks, we could probably do something. I have concerns about waiting until after the water wastewater commission. They were unable to meet in April.

>> Pool: So I'm just trying to get a sense of what we hope to accomplish in a two-week time frame because it sounds like the contract has been negotiate. Are we implying that we would like to have that contract renegotiated so this one metric is changed? If that's the case we should give direction to staff that way as opposed to letting it lie here for two weeks for us to mull over whether five errors in a thousand, considering the additional error prevention elements that are in this new contract are sufficient or not. And I am going to say that I think staff has probably done the best they can with knowing what the landscape is with regard to the error concerns because you've dealt with them at considerable length last year. And unless we're going to say go negotiate a lower number of error -- a lower error rate, I don't see anything to be gained by waiting for two weeks.

>> And again, the measures in this contract are structured a little bit differently than the original contract, of course taking into account exactly what you said.

>> Houston: Mayor?

>> Mayor Adler: Yes, Ms. Houston.

>> Houston: I've heard staff say that they could -- we could bring this back up on May the 4th, which would give time for people who have concerns about the restructuring of the contract to get those questions answered, and I'm willing to postpone it until May the 4th.

[10:47:41 AM]

>> Mayor Adler: Yes, Ms. Kitchen?

>> Kitchen: I have another question. I appreciate y'all's response to my question, but the additional level of detail I'd like, which you don't have to speak to today, but I wanted to understand again the relationship between this -- this contract and a move towards meter electrification. And it's specifically a question for Austin water, not for Austin energy because Austin energy already has Ami meters. So my question is the response that the consultant services will help identify a road map to convert from manual to advanced metering for water meters. And the reason we're concerned of course is as you guys have mentioned, is that the electric meters can contribute to accuracy. So anyway, the -- this says the timeline to initiate the conversion, if approved, would start in the later years of the contract. So my question is the additional detail that I wanted to know was because I don't have the contract to read, my additional question was -- so does that mean that can you modify this contract at any time, at any point along the timeline so that if the electric meter catches up or for some reason it goes faster or something like that, and you don't need as much in terms of manual reading services? So I'm trying to understand the relationship there and make sure that we're not locked into a contract that perhaps we won't need as much in terms of services in the future. I was also curious, but this could be a different question, about what that means in terms of would start in the later years. And I'm curious about what the timeline is for identifying the roadmap to convert from manual to advanced metering.

[10:49:41 AM]

Those are the additional level of questions that I had.

>> So the contract is an initial term of a year with four one-year extensions. So it could be terminated at the end of any extension period.

-- Ms. Kitchen could it be --

>> Kitchen: Could it be terminated at the end of each one of those years? I don't have the contract in the backup so I haven't been able to look at that.

>> The contract could be terminated after the initial period or any of the options.

>> Okay.

>> Also if we stay within the general scope of the contract, because it was a request for people, then we could do some negotiations in terms of quantities.

>> Kitchen: Okay. But does that have to be -- does the negotiation in terms of quantities, do you have the authority to determine that or does it have to be agreed upon by the vendor?

>> We probably have some latitude, but without having the scope of work and contract right here, I can't give you a definitive answer.

>> Kitchen: That's fine. And then the other related question that you may need to check the contract on is can you cancel without fault? In other words, can you just decide not to proceed or are you stuck with the initial year and all the years of extension?

>> Termination without fault and termination with fault are part of our standard language.

>> Kitchen: So you have termination without fault for any reason after the first year? And after each year of extension?

>> That is correct. However, we typically try to work with our vendors --

>> Kitchen: Of course you do. I know that you guys -- pleased in I know that you know how to do this and that you know how to work with vendors. It's just the bottom line is you always have to consider in terms of a contract what happens if you get stuck and what happens if you can't negotiate something with the vendor. So that's why I'm asking those questions.

>> No, I understand. A termination without cause would mean that we have to make that contractor whole if we were going to terminate without cause.

[10:51:46 AM]

>> Kitchen: Oh, you would? You don't have the ability to --

>> No, not in terms of whole. In terms of what our authorization is. If they have expended or made some purchases or there's some equipment costs that were involved, it would be something like that.

>> Kitchen: Okay, thank you.

>> Mayor Adler: Ms. Troxclair?

>> Troxclair: And if this is postponed for the two weeks, the other thing that I would want to understand, the audit that we had was to give the dais a sense of what we're talking about, the previous contract had one error in every thousand and the audit found that we had closer to 130 errors in every thousand. So it was a pretty significant difference. It's not just a -- it was a 1.3% error rate and that's 1.3% of 100. So when we're talking about that big of a difference, I just want -- I would also want to make sure that what the recourse for the city is if that happens again and we find that there's a huge disparity. That would be the other thing that I would want to work with you on. I mean, I have an amendment and I could offer it now, but really in the interest of time I haven't been able to work with staff on it and I was hoping to save the time today by not having to have this conversation on the dais and give us a couple of weeks to just make sure that all of our questions are answered and that if we do need to make any amendments that we have your input. So thank you.

>> Mayor Adler: Part of this to me goes back to the conversation we have about posting things on the agenda a couple of weeks out so that people have more time to work with them. Didn't this come to us -

>> Pool: This is on the Austin energy, the utility oversight committee meeting. It was part of the general manager's report. It was software procurement and the meter reading. And there was significant light shine odd it because I think that staff anticipated that there would be some questions. So it was part of the general manager's report just a couple of weeks ago.

[10:53:48 AM]

So probably it will be a good month if we wait for -- it was the end of March. It was about two weeks ago.

>> Mayor Adler: So in this case I would probably vote for the postponement because it's two weeks, so that -- out of courtesy I would be ready to vote today in favor of this, but I would also support a motion if someone made one to postpone for that two-week period of time as a courtesy to a councilmember. Further discussion? Mayor pro tem?

>> Tovo: I'm going to support the postponement after some reflection, but I just want to say I think I was -- one of the people who talked the other day about postponements and I just want to be clear that I'm always going to evaluate them against the time sensitivity and what is intended to be accomplished

between one meeting and the next. So I want to just be on the record that I do not support sort of blanket postponements. But I'm happy to do so at this time.

>> Mayor Adler: Ms. Pool?

>> Pool: I've got a couple of minutes to decide whether I'm going to support this postponement, but I do want to point out that we had made -- staff had made a concerted effort to get us our backup materials a full week in advance of our Austin energy oversight committee meetings in order for everybody to have time to look through the documents. And we did have a good session on the our meeting last month where this item was brought up and discussed in some detail by Ms. Sargent. And I thank her for that and I appreciate staff bringing us the backup in advance the way we had urged them to do. I think I may have to -- I recognize the courtesy and have generally extended -- I'll see which way my hands goes in a couple of minutes.

>> Mayor Adler: Ms. Troxclair moves to move this two weeks to may fourth. Ms. Garza makes that second. Any further discussion on the postponement? Those in favor of postponing raise your hand? Those opposed? Pool votes no, Flannigan votes no, Renteria votes no, the others voting aye.

[10:55:50 AM]

This matter is postponed until may 4th. Let's go then to the next item, which is item number 20. Number 20. You pulled this one.

>> Troxclair: I did. I know that you read several corrections into the record earlier on this item, including that it was not recommended by the euc. This is a contract for \$16 million for a one-year -- basically, one-year contract. And I think that especially considering the budget discussions that we've had yesterday, it would be really valuable for us to possibly talk about our policy in audit and finance with the input from the commissioners on the euc, or whatever the appropriate venue would be. I know we've kind of moved away from spending specific items to committees, but this is one where I think that there have been some issues with fleet recently that have been highlighted by audits and whatnot. And considering that this was not recommended by the euc, and it's such a huge price tag, I think it would be prudent for us to take a look at the policy, if it's something that we have time for.

>> Yolanda Miller, deputy purchasing officer. And I think we have our colleague -- this is a time-sensitive item.

>> Yes, it is.

>> And our colleague from fleet is here to talk about it.

>> Jennifer Wallace, interim fleet officer. The time sensitivity is due to manufacturer build dates. I believe may 5th is when that expires and we're subject to price increases due to having to buy the next-year model, anywhere from 5 to 7% increase in cost.

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

>> I have a question.

>> Mayor Adler: Is there a motion?

[10:57:52 AM]

Mr. Renteria, seconded Ms. Pool.

>> Kitchen: I have a quick question, or actually, I just want to highlight, since this item was pulled. But I do want to thank you all for responding to my question about how this item relates to the timeframe that you all are working on for electrification of the fleet. So I just want to highlight with this one -- am I understanding correctly that you're purchasing the city's first electric van to be utilized in the downtown shuttle service?

>> Yes, ma'am. That's our first one. It's a larger truck. As you know, a lot of the emerging technology is with electric vehicles, has been focused on light duty. This is our foray into a larger truck. One of the challenges is making sure we have adequate infrastructure in place. You have to have the infrastructure at the same time you have the vehicle. So we feel like we could use existing infrastructure to power this shuttle and give us some good information of how we can move forward in other applications.

>> Kitchen: I want to thank you for that and congratulate you for taking this step.

>> Mayor Adler: Okay. We have a motion on this item. Number 20, it's been seconded. Any further discussion? Those in favor of item number 20, please raise your hand. Troxclair voting no, others voting aye, the item passes. Thank you. Next item is item number 26, pulled by councilmember alter.

>> Alter: I have questions for transportation on this. We had a chance to speak a little bit beforehand, but I wasn't able to get all my questions answered.

[10:59:55 AM]

This is an item about the smart trips program and the grant. And we have to provide a match of about \$150,000 a year over a course of time. And that money does add up. So I'm trying to just better understand the return on investment for this grant. I support the general idea of this what I would call demand management. But I did want to have more details than we were provided. Specifically I'm eager to know the amount of monies spent on the two previous pilots in order to ascertain the cost and every is Acy of the return -- efficacy of the return for this program.

>> Robert spillar, director of transportation for the city of Austin. I do have some of the information. Let me share it with you. Hopefully that will convince you. The first effort in smart trips was a pilot funded totally by private moneys. It was a grant from the American planning association plan for health. It was conducted in-house. I can't tell you the success of that, but we know we had great penetration into a community that can be characterized as original immigrants into this country, so new immigrants. And so they were having trouble getting to services. We improved that. However, we did go to a phase two, which was in central Austin, where we spent 150,000 and cap metro spent 150,000, similar to what we would be doing on an annual basis. And there we had a pretty unique response. We had 3.3% reduction in drive-alone trips. Our goal had been 5%. When we look at the other -- we didn't quite make the goal, but we reduced single-occupancy vehicles. We reducing driving trips by 8%. There is one national study published by one of the data and data analytic companies that we rely on that indicate that had a 4% reduction on vehicle trips is equivalent to a 30% reduction in congestion.

[11:02:07 AM]

And so although this is one neighborhood, and yes, people will say as you start to divide it up, an 8% improvement in one neighborhood does not transit to a 30 -- translate to a 30% overall reduction, the whole plan is to go neighborhood or in this sense, travel shed by travel shed picking communities that have good transportation access, whether it be by transit, bicycle, or pedestrian, that also demonstrate relatively low usage of those good modes or good access in helping them figure out why they can't use that or should be using that. We find a lot of times it's personal anxiety. People know there's transit there, but they don't know how to use it, or haven't had the chance, or bicycle, or pedestrian opportunities. And so we help them do that. So, from an overall congestion reduction opportunity, there's huge benefits here. I cannot increase capacity by 30% in any corridor that I really know of for that amount of money. And so that's a huge benefit. And remember, even if you can't take advantage of demand management, that person that does gets out of your way so that you can continue to travel if necessary.

>> Alter: So I just -- if we do move forward today, you know, when you come back and you ask us for the appropriations, I would like to better understand those evaluations. And not because I don't want to appropriate the money. There may be ways we can help improve that working more in conjunction with the district offices or in different ways like that. I am concerned about that amount of money being spent, and having that small percentage out of an area of 12,000 people. It's not a huge amount of movement. It may be that from a traffic standpoint it is a lot of movement.

[11:04:10 AM]

I need to understand that more. My goal today is not to hold up the broader process, but as we're moving through this and we have to take the next steps in getting that \$150,000 on an annual basis, I will be, kind of, watching that. The other thing that I would like to know more about is how many areas will be served by the new monies, and do we have an estimate of the number of people that will be in the targeting population, and how will you exactly be choosing which areas to target?

>> Let me try to respond to that in reverse order. The way we will choose the next districts is a data-driven process, defined travel sheds. When I say the word neighborhood, I'm not speaking about the traditional definition. It's really that travel shed of trips where we know that there is good accessibility to multi-modal transportation, but yet the use of that is proportionately low compared to the amount of opportunity that they have. We identify those as high opportunities to get people to change their behavior. And that's what this project's about. And so that's how we will identify the next neighborhoods. It will be, really in terms of how much return on that investment can we get. Remember, if we invest smart trips money in, let's say, a neighborhood closer to the center of the employment density, which for now is here in central Austin, we're getting people out of the way of people who have to come a longer distance. And so everybody eventually benefits from that. In terms of the reporting, I think you're right on. These programs only work if we're getting the information out and showing improvements. And so that's absolutely one of our goals. The other two parts of the question, could you repeat those for me? I'm sorry, I've lost it.

[Chuckling]

>> Alter: Sure. I wanted to know how you were going to choose.

>> And so it's going to be a data-driven basis.

[11:06:13 AM]

We will certainly let councilmembers know as we identify neighborhoods that have the highest potential for return that we're going to be in a neighborhood that may be in your district. So I don't have the answer yet, what the next district is. But that's the way we're going to do it.

>> Alter: Do you have a sense on the numbers that you can target with 150,000, now that you have materials again and whatnot?

>> Well, again, I believe that the highest potential opportunities are in those neighborhoods that have the highest access to those different modes, which tend to be the neighborhoods close to employment centers. And so our goal over the seven years is to systematically go through those neighborhoods and capture a large percentage of the population that could benefit. I don't have a number, but I certainly can report out on that. And that should be part of that annual reporting that you indicated.

>> Alter: Thank you. And my last question -- again, I think this is really an important step that we need to take for our topic management. So, rosdale, which is partially in my district, was one of the targets. I think there was a lot more that could've been done in terms of outreach, working with the council offices and whatnot. And I am curious what happens to rosdale now that you initially did it and there's some good work that's been done. How do we keep that momentum that's there? You already have the

basic information to provide to people. How do we keep that available and don't just drop it because we've done that area, now we move on?

>> Sure, I think what you're hinting towards is what kind of aftercare program do we have to keep those neighborhoods interested. We will be monitoring that transit usage or transportation usage. I say transit, but also bicycle and pedestrian activity. And we'll continue to do that. And as we see the potential for a neighborhood maybe sliding backwards, to try to address it.

[11:08:18 AM]

But my experience is once people get hooked into a healthier lifestyle of walking, biking, and using transit, that tends to be sustainable. People tend to understand the benefits of that. The other exciting thing is as I hinted there, this does give us the ability to bring in other city priorities like healthy neighborhoods, healthy communities, and more family-oriented activities, because people tend to walk in clusters to transit or use bikes together. And so that's just a great opportunity.

>> Alter: Great. Thank you. Hopefully my office can work with you for that aftercare.

>> I would look forward to it. That's an excellent idea.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: I wanted to focus on the selection criteria. And you guys responded to my question. I'm excited about the opportunity to use this in conjunction with cap metro as it has been done in the past. And I'm particularly excited about the opportunity to use this as part of cap metro's implication of connections 2025, in particular the innovation Zones. So I'm hopeful that at least one of the projects -- or one of the areas that is chosen -- is an air where -- that dovetails with cap metro's use of the innovation zone. As you know, when we looked at connections 2025, we were experiencing some areas where the existing bus -- existing available bus access was not used fully, which put cap metro in a position of making a decision about whether that needed to be changed. So we had a lot of discussion about, well, perhaps those areas should be -- we should -- we did designate them as innovation Zones. We did not cut off the service. And we talked in terms of examining more, you know, an additional level of detail what was going on in that neighborhood. We had some of the folks that testified to us at cap metro that they thought their neighbors were interested in some kind of mass transit.

[11:10:27 AM]

So my point about all that is, I think that this kind of program, this smart trips program that actually works with neighborhoods or -- I mean, works with geographic areas and the people living in them much more closely is a real opportunity when combined with at least one of these innovation areas to find out what it is that would work. And maybe it is that just activating that area shows the need for the existing transit service, or shows the need for something related like a smaller bus or something like that. So, I'm hopeful. I see that it's on your criteria. I'm just wanting to emphasize that connection with cap metro and transit service could really increase the roi. So I'm hoping that that'll be a major consideration when you all make your selections.

>> Yes, ma'am. I'll just briefly describe what this program does is actually put volunteers or employees into the neighborhoods knocking on doors to ask the simple question how do you travel, how often do you travel, and what modes do you use. And more importantly, what keeps you from using some form of transit, not just a bus, but even the new forms that may evolve. What keeps you from using a bicycle. And I think that data is very helpful in the sense that the reason in some of these neighborhoods that they may not be using transit is because there's no sidewalks to the transit system or the transit stop and they don't feel safe. Those can then factor into infrastructure discussions in terms of meeting those

needs. So, I think the value in generating original data in terms of where cap metro is considering removing large buses or fixed-route transit could be incredibly insightful.

>> Mayor Adler: Okay. Is there a motion? Ms. Houston.

>> Houston: I have a question.

[11:12:27 AM]

Thank you, mayor. Mr. Spillar, how many target areas are you looking at?

>> Councilmember, that really depends on a year-by-year basis how much it takes to scope an individual area. So the areas are not necessarily of uniform size, getting back to this idea of travel sheds. And so if one travel shed is bigger, it may take more must be to put people in the street to go door by door. But again, our goal would be to cover the whole central part of Austin. And when I say central, you know, you can think of 183 to mopac to 71 to 183 on the north, simply because that's where transportation opportunities are the greatest in terms of coverage. Now, that's not a firm boundary. Of course we'll go outside that where we find neighborhoods that have high potential.

>> Houston: This is more of a community engagement piece that is going to be \$300,000 a year to go out and engage the community. Those that have not been engaged in the past. And encourage them to take the transit options that are available to them.

>> Right. Think of it as a transportation concierge, that I would send somebody to your door, for instance, and ask, councilmember Houston, how do you get to work, what are your opportunities? What we find is a lot of time, people are not using transit because there's an anxiety. I've never used transit. I don't know how to use transit. And we can actually go with them on their first ride and show them how to use transit and how to get through. It's amazing how that changes a person's attitude towards transit.

>> Houston: I understand that part, because when I worked at the Austin state school, we did that for people who lived there to get them accustomed to going back and forth to work. But I don't know that we paid me or anybody else \$300,000 a year to do that.

[11:14:28 AM]

That's a pretty high cost for that. The other thing that I want to make sure I understand is the metrics that you're going to be using, because you said the initial project was 5% increase. And you only got 3. But you found that to be successful?

>> No, ma'am. What I was saying is that we had a range of metrics. One was how many single-occupancy trips are reduced. Another criteria was how many trips total did we reduce. And so although we did not meet our target goal of 5% on the single-occupant vehicle reduction, we really blew past some of our goals on total trips, which means people were making a decision to say, gee, I don't need to run to the grocery store, come home, and then later go do a different trip. They were chaining trips together. They were reducing their use of the travel.

>> Houston: So is that information in the backup?

>> Yes, ma'am.

>> Houston: Okay. I must have missed that part.

>> My point being, if I may, is that anytime you have multiple goals, some you do better on, some you don't do better on. And then you measure the overall benefit. And so the observation was, this was a pretty successful outcome.

>> Houston: So I understand the focus of this is on a specific geographical area. The issue for me is transit in those areas that are not centrally located that we are already doing a lot of things to get people to ride the red line, and rapid bus, and the other buses that we have that go from north to south. I don't hear any opportunity for people to do east-west connectivity. And if we keep doing the same

thing we've always done, you've heard me say that, again, we get the same results. Everybody doesn't live north-south, people live east-west and we're not even addressing that as far as I can tell in this proposal. Thank you.

>> Mayor Adler: Okay. Further discussion on this item number 26?

[11:16:31 AM]

Is there a motion to approve? Seconds. Any discussion? Those in favor, please raise your hand. Those opposed? Troxclair voting no, Houston voting no, others voting aye. It passes. The next thing up here would be number 28, but I understand we're still working on some amendments.

>> Mayor.

>> Mayor Adler: Yes.

>> I think there were two speakers signed up for 26.

>> Mayor Adler: We had called those speakers earlier.

>> Oh.

>> Mayor Adler: They had spoken.

>> Sorry.

>> Mayor Adler: Is there anyone that wants to speak on 26 that I didn't call? Yeah, I think we had handled that.

>> Mayor, unless someone else is working on amendments, mine are -- done for 28.

>> Mayor Adler: Is there any reason not to take up item number 28? Then let's take up number 28. Number 28 was pulled by Ms. Garza.

>> Garza: I have amendments. Does somebody want to move the base?

>> Mayor Adler: Does someone want to -- let's look here, item number . . .

>> Pool: I'll go ahead and make the motion.

>> Mayor Adler: 28. Councilmember -- what?

>> Pool: I was responding to councilmember Garza thought that you were looking for a motion.

>> Mayor Adler: Item number 28. Do you want to make that motion? Ms. Troxclair makes that motion. Is there a second to that motion? Ms. Houston seconds that motion. Is there discussion?

>> Speakers. This is an item --

>> Mayor Adler: This is the aid land issue. It's been moved and seconded. Is there any discussion on this item?

>> Mr. Mayor.

>> Mayor Adler: Yes.

>> Kitchen: Perhaps councilmember troxclair can explain this.

[11:18:31 AM]

This is in her district.

>> Troxclair: Sure.

>> Mayor Adler: Do you want staff to lay it out? Why don't you lay it out for us.

>> Council, we were still working with aid and councilmember troxclair's office and councilmember Garza's office on some amendments that they're proposing.

>> Mayor Adler: You're not ready for us?

>> If you would give us that latitude, it would be fantastic if we could come back after lunch on this.

>> Mayor Adler: Okay. Let's hold off on number 28.

>> Troxclair: For the record, you're not working on my amendments anymore.

>> I have them.

>> You have it. Working with law and clarifications on commissions that would be required to go to as an amendment to make sure we have that language correct.

>> Garza: My understanding is there's three meetings. So before June. And my understanding is law and aid are also okay with my amendments, but we can wait.

>> Okay. Thank you.

>> Mayor Adler: Mayor pro tem.

>> Tovo: I'd like some clarification. We have speakers who have been here since the meeting started. It would seem that we could pretty easily determine when the environmental commission and when the land use commission is going to meet. And that was the substance of councilmember Garza's amendments. But in any case, maybe we could afford an opportunity to the speakers to speak, because I do have some specific questions for them -- for aid.

>> Mayor Adler: Okay. So, two people -- one person to speak signed up to speak on this is David king. Do you want to speak on this, item number 28.

>> Thank you, mayor, my name is David king. I live in the zilker neighborhood and I understand the need for this resolution. I just hope that -- I suggest that what we do here is that we try to do a tradeoff within the same watershed, within the same sos so we're not going to a different watershed to transfer impervious cover rights over.

[11:20:34 AM]

If we're going to do this, it should be all within the Barton springs zone. And at a minimum, that whatever we come up with, the result is that we have increased water quality and reduced runoff in the Barton springs zone. And I'm concerned that this could be then used, if we do this, to, you know, in other school districts and even with the private school districts. So I hope that this does not become a precedent. I worry about that. But I do understand the need for this. And I know we need to expand and provide space for our school children. And I appreciate that. And we have growth in this part of our city. But I just hope that we're not going to set a precedent that we're going to replicate this particular decision in many other places in our watershed, particularly the Barton springs zone. Thank you very much.

>> Mayor Adler: Thank you. We'll come back to this item number 28. The next item that we have pulled on this is . . . Sorry. Number 30. Item number 30 was pulled by Mr. Flannigan.

>> Flannigan: I have a question for staff.

>> Mayor Adler: Okay. Is staff here on 30?

>> Flannigan: So, I mean, I'm not particularly concerned about the substantive change here, but it just seems that -- I'd like an explanation of the intent, the planning intent behind these neighborhood plans. It seems, just looking at the map, that it makes a lot more sense to keep bull creek and 45th in the same neighborhood planning area as opposed to dividing it between two planning areas. And the area in question doesn't have any direct connections to the rest of the allandale neighborhood.

[11:22:38 AM]

I mean, irrespective of that neighborhood association's historical belief about that area, it seems like from a planning perspective it would make sense to keep Hancock as the guideline. So can you help me understand both the perspective on what these neighborhood plans are intended to accomplish?

>> So the neighborhood plan -- Greg Guernsey -- our neighborhood planning program really started in the 1990s, about -- '97 time period, we established 57 original neighborhoods we would go forward. They were based generally on a geographic area, on a population of approximately 5,000, although that number has greatly changed through the years. The boundaries were set at that time. And it was looked

at what we thought might be the actual boundaries. Since '97 I think we've had one or two adjustments that might be similar to this that have occurred where neighborhood organizations, associations, have come forward and said this area has historically worked with our neighborhood, might be a couple blocks. I recall there was a boundary adjustment in zilker. And we pretty much worked with those neighborhood organizations or associations adjusting those boundaries and bringing them back to council for your consideration, because when we start any neighborhood planning process, we ask for a resolution to be approved by the city council before we move forward. So, the particular boundary may be determined arbitrarily by a street, by a creek. It was done back in that era. I wasn't working in that particular department, that version of the planning department at that time to know exactly how those boundaries were drawn. I know that we did all the east Austin neighborhoods first, east of 35, because of concerns of the rail coming and some of the environmental injustice that had been done by past zoning. So we did east Austin first.

[11:24:38 AM]

But as far as moving forward, the actual boundaries have been set by that map with minor adjustments through time as we work with those neighborhoods.

>> Flannigan: So is the intent of these planning areas an organization to create a better plan, or is it to formalize neighborhood associations?

>> They were more of dividing the city into bite-sized pieces that would help do a neighborhood plan for a smaller area. And the idea was almost to create a quilt and patch them together, because back in the late 1990s we decided not to do another attempt at a comprehensive plan. We had tried two times before, looking at doing a comprehensive plan for the city. And that failed. And so in the Austin tomorrow comprehensive plan, the prior comprehensive plan before imagine Austin, it spoke to doing neighborhood plans. And so after working with the task force for about a year or so, we came back. That was presented to council. Council agreed with that planning process. And we kicked off, I think, a pilot program of about 15 neighborhoods. They kind of competed against each other. And then we went down a road to doing the neighborhood plans according to that map. And we've been doing that all through the '90s into the 2000s and the 2010s, which brings me to today. But I think the boundaries were set by general geographic area, by a certain population. But since that time, council has directed staff to go do areas outside of those original planning areas. The oak hill neighborhood, oak hill east and west, which had way more than 5,000 people. The west Austin neighborhood around the Brackenridge track, the golf course, we were directed by council to do that area. The boundaries have changed through time, what neighborhoods we're doing.

[11:26:41 AM]

The individual boundaries have changed. But I think they were generally established on geographic area, drawn by staff, of about 5,000 people.

>> Flannigan: So there's no underlying planning principle, it's an arbitrary division of areas.

>> It was done looking at a time in 1997 to consider areas that were easily planned based on population, geographic area. But we were not necessarily set to that boundary, that that boundary could change as we have had happen before with existing neighborhood planning areas. And given different direction by council to move forward. But staff sees no problem with this. This actually -- this particular item came up in 2013. And there was discussion with my staff. And we had, at that time said when rosedale would come up, we would adjust the boundary, I think with some passing of some staff leaving at the end of 2014 and a change of council. I think there was a similar resolution that had been discussed, I think at the end of '14 regarding this boundary. And we then switched to put more resources in codenext. We

reduced our planning efforts to be really just one planning area at a time. We went forward in north shoal creek. The plan along burnet road. And that's where we are right now.

>> Flannigan: All right. Thank you.

>> Mayor Adler: Further discussion on this item? Is there a motion to approve this? Ms. Pool.

>> I think you had one speaker.

>> Mayor Adler: Ms. Pool makes a motion. Is there a second to this? Dr. Alter seconds this. We have one speaker to speak on this. Number 30, Mr. King.

[11:28:42 AM]

>> Thank you, mayor and councilmembers. You know, I live in the zilker neighborhood. And, you know, we have our neighborhood association boundary, but we have a planning boundary that encompasses our neighborhood and other neighborhoods. So I think there can be different planning boundaries that may actually intersect a neighborhood. They don't necessarily have to follow the neighborhood association boundaries. So I don't necessarily see that there's an issue with honoring the neighborhood association boundaries that they've defined for themselves and just making sure that the city maps reflect that. The city can establish planning boundaries in whatever way that they feel is appropriate for the best planning for our city. So as a member of an association, the zilker neighborhood association, my boundaries, I do not necessarily expect that the city's going to have a planning boundary that matches it, lines up exactly with our association boundaries. I understand that they may need to adjust those boundaries based on other issues like a corridor and other policies that you want to enact and establish for our city. So I think this is a good resolution here, and I hope you'll support it. Thank you very much.

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

>> Flannigan: Thank you, Mr. King. And you don't have to come back, I'm just thanking you. But I think your point is exactly right. I think we're coming to a different conclusion. I think it makes more sense to keep bull creek and 45th in a single plan, having Hancock as the guideline, from a planning purpose. So I'm not going to support the item. I'm sure that it will pass anyway. But I think from a planning perspective it makes more sense to keep those corridors together as opposed to using 45th as a guideline when it's going to be a fairly contentious topic, what happens along that road. That's all.

>> Mayor Adler: Been moved and seconded. Is there any further discussion? Those in favor of this item, please raise your hand. Those opposed. Mr. Flannigan voting no, others voting aye.

[11:30:45 AM]

Are we -- for the next item that we have, when the staff is ready to take up number 28, someone from staff needs to pass me that message. But let's go here to item number 32. Ms. Troxclair, you pulled this item. It's about lemonade day.

>> Troxclair: I am supportive of this item. And I hope that we will have many young entrepreneurs setting up lemonade stands on lemonade day. But I just couldn't let the opportunity go by without just pointing out how silly it is that we have to have one specific day where kids are allowed to have a lemonade stand. And the reason for that is because we have so many requirements and fees that need to be waived. I believe the last time -- you have to get a temporary food permit and spend \$425 on license agreement and fees in order -- if you want to have a lemonade stand other than on this particular day. There are requirements such as, you know, certain level of chlorine in your water, and having a gravity-type water dispenser for hand-washing, and the food contact of surfaces, etc. So I'm going to work -- you know, I know that these regulations are put in place with the expectation that people are selling food at potentially more sophisticated areas than a lemonade stand, but I'm going to work on looking at these regulations and seeing if there's something that we can do to make sure that

we're not -- that we don't need to have a city council resolution to allow a 10-year-old to set up a lemonade stand in their front yard.

>> Mayor Adler: It's good to hear your supportive of this. When I saw that had been pulled by somebody, I thought somebody was about to try to turn lemonade into lemons.

[11:32:47 AM]

[Laughing]

>> Mayor Adler: But it didn't happen. Sorry. Is there a motion to approve this item, number 32?

>> You just had to say it.

>> Mayor Adler: I did. Will someone make a motion to approve item number 32? Ms. Houston makes that motion. Is there a second? Councilmember alter seconds that. Any discussion? Those in favor, please raise your hand. Those opposed? It passes unanimously. Thank you. Yes.

>> Brett Lloyd, assistant city attorney with regard to item 28, which is the resolution initiating amendments related to bowie high school, there is no problem with the language that councilmember Garza has proposed. The process that it contemplates aligns with what city code requires for these type of amendments. I think that staff had some confusion regarding the term land use commission, but that's entirely the appropriate term to use. This wouldn't -- as I read the language -- would not -- it would not authorize any deviations from the process that's required under code. It would just signal that council wants to avoid unnecessary postponements and things like that. So the language is perfectly fine.

>> Mayor Adler: Is there a motion to approve this item, number 28?

>> Mayor, I want to move my amendments.

>> Mayor Adler: Ms. Garza moves item number 28 as amended, as shown in her page. Is there a second to that? It's already been moved and seconded?

>> I think councilmember troxclair had moved her resolution, somebody seconded it, and now councilmember Garza --St.

>> Mayor Adler: Sorry, I apologize. Ms. Garza moves her amendment to item number 28. Is there a second to the amendment? Ms. Pool makes that second. Ms. Garza, do you want to address your amendment?

>> Garza: Yes, I couldn't speak with councilmember troxclair, but I wanted to make sure -- some of the language concerned me.

[11:34:53 AM]

It seemed -- I'm not saying this was the intent -- say that the city manager was going to direct it to process the amendments. And I just wanted -- the substance, as mayor pro tem pointed out, is that we just make sure it is going through the process, through our boards and commissions that it's normally supposed to go through. We've had other issues other Barton springs -- over Barton springs, and I think that input was great for our vote. So that's why I proposed this.

>> Mayor Adler: Ms. Troxclair, are you okay?

>> Troxclair: Absolutely.

>> Mayor Adler: Any objection? Hearing none, the amendment is added. Any further discussion on this item? Mayor pro tem.

>> Tovo: Yes, I have a couple questions, and I'd like to see staff come back, because it may be a question that they can answer -- and trustees, thank you, trustee Wagner, for being here. I'm still struggling to determine how this fits in with the current vote of the there's trustees to move forward in purchasing tracts of land adjacent to bowie high school, which I thought were intended to somehow address this

issue. So I would just ask that question, either of councilmember troxclair or somebody who's present to help me understand the relationship there.

>> And I think someone from aid is the appropriate person to answer those questions. In the meantime, can I just give a couple of sentences to lay out the item? So, as you all know, this is a growing part of our city, bowie high school, I believe, is still the most overcrowded high school in Austin. And although I know aid is working to make sure that we have adequate facilities to -- for students all across the city, because of the location in an environmentally sensitive area and the strict land use regulations that we have there, currently bowie is well over capacity and doesn't have the ability to expand.

[11:37:04 AM]

So the hope is that the city, working with aid and other stakeholders, can offer an exchange for land in another environmentally sensitive area so that the city can take control of that land and preserve it for the future while allowing aid to adequately accommodate the students who are in much need of additional space at bowie high school. So, thank you.

>> Mayor Adler: Thank you. I think the question was -- I don't know if you heard as you were walking in - - how this item relates to the action that was taken by the trustees. Would you identify yourself.

>> My name is Nicole, I'm the chief financial officer for usa Austin aid. Thank you for allowing me to provide more insight on this particular transaction. So what we're seeking to today is to amend our current land use agreement to allow to transfer surplus impervious cover rights allowing for the expansion of bowie and other schools, possibly, within the Barton springs zone so that we can address severe overcrowding without developing alternative sites within the city. As relates to that specific area, the current sites that we're contemplating purchasing on, or we haven't finally closed, they're not necessarily situated or located in a way that will allow for us to build and construct in a way that would allow for relief in the way that we anticipate. We need to build classroom additions. We need to add additional infrastructure to the core to support the current excessive students. And so the sites, while they are somewhat adjacent, they're not situated in a way that would allow for us to build and develop on those sites. So the plan is to make improvements, environmental improvements, increase our capacity to -- you know, our pollutant loads, to reduce our pollutant loads.

[11:39:04 AM]

We've been working with stakeholders in the watershed department to make sure that we improve on the sites, defer developing on alternative sites, and address the overcrowding that we're seeing within bowie and other campuses in the Barton springs zone. So, unfortunately, it's not neatly situated in a way that will allow for us to build out and construct to address the needs of the overcapacity that we're experiencing.

>> Thank you for that. I guess in watching the trustee's discussion on that point though, it sounded as if the tracts were being purchased for a bowie expansion. Can you help me understand?

>> Yes, we're purchasing the tracts with the hopes of developing surplus impervious cover that we would be able to transfer to the existing bowie site. So they're near bowie, but there are site limitations on the sites we're contemplating the purchase on. We can't necessarily build out on those sites. So our intent is to build on the existing site. We may have to -- we're trying to acquire one site that might allow us to expand a little bit more neatly. But it's still pending within that transaction. But the other site that we have secured is not located close enough to allow us to build out, right. And so the thinking is that we would transfer the impervious cover rights, develop a surplus there so that we can adequately satisfy the need to construct on the existing bowie site. At the same time, make water quality improvements and really, you know, work to sort of address the environmental issues that are currently on the bowie

site, address some of the traffic issues at the bowie site and utilizing the purchase of these parcels to extend that relief on the existing bowie site. Because the site itself does have some limitations in fact it's not neatly located in a way that would allow us to expand construction. We're looking at a solution that is tailored right on the bowie site.

[11:41:06 AM]

>> Tovo: Okay. Thank you. I appreciate that information. I just wanted to let my colleagues know, too, that I did submit some questions to the q&a. We've had considerable back and forth had week with our watershed staff. Some of that has found its way into the resolution in terms of additional text, I appreciate that. It was clear that they weren't going to be able to get this information back for today. I think it didn't make it into the formal q&a. Just before this comes back to council, I've asked the staff to consider and provide -- get some information from aid about portable use throughout the Barton springs zone, as the q&a indicates, because of our agreement with aid does not count temporary buildings toward the impervious cover. And so that's something that, in the time I've been involved in local issues, arises periodically. People will ask about impervious cover use and how the portables factor into that. But also, you know, do we have an accounting of portables in our environmentally sensitive Zones. So before this comes back to council, I have asked the staff to come up with an accurate estimate of how many aid campuses within the Barton springs zone currently have portables, and to please identify the campuses that fit into this category and provide us with information about which schools would exceed allowable impervious cover if the portables were counted, and also to help us, kind of, better understand -- to better understand that picture across the Barton springs zone. So as we're talking about this impervious cover issue, I hope we can take that into account as well.

>> We certainly can. And we did contemplate that, actually. I think we were actually working with the city so seek a solution that would allow us to reduce portables within some of our campuses that are experiencing both, particularly like Barton springs, zilker. We were hoping to apply this amended land code to transfer impervious cover so that we can build out those campuses and get rid of portables on those sites.

[11:43:09 AM]

Because that was only a temporary solution, which has been long standing. So we want to address that. And in order to address that, we would need the ability to transfer our surplus impervious cover that we have within the Barton springs zone. I heard the gentleman present before me. Our intent is to satisfy these needs with surplus impervious cover within the Barton springs zone. So we're not trying to apply it with other Zones, parcels outside of other Zones. We think that we have a reasonable, you know, option to satisfy some of our imminent needs through parcels within the Barton springs Zones that we could carefully apply to schools like bowie, Barton hills, zilker, Patton, that are experiencing severe overcrowding. And portables are an iterative solution. And we want to carefully work towards a portable reduction strategy on those campuses.

>> Tovo: Thank you. And I think, too, that makes it more important that we understand what the situation is currently with regard to portable use throughout the district, especially in that zone. Thank you for working together with the city on that issue. And I would just ask -- you know, we do have an aid -- a joint aid county school district committee. And this is a perfect topic for that group. So I know we just met, I think two weeks ago. And that would've been a great opportunity to talk about it. But I would ask that in the future, I think we meet again in June. This might be something we consider taking up then or in the future. We'll clearly have more conversations about this important issue, so thank you very much and I look forward to continue to work with you on this.

>> We'll work with any and all stakeholders. We're open in terms of engaging and making sure stakeholders have an opportunity to provide input on the solutions that we have through our facilities master planning process, and what ultimately gets constructed at Bowie and our other campuses. So I obviously -- we want to extend an invitation to any stakeholders.

[11:45:11 AM]

We know that environmental issues are important and we're willing to make those concessions, but we have a need to make sure our kiddos are in safe, permanent building space. That's our ultimate goal here. Obviously we want to do so in a way that's amenable to our community.

>> Mayor Adler: Okay. Thank you. This item has been moved and seconded, Ms. Pool.

>> Pool: I just wanted to highlight one environmental feature that is, I think, underneath Bowie there is a cave, I believe, that has been the focus for the science teacher there. And I think she has actually received some recognition and some appreciation from the community, and also the students there who are learning about our environment literally underneath the school. So I just want to make sure that whatever happens with this additional work -- because I do support this resolution and look forward to the work that's going to be done -- hope that nothing untoward happens with the cave. It's really functioning as an open-air classroom for our science. And maybe some of the other classes at Bowie. I haven't been out there, have you?

>> Yes, I've been in that cave, and I'm fully aware of the importance of that cave and the science curriculum at Bowie. We work with a team of -- you know, when we do our design schematics for our school planning purposes, we work with a cadre of school leaders to help us build out. And they re-envision their future. And they work with our architects. And so anything that they protect, we certainly adhere to their parameters around how we construct and build out new school sites. So I think that you can be assured that the cave at Bowie will be well-protected within this redevelopment.

>> Pool: And that has been an element of the curriculum for a couple of decades, 20 years or more, is that right?

>> I'm not quite sure. I know it's an important, sort of, staple in, sort of, the Bowie curriculum.

[11:47:15 AM]

And so I know it's really an important feature that we -- they wouldn't want to lose. And I'm sure whatever designs we come up with, we would certainly protect that, and if not expand some of the sites that we're acquiring will allow for us to look at some creative solutions around not only environmental, but sort of the science curriculums, some of the agriculture programs at Bowie. So we're hoping to deepen that part -- as part of this redevelopment, but at the same time address some of the core critical needs to accommodate the 5 to 600 students that are over capacity at Bowie.

>> Mayor Adler: Thank you.

>> Pool: Thanks to the two trustees, I see both of you.

>> Mayor Adler: Welcome.

>> Pool: Thanks.

>> Mayor Adler: Let's go ahead and take a vote, see if we can take care of the last two items we have before we break for lunch. Those in favor, raise your hand.

>> I wanted to clarify we're voting as amended.

>> Mayor Adler: We're voting on the item as amended. Those in favor please raise your hand, it's unanimous on the dais, thank you. That gets us to our last two items, both of which are to set a public hearing here on number 35. This is the uniform plumbing code. There is a motion -- or a resolution that's asking us to set a public hearing on June 8th at 4:00 P.M. We have some -- three speakers that want to

Speak. The substance of the discussion needs to be on whether or not we should set this for a public hearing on that date and at that time. Councilmember Pool.

>> Pool: While the speakers are coming up, I just wanted to draw everybody's attention to the rca cover sheet down at the bottom where it says October 4, 2016, unanimously approved by the mechanical plumbing and solar board on an 8-0 vote. And it was a little bit -- I was not sure what that vote was, because up above we talk about adoption of both the international residential code and/or -- because the hearing is going to discuss both codes.

[11:49:27 AM]

So we went back and looked at the resolutions that came out of that. And the unanimous vote was in support of the uniform plumbing code. So, because we've had some conversation about the plumber's support in Austin for uniform or international, I wanted to draw that to everybody's attention. And I would like to have this rca cover sheet amended to include what it was that the vote was for, because you can't tell by reading this.

>> Mayor Adler: Okay. My recollection is that our boards and commissions were recommending one alternative, and our staff was recommending a different alternative, and we were asking for a process where we could better understand why that was, so we could --

>> Pool: Right. It would help us. Which is why I wanted to make sure that the cover sheet was clear on what the vote from our citizen commission was.

>> Mayor Adler: Sounds good. So, let me call the speakers to see if they want to speak on P.M. The first speaker is Mr. Hersh, do you want to address that issue? Okay. What about Thomas Dodd, do you want to address that issue? What about Robert Thorton?

>> No, sir.

>> Mr. Mayor, I'd like to ask those speakers, Thomas Dodd and Robert Thorton, or Stuart Hersh, for that matter, what they think about setting this in terms of whether we should be going forward with it. I know that this is about setting as opposed to the content, but I think it is still useful for us to understand, because they signed up against. And I would like to hear from them.

>> Mayor Adler: Okay. Mr. Dodd, do you want to come on up? So, are you asking him to speak on the substance, or whether or not we should have a public hearing?

>> Kitchen: I'm asking whether or not they think we should have a public hearing, and if not, why.

>> Mayor Adler: Okay.

[11:51:27 AM]

>> I'm in -- Mayor Adler, Mayor Pro Tem Tovo, Councilmembers, thank you. My name is TJ Dodd, the business manager for plumbers and pipe fitters local 286 in Austin and the current president of the central Texas building and construction trades. I signed up against this because I would really like to split these two items apart. I don't think they're the same thing.

>> Kitchen: Okay.

>> Y'all took action a couple weeks ago and adopted the international residential code with the uniform plumbing code as the plumbing body. And that was the recommendation of the mechanical plumbing and solar board to begin with. And I just hate to see that we're wasting everybody's time and effort in something that the industry in Austin has supported 100% since the beginning. So I'm not against a public hearing, I just think that these two items need to be split. I think that the public hearing on the uniform plumbing code for all applications in the city is warranted but I think y'all have already addressed the residential part of it.

>> Mayor Adler: Just recently the last couple weeks.

>> Yes, sir.

>> Mayor Adler: We took that action with the understand that that there would be a public discussion on that code generally. So we did it because it was time sensitive so that they could move forward with publishing things. But at the time we had that discussion, we said that these same issues were presented here as it was on the other. So we wanted to have a conversation on them both. So the action we took wasn't intended to decide that issue, it was just to allow things to be printed and moved forward so that we could have this conversation.

>> There was a time here in Austin in the 2000s where they adopted a uniform plumbing code for commercial and the international plumbing code for residential services. And everyone involved after a four-year period, staff and the council at that time, took care of that problem because they went to one plumbing code.

[11:53:30 AM]

Staff, all the plumbers in town, everyone was in favor of one code. So I think what we're talking about doing, we've already done once, and proven that it doesn't work, that it wasn't really in the best interest of anybody. And, you know, I had a bunch of stuff about -- we're not talking about that. I understand what I'm here to talk about. But since we asked, I mean, this has been done. I don't understand why we want to go down that road again.

>> Mayor Adler: If staff and everybody is in agreement on it, it'll be a really short public hearing.

>> Kitchen: I think what he's saying if I'm understanding correctly, we went down that road before and it didn't work.

>> It did not work. Having the international plumbing code for residential and the uniform plumbing code for commercial, that's been done and we got away from it. We had it for four years and staff on the council worked hard to get rid of that problem for the industry. And I just hate to see us roll down that road one more time.

>> Mayor Adler: I understand.

>> Mayor.

>> Thank you.

>> If I could.

>> Mayor Adler: My hope is that we're not going to now have the conversation that we're going to have in June over the code, because --

>> Yeah. I'm trying not to do any of that.

>> Mayor Adler: Appreciate that. Thank you.

>> Mayor, it sounds to me like what Mr. Dodd is saying is that he thinks we do not need to have an additional public hearing. Is that right? Because that's the only thing we're talking about here and now, is whether we should have a public hearing.

>> If it's to adopt the uniform plumbing code for all applications, I'm great with it. If it's to split it out and have two different codes, I'm against it all and just want to go with what we've done.

>> Pool: Okay. Thank you.

>> Mayor Adler: One option is going to be to have everything under universal.

>> Uniform.

>> Mayor Adler: Uniform.

>> Yes, sir.

>> Mayor Adler: Or everything under international.

>> I don't think that's been brought up. Just the residential part.

>> Mayor Adler: I don't want to get into the substance of it. I just don't know -- I know there was a difference of opinion between the commissions and our staff and we were just asking that to be daylighted, because I for one didn't understand what that dispute was.

[11:55:38 AM]

And I wanted to learn. And I think there were other councilmembers that wanted to learn as well.

>> And I'll be here, glad to do whatever y'all ask of me at that time.

>> Mayor Adler: Great. Thank you, sir.

>> Thank y'all.

>> Mayor Adler: Any further discussion on this motion?

>> We had one more speaker. I don't know if he wants to speak or not.

>> Mayor Adler: Yes, Robert Thornton.

>> Hello, I'm Robert Thornton and I'm a district 5 native austinite, and I'm also the chair of the plumbing/solar board. Like tj, I had a lot of stuff written up, but we're not talking about code versus code today. My only suggestion -- I don't know if it's possible -- is if this public hearing could be split up to where we move forward with the 2015 uniform plumbing code and not move forward with modifying the international residential code. Y'all approved the international residential code, just leave it the way it is.

>> Mayor Adler: Thank you. Okay. Is there a motion to.

>> Mayor Adler: Is there a motion to approve item number 35? To set a public hearing? Ms. Troxclair makes that motion. Is there a second to that motion? Ms. Houston seconds that. Any discussion? Those in favor of setting the public hearing please raise your hand? Those opposed. Ms. Kitchen votes no, Ms. Pool votes no. The others voting aye. The public hearing is set. That gets us up to item number 37. Ms. Houston, you pulled that?

>> Houston: I did, sir. And I think that my comments are specific to the fact that as Travis county and the city of Austin are more working -- need to work together on some of these issues. 37 is a Travis county development.

[11:57:41 AM]

When it was on the agenda the last time no one had talked to me about it. I've talked with Ann Denton, the chair of the Austin housing finance corporation about some of the goals of housing that the city has and especially before the areas of high opportunity and making sure that we're not placing much needed multi-family, income accessible units, in the same places that we always have and disbursement of those. So I guess this is an opportunity for Travis county to begin those policy conversations with Austin like we've done with the public improvement district. And I would like to encourage them to start working together on things rather than Travis county just doing something and nobody know what they're doing. And trying to understand the importance of distributing income accessible housing throughout the city and not always putting it in the same location. This is a very large project. And so I -- this is just to set the public hearing, but also to say please let's start working together and not do things independent of one another.

>> Mayor Adler: Okay. Thank you. There are some people who have signed up to speak on this. Is Mr. Pena here? Mr. Larson, do you want to speak? Mr. Fisher want to speak? Is there a motion to approve setting the public hearing? Mr. Renteria makes that motion, Ms. Houston seconds. Those in favor of setting the public hearing please raise your hand? Those opposed? It's unanimous on the dais. That takes us up through all of our items on this morning's agenda. We're going to now do to citizen

communication, and then we will break for executive session and lunch and then come back at 2:00 because we can't take up anything before 2:00.

[11:59:42 AM]

Let's call the first citizen communication speaker, Jere lock. I'm sorry? Council?

>> Mayor, he notified the clerk that he won't be attending.

>> Mayor Adler: Thank you. Is Susan Morgan here? Jamie Mitchell is on deck.

>> Good morning, mayor, mayor pro tem, councilmembers. I'm Susan Morgan, president of the town lake neighborhood association. We represent the condos in the Rainey street district, which is in district 9. We would like to invite you to go to our website to keep track of what we're doing and thinking about. We're quite proud of that little website. All right, next slide, please. Oh, I have the clicker. Okay. I just want to make a short statement. We had a big dog, red dog study going on in Rainey street on traffic. One of their major recommendations coming out is going to be to lower I-35. I-35 is our border on the east side, and it is contributing to some of our transportation issues. This would allow more traffic lanes, controlled access points, unrestricted east-west traffic, the town lake neighborhood association strongly supports this initiative. I drove on highway 75 out of Dallas to Plano. It is built this way for miles and miles and miles. It's a wonderful road. And a fine example of this technique. Next slide. I don't know how to work this. Right arrow. Okay. This is a picture of I-35 after dark. You can see all the dark areas that don't have red lights or white lights in them. They're all wasted space. And if we sink I-35 those will be lanes and we'll get to controlled access to it. It will help not only the Rainey neighborhood, but the entire city of Austin.

[12:01:48 PM]

Growth corridors, I'm here to discuss this morning, we're going to take a look at the Sutton development, which is huge in the Rainey area. We got the south feeder road and east avenue, which is going -- it's got two hotels permitted, one a 35 story building. There's more to come on top of that. Then there's a landing street vacation coming up to the council KSAT soonan we will be here to strongly oppose that sale of city property. And then the electric substation on lambie and plus we want our playground equipment back. This is the Sutton development. I'm going to say a quick thing about this. We expect to have some serious issues continued with red river and Cesar Chavez intersection, especially when the fairmont opens and we've got a thousand people in that building crossing that highway. Big red dog is going to be making some recommendations for that intersection. I believe it's going to come up and say we need a scam [bell ringing]ed intersection for the pedestrians, so all the pedestrians go in any direction they want to go. And then when they're done going then the cars go with no pedestrians crossing the streets so we can get the cars to move. Next slide is --

[buzzer sounds]

>> Mayor Adler: Go ahead and finish your thought.

>> That's lambie street. There's the parking circle that the developer is asking to have vacated so he can provide a denser community there. Across the street on lambie street that belongs to the electric company. It's not being used at all. It's scheduled for a chiller and it's also scheduled for a substation. And if we could use it for when we have big events, park on that concrete, put meters up there: And I'm going to hop through here real quick. This is our density chart. We've got -- right now we're at 3,264 people.

[12:03:53 PM]

By 2018 we'll be up to 6,000 people in that area. We are the densest neighborhood in all of Austin and we need help from the city council with these issues. There's what we need help with. And particularly expedite if at all possible getting I-35 sunk. We'll all be happy with it. Thank you very much.

>> Mayor Adler: Thank you. The next speaker is Jamie Mitchell.

>> Jamie Marshall.

>> Mayor Adler: It's on this wrong. If the clerk could fix that. Jamie Marshall.

>> May I bring you one of these.

>> Mayor Adler: Yes. If you bring it to the clerk she will hand them out for you.

>> Thank you. Thank you so much for your time. I don't have a powerpoint presentation or anything like that. What I'm here for is in regards to a food trailer. My husband and I are -- he's soon to be retiring and I'm a disabled veteran so I'm on paper retired. We bought a food trailer in September, had it inspected in January and set it on the ground in February. The city and county need to be on the same page because what we've been faced with is double inspection fees to be paid. What happened is when we got our food trailer inspected in January we moved to 10106 Manchaca road. That property sold. Down the street we moved to 1114 Manchaca road, but according to the map it's city of Austin. Travis county-city of Austin inspections are exactly the same from what I understand with the exception of fire inspection. The city requires a fire inspection. Not a problem. We've got a 2,500-dollar fire system in our 24-foot trailer. But the inconvenience of being able to find someone to load the trailer up, haul it down to Rutherford, have it inspected between 7:45 and 11:00 on Tuesday or Thursday mornings, haul it all the way back through Austin traffic.

[12:06:07 PM]

Everybody knows what Austin traffic is like, especially between 7:45 and 11. Bring it back and set it back down and tie it back down in the property that it's going to be stationary on, even though it will be on wheels it's going to be stationary at 1114 Manchaca road. There is money that has to be paid again. The trailer is less than six months old. We weren't even on the ground really for four months. From January to April 9th. We moved it down the street less than a mile from where it was at and we have to take it again to Rutherford, have it inspected, pay another \$273 minimum to haul it back down the street from where it was. So I pray you understand my inconvenience, our inconvenience, my husband and I. He's 61. He still works for a living, but he's going to be retiring soon and we were trusting that this trailer would be a retirement venture for us. So I'm requesting that the fees be waived for the inspection again. We don't mind paying the fire fees because we didn't have to pay that to begin with. In Travis county you don't have to. The environmental department, we've asked them more than twice, more than two people, why is it that you're paying the same money for the same inspection with the exception of the fire department or the fire inspection, paying the exact same fees for the exact same inspection, Travis county versus city of Austin?

[Buzzer sounds] Why are we still paying it and we're double paying? That's my question, why are we paying twice for the same inspection?

>> Kitchen: Mr. Mayor?

>> Mayor Adler: The manager is going to have staff take a look at that question and see if she can get you an answer to that question.

[12:08:14 PM]

Yes, Ms. Kitchen?

>> Kitchen: Ms. Marshall, our city manager will help take care of you on this issue and determine what if anything can be done. Obviously we have to work with Travis county so we're not certain. We can't

promise anything at the moment, but I also represent district 5, which is near the area that you're talking about. So my staff will follow up with the city manager if she needs our assistance in any way.

>> Ann, is it Ann Morgan?

>> Elaine hart.

>> I did leave a message for Ms. Morgan. We've been playing phone tag.

>> Kitchen: My name is Ann kitchen, the councilmember for district 5, south Austin, we will work with the city manager, Elaine hart, and get back with you.

>> Awesome. One other thing I was going to ask you about is that street, like between slaughter and 1626 is pedernales electric, which is county, but we're supposedly in the city and we don't pay city --

>> Mayor Adler: Why don't you recount to Ms. Kitchen's office and let her see if she can help you.

>> Kitchen: We'll give you a call to follow occupy your second question.

>> I appreciate that. Thank you so much for your time.

>> Mayor Adler: So the next speaker that we have is -- the last speaker we have is carolannrose Kennedy. Is she here? I don't see her. So those were all the items that we have. We're now going to go into closed session to take up three items. Pursuant to section 551.071 of the government code we'll discuss legal issues related to item number 41, which is the lake Austin collective, inc. Matter. And a claim under the open meetings act. And we're also going to take up potentially items number 39 and 40, which pursuant to section 551.074 of the government code concerning performance and compensation benefits for the city clerk and for the city auditor.

[12:10:26 PM]

That said, without objection, we're now going to go into executive session on those items. We'll be back at 2:00.

[2:12:09 PM]

>> Mayor Adler: All righty then. I think we're back, I think we have a quorum, I think we can get started. We are out of closed session. In closed session we discussed legal matters related to item 41 and personnel matters related to items 39 and 40. It is 2:10. We are back in chambers. We're going to pick back up our budget. Why don't you tell us if there's anything with consent that we can handle here on zoning.

>> Jerry rusthoven with the the planning and zoning department. On the zoning agenda, items 42 and 43, I believe we have one speaker for each of those cases, so those will be discussion. Item 44 is case c-14-85-288.22 rca, there's a request by the applicant for a postponement on this case to may 4th. On case 45, c-14-2016-071 for the property on west Koenig lane I can offer that for consent. We received a letter today from the brentwood neighborhood association outlining an agreement between them and the applicant with a long list of conditions. I'll read three of them in the record. Limit height to 45 treat and three stories. Limit impervious cover on tract -- building coverage on tract 1 to 60%. Impervious cover to 70%. They also have a list of nine additional conditions in the letter that staff is going to -- I'll provide that letter to the clerk after we're done here. Staff will be working with the legal department trying to determine which of those conditions can be put into the ordinance, which can be put in a public covenant, which would require a private covenant. I can offer that case on consent on first reading with the understanding that we'll be working on that incorporating those agreements.

[2:14:11 PM]

Item 46 is case c-14-2016-00115. I can offer this case for consent on all 3dings. Case 37 is case c-14-2016-024, the Parmer business park case. I did receive word this morning that there is an agreement between the applicant and the neighborhood. The applicant has agreed with the neighborhood to cap the number of multi-family unit at 900 and to do a tia if a multi-family use is ever built on the property. So we'll working on putting those into the ordinance. This is ready for first reading only. I'd like to state for the record that they will be required to comply with the current drainage requirements of the city of Austin. So those are the ones that I can offer on consent.

>> Mayor Adler: All right. 42 and 43 we have a speaker on that. The agreement was that for first reading on lantana on both those?

>> It is ready for all three.

>> Mayor Adler: All three? Okay. We'll go through these and handle each one of them because we have speakers on 42 and 43. 44 is being postponed. 45 we have a speaker. 46 we have no speakers signed up. You say that's consent on all 3dings.

>> Correct.

>> Mayor Adler: And 47 is consent on first reading?

>> That's correct. We'll be working on the agreement.

>> Mayor Adler: So we have no speakers on 46 or 47. So the consent agenda consists of 46 and 47. Is there a motion to approve 46 and 47? Ms. Pool, is there a second? Mr. Casar? Any discussion on the consent agenda, items 46 and 47? Those in favor of the consent agenda --

>> Kitchen: Do we also have to vote on the postponement, which was 44?

>> Mayor Adler: And we'll put framework the postponement, also in consent to may 4th. All those three of those items in the motion. Those three are taken care of.

[2:16:13 PM]

So it's 44, 46 and 47. We have one speaker to speak on item number 45. Which is don Layton burrwell. Would you like to come speak to us?

>> Mayor, council, don Layton burrwell with the neighborhood association. I'm here to just clarify the neighborhood association is in support -- this is a project we've worked many months with applicant, but we do have some -- we have provided that and they are in agreement with those things. So everything in this handout that I'm giving you, which are just bullet points, I've also given it to the clerk. Are items that we have agreed to with the applicant and we want to be sure that they are part of the ordinance. The things that are on the back of this sheet that pertain to board of adjustment and variances is not something that we need to consider. So there are some conditional overlays. There's a public restrict active covenant for Wendy Rhoades and staff recommendation and there's going to be a private restrictive covenant that the applicant will be entering into. Other than that we're behind the rezoning and available to answer any questions.

>> Mayor Adler: Jerry, have you seen these items?

>> Yes, we received that letter this morning.

>> Mayor Adler: It's a letter -- you read these things into the record just a moment ago?

>> Yes, I read the top three and we have nine more on page -- on the page he referred to and we'll be sorting out which need to be in the public and which in the private covenant.

>> Mayor Adler: They will be in one place or the other?

>> Yes.

>> Mayor Adler: Is it there a motion to approve this item number 45?

[2:18:14 PM]

With the additions that Jerry made? This is on first reading only. Is there a motion to do that? Ms. Houston makes that motion. Is there a second to that motion? Mr. Casar seconds that. Any discussion? Yes?

>> Casar: I appreciate the neighborhood working with applicant on this issue and I'm supportive on first reading. But I do want to flag for the council that I want to take more of a look on this case because just two streets down a few months ago we zoned a property at Lamar and Koenig vertical mixed use to guarantee more retail fronting the street there and getting us commercial units and some green space. I appreciate that here it looks like we'll be getting some green space and mitigation of flooding issues, which is really important, and councilmember pool can correct me if I'm wrong, but it seems like some of the opposition we're getting on that McCallum has single-family zoning under it, but when you're talking about parts of this property being an old dealership and facing a track field and parking lot, it seems like there might be opportunities for us between this reading and the future to see if we can get any kind of restricted units and potentially height like we did just up the street. Further up the street there's a new multi-family building where retail was not included and I know that a lot of -- even though this is on the district 7 side of Lamar, I know a lot of neighbors in district 4 would have appreciated the opportunity to have neighborhood retail in that new building. And if there's some way that we could mitigate the flooding issues, but also get income restricted units and continue to have the really great local retail we have up and down Koenig, it seems to make a lot of sense to me. So could I hear from the staff or understand since we did zone vmu just whatever it is, walking distance, spitting distance from this site, why it is that we're doing mf 6 instead of vmu there, especially considering that almost every other cs to mf 6 case that we've gotten through private or public covenant affordable units?

[2:20:29 PM]

>> The issue is that the code says that vmu shall be on core transit corridors only. And Koenig lane in this segment is not a core transit corridor. The other property is on Lamar, which is a core transit corridor.

>> Mayor Adler: Okay. Ms. Pool?

>> Pool: And I'd also like to thank the folks from Brentwood today for the hard work they've done and Mr. Hartman who is sitting behind them, I appreciate the work that you all did to come together. We did have long conversations about whether we could put retail on there. That was a starting place because Brentwood is actually a neighborhood that is supportive of it, recognizing that this is not according to our code in our planning documents a place for it. And there is retail across the street and I think that that area will benefit from continuing to have retail directly across the street. And I just want to commend the parties for working really hard on this. It looks like a very nice package that you all have put together. And I think this development will be an asset to the neighborhood.

>> Mayor Adler: Okay. This has been moved and seconded on first reading only to incorporate the additions that Jerry mentioned. Those in favor please raise your hand? Those opposed? It's unanimous, everyone on the dais, item number 45 passes. Okay. I think that gets us then to items 42 and 43, which are the Lantana cases. We have some speakers to speak on this. I'm going to go ahead and call them. Mr. Pena, do you want to speak on these two cases or no?

>> [Inaudible].

>> Mayor Adler: Okay. What about Lee Ziegler? Okay. Do you want to speak on these two cases? Come on down. Mr. King, you're donating time?

[2:22:29 PM]

So you have six minutes, Ms. Ziegler.

>> Good afternoon, council. My name --

>> Mayor Adler: This is speaking on 42 and 43.

>> Yes, sir. My name is Lee Ziegler. I represent Travis country, the oak hill association of neighborhoods. And as a representative to that community. And I am in support of the development of this property. I have concerns about the restrict. As planned, please provide the appropriate ordinance restrict and conditional overlay that covers and protects the property from any possible consequences of going from nc to gc designation in codenext. Please include the following restrictions: Dedicate -- the dedication of pro rata for an E.M.S. Controlled traffic signal at the site as planned, no more than a 40-foot building height agreed to by the developer. As planned, restrict outdoor entertainment agreed to by the developer. Limit the impervious cover to 58% now gross site area, but include a rebuild at the then current allowable with description not to guarantee nor exceed 58% gross. Use 75,000 leasable square feet as a high bar, grandfathered from the past. As planned, permit restaurant outdoor decking on this ridge, which we all supported to maximize density, with a reserved hope that it doesn't become the source of an unprotected fire. Adhere to hill country roadway status. Associated with this development and others coming to fruition by grandfathered plat, please locate or get the engineer safety stamp for the dam.

[2:24:34 PM]

Dam safety and erosion status could be worsened by a lack of on-site retention ponds. Lacks allowances for collecting the first half inch of water in water quality detention. The rest the excessive flood waters going to the dam. Do something about the need for a fire station. Travis country has been number one in reduced response time since 2015. Clarify concern for the safety of the community that uses southwest parkway as an only exit. A plan for thousand to exit a fire along southwest parkway must not be overlooked. Protect our stream banks from erosion by maintaining an adequate riparian buffer all along the creeks. Infrastructure is critical in this case and with more to come where so much preplatted development will soon be online 30 years after southwest parkway was built as a hill country roadway. That roadway does not have a shoulder in this area and much of the area below it leading down towards mopac. Flooding downstream is also a growing issue for natural conduits. While not directly addressed, both must not be ignored in up-zoning. The only site plan reduced tia pro rata -- the ongoing site plan reduced tia pro rata to 84,500 offset by a reduction in impervious cover to 60% net site area, that's from gross site area. Lr zoning status is full stem ahead with its acquired leniencies since October 2016. Our community wholeheartedly supports the prosperity of the developer in his plans and recognizes the value of an additional \$80,000 in the effort to up-zone.

[2:26:43 PM]

Even so the tia does not consider gridlock at mopac or the emergency safety hazard coming to residents along southwest parkway and it only used estimated development that would be completed in two years for its analysis. The only other thing that I wanted to mention was the detail of the changes in the code, that's 23-4-d-7090 which I sent a letter and handed out a copy of that letter to you today. That's the neighborhood plan overlay zone. To the extent that the neighborhood plan or accompanying ordinance does not enumerate use restrictions, development standards or other applicable regulations, the standards associated with the underlying base zone shall apply.

This is the concern: We would go from 60 to a potential -- and trying chill out here -- 90% impervious cover, front set back of 10 feet on what is now prescribed as a hill country roadway by the letters of subtle --

[buzzer sounds] By the plat. That's it.

>> Mayor Adler: Do you want to go ahead and finish your thought.

>> The subtle letters of 2000, 2001 bring back the hill country roadway status. The restrictive covenant did not acknowledge the hill country roadway status because of the fact that it was before southwest parkway was built. And then there were two more points and that was the height might go from 35 to 60 feet on an elevated ridge. And from three stories to four stories. So I hope you will include all of those in the restrictions. Thank you.

>> Mayor Adler: Thank you.

[2:28:45 PM]

Jerry, would you respond to that list? Has that been incorporated?

>> Sure, councilmember -- mayor, I'm sorry. The main purpose of this case, this property is subject to the stratus agreement, it is also subject to a restrictive covenant. That restrictive covenant in the settlement agreement give it laxer environmental rules than exist today. The property is currently zoned Ir. It has an approved site plan already on the property. The main purpose of this zoning case is to allow the rest truant have an outdoor seating area. And so we have agreed to recommend that zoning and we've added additional conditions to the property and we've also added additional additions to the restrictive covenant making it more restricted and allowing this one time use only and after that it would not be available for use on any other development. If you would like more, I can go into detail on that, but that's the gist of it.

>> Mayor Adler: So are you saying that the last speaker's changes around needed because you're not opening up additional prospects? Speak to the issues that she raised.

>> Sure. The restrictive covenant would be amended to take out references to max net leasable area of building space and floor to area ratio, which we feel is regulated by the zoning at this time. It's not needed in restrictive covenant. It would reduce the maximum allowable impervious cover from 65% down to 58%. And it would allow a one-time use of the impervious cover subsequent redevelopment would be subject to current code.

>> Mayor Adler: I guess I'm asking for a higher level analysis of what the last speaker said. Are those points covered in the agreement here, were they not covered, should they not be covered?

>> I did not hear the entire list of the conditions that she had. I can tell you what the conditions are in the ordinance.

[2:30:56 PM]

I'm not prepared to address the storm water issue. I don't have that expertise. I can tell you with regard to impervious cover we are taking it from the maximum allowed in the restrictive covenant, taking it down. The applicant even though it's not required, has agreed to post an additional \$80,000 for the traffic signal. As I said, they have a tia type of site plan along with the zoning case. They have posted that money and I confirmed that this morning. And the prohibition of amplified sound was a part of the planning commission recommendation and I do not see it in the ordinance, but you could go ahead and amend that as a condition if you would like with just a prohibition of amplified sound.

>> Mayor Adler: Okay. Is there a motion to approve items 42 and 43? Ms. Troxclair makes that motion. Is there a second to that motion? Councilmember Garza. We're now up to the dais to discuss this. Mr. Casar?

>> Casar: Mr. Rusthoven,. Can you repeat for me what -- what the outdoor seating portion of what you explained?

>> Sure. The Ir zoning category, we have two types of restaurants in the current code. We have a general restaurant and limited restaurant. And generally speaking the difference is the general restaurant allows alcohol and a limited restaurant does not. Several years ago we amended the code to

allow a general restaurant in Ir with a size limitation of I believe it's 5,000 square feet so you can do one but you have a cap on it. But it has specific provision in there that said when you're doing a general restaurant in Ir besides being kept at 5,000 it cannot have an outdoor seating area. So that was the hang-up here is the applicant really wanted to have that outdoor seating area.

>> Casar: So that we have a.

>> Casar: You can do alcohol in a smaller seating area and here you are doing that.

[2:33:02 PM]

>> You can have the outdoor area and we are reducing the spaces. It's Ir, plus outdoor seating for the restaurant.

>> Casar: I understand that part. I guess my question for the maker of the motion is is this the motion sheet, we're moving this as amended on the yellow piece of paper?

>> Troxclair: I haven't had the opportunity to do that, but I do have an amendment that I want to make sure is included, yes, in my motion, unless there's an objection.

>> Mayor Adler: So what's been handed out is a yellow piece of paper with four changes. Is that yours?

>> Troxclair: Yes. So the four changes are prohibiting outdoor amplified sound, limiting the outdoor seating area to 2000 square feet, requiring the property owner to contribute another \$80,000 for traffic light, bringing the total of their contribution to about 1 -- I think \$164,000. And having a traffic light installed at the intersection of southwest parkway and terra vista.

>> Casar: So to my question, and I promise I'm bringing this up not because it's this particular case or because it's in anybody's district in particular, but I have had folks start asking me why we prohibit live music in other cases while we're continuing to work to support live music. So I would want to know why it is that we are prohibiting that at this particular location.

>> Troxclair: I think it was a concern of the surrounding communities and there was a resolution passed by Ohan that included a request to prohibit outdoor amplified sound and the developer has agreed to it so I included it.

>> Casar: I'm supportive of everything in the motion but that part, so when I get a chance I'll respectfully see if I have support to amend that.

[2:35:12 PM]

I think I totally support decriminalizing lemonade stands and also support people playing live music. I understand sometimes hours make sense, but in this case none of it at all. I will try to see if I can build some of that attitude into some of our zoning cases when we can unless it's backing up into a senior home or something.

>> If I may add, the conditions on this motion sheet, the first one to limit the height to 40 feet is something we could add to this ordinance. It's not in there today. So limit the uses to those allowed under Ir, I can't say that directly in an ordinance. If you want to pass it on three readings today, I can tell you the uses that are already in the ordinance have that same effect. We strip those uses out. I can tell you that most of the gr uses that you would normally take out to get down to Ir are already in here so I think that one is already covered. We already have in the ordinance the medical offices over 5,000 are conditional so there's no need to add that. The outdoor amplified sound would be an addition that is possible. The limit of the outdoor seating to 2000 square feet is already in the ordinance. The requirement that the property owner post additional \$80,000 for the traffic light, we cannot require that because that is above and beyond the pro rata share, but I can tell you the applicant has already done that. So I've seen the receipt and I've spoken to the staff and we already have that \$80,000. So I can't require it, but I can tell you it's done. And the requirement that the traffic light be installed that is

something that is actually up to the transportation department so I cannot make that a requirement that I impose upon the applicant, but I can tell you the atd staff is here and they have agreed they will work diligently trying to get the light installed.

>> Mayor Adler: Can you address the amplified sound again?

>> Sure. The amplified outdoor sound, the big of it would be something that -- prohibition of it would be something that neighbors sometimes ask for. It's possible to do an ordinance.

[2:37:14 PM]

Generally speaking people have an issue when it comes to outdoor concert performances and not necessarily a speaker system that's playing rerecorded music, but the code did not make a differentiation between live music and prerecorded music.

>> Mayor Adler: Ms. Pool?

>> Pool: I was curious about the traffic light and the cost of that. Is there enough money being is there enough funding for the traffic light coming from the developer or is that something that the city will have to pay for.

>> Eric bollock, Austin transportation department. Somebody mentioned about 160,000 has been posted. Atd does have an operating budget that we can use for that funding gap to construct the signal. It is one signal that we would recommend so that's our strategy to get it constructed.

>> Pool: I would like to -- I think to the extent that the developer can pay for the traffic mitigation I think that should be the developer. I think the difference is about \$40,000. I would like to see if staff can work with the developer to assist councilmember troxclair in making sure that we have the funds and getting that traffic light installed because this is part of the infrastructure that I will continue to be pressing that the developers who are involved in adding to the traffic that we not negotiate away their ability for them to help us pay for that. So if you can, it would be great.

>> I think atd staff has been meeting with the councilmember's office to go over that issue.

>> Mayor Adler: Can't hear you.

>> The atd staff and councilmember troxclair's office have had a meeting I believe just this past week to discuss that issue.

[2:39:14 PM]

So it is something that we're actively pursuing.

>> Pool: That's great and I put my full support behind that effort.

>> If I could add real quick, music would be allowed on the outdoor patio, but can't be amplified. You can have an acoustic performance.

>> Mayor Adler: Mayor pro tem was next and then Ms. Kitchen?

>> Tovo: I have a few different questions. One, I would just point out it seems like if you're asking us to pass this on three readings and we have a bunch of amendments that need to be incorporated I'm not sure how that squares. I a also wasn't sure on the response back. So on this motion sheet it's pointed out that these are staff recommendations, but it sounds like they're not in the occurrence ordinance that's in our backup?

>> No, I believe the additions that are in the sheet that councilmember troxclair handed out, the only ones that are not in the ordinance that would need to be added would be the limitation to 40 feet of height and the prohibition of outdoor sound. And the traffic we just covered. I can't do that, but it's being taken care of.

>> Tovo: But yet it says it's a staff recommendation. The top thing, the limiting height to 40 feet is identified on this motion sheet as a staff recommendation. And that's what's come to us in our backup,

right? So anyway, I wonder if we should be doing this on three readings when we're adding stuff in from the dais and then -- especially when we get down to number 2, limiting the uses to only those allowed under Ir. I think what you said in the ordinance is pretty close.

>> The uses are auto related, financial services. These are all the uses. If memory serves me correctly, that make the difference between Ir and gr.

>> Tovo: If it's really the intent to limit the use to Ir, I think we should go through the list more carefully and make sure they're there. That would be my suggestion. I have a couple of other questions about a different issue.

>> I just want to point out that the 40 feet is actually already in the ordinance, part 2-f limits to 40 feet.

[2:41:18 PM]

>> I'm sorry, I just missed that.

>> Mayor Adler: Mayor pro tem?

>> Tovo: Thank you. Okay. And then I had some questions about a few other elements of it. Is the hill country roadway -- yeah. Is the hill country roadway ordinance being adhered to in terms of agreements, previous agreements, with regard to set backs, environmental limits, excavations, cut and fill and the like.

>> This does not alter the hill country roadway ordinance.

>> Tovo: So in other words, all previous agreements with regard to those issues will be adhered to?

>> Yes. And if I could note, the site plan has already been approved. This is not to approve a new site plan. It's already been approved.

>> Tovo: One thank that is changing is the impervious cover which I think you identified was 65 or 61.

>> Yes. It would take the impervious cover from the existing impervious cover would be 65% and takes it down to 58%.

>> There's a note in our packet that talks about previous cases that have come through. And it says in previous cases -- in previous cases much more impervious cover was agreed upon, however those cases did not have approved site plan. So can you give me some sense or maybe Mr. Lesniak can, other cases in this area that have much lower impervious cover, much closer to what would be required today. If you could give us a sense of that range.

>> Sure, mayor pro tem. Chuck Lesniak, environmental officer. We've done some other similar cases on other tracks in lantana that had these similar zoning restrict active covenants where the impervious cover was taken down -- I can't remember exactly off the top of my head, in the ballpark of 30%, 30 to 35% impervious cover.

>> Tovo: It was taken down by 30 to 35%?

>> No, it was taken down to from the 65%, 60 or 65 percent.

[2:43:23 PM]

If those cases they did not already have an approved site plan. This tract already has an approved site plan that would give it about 50% impervious cover and they're asking for an additional eight to 10% impervious cover as part of this site plan and have agreed to -- the site plan amendment that they have in, a revision that they have in. And this would restrict it to that. That would be all it would ever get. And it makes it clear even though we interpret these restrict this way, it makes it clear in the restrictive covenant that once they build this project those entitlements go away. And that because it's tied to zoning and zoning doesn't have an expiration on it, we make it clear that this restrictive covenant does go away once this project is built.

>> Tovo: So if they were building without any existing site plans or entitlements, what would be their impervious cover limit on these tracts?

>> Under this restrictive covenant, 65% under the letter agreement, 60%. The 60% would apply, so we're actually just gaining a few percent of impervious cover here.

>> Tovo: I'm losing track of the gaining and losing here. Let's say there is no existing agreements on this tract. What would be -- what would be the -- what would be the maximum impervious cover?

>> In this area I believe it would be 20% net site area?

>> And so you said by the letter they have 60%?

>> Yes.

>> Tovo: By something else they have 65%?

>> So by the previous agreements they have 60% under their watershed -- the watershed regulations that was agreed to. And under the restrictive covenant, the restrictive covenant gives them 65 generally we have interpreted that it's a zoning limitation and when you have a zoning impervious cover and a watershed impervious cover, it's whatever is more restrictive applies.

[2:45:29 PM]

So in this case the watershed impervious cover being more restrictive at 65% would apply.

>> Tovo: So the big gain here is to go from 60 to 58 even though really were they to be required to build under current requirements it would be closer to 20 to 25%?

>> Yes, that's right.

>> Tovo: I find it a little disappointing that that's really the big advantage is just two percent increase in impervious cover. I wish we could do better on those tracts.

>> If they didn't have an already approved site plan that they have entitlements to, they could build today, I think we would be having a very different conversation.

>> Tovo: I thought you said the site plans gave them rights to 50% impervious cover.

>> Right around that.

>> Tovo: Why wouldn't we hold them to 50% what's in their existing site plan?

>> I asked for that, they didn't agree to it.

>> Tovo: Okay.

>> Councilmember, if I could add to your uses, I did receive a confirmation from the office that has an exist list of achieving that point of gr with lr uses except for the outdoor seating area.

>> Tovo: Thanks.

>> So with that being said, the only addition would be the outdoor amplified sound.

>> Tovo: Would be the items under the -- the four starred items.

>> Correct.

>> Tovo: Mr. Lesniak, I wasn't completely done with the environmental questions. So I guess -- do you see this as a big gain --

>> No. It does clarify some things, provides some limitations for the restrictive covenant and clears it up that once they build this they're done. Say, for example, if they built it tomorrow under what we're talking about today, and they came in next year, they would redevelop under the redevelopment exception or other current code.

[2:47:35 PM]

And it's some bookkeeping cleanup in my opinion. There's not a big environmental gain here.

>> Tovo: Are there other improvements that they can do that you recommended that were declined?

>> It would be impervious cover. There's not much else you can do because once you get up to about that amount of impervious cover it's difficult to do additional water quality just because you don't have space. You start to run into other problems. But the big value would be the impervious cover.

>> Tovo: Do we have a representative of this project here?

>> Good afternoon, mayor and councilmembers. My name is JD Ivy and I'm the owner and developer of the tract.

>> Tovo: Thanks for coming up here and for answering some questions. You just heard the conversation. I'm struggling with the fact that in terms of impervious cover it's still really way over what are current regulations and I would like for you to address that and your willingness to do -- get that number down given the environmental sensitivities in this area.

>> And can you restate the question for me, please?

>> Tovo: Sure. Mr. Lesniak and I were just having a discussion on what current impervious cover limits are in this area. And it really sounds like it's closer to 20 to 25%. This would bring it in at about 58%. And most of the -- you heard some examples of some tracts that have in the negotiations come a little closer to current standards. You're pretty far off current standards with regard to impervious cover limits.

>> Well, that's true, but in fact, as Mr. Lesniak has stated, we have a site plan approved with the 65%.

[2:49:44 PM]

And we have -- since we have a permit to build under the Lr zoning, if you will, four different buildings, one of which is the reason for the development is my daughter's preschool called Wonder Well. And the other two buildings that are currently under the approved site plan is a retail and office. There's no retail anywhere in the area. And then we have another office building, sort of like an arc with a restaurant on the corner and there's nothing like it that exists right now. We came back to the city after we had our site plan. We're actually under construction now. Have you been by there lately?

>> Tovo: I have not been by there lately.

>> I invite you. You will see the erection of my daughter's preschool happening. But the point is that we came back or I came back asking for a little bit more restaurant deck space so that the beautiful valley that we have right there can be enjoyed by everyone that comes to the restaurant. In conjunction with that we've asked for a drive-through on an end cap on what's called building one, which would give us an opportunity to have like a Starbucks drive-through if you will for folks in the local area. For those reasons only we came back to ask for grade type changes. As I understand it, the Lr zoning limits our restaurant to a 500-foot deck and we would like to offer a larger deck to a sit-down restaurant and that's what really drove the whole thing. But we're very serious about developing a quality product there.

[2:51:49 PM]

It's my first foray into development in Austin. And I'll be honest with you, I've enjoyed every minute of it. It will have a great outcome for folks. In the discussion with the city, in particular Mr. Lesniak, he said fine, you have a good proposal here, but we want you to cut back on your impervious cover. And that was considered and agreed to from 65 to 58.

>> Tovo: I'll ask Mr. Lesniak because I thought I understood that your site plan has about 58% impervious cover and when I asked him why that wasn't the recommendation --

>> That is incorrect.

>> Tovo: I may have misunderstood. I'll give Mr. Lesniak an opportunity to clarify.

>> And I was just talking to the owner's agent and he was telling me that it's about 54, 55% actually on the approved site plan that they have under construction. So they are bumping it up just a few percent.

>> Tovo: Okay. But it's still less than what it would be after we approve what is before us today.
>> Yes.
>> Tovo: So I guess I'm still struggling with why we're being asked to approve more impervious cover than is currently in there.
>> If I may make a comment.
>> Tovo: Yes, go ahead.
>> Thank you. Mr. Lesniak highlighted some other developments in the area that have reduced impervious cover in the 20, 30 percent range. And I'd like to point out that they are typically multi-family that have an opportunity to go vertical, and we do not. In other words, we have agreed to the 40-foot restriction that's in the Ir zoning code, so we're not able to do that. That's the difference between the two.
>> Tovo: Thank you very much.
>> Is that helpful?
>> Tovo: Somewhat, thank you.
>> Are there any other questions of the council?

[2:53:50 PM]

>> Mayor Adler: Any other questions?
>> Mayor, if I may add to. I'm a little busy with codenext this week and they do a better job of reading the backup my staff prepares. The restriction of the amplified sound is in fact already in the restrictive covenant. So all the amendments in the yellow sheet are in there, we cannot require some and the traffic light will be done by the city.
>> Mayor Adler: Okay. Councilmember alter?
>> Alter: I had a couple of questions for the transportation department or whoever is in charge of the traffic. There seem to be have been changes over time with respect to traffic. Can you lay out where we are with respect to the traffic. It's my understanding that there was a tia done and it was about 112,500, which was the pro rata share, and then that was reduced because they reduced the intensity down, so it was reduced to 84,500. But the light that we're talking about at terra vista is 225,000. So there was an additional 80,000 added, which gets us up to 164,500. So there's that balance of the 60,500 that the city would be picking up? Is that a correct interpretation of where we're at?
>> So I believe that the balance between what has been posted and what we estimate as the signal is \$47,000.
>> Alter: Okay. So that number might have changed, the 225 estimate from the tia to now?
>> Right. So that's where we stand out, 47,000.
>> Troxclair: I think the -- the delta that we might be missing in this conversation is that there is already - I believe about \$15,000 in the account from a previous development that was supposed to go towards improvements in this area.

[2:55:56 PM]

>> Alter: Thank you.
>> Right, from a previous case.
>> Alter: Thank you. So what I'd like to understand -- I know this is not a pud, it's a zoning change case, but there was a comment made, well, we can't go above the pro rata. Do you know what the rough proportionality number is in this case?
>> No, I don't have that number.

>> Alter: What was shared with my staff was that it's about a million dollars. And so I totally wholeheartedly think we should be putting in this signal, but I'm trying to understand why in this rezoning we can't move it out because the rough proportionately numbers add a million. What is the legal constraint that says that we can't be requiring that of the applicant?

>> I think from staff's perspective, given our legal advice from our law department is that we stay as close to pro rata as possible. And in this case that's what staff's decision was. So going over going above that would be a change in the advice we've been given.

>> Alter: Okay. But we had a presentation that said we could go rough proportionately or you could go pro rata. And I think this traffic improvement should be done, but I'm not sure why the city needs to pay for it rather than the applicant.

>> Right. So the rough proportionality is the maximum legal limit we can ask for, that is correct, but in terms of the city's procedures historically we've gone and held to pretty close to pro rata and that's what we've been told to continue doing.

>> Alter: Do we have an ordinance that says that you cannot go above the pro rata?

>> I'm not aware of that.

>> Alter: So this is a choice that the staff is making and we would have an opportunity with the state legal limits to be going above that.

>> I don't want to state too much of a legal interpretation, but in terms of what we've been told by our law department is yes, we calculate the pro rata share and then that's the basis, at least a starting point of what we asked for in terms of traffic mitigation.

[2:58:06 PM]

>> Alter: We have a city that's gridlocked from traffic. We're adding growth everyday. And we have legal mechanisms to be getting more traffic improvements paid for and we're not using them. Is that the correct interpretation here?

>> I might have to defer that to the law department to ask about whether staff can go above, but what I've been told, what has been told, is that the pro rata is the basis.

>> Alter: You've been told by who?

>> By our law department. I would like to continue to have a conversation and get some further clarity on that because that was not what was explained to us and I do not believe there's an ordinance that restrictive covenants us to pro rata -- restrictive covenants us to pro rata and helps us address our traffic and mobility problems.

>> Kitchen: Mr. Mayor?

>> Mayor Adler: Yes, Ms. Kitchen.

>> Kitchen: I wanted to also -- I think these are all good questions and I know that you're not the person to address them. We have a process in place right now to address this policy issue. It is taking some time. So that doesn't mean that we can't bring it up sooner. So we just need to make a decision about whether we want to bring it up sooner or not because this whole question about how much a developer should pay in terms of transportation is part of our analysis for the transportation impact fee, which is part of our strategic mobility plan. So those analysis are happening right now. Now, because of the way the law requires to come up with transportation impact fee, you have to have a strategic mobility plan to base it on and that's in process right now. It's my understanding the whole planning process takes time so if we want to bring it up sooner we might discuss with staff.

[3:00:13 PM]

When we are planning right now is a policy decision to -- applied previously as an interim measure to the transportation impact fee. That's fine if we want to bring that up, but I just want to make sure my colleagues understand there is a process in place to address a transportation fee so that would put it into play over a year ago and we can -- you know, we can discuss if we want to bring it up. I'm not saying we can't bring it up sooner. I just don't want people to think we're not addressing this. I have a different question that I could ask. You can sit down. This question has to go back to our speaker had raised a question about storm water and erosion. I was understanding that we don't have the answer to that, which is fine if we're not going to pass this on third reading. I do have some concerns if we're not being able to answer this question. Maybe someone on the dais can help answer this or maybe someone -- maybe someone in the audience can help answer this.

>> Mayor Adler: Mr. Lesniak.

>> Kitchen: Do you have the information that we're asking about?

>> I think I have -- if this is what she presented.

>> Kitchen: The item about the storm water.

>> My staff did get the email and responded to miss dealer's comments.

>> Kitchen: Okay.

>> This does have a site plan. Some of the developments, I think in her email essentially in this one. This site has a water quality pond. She asked for certification. My staff said this one is not tall enough -- sorry -- that it requires a dam certification on this one. There is another pond on a different project that does have certification on it. This one didn't rise to that threshold.

[3:02:14 PM]

They are complying with the current drainage criteria, water quality. That level of water quality. And they are complying with it. They've met their defense. They are complying with the current on the drainage.

>> Kitchen: And from y'all's perspective, the staff's perspective, this doesn't propose a safety issue with regard to the lantana dam?

>> No, we have reviewed what the engineer submitted and are in con concerns that it -- concurrence that it meets code.

>> Kitchen: Okay. Thank you.

>> Mayor Adler: Ms. Pool.

>> Pool: Did you want to say something?

>> Mayor Adler: We made a motion on this item. We have. So yes.

>> Pool: I have a traffic question as far as the agreements with the developers. I'm looking at a resolution from the oak hill association neighborhood and on the second page down at the bottom, item 5, the applicant shall deliver to the city -- \$80,000 toward the construction of traffic light at southwest parkway before adoption of any ordinance changing the zoning. Is that something that can be negotiated? Is that something we can do? With the proxy on the number because I'm looking for full payment for that traffic light. Before we finalize payment of the amount --

>> Could you repeat the question?

>> Pool: Make me say it over again.

>> Sorry.

>> Pool: Do you happen to have the letter we got from Ohan?

>> I could check my backup.

>> Pool: Item 5, and this is a request from the neighborhood, the applicant shall deliver to the city the additional sum of, they have 80,000 in here and I'm trying to get the full amount of that traffic light,

toward construction of the traffic light before adoption of any ordinance that changes the zoning on this tract.

[3:04:30 PM]

Is that something --

>> As I said earlier, you cannot make that a requirement but I can tell you it has already happened.

>> Pool: Two parts to the question is the amount.

>> I checked this morning, \$80,000 has been deposited.

>> Pool: And you have gotten it.

>> Yes.

>> Pool: That takes care of that item. I would have a question on the site plan and this goes to the impervious cover conversation that the mayor pro tem was having. Who has knowledge of the site plan? On this case. I'm looking at some -- hi, Mr. Lesniak. I'm looking at some information, 65% was in the restrictive covenant and that was decreased to 58%, but before that happened 51% was originally proposed and there's a staff report that says that the impervious cover amount landed on 52.4% and the approved site plan and this is a correction that was filed to bump that 52.4% up to 58. So that's the piece maybe the mayor pro tem was concerned about. I'm certainly concerned about that, and considering that I think the actual -- that's in our regulations for this part of the city is around 25%. Is that right?

>> It's either 20 or 25. I can't remember exactly for this.

>> Pool: Okay. And I feel like from the applicant really went to that point other than he wanted a bigger deck. So can you talk a little bit how it was that we got down from 65 to 52, and then we went from 52% up to 58% with what's called a [inaudible] To the site plan that was filed?

>> Yes, councilmember. I'll admit it's a little confusing. There is an agreement to settle a -- that addressed a grandfathering dispute from the late '90s, early 2000's that applied as a whole, not just this parcel, all of Lantana.

[3:06:45 PM]

Under that agreement this area of Lantana was 60% impervious cover. This parcel also has a zoning restrictive covenant from the mid 1980s as part of the study that zoning restrictive covenant gives them 65% impervious cover under zoning. And that's having a watershed impervious cover and a zoning impervious cover being different on a piece of property is not unusual in the city. And so in this case it would be the 60% is what they are entitled to under the watershed regulation from the early 2000s, and so what it was reviewed against. Their original application that was approved was approved to the 52 something percent. And -- excuse me. So they came in for this correction for the deck to 58 from what was approved. My preference was to -- you know, to stay at the 52, but once you get that amount of impervious cover plus or minus a few percent in terms of environmental impact is not significant. What was important and we've done this because they've already had that entitlement unlike the other cases that we've done where we went down to around 30%. Approved for the 52ish percent. Whether we went to 52 -- they kept the 52 and got to 58 from an environmental perspective, it doesn't move the needle very much. And so my preference was once this is done, be sure the restrictive covenant goes away so that future reviewers, my successors, whoever, when people comes back everybody code from here on out and it makes a much simpler review case from whether it's zoning or watershed or whatever.

[3:08:56 PM]

And as zoning cases, and this has been our policy for some time, cases come that have these oak hill restrictive covenants, we're trying to make them go away so that -- in negotiation between what they are dutied to and what -- what we can get them to agree to and it's very specific on every project. This particular one the complicated factor was they already had an approved site plan for 52%, roughly, and I just -- it just wasn't worth having --

>> Pool: So the deck itself is a full 6% of the impervious cover on the site?

>> I'm not sure exactly. I understand that it's for the deck and I think they needed some additional to make the driveway work to get their turning radius and this would have been along with the details in the site plan. Hopefully that's helpful.

>> Casar: I have some followup questions. To summarize, the environmental costs of that 6% between 52 and 58% short-term, but what you got or what we would get and why you are supportive of this, I assume, is that long term if this site gets redeveloped, then it goes down to the 20 to 25%.

>> Under current code, who knows what it will be in the future, but under current code when you redevelop property, you are able to keep what you have. And under the redevelopment exception. Now, if they chose not to use the redevelopment exception, yes, it would go down to that 20% or so. But under the redevelopment section if you have an anonymous compliant and you are able to keep that in our watershed regulations. And so they would be able to keep their 52% or 56% if this was approved.

[3:10:59 PM]

>> Casar: And so what I'm trying to figure out is the environmental benefit. I understand that you are saying there's a negligible, maybe not that negligible but smaller -- you may have already said this with your conversation with approximate the mayor pro tem. What is the get?

>> The get is that we abolish the restrictive covenant once this project gets built. It just goes away for all intents and purposes. And reviews just based on the code is in effect at the time.

>> Casar: But what is the actual impact that that would have on impervious cover on this site?

>> They would be able to keep their 56% if they chose to. Now if they wanted to reconfigure their impervious cover, they would start using -- under current code, under the redevelopment.

>> Casar: Under the -- in redevelopment, not having that restrictive covenant some significance.

>> It just makes a simpler, cleaner review. And it's administrative. It is administrative for the most part.

>> Casar: And so do you all -- okay. So it sounds like there's some increase in impervious cover and the environment is that maybe if in certain kinds of situations this -- getting rid of that part of the restrictive covenant could reduce impervious cover, but --

>> It prevents them from going to the 60%. The other thing because the letters addressed grandfathering, typically grandfather is once you -- you have the grandfathering entitlements to the grandfathering goes away. Any future development or redevelopment has to come play with current code. We don't have to worry about the letters, about the restrictive covenant, and it makes the discussions and review about development, if anything has to come to council or boards and commissions, it makes that discussion much simpler.

[3:13:08 PM]

We're just dealing with the code.

>> Casar: Okay. And if this site plan that is at 52%, if they don't build to that site plan, is it existing where they could file at 60 or file --

>> They could file at 60. Sounds like they are already under construction, but that site plan -- they would have those entitlements to 60% impervious cover.

>> Casar: Okay.

>> Pool: So just to follow up for me, really the environmental benefit was the difference between 25% and the 60. But can't get there because of the restrictive covenant.

>> Because of the letter. And -- yes. Primarily because of the letter. The letter -- impervious cover is what rules here.

>> Pool: All right. So if not for that letter agreement, we could be looking at actually tracking what the code says, which is much lower impervious cover in this part of the city.

>> Yes. You might get into an argument with the owner about how that -- whether the restrictive covenant applies, but I think our opinion would be that the watershed regulations would trump.

>> Pool: Okay. I think that I was missing something because talk about the -- I agree there's not a lot of difference between 52 and 58, it's about 10%, you know, ish, but is there is difference between the 25%, which is really but for that letter of disagreement where we would be --

>> And I would love -- and any time we can get there and with the other ones we did, and as I said, except for the site plan, would have been very, very different. It would have been much more like the other ones you've seen where we were talking 30% impervious cover.

[3:15:12 PM]

And then that really is moving the needle.

>> Pool: That does definitely move the needle. Thank you. Appreciate that.

>> Mayor Adler: Mayor pro tem.

>> Tovo: A couple last quick questions. When was the site plan approved? I'm not immediately seeing it in my backup.

>> I don't know.

[Inaudible] Of last year.

>> Tovo: And you keep referring to the restrictive covenant going away. At what point does it go away?

>> Once the project -- that's what the language says, that the terms in this restrictive covenant -- that they go away when the project is built.

>> Tovo: So if they don't build everything on their site plan is that restrictive covenant still in place?

>> That's an interesting question.

>> The restrictive covenant doesn't actually go away. What itization is subsequent redevelopment is subject to current regulation. So there are other restrictions in the restrictive covenant and the covenant remains. But the previous agreements about impervious cover specifically says that subsequent redevelopment subject to impervious cover restrictions and other site development regulations, then current regulations. It all goes away that guarantee of a higher impervious cover.

>> Tovo: Point us to where that is. I guess where in the documentation.

>> No, no, the restrictive covenant that's attached.

>> Tovo: It's in the restrictive covenant.

>> 43.

>> Tovo: And which provision?

>> Number 3.

[3:17:23 PM]

In your backup.

>> It's under the rca item, which is 45.

>> The 60% impervious cover rights they have now, I know the approved site plan is for less, but if they wanted to, if we don't pass this item and they continue with their existing rights as is, could they sell the property and somebody else could build up to 60%? Or the impervious cover right --

>> Those entitlements travel with the property. Now, once they build the project -- I don't want to go there. It starts to get into weird 245 --

>> Troxclair: I'm trying to understand if there is a little bit -- I know we've kind of -- because the number I've been working off of as I've been dealing with this development has been 65%. So to me it was -- when you first came up here you said it's a few percentage points decrease. We kind of started using the baseline of 52% because that's what's in the site plan. But if they sold the property as is right now, new property owner would have 60 or 65% impervious cover, right?

>> Say they didn't build their site plan and sold the property, did another --

>> Troxclair: They could have -- if it complained with with existing zone -- complied with existing joke they -- zoning they could get to 65.

>> Troxclair: There's restrictive covenant going away once it's built, and I guess just so thank you for clarifying that for me.

[3:19:26 PM]

>> There is a small amount of environmental gain there.

>> Troxclair: And, you know, it's -- there are -- they already have the site plan, they are already building, so either the council cannot pass this item and they build the project as is or we let them build a bigger deck and we get some environmental benefits and a significant amount of money to go to traffic light. And just I guess while I have the floor, I just -- from my perspective, this developer is actually -- I agree, we have to get to a place where we have development pay for itself. Willing and has agreed to paying almost double what he's required to. So he's going to end up paying for almost 75% of the cost of this traffic light even though he's -- even though it's not causing 75% of the traffic. This traffic light is number 16 on the city's priority list. There were seven accidents at the intersection so this traffic light is an issue for the city regardless of -- regardless of whether this development -- regardless of whether we have the zoning change. For me it's a pretty decent tradeoff he's going to cover 75% of the cost. And the city does have the money to cover the additional 40%. So I mean I do think going forward we have to make sure that when developers are building and when they are putting money into pots, because I know we have these pots all over the city where there's just a little bit of money there. In this case I feel like it's -- we've been able to leverage the situation in order to actually get a traffic -- an improvement on the ground that I think will benefit the -- the safety of the area.

[3:21:41 PM]

So thank you for helping us make sure that we have the money to get that traffic improvement.

>> Casar: You said that outdoor music issue was in the restrictive covenant. It's in or could it be amended, could we -- but could we -- but I could move an amendment to --

>> It says outdoor amplified sound, because it is a restrictive covenant, it would require the agreement.

>> Casar: So I would move to add the words between 10:00 P.M. And 10:00 A.M.

>> Mayor Adler: We have a motion to amend the restrictive covenant. To make the restriction against amplified music to be between 10:00 P.M. And 10:00 A.M. Second to that motion? Second to that amendment.

>> Casar: That's okay. I'll try again some other time.

>> Mayor Adler: Tell me what the ramifications of that would be. Was that negotiated? Was that an issue?

>> The applicant agreed -- it's a contract basically, so the applicant already agreed to outdoor amplified sound and I just received visual and he's okay with no outdoor amplified sound between --
>> Mayor Adler: I think he would be, I just don't know about the other people.
>> And the covenant, mayor, does not require three readings. It's one time only.
>> Mayor Adler: One time only. All we're doing is -- we have a covenant and the zoning.
>> Yes, the zoning ready for all three readings. The covenant you can approve or disapprove.

[3:23:41 PM]

>> Mayor Adler: So I guess I'm trying to figure out if we're going to vote on the zoning on all three readings or not. I support the music issue. Immaterial uncomfortable -- I'm uncomfortable without the other side being able to respond to that issue in case there's -- unless there's an issue here. Is the neighborhood here?
>> Only the one speaker is here.
>> Troxclair: I think I can speak to that issue. Obviously amplified -- I mean you understand why amplified music is a concern to surrounding neighborhoods. I think if they were here they would oppose that amendment because the letter that we have from the oak hill association of neighborhoods says that one of the things they are requesting is a prohibition on amplified music. From what I'm understanding, councilmember Casar's amendment would allow amplified music during the day. While I agree certainly the evening is the most critical, in this case I can't -- yes, we're trying to balance two conflicting priorities, making sure the neighborhood -- neighborhoods are protected and making sure we're doing what we can to have live music in Austin. In this case because I -- I have specific direction from the neighborhood on this issue, I want to respect their request and the developer has agreed to it, I can't support it.
>> Mayor Adler: Okay. Understood.
>> Kitchen: Mr. Mayor?
>> Mayor Adler: Mayor pro tem and then Ms. Kitchen.
>> Tovo: I can't support this amendment because, you know, I think there are lots --
>> Mayor Adler: There's been no second.
>> Tovo: We're talking about% it anyway, but okay. Mayor, you said you would support it, but anyway, if there's an appropriate time, I want to say that there are lots of ways to support live music including preservations of venues and other things and I think we do not necessarily set ourselves up [inaudible]

[3:25:53 PM]

By live music in lots of places where it's going to cause friction with its neighbors.
>> Mayor Adler: I'm not prepared to support that because I just didn't know enough.
>> Kitchen: I want to like whites say that if we're -- likewise say if we're going to talk about adding things in, I would respectfully ask my colleagues not to do that. We don't have an understanding nor do we have any information even where this property sits in relation to what is surrounding it. And so I just don't think it's appropriate to make an amendment like this and suggest that those of us who are asking questions about it perhaps don't support the music industry. Because that's really not the case here. And so if we seriously want to consider something like this, let's bring some information to the table where we can have a real conversation about it.
>> Mayor Adler: In any event, there's no second on this. We're back to the main motion on this.
>> Troxclair: I think we've had a thorough discussion and to the question of whether or not we should pass it on all three readings, I'm prepared to pass it on all three readings. I feel like -- I feel like we're at a good place. And I'm excited to see that I think we're going to get a -- which was the main thing for me.

>> Mayor Adler: We have a motion to approve the restrictive covenant and the zoning on all three readings. Mr. Casar.

>> Casar: I'm going to support that motion and just say that I'm not implying that we don't support live music by changing this just like others have sometimes raised particular issues that you may not expect to win the vote on, I just wanted to raise that issue so we don't start -- I think that it's just like there wasn't a clear case for why outdoor live music is a great idea here, I haven't heard a really strong case -- and I just want us to be careful about -- while, of course, we need to be doing lots of things for existing venues, I think music is a good thing and I don't take lightly just prohibiting it without extenuating circumstance or reason.

[3:28:13 PM]

Hear the reason for it to be prohibited rather than the reason why it should not be because I think live music is a benefit and I would want to hear reasons for why it should not exist.

>> We'll have live acoustic.

>> Mayor Adler: We have a motion --

>> I just wanted to ask a clarification what we're voting on.

>> Mayor Adler: Councilmember alter.

>> Alter: I wanted to clarify what we're voting on because a lot of things were already in the ordinance. So are we just voting on what was in our backup --

>> Mayor Adler: Yes. The motion was the main motion that was presented. The amendments that were handed out were not incorporated into the motion. Everything on the yellow is part of the motion.

>> Because it's already in the --

>> Troxclair: The things already in the motion -- able to incorporate the language about the traffic light because it's not something -- I just want to have something physical that said something was going to pay for the traffic light even though put it in the restrictive covenant. I guess if there's no objection to stating what we're doing by including this amendment, that would be my preference. But I don't want to complicate anything. So ready to go without this and a clear understanding that the property owner is willing and has contributed \$80,000 for the traffic light and the transportation staff agreed that the light will be installed at the intersection of southwest parkway and terra vista.

>> Mayor Adler: Let's just do that otherwise we could start repeating lots of things. Do we have a motion to approve on all three readings and the restrictive covenant? Mayor pro tem.

>> Tovo: This is my second one last.

[3:30:15 PM]

If this site goes away and another site plan is filed, absent today, they would still be under the stratus agreement?

>> That's correct.

>> Tovo: Okay. So that is why a new site plan would -- they are still under the stratus agreement.

>> Tovo: Okay. Thank you.

>> Mayor Adler: Ready to take a vote? Those in favor raise your hand. Those opposed? Mr. Renteria votes no, mayor pro tem votes no, Ms. Pool no. The others aye. This matter passes.

>> That concludes the agenda.

>> Mayor Adler: And that concluding everything we can do before 4:00. So we have 30-minute break. When we come back, as you know we have a briefing on public safety negotiations and we have items 49 and 50 as well. We stand in recess until 4:00.

[Recess until 4:00 P.M.]

[4:05:11 PM]

>> Mayor Adler: All right. It is -- we have a quorum. So we're going to go ahead and reconvene. It is 4:05. We have three items that are left on our calendar. I understand that item 49 we're going to postpone. Is that to a date certain?

>> May 4th?

>> , Staff requests a postponement to your may 4th agenda.

>> Mayor Adler: Okay. Is there any objection to postponing item 49 on the may 4th agenda? We have no speakers. Hearing no objection, we're just going to go ahead and order that. That takes care of 49. That gives us 48 and 50. Just over 10 speakers on one, just under 10 speakers on the other. Council, if we are of a single mind, we can get this done before 5:30, both of them. I would suggest that we ask for the presentation now on the public safety labor negotiations and that we let the presentation go all the way through, write down and hold your questions. I think that increases the chance we'll move along and we might actually find some of our questions are answered later in the presentation. So I'll now turn it over to you guys to give us the presentation.

>> [Inaudible].

>> Mayor Adler: Can't hear you. I'm not sure your mic is on.

>> Tom [indiscernible], interim labor relations officer. I also have with me today our deputy labor relations officer, Sylvia Wurtz.

[4:07:17 PM]

[Inaudible].

>> Mayor Adler: It's going to be pulled up on the screen. Does anybody on the dais need a copy of this presentation? One, two -- anybody else need one? Three, four. Do you need a hard copy of the presentation? Five, six. We probably need like half a dozen copies. Sounds good.

>> So much for coming in early this morning to make sure that everything was ready.

[Laughter].

>> Mayor Adler: Murphy's law.

>> Here we go. I'll cut these few out of my presentation to give you the time back later.

>> Mayor Adler: Okay. There you go.

>> All right.

[4:09:17 PM]

The purpose for today's briefing, and I use the word briefing because that's what we normally call these. It's more -- it certainly is a briefing in the sense that we're going to give you information. But as I say in my first point there, is that we're really here to try to facilitate or start discussions for the council budget policy goals with regard to the public safety labor contracts. We're going to review the current way that we have been bargaining our labor relations contracts, our public safety contracts. We're going to do a quick review with some of the history of the base wage increases that have come from prior contracts. We're going to talk about something that rarely gets talked about, and that's what's called step pay wage increases. And then once we have sort of that data we're going to talk about what the results of that data means, for example, our position in the market, our past pay practice of keeping public safety at the top of the market. I know that Ed went over yesterday sort of the public safety versus the general fund, so probably won't spend any time on that. And in the last area that I will talk about is the impact

that if we were to go to impasse what impact would that have on the city and what impact would that have on the labor associations.

[4:11:19 PM]

So our current bargaining model, and I say current because this has basically been the model since we started negotiating contracts in the city of Austin, is that you take your past or your current agreement and then both sides with changes they want to have made, things that they're interested in, and seeing if we could reach some way to change some of the provisions that we've had before or add new provisions. And of course, that all comes not -- the labor relations office doesn't make those decisions. Those decisions are made from information that the city manager has received, council, policy input that comes through the manager. We always talk to the departments about what it is that you need or what is it you want in order to be able to provide better services. We take some public input that has primarily in the past been in regard to citizen oversight, but we could take input from anybody who has information that they would like to give us, and then of course, listen to what the associations are proposing. Then based upon sort of putting all those factors together and seeing where we get on each one of those, we would typically negotiate a base wage increase. And once again, we have to consider the council input, the budget office, what they tell us is available as far as funding is concerned. We looked at what new gains the city got from these negotiations, what the associations may have gained in these negotiations, and then again as I said, there's always been this driving factor in the past of looking at the public safety employees and are we staying at the top of the market.

[4:13:45 PM]

I don't want to spend a lot of detailed information on this, but this will give you a little bit of history and understanding of kind of where the expectations have come from for the associations. In past contracts you can see they received raises of three percent per year, sometimes four percent per year. It's been going up through that period of time. And I've just red-circled a couple of areas to show you that you may say one percent, but that's really five. Some of it may have been delayed for half a year or whatever. So as you can see, in some fiscal years they've received as much as eight percent. The second page is just the past contract that we've brought before council in 2013, and as you can see, this was actually the most physical -- so we have for -- whatever reason we were able to sort of put a little bit of a halt and bring down the increases that we were giving out.

[4:16:41 PM]

The other two just follow -- as far as the pay is concerned without really individually valuing that particular contract. So that's an area or an issue that I think council needs to weigh in on the policy is that are we going to continue the issues of pay parity between the associations or are we going to value each one independently and separately so that some of your -- one contract may be worth more than another contract and they would receive the exact same pay increase. Step pay wages, if you think about a set of stairs, that's really what this is. Each one of these has when they reach a new step is a little bit different from one contract to the next. If we just take the police at the beginning I can explain this. After one year as being a police officer you're going to receive a 12% increase. That's in addition to any other increases, across the board increases, whatever. After two years it's a 10% increase. After six years it's a seven percent. And it's seven percent there out. So you kind of step up each time, that's why we call them step wages increases. The idea being that even without a contract some people are going to receive significant pay raises if they are -- if they're at the point to go to the next step.

[4:18:51 PM]

In other words, if I'm between one and two years, even if I don't have a contract, I'm going to still receive that 10% step pay. So that's something that I don't think that a lot of people have taken into account when we talk about our contracts and sort of what the total amount of increases or wages that fair receiving. Okay? Position in the market. This is from the pfm group. They -- we were a little bit behind the curve in getting our requests into them and it takes some time for them to go through and do comparisons with other cities and to tell us where we are in the market. The one thing that I do not have today is the E.M.S. Comparison because they're still working on this project. E.M.S. Is a little bit harder to make comparisons on because we're the only third service E.M.S. Department in the state of Texas, meaning everybody else either has it in their fire department or they contract out. So making the comparisons a little harder we have to find comparisons in other parts of the country that are close and so pfm is still working on that for us. As you see, they call this a review draft or an interim report. As far as the police and fire, what we're going to talk about here in a moment, they were willing to go ahead and share that information with you because they think they have vetted all of that information and it will be accurate.

[4:21:01 PM]

So the overview that pfm has given with regard to our position in the market is that the city of Austin is highly competitive as far as their compensation. When we compare it to the other large cities and the list of the cities that are on the next slide, we'll get to that in a moment. And they say that we're consistently at or near the top of the market with regard to different points and careers. I know at one point in time I think it was councilmember Garza asked about you survey at the beginning, at the end and we've actually -- this time we've gotten them to survey with regard to some of the mid points so that we can keep where we are with regard to our comparisons to the other cities. Sort of the synopsis that they have come up with is that based upon the survey of the eight other largest cities in the state, both fire and police, we trail at the very beginning with regard to our pay. When people first come in, but within one or two ranks we either catch up or have actually surpassed and ranked 1 or 2 on these categories. So we'll talk about police first. These are the cities that are on the left-hand side that the comparisons were. If you'll look all the way to the bottom -- well, so they looked at your post-probationary period when you first get out of the academy and have served some period of time.

[4:23:04 PM]

Years 2, 6, 14 and 16, because after that they kind of all level out and tops out at everywhere. So the cities that were surveyed and that we were compared to, if you look all the way at the bottom you will see that Austin ranks one out of all eight with regard to each one of these points in the officer's career. And that -- actually, I didn't understand this, quite frankly, until early this morning because we didn't get this record until about a day and a half ago. The very last column is not really very relevant to this discussion. Some cities consider your base pay and your longevity when they do these comparisons. Some do not. It's a formula that they use. But the real one to look at is the maximum of base pay. And you will see that we're 25.8% on the average above the max base pay of these other cities. And the same type of chart for fire. Once again, if you'll look across the bottom, we've ranked 1 or 2 out of the eight cities, with the variance being we're at 43.4% above the average for our pay to the firefighters. The next slide I'm not really going to take any time on.

[4:25:06 PM]

I know Ed had covered this for you yesterday. If there are any questions at the end I will come back to this, but basically we're just showing for fy2017 what percentage of the general fund is taken up by the public safety budgets and then of that slice what percentage of that is wages versus other expenditures by the departments. So that's sort of the history of our wages, kind of where we are and how we got here. So I want to make the shift to impasse because there have been several councilmembers who have asked us in one on ones to have a better understanding of what would happen if either of the association or the council were not to ratify a contract. And the impasse simply means that there is no successor agreement. Our agreements will expire September the 30th. If for whatever reason we have not reached new agreements by October 1, that's what I'm using impasse to mean. It also primarily means that for most of the provisions we have made changes in the contract to state law, we will revert back to state law with regard to those. I can say that there should be no interruption and I want the public to understand that there is no disruption or interruption with the public safety services that we provide. I say that for two reasons.

[4:27:06 PM]

One is that legally the public safety groups do not have the right to strike, but secondly is that we have been at impasse before at least one of the associations, and I can tell you that our people that work here for the city of Austin, they come in, they do their jobs. And so whether they have a contract or not, they're going to continue to provide the level of service that I think that we expect of them. So I'll talk about the three different associations and sort of the impact with regard to their contract and versus what happens if they don't have a contract. And the major -- there are always some little items, but the major items that the city would lose from no contract with fire is that the promotional procedures will revert back to civil service law. Currently in our contracts we have the right to have assessment centers, which means you don't just take a written exam, but there's a written exam and an oral assessment that we then put together some -- the contracts determine which portion of it is weighted more than another or exactly what weight is to be given to that. With no contract we would not be able to do that because civil service law says that it's all based upon a written examination. Currently in the fire contract we can appoint division chiefs, civil service has that as a civil service rank so it would be a promoted provision, not an appointed one.

[4:29:10 PM]

We would not be able to appoint those. The esd merger issue, we currently have in the contract -- first of all, let me say that in order to bring in employees from other jurisdictions, other fire departments, without making them go through the entire process of being one of 1,000 people who sign up, and who may or may not get the job, we want to guarantee them that they can move over and come into the city of Austin. Currently, again that requires a contract provision. We currently have that in the fire contract today, we have a little model by which we could do that. If we were to -- and I would defer to law, but it's my understanding that if there was to be an esd merger prior to October 1 we could continue to use the current model, and if we could get all the agreements signed and everything, we wouldn't have to have the whole process finished, but as long as we were in the process and far enough along then we would be able to accomplish that. If we go either beyond that for any current ones that we're talking to or any future esds that we're going to talk to, then without a contract we would not be able to bring their employees directly into our department. The association losses for fire, the city of Austin policies have which leaves that we take are productive and which are not.

[4:31:21 PM]

In other words, I can take a certain leave and it still counts towards my 40 hours in a work week, which means that I could use that if I work over the 40, I would get time and a half. Currently under the contracts for the three associations, the only thing that is non-productive would be vacation. So other leaves, especially sick leave, we would refer back to city policy for that, and that would be the -- I'm sorry, the vacation leave is productive. We would lose -- they would lose the right to have that as-- not as productive time. The association business leave, all three associations have a pool of hours that they can use to conduct association business. The current contract provides that if we go to impasse they have a year in which to continue to use it and then after that it would go away. I think there is a specific provision for fire in the civil service law that may mandate some use of, but it would not be the same as what we have in the current contracts. Most of the fire certification page, and by certification page I mean what you get paid for with certain education, what you get paid for for certain hazardous duty jobs, those individual pieces.

[4:33:28 PM]

Actually, the fire department, those were set by ordinance. So regardless of whether or not we have a contract, as long as that ordinance is in effect those are still the pays that they will receive. So there really is no impact to them. It would be different for police and E.M.S., but there is no impact to them with regard to these certification pays as long as the council ordinance is in place. There's one more that I actually didn't get on the list, but it is a major one. That is, the contract provides for employee rights during an administrative investigation. There's been a complaint that an officer, firefighter has violated policy, they're under investigation, and the sections with regard to what they are allowed, the officer or firefighter who is under investigation, what they are allowed to see of the investigation and when they are allowed to see it, provisions like that do not exist in 143, so some of these rights, or at least some of these gains that they got with regard to how to defend against an allegation, they would lose. With regard to hearing, we've said that that's neutral and that's because of our current consent decree. The current consent decree will last at least another two years.

[4:35:28 PM]

Could go longer depending upon DOJ and the federal court, but at least for the next two years we will continue to operate under the consent decree itself. Once the consent decree ends, we could continue to use sort of as the model or we could renegotiate how we do hiring. But for at least a couple of years there will be no impact with regard to hiring for the fire. We'll go to police next. City losses, citizen oversight. There's really two components to citizen oversight the way our model is structured. That is the police monitor and the monitor's office, and then there's the civilian, the citizen review panel. The citizen review panel, because they are just that, they are citizens under civil service law, do not have any right to see. The investigatory file or get information with regard to an investigation until such time it is completed and becomes public and everybody else gets to see it. That's the area that we would -- the city would lose is basically the panel would be able to get the information to do its job. So I don't know exactly how we would end up or what we would do as a replacement or a structure, but it would significantly impact the citizens' review portion of that.

[4:37:28 PM]

It's the city's position and always has been and the law department has continued to provide this information to us, we believe that the monitor and the monitor's office being the monitor -- monitor being a city employee who works directly for the city manager and the state law and the way it has been interpreted, the city manager has the right to see this information before it becomes final. And so therefore the city manager can designate to someone, in this case the police monitor, to be his or her sort of eyes and ears and would be able to get the information. So it primarily would continue to operate as it is. The other city losses, hiring and promotion procedures would revert back to state civil service law. Under state civil service law again you take basically a 100 question test in order to get into the department to get hired. You take 100 question written test in order to promote. And we don't get to use these oral assessments, so we would not be able to do the oral assessments with regard to the hiring and promotional processes. There is also a potential for retirements in the police department, which is due to the sick leave separation pay. And what I mean by that is that there has been -- well, civil service law says that if a police officer separates from the department, they can cash in up to 900 hours of sick leave, and that's a right that they would have, assuming they have built that much up in their bank.

[4:39:52 PM]

We have negotiated with police to where we're currently significantly above that. You could get -- under certain circumstances and if you meet all the right requirements, the officer can get up to 1700 hours. So how it would affect people's decision who are ready to retire anyway, we don't know for sure, but there could be people who decide they want to leave earlier in order to get the 1700 hours versus the 900. As of about 60 days ago when we took this snapshot, we averaged 161 police officers who will be eligible for retirement by September the 30th of this year. So what percentage of that may or may not be affected and how that would create vacancies because of this issue, we don't know for sure, but you simply -- based upon intuitive reasoning of what some people may or may not do with regard to their future planning and retirement and the money that they had expected to receive upon retirement. The association losses are, again, they would lose this sick leave payout that I just described to you. In other words, it would go down from a maximum of 1700 hours to the civil service law maximum of 900 hours. Again, they would have the same issue with regard to the productive versus non-productive time. We would go back to city policy so that they would receive exactly what other employees in the city receive as far as what is productive and what is not productive.

[4:42:05 PM]

Again, they would have the same issue with regard to the association business leave, meaning that they have a year to kind of wide up things and to use up some of the money -- some of the hours that they have in their bank, but after that the association business leave and the pool and sort of the time off that's paid for those -- for that leave would go away. Unlike the fire, which I told you has -- the city council has an ordinance setting these different certification pays. You know, as examples I put bilingual pay, education incentive pay, shift differential pay. Those -- council has never set those. And those are set by contract. Now, civil service law says that the city may decide to pay money for these, but it's not required to pay money for these. Or the amount is set by the policy of the city. So there could be, depending upon what council and the city manager wanted to do, there could be a reduction or even an elimination of pay for these certifications. And again we left it off of the slides, but the idea of officer rights, between the three associations I will say that this is a really more major issue for the police association with regard to -- again, it's the same type of information that they can receive, review, kind

of know what to expect and what's coming, that they would not be able to see at the times that we have specified in the contract.

[4:44:18 PM]

So it would be a pretty big loss for the police association. The last one we have is E.M.S. Again, the city losses were pretty much the same. It's just hiring and promotional procedures. Again, once the idea of written tests versus oral assessments. And we could no longer appoint division chiefs which under the contract we can do now. Association losses. There's what I call the step pay for 12 red-circled E.M.S. Employees. Will take -- this will take a little time, but I'll make it as quick as possible. Prior to E.M.S. Getting civil service, employees for E.M.S. Were hired and their pay set as we do with other civilian employees. You may have 10 years of experience in Houston and we're going to give you credit for that 10 years when we're putting you into the pay scales and where you would fall. Civil service law only allows us to give you credit for the time at this department. So your 10 years in Houston doesn't have any impact upon, you know, your set pay. Civil service law also says that in each rank -- in other words, if you're a police officer, then a detective and then a sergeant, people at each of those ranks receive the same base salary with a few things that change that, which would be, for example, your step pay, your certification pays.

[4:46:22 PM]

But with regards to the basic base salary, all sergeants receive the same base salary. So when we had to start thinking about changing E.M.S. From sort of the citywide pay practices to what is required by civil service law, we had people at the -- at a particular rank who are all over the board. The costs we had calculated would be about four million dollars in order to bring everybody up to whatever the highest person was making at that rank and just kind of start from scratch. Instead of paying that out, what we agreed to do was to slot people into more appropriate levels and to red-circle those that were above that line of what the pay would be for a medic 2, knowing that as time goes on with retirements and those types of things, we really had hoped to either eliminate or significantly reduce this issue by the time we got to the end of the contract, and that's where we are today. And we actually have -- have now only 12 people who would be -- if we didn't have a contract, would be above where they're allowed to be under the state law and who would have some pay loss in order to get them back into compliance with the state law with regard to everybody at the same rank, receives the same base salary.

[4:48:30 PM]

That group of people sort of ranges across the board. It's all different ranks. I can't say that there's any one particular one that would be impacted more than others, other than these 12 people. And they're the ones who would have the impact. The same issue again with regard to association business leave and the certification pays again is not set by ordinance, so again, the city could, if it so chose, to either eliminate or reduce the pay for the certification, and once again, they have also these rights with regard to investigations, administrative investigations which go above and beyond what is required under state law. So with that, I'll turn it over for any questions or discussion that council may have.

>> Mayor Adler: There are some people who are here to testify publicly. How about if we call that testimony and then we can ask questions. So thank you. Let's call the first witness, Rebecca weber.

Dominique Gonzalez is on deck, if you would come down to the other podium. You have three minutes.

>> Thank you, mayor. Good afternoon. I'm Rebecca weber. I'm an attorney here in Austin. I practice with Scott hindler and lulu flores. I am the chair of the public safety commission and I am in my eighth year

serving on the citizen review panel so I'm drawing on that experience today to talk to you about what I think is the most needed change to the contract with the Austin police association. And I'm focusing on article 16, which is the chapter that Mr. Stribling talked about that allows for the citizen review panel to exist.

[4:50:41 PM]

I also have come up with a list of more technical and minor changes that I have sent to a couple of your staff members and also forwarded to the police monitor, but I do want to focus today on what I think is the most important and necessary change to the contract, and that is that the conversation that takes place between the citizen review panel and the chief entirely in secret, should become public. So the crp operates, as most of you know, almost entirely behind closed doors. The file that we -- the case files that we review are not public. The presentations that we receive from internal affairs regarding complaints and regarding critical incidents are not public. Our deliberations are not public. Our recommendations can become public in certain instances, and in the contract. And then the chief's response back to us also not public. So an important conversation is taking place that as citizens barring began for I think in 2009? Even longer back than that. In 2013, and those contract negotiations, that's when we got some complicated -- complicated language about when our recommendations become public and when they don't. So for instance, if we recommend to the chief that he review a policy or change a policy, that is subject to release upon delivery to the chief. If we recommend further investigation by internal affairs into an incident, that only becomes public if the chief decides to hand down discipline in that case. And then if we recommend discipline and we're only allowed to do that, by the way, in a critical incident situation, that becomes public only after the chief makes a discipline decision, whether or not he recommends discipline.

[4:52:51 PM]

So what I'm suggesting would benefit both sides of the negotiations, both the citizens of Austin and the members of the association is that this conversation take place in public so that --
[buzzer sounds] That's what I'm recommending.

>> Mayor Adler: Thank you very much.

>> If I can answer any questions. Thank you.

>> Mayor Adler: Kerwin Williams? Is he here? You will come to this podium here. Sir?

>> My name is Dominique Gonzalez. I'm a member of the citizen review panel also. I've been on the panel since 2007 so for 10 years. I participated actively in the 2013 renegotiation of the contract, which Rebecca summarized quite well some of the advances that we were able to make. She got through two of the recommendations. The main recommendations that we have in addition to some of the more technical ones, the first being that find a way to make panel recommendations more accessible to the public so that there's more awareness of the work that is being done and there's more awareness about the recommendations that citizens have made in relationship to these cases. To have clear requirements for responses from the chief to the panel's recommendations. At this moment it's been inconsistent. In responses. It's also been inconsistent in how those are released to the public. And the other large element is to make sure that complainants have an opportunity to get information about the outcome of their cases. At this moment that's something that has been eroded. We used to have some processes that allowed -- that allowed complainants to get an understanding of what the eventual outcome was, and that's been taken back. Citizen oversight is a very important element of improving relationships between police and the public, but it's only one part of it.

[4:54:54 PM]

It's still a very important part of it. We've made some gains in 2013. I think that -- you see I want to point out that you have a lot of people who have come from the community to speak on this, so I think there's a clear mandate for you all to take action to ensure that we strengthen citizen oversight with the police. And I think that's an important step towards improving the relationship that the public has with the police. I think it's an important thing to ensure greater public safety. So I'm available if you have any questions. I will be reaching out to your offices to see if I can provide any clarification on this. And to see if -- give you an idea of some of the input that we'll have.

>> Mayor Adler: Okay. Thank you.

>> Are there any questions?

>> Mayor Adler: Thank you very much. The next speaker up will be Heidi gerbec at this podium. Sir.

>> Yes, hi. My name is kelwin Williams. I'm the brother of Lawrence parish. He was shot April 7th by the Austin police department more than seven times in the back. I'm here on behalf of the community. And my understanding is that the Austin police department will be negotiating a new contract with the city. I'm here to ask that we have -- we have some stipulations placed in those contracts. One being my brother was shot and there's no good clear video. He was shot in his home and we don't really have any evidence as to whether he provoked the situation that happened or did they just commit poor job descriptions.

[4:57:10 PM]

There's no video to help us indicate this situation. And I believe we have come far along as a whole, okay, as a society, to be able to do these things. That is one thing as a community. We need to look into making sure the Austin police department have enough video and audio to help accommodate the situations that they may be placed in in the community while they're asked to keep us safe. Another thing is we ask that the contract have some type of civil review panel in it, okay? To investigate instances, situations like my brother, Lawrence parish, is in right now, okay? That is something that we are asking for as a whole. As a whole. Because we need more support from the black community. And there's no secret that there's not a real big, big, big, big African-American community here in Austin. So for the small community that we do have, we're trying to pull in that support. And we're asking a very, very, very small number to give us big, big results. And it's just not going to happen. So we're going to need everybody in the community. This is not going to be a situation that's going to be based on color. We're going to need the Austin police department to come out and start to commune with us. Just like you spoke before, I haven't seen Austin police department come in and say, hey, in this situation we were wrong.

[Buzzer sounds] And we would like to do what we can basically to make up for our mistakes.

[4:59:15 PM]

We haven't seen them in the community come out and say, hey, I know that your child goes to school with my child, even though this is my job, I can see that they love each other no matter what color they are.

>> Mayor Adler: Thank you.

>> These are some of the things that we would like to ask the panel to consider before you redo the contract with the Austin police department.

>> Mayor Adler: Thank you.

>> Thank you.

>> Mayor Adler: Thank you, sir. Next speaker will be Chris Harris. At this podium. Is Bob libel here? You will have six minutes, Mr. Harris.

>> Good evening, mayor, councilmembers. I'm a district 1 resident. I want to thank you for your responses to me regarding the contract for negotiation meetings. I'm glad they're being posted. I do more appreciate there will be some effort to make sure that those are easy to find for the public. My thanks to Jason Alexander to reaching out to me to talk about it. I came back today and I think it's my first time here since my retirement to ask you to hold the line on behalf of Austin citizens in the public safety contract negotiations. I have concerns related to diversity in the fire department, but I think think may have to wait for the conversation about hiring. What I really came to talk about, though, is the police contract. Increasing police salaries for police to live in the city of Austin, I don't think will have the intended effect. It's unlikely that the police will move into the communities where there are troubled relationships between the police and residents. And I know from experience that it's possible to live in the city of Austin on far less than even what rookie police officers make and many, many of our other city staff do. It's my position that police accountability and transparency require contractual items and more importantly our current contract includes none of those items.

[5:01:21 PM]

It's a bit shocking to me how very little conversation there was in the briefing just now about these kinds of items. There's a couple that I would like to point your the ex-to and three minutes isn't sufficient to go to detail. A national organization called campaign -- joint campaign zero and they did a great job of laying out the details of how they can obscure misconduct and a lack of accountable. You can see the document, in Austin our current contract includes problematic language of every single one of the items and categories they examined. Our community is not an unsafe one or a particularly violent one. But every year I wake up one day to the horrible news of an officer-involved shooting. It's heart breaking in every case. Made worse by the fact that I have little faith in our system that our system is set up capably to uncover the facts of each situation and determine which situations were unavoidable, lawful, and by protocol and which were avoidable, unlawful, and outside of protocol and to respond appropriately to those determinations. I believe that major changes to the existing contract such as considerably strengthening the police monitor could help to ensure that the public and the police are kept safer, operate more transparently and we could hold people accountable. Black and Latino lives matter to all of us. We're counting on you to make the necessary changes to protect all Austin residents an end sure accountability and transparency. Thank you for taking input on this, thank you for your public service.

>> Mayor Adler: So after Mr. Harris, Anthony markark will be here. Sir, you have six minutes?

>> Firstly, I want to expand upon some of the findings she was talking about with campaign zero and the police union contract project.

[5:03:27 PM]

181 of the biggest cities of the United States. They looked at the police contracts in those 81 cities. They identified six primary components on which those contracts are used to limit accountability. Austin was one of six of the 81 cities that failed on all six accounts. On all six accounts. That includes disqualifying complaints. 180-day statute of limitations on all of the complaints. Restrict delaying the interrogation of officers. We give them two full days to prepare to give a statement after they are presented with the complaint and the allegations. Two full days. We give officers unfair information prior to the interrogations in the form of eight full hours to review witness statements, all of the photo and video evidence, and the internal affairs summary. We limit officer discipline by disallowing the citizen review panel from -- we limit community oversight by limiting the panel from gathering evidence and

presenting it publicly. We require Austin to pay for their misconduct by allowing them to use their vacation time accrued to pay themselves in unpaid suspensions and we limit public access to police misconduct efforts and image economy turn anything under a three-day suspension into a written reprimand. I heard the gentleman from the labor relations board talk about the impacts of an impasse. From the city's side, they don't seem that bad. We lose a fairly toothless currently citizen review panel and officers lose a lot of the protections for whatever reason we provided to them which cities like Dallas just to the north of us don't offer any of. We can do a lot better. The organizations that I'm involved with are going to be very, very interested in our -- and are very interested in the operations that are ongoing.

[5:05:31 PM]

And I would like to know a little bit about why the meeting on Monday, the upcoming city labor relations board negotiations was cancelled. And if we can have any information about when the next meeting is scheduled. That will be great.

>> Mayor Adler: Thank you. After Mr. Marquot, Mandy blot. Mandy blot, she is here.

>> Good afternoon. I'm the president of the Austin association. And I want to take a minute just to update you all on sort of our background progress with a contract. We negotiate our first contract in 2013 under a very turbulent times for us. But established some very important aspects of fairness and took a very long journey to make it a fair and equitable place. We did a modification in 2016 which you all approved which allowed us to have a modified hiring process for paramedics and also to have an internship program for dispatch. Those -- both of those programs are showing promise and we also at the same time had a change in medical direction which, to us, was a very big deal moving forward from 2013 to where we are now. And I think that at this point we're looking forward to this next journey so that we can work on innovations with the medical director who is with our ems director right now in Houston looking for dispatch protocol for the center.

>> Thank you for your time. Looking forward to getting started on this next process, thank you.

>> Mayor Adler: Council, as we've been talking, more people have signed up. We have 51 people that have signed up. We have about 40 speakers. According to our rules, the first 20 speak for three minutes each, and the speakers after that speak for one minute each.

[5:07:38 PM]

So I'm going to call it that way. I want the public to know it as well. Next speaker is Betty Blount. Mr. Moore will be here. Is Melissa here? Melissa here? You would just have three minutes.

>> So my name is Mandy. I'm a psychologist and I'm here with the Austin justice coalition and I want to speak briefly about two different articles, one is article 16, section 4 about the qualifications for serving on the citizen review panel. People with a prior felony conviction are currently not allowed to serve on the citizen review panel and there are two concerns that we have about this. One is that people with this experience of being convicted and suffering the consequences of a felony conviction have a unique and important perspective on community-police relations, which we're missing out on by not including them. We can learn a lot from people who have direct experience with the criminal justice system and the citizen's review panel will be in general less informed, less aware when this is barred from participating. Second, we look at our criminal justice system from a larger perspective, we find decades of Hirsch criminal activities have disproportionately affected people of color. So a felony conviction from serving on the panel ensures that a significant percentage of black men who would be 100% qualified will never have the opportunity to participate and serve the community in this way. Both of the concerns could be remedied by amending this section to allow people with a felony conviction to serve

on the panel. Article 17, section 4. Access to records by officers. We believe this section should be amended in two base. First, it should accommodate a new complaint system that allows a person to file a preliminary complaint on-line or by phone.

[5:09:39 PM]

Complaints are difficult to submit, requiring a written affidavit at the police department. Frankly, this process is outdated given the current state of technology. In a day and age where official legal documents such as those buying and selling a property could be completed and digitally signed on a smart phone, there's no reason why people should have to travel in person to a police department to make a complaint. It's unnecessarily cumbersome and no doubt prevents some people from submitting complaints that should be investigated. Second, we believe this section should be amended to allow the department to conduct a preliminary investigation including review of dash cam and audio evidence to decide whether there's a need for further investigation before officers have access to review the complaint and before the person making the complaint is required to come to the department in person. This will include the efficiency of the complete process so citizens and officers are not involved in a process before the sustainability of a complaint has been assessed. Thank you.

>> Mayor Adler: Um, before Mr. Moore speaks, is Sukie McMahon here? Come on down? Is Katherine Benacary here? You'll have three minutes.

>> He wanted to donate his -->>

Mayor Adler: Mr. King is going to donate your time?

>> I'll use like four minutes. I won't be up here long.

>> Mayor Adler: Okay.

>> There's a TV thing right here now? Okay. So I'm Chad Moore. Article 16 is a really big thing for our organization. Chris Harris is a brilliant guy. He brought up some good stuff. But specifically article 16 section 2, we would like to see expansion of the definition of "Complaint" to allow for a new easier complaint system. We need to allow people to file a complaint on-line or by phone without filing an affidavit at the police department. Just as some of the witnesses said, it's an historical rough relationship between certain communities, more so black communities, more so black men and we want to file a complaint, we might not feel comfortable by going to the police department.

[5:11:53 PM]

It's 2017. I read an article that you guys allow prisons to have like iPads. I think we can allow people to file a complaint on-line. That's an easy fix. Article 16, section 3, which everybody else has been saying, the OPM, and he received a copy of our recommendations. We think the OPM just needs more tools in their tool belt as a lot of police counterparts say to do their job adequately. Right now, the OPM is a guy that looks at a complaint and then has a sticky note and then, you know, how many times historically has the office of the police monitor been adequate? But the main thing I want to talk about, because we have more awesome people in our awesome organization talking about good stuff. Section 11 under article 16. We call it remedies. This section contains 180-day rule. I want to bring you to the case of Brianna King. For some -- whatever reason that complaint, that video, the whole incident did not get up to the top of the chain, for whatever reasons, the commander of under Acevedo at the time saw the video, they didn't think it was a big deal. They put it off and vinyl records and a year later he saw it. If he wanted to do something about it. The way the rule is set up now, you could not literally -- we had to watch a black woman that probably no more than a buck ten get dragged out of the car, slammed to the ground WWE style, and on the way to the -- the way to being booked, we heard the officer say you know why this happens to black people. Kind of justifying it. It's a slap in the face. We would like to

empower people to be able to suspend the actions 180 days from discovery, not from the incident when it happened. We think it's critical. We think that's a simple -- a very simple ask. We have some more key points that are going to come up. And I think Kim Cassidy and the union, I think they can get behind this 110% along with our APD department.

[5:13:57 PM]

Thank you for listening to me and any questions I'll probably answer.

>> Mayor Adler: Great, thank you very much. Next speaker coming On this podium on this side will be sirabe kukie? That's surabhi kukke. Yes, no? So, then the next speaker would be Kathy Mitchell? That would be at this podium. Please proceed? You have three minutes.

>> Hello. I would like to talk about the police contract and there are opportunities and moments in here where misconduct can inform decision making in the contract. In particular in regard to promotions. Right now it's -- based on the duties of the rank, education, and --

[indiscernible] We would like to propose we include a history of misconduct from the scoring system promoting an officer to a new rank. We're asking that these deductions look over the past six years and use that history of either a serious misconduct as a preventive to a promotion as well as for repeated or sustained acts of misconduct as a series of -- as a way to deduct points from the promotional exam. And that would include disciplinary action that's been reduced to a written reprimand after appeal. In terms of hiring, right now, you require three years of service and a current license. We would suggest -- we would highly suggest -- including as an eligibility requirement a history of no misconduct in the last six years. For any person who is trying to be hired by the police department. In terms of disciplinary actions right now, article 18, section C speaks to the reduction of suspending of -- excuse me, when you reduce a suspension to a written reprimand.

[5:16:08 PM]

In future occurrences, the chief is not allowed to cite those or to bring them up. We think that a history of misconduct and of those that are lowered down to written appeal -- or reprimand are useful in that due process. In terms of article 15 and drug testing. This is not necessarily -->>

Mayor Adler: Donated you the additional time you lost. So you have an additional three minutes.

>> I won't need it. It's my last point. But thank you.

>> Mayor Adler: Okay.

>> So right now, the article 15 says that officers have situations without warning. And it's imperative to the interest of officers and to the public to ensure that officers are not substance impaired. We believe that random and mandatory drug testing needs to require screening for steroids or other enhancing drugs -- performance-enhancing drugs. We believe that those are substance impairing drugs and we would like to insert that to the drug testing requirements as well. That's a lot of misconduct and drug testing to prevent further misconduct. Thank you.

>> Mayor Adler: Thank you very much. Surrabbe kukke? Kathy Mitchell? You have three minutes. Is Matt Simpson here? They'll be at this podium. Please proceed.

>> I want to pick up on something that the previous speaker said. The section on reductions of suspensions to three days or less to a written reprimand, I keep these and what everybody should realize is under this contract, there are automatic reductions. If a person has received a one, two, or three-day suspensions, there's a series of reasons why that can be -- can and will automatically be reduced to a written reprimand.

[5:18:08 PM]

Further, once something is reduced to a written reprimand, it essentially becomes no longer visible, no longer part of how that officer's history of misconduct is construed. So specifically, it says suspensions of one, two, or three days reduced to a written reprimand shall not be used or introduced in any manner in subsequent disciplines or appeals except they be used as to contentions of different disciplines by officers. In other words only in order to defend an officer against a disciplinary action can that previous information be used. This is the kind of thing that's all the way through this contract. I wanted to point this particular one out because I think it's a sign of the lack of public process we had the last time. And instead, I think in light of what we've heard from some of the other witnesses, I want to quickly run through some highlights. This time, we would like to see more public information. One of the ways in which that can occur is by amending the section on public release, which currently says, for every possible document that's ever released, unless made confidential by a law other than section 143-o 89-g. So what that means in practice is when the panel makes a recommendation, it goes to city legal for a review to see if there's some other law that this can possibly be made confidential under. And information that should have been released to the public has been blacked out. So all of these sections should be clarified so that the public as well as the panel members and the council actually know what they are going to get and when. It shouldn't be subject to any other law we decide might make something confidential. One of the nice things is it does preempt all of the other laws. We get to decide what's public and what's not. We hope this council will make more things public.

[5:20:09 PM]

I'd also like to point out that this whole -- the civilian review process is currently not subject to open meetings. There's a whole separate process for determining what gets to be said in front of who and when. That process is extremely difficult to navigate for any actual human being. When do I get to ask a question? Who do I get to ask a question of? And when do I get to hear different kinds of information? It's all broken up. So a complainant can only speak in the public -->> Mayor Adler: You can finish your thought.

>> Am I done.

>> Mayor Adler: You can finish your thought.

>> A complainant can only speak during the public comment. There are different parts of this thing that dictate exactly what kinds of questions that person can be asked and when.

>> Mayor Adler: Okay.

>> If this were subject to open meetings, we'd have a very clear set of standards.

>> Mayor Adler: Thank you.

>> About what can be said and when it can be said.

>> Mayor Adler: Thank you very much. Matt Simpson. And then Amanda Lewis. Is Vanessa there? Okay. You'll have six minutes, Ms. Lewis. Sir?

>> Having met all of you in person. I'm with the ACLU of Texas. Here in the Austin office. We have offices in Dallas, Houston, and Brownsville. Talk about this here and mention a couple of items that are of particular importance for this conversation. To begin with, to think -- I want to commend y'all on having this opportunity for folks to talk about this agreement. And because of the way Texas law as you well know, buzz of the way the Texas law works, many of our opportunities for police reform could be stymied if we have a confer limiting us and different transparency matters in other ways. This is an important process. I want to commend you all and allow everybody to come and speak.

[5:22:10 PM]

We don't need to continue this community involvement. I think that the -- there's a number of reasons, I think that the outcome when the community is involved is much better. We get a better end product. We get something that maybe more importantly, something that builds trust. We live in a time where I think law enforcement at times feels like the community doesn't trust them. And I think that there's a lot of reasons for that. One thing that we can start to do to ensure that the trust exists and community policing is effective is to make sure the transparent process for things like the meet and confer and ensure folks' voices are heard. I want to throw out that we're on the right track here. This is the way the process is heard. It should be opened up as much as we can. I want to highlight two particular items that I think are of particular importance that exemplify why we need to look a little harder what's going to be in the final product, the final meet and confer. The first is that the community, at this point, I think, in the ACLU of Texas as well demands transparency and discipline. We need to make sure that our meet and confer agreement includes enough transparency that folks can feel comfortable that when there is a problem, something has been done about it. And the second is there needs to be more independent investigation authority within both the OPM, the office of police monitor, and for civilian review. Those are important because we don't want to tie their hands. I think what often gets lost, sometimes people in law enforcement often WP our -- within our community, may be playing gotcha with officers. That's not the most important thing that can be done from a position like a civilian review board or a police monitor position identifying problems, identifying shortcomings in training or identifying subject complaint manner. Those kinds of things can help guide and improve everyday practice. And, again, our goal is to ensure public safety by allowing community trust and community policing to actually work. Again, thank you and I appreciate an opportunity to chat with you.

[5:24:12 PM]

>> Thank you very much.

>> Mayor Adler: Is -- is Dan Katchet here? You'll be on this podium. You have six minutes, ma'am.

>> All right, thank you. My name is Amanda Lewis and I'm a resident of district 4. I will be reading Vanessa's statement at her request. And so I'll begin that statement. To the members of this council on all that are present, my name is Vanessa, and I'm the cousin of David Joseph. Last year on February 8, 2016, my cousin, David, was shot to death by an Austin police department officer only a short distance from his home. He had been naked, unarmed, and experiencing what APD policy refers to as excited delirium. Despite this, my cousin was not treated with care, compassion, or even reasonable judgment. He was fired upon twice with one bullet entering his leg and another in his chest. Fatally struck, David lay on the ground struggling to breathe. He passed away not long after noon -- before noon, and a little less than three weeks from his 18th birthday. I speak to you of my cousin's death with no indignation. No satisfaction to be gained of describing to you how David, his mother, myself, or our immediate family have been wronged. No child, in fact, no human shall have their whole life summarized as more -- as being a mere casualty in the evening news and nothing more. Yet, when I first heard of Laquan McDonald or Larry Jackson Jr., it was in this way. When I heard of Michael Brown and Trayvon Martin, it was in this way. Like a great many Americans throughout the country, I was distressed by the deaths of these young men. I never thought David would share their fate and I know she would not feel like a mother whose child is taken from her, like Tina Hunter, Alexandria Gladden or Lindsey or Sabrina Fulton have now become.

[5:26:28 PM]

My aunt's life with David seemed a world away from those tragedies. Back then it would have been difficult to imagine at risk of injury, unless it was from football. Risk was not a word ever associated with

her son. He kept promises. He maintained the easy going personality of joined by reflection. He had a consistent love for American sports, music, and food. And equally consistent indifference to their Haitian counterparts. When people speak of the American dream, to her, that did not mean a nice house in a good neighborhood or wealth or status, it was David. He was to be the promise of this country fulfilled in its truest form. But this was a promise that was not kept. Her child is dead, yes. But tragedy and grief can beset any person anywhere. My question now is, as I stand here on the soil the country founded on justice and humanity, what's been done about it? Why are we so concerned about politics and image and not about human lives. The officer who killed David rather than being charged or vindicated with his death has been given less than a year's worth of pay by the city and told to find work elsewhere. Does he not also feel like he's become the victim of political expediency? Have we all been hurt far greater by the aftermath? Life does not go on to us. The apathy, the -- and complacency surrounding us is our greatest burden. And as long as it continues, we cannot. So I'd like a promise from you. It does not have to be sworn out loud as an oath, but rather spoken to your heart as a personal promise. For one to be righteous requires commitment to righteousness. Do not look towards devising new arguments and idealistic reforms to policy that satisfy your sense of accomplishment for today.

[5:28:34 PM]

Take stock in the difficult truths. Every single elephant in the room, and put them on display. Make use of the resources you already have available. The ones that we were devised for this purpose, but have a lack of funding, assigned powers, or exposure to the public -- public. The last thing any of us need is the invention of oversight programs that will continue to be underfunded, neutered, and neglected. Like much of what is currently in place. And particularly, the office of the police monitor needs your support because it is our support. The opm is a primary advocate for victims and police misconduct as well as a concerned public at large. And before David's death, I had never heard of them. They need visibility, they need to be able to tweet -- their contact information to the public without censor. They need strength to be able to look further in the vast number of external complaints classified by the APD as inconsequential. And to have the ability to initiate their own complaints. They need, above all, cooperation, to be able to participate with internal affairs, have access to ai and ask questions in ai interviews where they must currently sit silently. In order for citizen's oversight to function correctly, the action pd has to consider the process as invaluable. The association of police will look out for its members and continue to lobby for new officer rights and protections with each agreement. However, we cannot allow the components of --

[buzzer]

>> Mayor Adler: Was that six minutes? Yes, you can go ahead.

>> Okay.

[5:30:35 PM]

However, we cannot allow the components of the citizen oversight process to be used as bargaining chips in negotiating a contract. It has already been decided in previous agreements that citizen's oversight over our policy for police force is necessary. So both police and citizens alike should support this with the full faith and determination needed to see it through. Finally, whether you are here today because you have personally been affected by such tragedy or are simply concerned and willing to take on such a -- such an arduous task as this, I hope you all will always remember that human life is at the center of the struggle. There's always someone worth protecting. Fear of failure cannot overcome the need of -- for action. I may have lost a family member, a friend, but I am still willing to face each

morning despite every inclination not to. I hope you will approach your deliberations here today with the same determination. Thank you for allowing me a chance to be heard. Sincerely, Vanessa bizreth.

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

>> Casar: I would like to make a brief comment. First, I would like to just acknowledge that I think on behalf of many of us what happened to David was deeply wrong. And second, I want to thank Vanessa for being here today. And having her letter ready Amanda. You were heard today. Your voice is very powerful. And I've had a chance to have some conversations the last year, and the conversations have shaped me and you have the power to shape many more people through your voice and writing and make our community a better place and we really appreciate you being here.

>> Mayor Adler: Thank you.

[5:32:37 PM]

Council, it's 5:32. We still have about -- it looks to be 25 Mr. Speakers. So, we would take a break now and the question is what time do you want to come back? We have this and we have another matter after this one. So it is 5:30 now. We're going to take a break. How about if we try to come back here at 6:30. Does that work? That's going to have to get pushed. Or we can try to meet at the break. Let's do 6:45. Okay? We'll be back here at 6:45. Thank you.

[5:39:20 PM]

>> Mayor Adler: We are now at what is my favorite part of city council meetings. If you've been with us for the last hour, I think you probably understand the need sometimes given the gravity of the issues that we discussed to be able to take a few minutes just to -- to be able to relax and think. Can I get people to hold on, we're introducing something. So, we're the only city in the country that stops city council so we can do music which is befitting the live musical capital of the world. We're honored and excited for our special guests. And councilmember kitchen is going to do the introduction.

>> Kitchen: I'm so excited and pleased and honored to be able to represent Thornton road studios. These guys are some of the key artists at Thornton road studios. I want to tell you about them. This is rattletree, the best world music band. And rattletree is a must-see multisensory live show experience. How many have you seen it? Of towering mirimbos, sounds, burst of color, and aesthetic dance. How could you possibly want to miss that. As seen on Jimmy Kimmel live, blue man group meets electronic, they've learned the ancient rhythms handed down through generations to awaken the souls of transendeucing music of Zimbabwe, thank you, mayor and welcome, rattletree, thank you all for being here.

[Music]

[5:44:35 PM]

[Applause]

>> Mayor Adler: That was great. So, if people are here or are watching and they want to find you, does -- do you -- does rattletree have a website?

>> We do, the website is rattletree.com.

>> Mayor Adler: That makes that easy. And if they -- if they -- can they buy this music?

>> You can buy the music at rattletree.com as well. You can also buy it at our next show at the Earth day celebration in Houston tillinson university this Saturday, we play at 6:00.

>> Mayor Adler: That's very good. Well there you have it. Councilmember kitchen and I want to issue a proclamation. Be it known that whereas the city of Austin, Texas is blessed with many creative musicians

whose talents extend to virtually every musical genre, and whereas rattletree is a south Austin creative force, part of the Thornton road art and music studios and winner of the Austin music awards' 2017 best world music for the second year in a row, and whereas we are pleased to show case and support rattletree's work to transmit the ancient rhythms that have been handed down from generations from Zimbabwe to the world, now therefore, I Steve Adler, mayor of the live music capital on behalf of the city council and councilmember kitchen do hereby proclaim April 20 of the year 2017 as rattletree day. Congratulations.

[5:48:14 PM]

>> Mayor Adler: We have a proclamation here for national infant immunization week. And it's going to be accepted by Dr. Phillip Huang who's the medical director of the Austin public health department. Proclamation, be it known that whereas giving babies the recommended immune sayings by age 2 is the best way to protect them from 14 serious childhood diseases, most parents vaccinate their children resulting in high vaccine coverage rates in the United States. Currently, the the United States has the safest, most effective vaccine supply in its history. And whereas when people are unvaccinated, outbreaks of diseases like pertosis and measles can and do return. It's important to vaccinate children on time according to the childhood immunization schedule. To provide the best protection early in life where babies are vulnerable and before they are likely to be exposed to the diseases. And whereas this year, national infant immunization week will be celebrated as part of the world immunization week which is an initiative of the world health organization and whereas all six world health -- world health organization regions will simultaneously promote immunization, advanced equity in the use of vaccines and universal access to vaccination services and enable cooperation on cross border immunization activities in April of 2017, so therefore I, Steve Adler, mayor of this city of Austin, Texas do hereby proclaim April 22-29 of the year 2017 as national infant immunization week.

[5:50:23 PM]

This is important. Dr. Huang?

>> Thank you, mayor Adler. Just a few sort of comments regarding the importance of immunizations. Really point out in the 1950s, nearly every child developed measles, and unfortunately some even died from this disease. But today, fortunately many practices physicians have never seen a case of measles. This is a success that we -- really it's because of the immunizations. The vaccine for children program that we participate in is a federally funded program that provides vaccines at no cost to children who might not otherwise be vaccinated because of inability to pay. The program helps children get the vaccines according to the immunization schedule and helped to increase coverage levels making a significant contribution to the the limitation of disparities in vaccination coverage among young children. Vaccines are among the most successful and cost effective public health tools we have available to prevent disease and death. They not only helped to protect the vaccinated individuals and helped to protect the entire community by preventing the spread of infectious diseases. Among children that are born between 1994 and 2013, vaccinations will prevent an estimated 322 million illnesses, 21 million hospitalizations, and 732,000 deaths over the course of their lifetime. Now one thing to conclude on, because of the great success we've had with vaccines and preventive disease, parents may not have heard of some of these vaccines or the serious diseases they prevent and these diseases can be serious for infants and young children and that's why it's important to follow the recommended immunization schedule to provide immunity in life before they're exposed to potentially life-threatening diseases.

[5:52:27 PM]

Vaccine-preventable disease still circulates in the United States and around the world. You heard the news of a mumps outbreak in Texas. Continued vaccination is necessary to prevent outbreaks. Even when diseases are rare in the U.S., they can be commonly transmitted to the many parts of the world and brought into the country by individuals putting unvaccinated people at risk. I want to thank all of our staff here. We have Amanda and Crystal and their daughters, Camilla and Alison to exemplify what this is all about. So thank you very much.

[Applause]

[5:55:11 PM]

>> Student: Now we have certificate of recognition.

>> Mayor Adler: Now we have certificate of recognition. This is going to be a -- this certificate is going to be accepted by William Lupau as well as the honorees. And as you can see, there are many. This is a city of Austin certificate of recognition on the occasion of their recent accomplishments as the University of Texas at Austin, Braum's Healthy Student Organization program. The University of Texas at Austin helped student organization programs and the 24 outstanding student organizations who have earned recognition here tonight, are deserving of public claim and recognition, and this certificate is issued an acknowledgment of this significant achievement on this, the 20th day of April in 19 -- I mean, 2017, signed by the city of Austin, Texas, Steve Adler, mayor. Congratulations. Do we have a --

[applause]

>> Thank you very much, Mayor Adler. Also we'd like to thank Dr. Huang and Stephanie Helfman from the Austin Department with all of their work and partnership in this effort. We're proud to report that in the last ten years, this year for the University of Texas at Austin, we've seen the highest rates of physical activity since we've surveyed students.

[5:57:19 PM]

That's really a credit to the organizations here that are helping to connect their members for more physical activity, nutrition, and resources across campus and the city of Austin. Whether they've been biking to Alaska to raise funds for cancer, planning community gardens, winning intermural championships, or just helping their members destress by going to the green belt or having some healthy foods at meetings, every single leader up here has done a tremendous job of helping their fellow students be healthy and have a thriving college career. So what we want to do on behalf of the university health services at UT Austin is to publicly thank these 24 organizations through the leadership and making UT Austin one of the healthiest campuses in the United States.

[Applause]

[6:00:08 PM]

Clap.

[Applause].

>> Mayor Adler: There's a certificate for each of you.

>> Mayor Adler: So we have one last proclamation. We have a proclamation here. I think Josh Anderson is going to accept this on behalf of the Austin fire department, and Justice Jones is going to speak. But let me read the proclamation first.

Proclamation: Be it known that whereas Austin and Travis County residents value our natural environment and enjoy living near the wildlands and greenbelts of our community. And whereas wildfire

continues to be an ongoing and persistent threat. You know, it's not a matter of if, but when a wildfire will occur. And whereas may traditionally brings together weather conditions that heighten the risk of wildfires throughout Texas, marking the beginning of the wildfire season here and statewide. And whereas we call on all residents and cooperators to make Austin a fire adopted community through awareness and actions that mitigate the dangers to themselves and to their property.

[6:02:12 PM]

Now therefore I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim may of 2017 as wildfire awareness month. This is important too. Come on.

[Applause]. You're accepting? Let's get a picture of this.

>> Thank you, mayor and everyone who was able to join us today. As the mayor mentioned, Austin continues to be one of the most at-risk communities in the country from wildfire, but what's encouraging is we're rapidly becoming one of the most prepared and empowered communities to confront the threat of wildfire through our annual may wildfire symposium efforts. We work to educate, empower the public to take ownership of their wildfire risk and not be scared, be prepared. That's our goal and we want an Austin that's resilient to wildfire, and it takes every resident doing their part. So thank you for your acknowledgment of wildfire preparedness day and look forward to seeing you on wildfire preparedness on may 5th and 6th. Thank you.

[Applause].

[6:04:49 PM]

[Recess].

[6:57:58 PM]

>> Mayor Adler: Is Stewart Hirsch here? Stewart Hirsch? He was in the atrium? He's here? Is Gus peña still here? What about John Larson?

>> Mayor Adler: All right. We have a quorum, so we're now back in the -- back in the council meeting. You know, council members, we have another item. It's item number 50 on our calendar. Item number 50 I think just has one speaker. We have our housing staff here. If we were to call the speakers and give them a chance to speak, we could probably let our housing staff go. So let's see if we can do that. Item 50, in one sentence can you identify what this is?

>> Yes. This is a public hearing for the federal funds that the city of Austin expects to receive from the department of housing and urban development. Last year it was approximately \$11.4 million. We don't know what the funding may be for the upcoming year.

>> Mayor Adler: Okay. Council, is this item number 50 going to have significant conversation on the dais? Do we anticipate significant conversation? Let me call the speakers to speak on this item. I don't know if Mr. Hirsch is back to speak on this issue. Is Mr. Peña here? Mr. Larson here?

[7:00:01 PM]

Is isala -- Isla Calvin here? Is Billy Whipple here? Cindy specman? Simone talaflowers? These last speakers are all for it. I think it's going to pass. Do you want to speak?

>> I think you're not going to act.

>> Mayor Adler: What?

>> I don't think you're going to act.

>> Mayor Adler: No, no, but --

>> Thank you, sir. Members of the council, Austin needs to have at least 600 owner occupied homes repaired each year. A goal listed in the Austin strategic housing plan you adopted last week. This investment is needed not only because some lower income homeowners do not have resources to pay for repairs and all their other bills, but also because you discussed last week the need to preserve existing affordable housing stock and neighborhood character, this [indiscernible] Does. The organizations that actually do these repairs free of charge to the owners are part of the Austin housing repair coalition, and I have the privilege to serve as a pro Bono consultant to that coalition since 2008. Please recognize home repair is the highest priority in the 2008, 2017, 2018 action plan, and listen to the testimony of those who repair roofs, wiring, plumbing, heating, and air conditioning, and build ramps and other improvements to remove architectural barriers for persons with disabilities and seniors trying to age safely in place. It is nothing short of miraculous that some long-time, low-income homeowners are able to live in Austin despite affordability challenges. Let's help them get their homes repaired sooner rather than later. Thank you very much.

[Applause]

[7:02:08 PM]

>> Mayor Adler: If there are no other speakers that are here, is there a motion -- oh, I'm sorry.

>> Good evening, city council members, and please forgive me. The lady that was supposed to speak on my -- today had a schedule conflict, so I'm speaking on her behalf. My name is Isela. I'm the housing program manager for Easter seals, central Texas. It's a member of the Austin housing repair coalition. Together, we promote Independence and create opportunities for people with disabilities to pursue their hopes and dreams. We are successful in accomplishing our mission through diverse collaboration, including the city of Austin and the global repair program. I want to thank you all for helping us create opportunities for people with disabilities to pursue their hopes and dreams. I am here to request that you please continue to prioritize home repair programs in our area and that you also consider increasing the resources that will allow agencies like Easter seals, along with other agencies in the area, to partner with the city to increase affordable housing in our community. Increasing funds to repair existing homes will allow us to continue to address the needs of our community. Currently, Easter seals alone has approximately 150 individuals on our wait list, and all these individuals are with -- have disabilities. Easter seals received funds to repair only five homes this year. These five homes did not make a dent to the waiting list that continues to grow every day. We support the goal of Austin homeowners being able to continue living in their homes in safe, sanitary, and accessible conditions. If sufficient funding is available, we will be able to decrease the list, so Austin homeowners do not have to choose between housing that is safe and housing that is affordable. I thank y'all.

[Applause]

>> Mayor Adler: Mr. Hirsch? Mr. Hirsch? What happened to Mr. Hirsch?

[7:04:12 PM]

Were you saying that rather than paying for these as an organization, they'll do these for free?

>> [Off mic]

>> Mayor Adler: Okay. I would have our staff then talk to Mr. Hirsch to see if there's -- if we approve this allowance, if we authorize this, but there's a way to get the work done for free, will you follow up to check and see if that might mitigate or help with the contract price?

>> Of course. And I don't believe there's any action pending for tonight. It's just holding a public hearing, no action.

>> Mayor Adler: Got you. That makes it even easier.

>> Thank you.

>> Mayor Adler: That's what you meant. Okay. Please.

>> Good evening. My name is Cindy specman and I'm the CEO and founder of rebuilding together Austin. And we are a non-profit. We are also part of the Austin housing repair coalition. And we've been around for about three years. We already have a wait list of 25-plus people. We're a very small, growing non-profit, and one of the things -- that we do as part of the coalition, we provide home repairs, we focus on repairs, critical health and safety repairs, based on the seven principles of healthy housing. And those are keep it clean, keep it dry, maintained, safe, ventilated, pest-free and contaminant free. And a lot full our homeowners here in Austin that we serve are typically very low income and they live alone and they're seniors. And so we come in and we allow these people who are living on a limited income to stay in their homes. Often homes that they've lived in most of their lives and raised their families. So we're requesting that you prioritize the resources for home repairs so that we all, as a coalition, and individual agencies can continue to epithet low income homeowners stay in their homes in comfort and safety and Independence. Thank you.

[Applause]

>> Mayor Adler: Thank you.

>> Good evening, mayor and city council members. My name is Simone and I'm director of interfaith action of central Texas, as well as the chair of the Austin housing repair coalition.

[7:06:20 PM]

Interfaith action of central Texas cultivates peace and respect through interfaith dialogue service and celebration. We run the housing program which repairs home for low income homeowners, primarily the elderly and people who live with disabilities. We have been doing housing repairs since 1989. I'm here today to support the recommendation, the goal adopted Austin strategic housing plan to have at least 600 owner occupied homes each years, and we ask that resources are to be allocated so that housing repairs can be done. Thank you very much.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: I think those are all our speakers. There's motion to close the debate? Mayor pro tem makes that motion. Is there a second? Ms. Houston seconds that motion. Those in favor, raise your hand. Those opposed? It's those of us that are here. Troxclair is not here, kitchen is not here, and pool is not here. The others voting aye. The public hearing is closed. This takes care of this item. We can let the staff go. That gets us back to the public safety contract item. I want the council to consider there's some people on the dais that are asking, given the importance and singular nature of this debate, since it only happens once every three years or so, that we don't go down to one minute after we go to the first 20 speakers, that we go to a minute and a half or two minutes. You could consider that. We still have a few more witnesses to go. I'm going to call the remaining three-minute witnesses, and then it's my intent to call the parents with children. There are about six of them, so that they can leave with their children.

[7:08:22 PM]

So that's the process I'm going to follow. Is Dan kachet here? Is Shane Johnson here? Come on down. Is Walter maroe here? Would you be go to the other podium. Mr. Johnson, you'll start us off and you'll both have three minutes.

>> All right. Thank you, city and councilmembers for your time. My name is Shane Johnson. I am a member of -- I live in district 7. And so first off, I'll read points on a specific item, and that is regarding

suspensions and terminations in A.P.D. And so, currently, as things -- things currently function is that when the chief suspend or terminates an officer, the chief eventually -- there's an entire process, and only the chief's final memo is made public. And so I ask -- I'm also a member of Austin justice coalition, and we ask that, in addition to the structure of public release currently laid out, final disciplinary actions should be made public even when the appropriate action falls short of a suspension or termination, which the current guidelines are that those -- the final report is only made public when it -- when the action results in a suspension or termination, but there are still important actions or that an officer could have done that resulted in discipline that aren't so minor that they should be hidden from the public.

[7:10:40 PM]

And so if the civilian oversight or the office of police management recommends disciplinary action -- excuse me -- the office of police monitor, recommends disciplinary action different from that finally issued by the chief, that recommendation should be made public regardless of the -- the specific discipline recommended. And then one more point I'd like to make, I apologize, I didn't anticipate speaking for three minutes. I thought I was in the one-minute branch --

>> Mayor Adler: Don't feel like you need to use the time.

[Laughter]

>> I do have a few more things to say, but they're just not as well thought out. So additionally, there's some concern among ajc members about the transparency of the negotiation process and ensuring that items that are determined -- items that are brought up and measures that are brought up by the public and other people as being extremely important, such as transparency and greater accountability with the public, are actually incorporated into the contracts, from the negotiations. And so we feel that there should be a public mechanism or a transparency mechanism in place where, as negotiations progress forward, the reporting should be made back to the public and the city council.

[Buzzer sounding]

>> Mayor Adler: Okay.

>> Thank you.

>> Mayor Adler: Thank you.

>> I'm Walter maroe, director of foundation community. I'm also here representing one voice, which is, as you may know, a coalition of 93 health and human service agencies in Austin. The message we wanted to send is that please, please negotiate contracts that the city can afford.

[7:12:41 PM]

What stood out in the staff presentation I heard earlier was the comment that whichever group gets to the table first gets the increase, and then the others get the increase. And often health and human services, we're not even at that table at that point. We end up coming to the table very late, and often we get the crumbs that are left over. We're the agencies that deliver mental health services, substance abuse counseling services, help for folks with domestic abuse. We do G.E.D. And job training programs. We help the homeless. We don't think of these programs as crime prevention, but they are. And we work with incredible, tight resources. We leverage the dollars you invest in us ten to one with other resources. Just some examples. A third of the A.P.D. Arrests are related to drug and alcohol incidents. A third of the traffic fatalities are also drug and alcohol related. Well, who provides the drug and alcohol prevention services? It's the health and human service agencies. If we can help a kid aged out of foster care avoid a criminal justice system, it saves in arrest, jail costs. We save the city money. We need your

help and your investment. So that's our message. As you negotiate the contractors the contractors please make sure that they are affordable to the city. Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Okay. So what I'm going to do now is call -- without objection, council, I'm going to increase by 50% the amount of time that these subsequent speakers have. And I'll start with the ones that are here that have children. Is Rebecca Sanchez here?

[7:15:02 PM]

Ms. Sanchez, you have a minute and a half.

>> Okay. Thank you. Can you hear me? Okay. My name is Rebecca Sanchez and I am a resident of district 3. I would like to reiterate the comments made by numerous folks through the evening regarding transparency of the office of the police monitor. However, even if the entire process became see-through, it wouldn't matter because the recommendations made by the opm carry little to no weight or power. There's consistent conversation and an expectation for community members to trust the police and the process. If there's no trust in the decision-making abilities of the opm. Secondly, the Austin city council has been asked for years to move forward with language that would end cooperation between immigration enforcement and the city. Refusal to move forward with this language leads us to our own demand that cooperation between immigration and the A.P.D. End and be explicit in this contract. We also demand additional training without additional funds on using consulate documents as official forms of identification. Lastly, I would also like to remind the council that at the end of the day, it is up to this council to approve the final police contract or not. If our voices aren't heard or demands aren't met, then we urge the city council to deny the met and confer agreement. Thank you.

>> Mayor Adler: Thank you.

[Applause] Is [indiscernible] Here?

>> Good evening, councilmembers. I and all of us are members of C ccu, communities of color united. I also live in district 1. And I wanted to take this opportunity to point out, I think it's very clear to all of you, this is the first time that a city council -- that truly represents parts of Austin independently, individually, is going to weigh in on the police contract.

[7:17:02 PM]

And you all will have your constituents to be accountable to, moving forward on this police contract. And we need you all. We know that you all weren't responsible for the situation that you find yourselves in with this contract, and it needs changing. We have plenty of folks asking for numerous changes, and really want to highlight the representation from the health and human services and all those agencies because we need to allocate money differently. Our communities need more resources, not more policing and not more jails. And I'm asking all of you to really think about your constituents as you're entering into these negotiations and figure out how to represent the city and how to negotiate for the city in a more effective manner than has been done before.

[Buzzer sounding]

>> Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Ms. Camino Rojas tang.

>> Hello. My name is Camino Rojas tang. I live in district 3. I came here today to speak about the Austin police labor negotiations that are underway. We demand that appropriation between ice and the Austin police department, and be explicit, and the contract. And we want a freeze on the A.P.D. Budget.
[Speaking Spanish]

[7:19:37 PM]

>> Mayor Adler: Gracias. Thank you.

[Applause] Uri Mccoy.

>> Uri is just going to show you

[indiscernible]

>> Mayor Adler: Thank you, uri. Next speaker is Maya pilgrim.

>> Good evening. My name is Maya pilgrim. I'm with ccu and I live in district 7. In addition to supporting everything that's been said, I want to draw attention to the fact that the disparities and disappropriationality of stops and bookings and use of force persist among communities of color in this town, and that despite low crime rates, A.P.D. Has not been able to improve the way it serves and protects its communities of color. And yet we continue to reward them without improving the rules and mechanisms of community accountability. The rules that the police have in their contracts are failing the communities of color within Austin, and we need to fix the rules. The police monitor needs to have the ability to initiate investigations, review evidence pertinent to citizen complaints, and pursue investigations. Discipline should be allowed beyond 180 days, and officers should be questioned immediately, not just after 48 hours. If they can do that to the residents, then they can abide by the same rules. If acting as federal agents grants them immunity while they're in this community, then they should be prohibited for working for the feds, as with the case of officer clano. Salary negotiations are going to determine what's left for the city to spend on programs and services that actually do assist the public safety of these communities. Safety is not just about police. Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Next speaker is Alana tolon.

[7:21:37 PM]

>> Hello. My name is Elana colon. We're a member of ccu and there's a lot more folks from ccu here earlier who had to go, so we've got a -- we've got just a few of us left here. I'm here today to speak about the Austin police labor negotiations that are underway. We demand that the city labor office and the Austin police association implement these changes into the police contract negotiations.

[Child crying.]

>> As it stands, office of the police monitor has little power to initiate police investigations and is prohibited from reviewing pertinent evidence such as video or Adu of incident, even though the Austin police department and the Austin city council rely on this entity to resolve citizen complaints and pursue investigations. The intent behind the creation of the citizen review panel a decade ago was to promote mutual respect between Austin police department and the community it serves. These are just words. We demand the citizen review panel have the power to review all evidence, demand additional evidence, testimony from witnesses and officers, and have the actual power to hold officers accused of misconduct accountable. In the spirit of the city's recent efforts to decriminalize past convictions, we demand the contract regarding the citizen review panel eliminate language prohibiting folks with felonies or criminal history from participation.

[Buzzer sounding]

>> Mayor Adler: Thank you.

>> Thank you.

>> Mayor Adler: Ms. Cologne, lug to the clerk? I don't have your name on my list. If you could give your name to the clerk.

>> I'm sorry?

>> Mayor Adler: If you could go ahead and give your name to the clerk. I didn't have your name on my list, but that's fine, it's not a problem, just so she knows your name. The last speaker I have for this group is Jim Casey.

[7:23:42 PM]

>> Good evening, mayor -- mayor and council. My name is James Casey, and I live in district 5. I am also a member of the undoing white supremacy Austin group here. Thank you for opening this issue to community input and discussion this year, the first time in the over 40 years that I've lived in Austin that I remember this occurring. So we really appreciate it. I want to read you some items from a group called campaign zero, the police union contract project. These are the six ways they identify the police union contracts block police accountability. Disqualifying misconduct complaints. Preventing officers from being interrogated immediately after an incident. Giving officers information that civilians and the public does not get. Requiring cities to pay costs related to police misconduct. Withholding information on past misconduct. Limiting disciplinary consequences. So these are the six primary categories this project evaluated, and Austin was one of only four cities in the United States that flunked in their current policing contract in every single category of accountability. So I would ask you, please, to instruct the negotiator for the city of Austin in this contract negotiation to correct the defects in the current contract and make the police accountable. Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Thank you all. Okay. The next speaker that I have is Joey Gidsig.

>> Not here.

>> Mayor Adler: Not here? What about Lisa Vivian?

[7:25:44 PM]

All right. Joey is here. What about Lisa Vivian? What about Danielle Slabaugh? You'll be up next at this podium.

>> Hello. Good evening.

>> Mayor Adler: Hi.

>> Thank you for this opportunity to speak here tonight. My name is Joey Gidsig and I'm here with the Austin justice coalition. I have something of great importance I'd like to talk about, and that is from article 18, section 17, authority of the civil service commission/hearing examiner. So, basically, it's kind of really bizarre, because if an officer is suspended temporarily or indefinitely because of improper actions while on duty, the officer can appeal this decision, and then appear before this commission, and the commission can reinstate this officer to the force. And this is very bizarre to me because there are all kinds of reasons why someone might not belong on the force, especially if, as in the case of officer Michael Stone, his entire chain of command suggested that he be removed indefinitely from the police officer. But imagine when and if he goes before this commission and they decide, as is stated here in section 17, if the charge is found to be true --

[buzzer sounding]

-- The commission hearing examiner may affirm or reduce the suspension by the chief of police, reduce it to 180 days, or reinstate.

[7:27:54 PM]

So if they say, okay, this is justified, now you get to come back and be a police officer? Does this make sense? It doesn't make sense to me. This puts bad actors back on the streets.

>> Mayor Adler: Thank you.

>> And it definitely does not --

>> Mayor Adler: Thank you.

>> -- Reinforce trust in the community.

>> Mayor Adler: Thank you.

[Applause]

>> Thank you.

>> Testing. Good evening, council. Thank you so much for your willingness and bravery to --

>> Mayor Adler: Go ahead and state your name for the record.

>> Oh, I will. To address racism. My name is Lisa Fifian. I live in district 5 and I am very proud the city of Austin is willing to look at racial inequities in our city. We know that unconstitutional racism is a reality, and people, no matter where you come, police included, when you're put into a certain system, things happen. And what we've seen across this country is police departments have engaged in a lot of racist practices. Austin is not unique to that. The only way to really deal with these things is to actually the contract, and the negotiation of the contract is the one place where you can begin to make?

Institutional change. There's a piece I wanted to direct correctly. One, the more citizen involvement you have in any process, particularly around the police review, the citizen review panel, the office police monitor, and involved in these negotiations and hearings, the better. Second, we're really looking to see an end to any relationship with the city's complicity with ICE, make sure we're not going to state that position out. Third, I wanted to talk about the funding issue. As the man said, from whatever your coalition was, one voice maybe, you know, putting money in preventative measures around health care, mental health, is a much better avenue for addressing some of the ills in our community than policing strategies. As we've seen, we've heard about David Joseph, things can go tragically wrong. So we're grateful to you for this process.

[7:29:54 PM]

Please don't forget the community and this process and that this is really about life and death at the end of the day. That's how high stakes this is. So thank you very much.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Is Louis Conway here? Okay. Is Sarabe Kuke here? Gone? What about Christina Parker? What about Priscilla Hale?

>> [Off mic]

>> Mayor Adler: I understand that. Mr. Conway, you'll have three minutes when you get called. You'll be at this podium next. Please.

>> Hi. Good evening, council, my name is Danny Slava, and I live in district 3. I'm a member of Undoing White Supremacy Austin, and we're here in support of Communities Color United and want to, you know, throw our support behind the demands that they've expressed earlier. Austin envisions itself as a liberal city that upholds values of justice and equity, but you've heard tonight that Austin is one of only six cities in the nation that has failed on every single metric of Campaign Zero. There is much more to be

done before we can say that we walk the talk. This police negotiation is an opportunity to do what is necessary to come into some form of integrity with who we say we are as a city, because from what I have seen in my eight years living here, we're very far from upholding the values of justice and equity. A.P.D. Must be accountable to the communities that they serve. Cooperation with ice needs to end ever end. And I know that mayor Adler and other members of the council have said that Austin is a sanctuary city, but until that is a policy that A.P.D. Has in their contract, that they are bound to uphold, this is not a sanctuary city. That's pretty words that we can say, but that's not doing what is right and what is perhaps challenging as a politician.

[7:32:00 PM]

The police monitor must be given power to check -- check A.P.D.

[Buzzer sounding] We can't have --

>> Mayor Adler: Hold on. Hold on one second.

[Applause]

>> Mayor Adler: Excuse me. Is Sandra mulinary here? If you met to have more time, Sandra mulinary was donating more time to you. Do you want to finish?

[Applause] You have an additional minute and a half.

>> Give me a minute to find my notes. Okay. So cooperation with ice needs to end, and it needs to be a policy, and that needs to be in writing. And it needs to be enforced. We need to invest in our communities. We need to -- as this gentleman said earlier, we need to invest in health and human services. We need to invest in affordable housing. God, it's incredibly challenging to rent any place if you are not making an absurd amount of money in this town anymore. Other programs that support communities of color and help prevent these disparities that are really pushing people out of the city, we need to support that. 40% of our budget as a city goes to A.P.D. That says a lot about what our priorities are. 40%. If you spent 40% of your income on something, you know, it means that you really value it. Ccu is asking that you freeze the A.P.D. Budget, and I support that. However, I'd ask you to envision what justice looks like in a world you want to live in. What are your priorities? Are they policing? Are they supporting what amounts to a paramilitary enforcement apparatus? It looks like, for me, my priorities, it looks like an investment in housing and drug treatment and community and prevention and services that support marginnized people, and can really do more than incarcerate people that are already disproportionately affected.

[7:34:07 PM]

That's all I have to say. Thank you.

>> Mayor Adler: Okay. Thank you. Thank you.

[Applause] After Mr. Conway talks, then Kevin Cole will be up next. Is he here? What about Jorge Renault? Is jiovani Franklin here? You have donated time so you'll have three minutes. Mr. Conway.

>> Good evening.

>> Mayor Adler: You have -- I think there was -- you have three minutes.

>> Three minutes. To the mayor, to members of the dais, I really appreciate this opportunity. Most of all, can somebody give them a hand of applause, please?

[Applause] We appreciate your leadership. I personally, as someone formerly incarcerated, have benefited from your leadership that benefited from you guys coming together and using common sense when dealing with the issues of the community. I am a direct recipient of that, and I want to thank you. So I guess that's what's frustrating. All right? So section 14, article 4b specifically refers to somebody formerly incarcerated not being allowed to be part of the civilian review panel. So I wish you'd imagine

for a moment if that review panel looked like the people that died. From police killings. I want you to imagine for a moment if that civilian panel looked like the people who were most directly affected by the police coming in their neighborhoods. So I want to inject a couple words into the conversation. One of the words I want to inject is transparency. And then I'd like to reiterate a couple of words of serve and protect. So we're not saying that they don't deserve to be paid to deserve and protect.

[7:36:08 PM]

We're saying that they're killing people, and the people that they're killing, you're not allowing to represent when it comes to questioning those actions. So they're killing people that look like me. Right? They're killing people that look like me, but I'm not represented in this room. So me telling you that you're racist really isn't hitting home to you. Me telling you that the cops are killing people who are only black and brown, that's really not hitting home to you. Because there's not enough of me telling you that. So I spent eight years in prison. I spent 12 years on parole. So if there's anybody closest to the problem, it's me. So that means I'm closest to the solution. So why wouldn't you put me on a panel that allows me to determine if those actions were justified? Particularly if they're happening in the community that looks like me. The community doesn't look like you. It looks like me. And the people that are dying look like me. But we're not allowed to be represented. So that presents a problem. It presents a problem of access. It presents a problem of privilege. It presents a problem of you continually devaluing the lives of people that you are murdering. You are not responsible. And I don't want you to feel attacked. But I do want you to feel accountable.

[Buzzer sounding] Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Is fedra Mann here? Yes? Okay. Is Christina brown here? Okay. We'll call that. Sir.

>> Good afternoon, mayor, council. I am a member of Texas advocates for justice, a group of formerly incarcerated individuals.

[7:38:13 PM]

We fully support everything that ccu just came up here and said. Xeroxed I want to reiterate a little bit and come from a different angle the same way that my brother Louis Conway just said. And I want to speak to the qualifications piece of this account yeah, when it comes to who sits on the citizens review panel. I find that incredible. It is not a qualification, it is disqualification. They are saying if you have a felony conviction, you are not allowed to be on this panel. There is nothing about qualifications. If there are qualifications, they might say we want someone who has an advanced degree in social science, who understands the history and ramifications of close collaborations and signs lab collaboration. if they're looking for qualification, what they might ask, let's get someone who has a long-term community involvement with an organization that sits at the table with A.P.D., with the district attorney's office, with the sheriff's department, when it comes to hammering out policy. I have been a member of the Travis county, Austin round table for seven years, but then I also have a felony conviction. They would maybe want someone who's been a facilitator, which chief manly has long been a proponent of. I've been a let if a take it for those circles, but again I had a felony conviction. So what you're telling me is that no matter what I do, that conviction is always going to be presented by APD, and their union representatives, to say we don't want them in any way or form, representing this community when it comes to looking at something that might have gone wrong between us and the community that we represent. So all I want to say is when y'all review the contract, is that you ask them, what the hell are you afraid of? Y'all got the guns, man.

[Applause]

>> Mayor Adler: Is Christina brown here? Is Christina -- is Christina brown here?

[7:40:16 PM]

Okay. You're going to have three minutes. Ms. Mann. Is Ken Cassidy? You'll be up next.

>> Thanks for being here. I know you have to but I appreciate you listening while you're here. I'm the executive director of counter ban atx. I have several issues with the contract but with three minutes I'm only going to talk about a few. I want to jump on that train. It's important that you actually have the insight of people who have been in the system to talk about the system. I think that's a disconnect; right? So if you don't have someone who's actually sat in a jail and told you that being in this cell for this amount of time and what it does to the psyche, or, you know, being in interaction with a police officer that knows that you have a record changes their tone and how, you know, they treat you because you've been in those experiences, then you could actually have close to objectivity. Because right now, it's all subjective, and it's subjective from just one side, and the one side being that, you know, the people at the table who are writing the landmarks and are able to write them, understand them, and then act them out, which is not always the point because people in the community should have the same access because they're the individuals who are being affected by the job. So having the citizen review panel be even a part of the negotiation of this contract doesn't make sense to me. But if we're going to talk about having the citizen review panel, making sure that people who have been affected by the system firsthand, and are qualified to be at the table, should be at the table, just makes sense. First thing. Second thing, there should be competencies for hiring, potranco, and disciplinary actions. In the contract there isn't any information or verbiage that says police officers actually have to have the certain sorts of competencies. You don't have to define the competencies within the contract but there should be some policy that says there should be like adequate competencies that has been tested, tried, and proven to be true. There's been best practices out there. I mean, if we're going to be a liberal city, I think we should do that with actually using things that have worked in other professions in which individuals have to talk to people from various backgrounds, being star best of your recollection apple, they all are fortune 500 companies and the best thing they have is customer S.

[7:42:26 PM]

Everyone likes a barrista and everyone likes a person that helps them fix their iPhone. Because Starbucks and apple paid millions of dollars for people to come in and say what type of competencies do people we work for need to have, to talk to everybody from the drug material to the CEO, which is the same generation and population demographics in which police officers work with all the time but there isn't anything that's competency based that allows you to hire, train, and fire them in a way that says we hired you for these competencies, we've trained you to have these compensations, you don't have them, and you're continuously having all of these complaints. Let's -- you can go now. Right? And also, last thing is having -- I don't know if it's a thing, but making sure that there's random pooling of officers videos once a month. They should be pulled to see how they're actually engaging with community members. That should also be in the contract too. Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: After Mr. Cassidy, is Paula rojaser? Paula Rojas. What about Camino Rojas? What about jorney Coleman? What about Kelly Coleman? What about Israel bandia? What about Lordes kayman? What about Jeanette monsalv? What about Anna Lisa plant? What about Elvia Mendoza? Mark Mckim? You'll be up next at this podium. Mr. Cassidy.

>> Thank you, mayor, mayor pro tem and council for allowing me to be here tonight to speak to you. I'm going to keep it short. The things that I want to reiterate to you guys is that the Austin police association over the last 20 years has constantly bargained in good faith with the city, and we have never had an impasse.

[7:44:33 PM]

We've always been able to come to an agreement, even though we've had very controversial issues like adding civilian oversight to our contract, which was a big give for the association to give up because those are rights that are allowed to us by civil service law. We have made many exceptions in our contracts to allow civilian oversight and to allow the process that we have today, which is unfettered access by the monitor's office. They have access to everything we do, that an officer gets investigated for. And another reason -- I'm sorry, but one of the other issues that was brought up is, you know, why aren't we immediately interrogated? The reason is, we're forced to give a statement. A civilian cannot be forced against their will to give a statement against themselves. Anytime an officer is involved in a critical incident or a shooting, they are forced, by the city, to come forward, give an accurate detail of what happened, if you are caught lying, if you are caught giving information that is not accurate about that critical event, a lot of times it ends in termination. So we are forced to come forward and give a statement. That's the reason that it is the way it is on our contract. I want to address some of the issues that have been brought up here tonight. I've been a police officer here for 20 years now. I have never -- [buzzer sounding]

-- Asked -- I have never asked someone what country of origin they're from. I've never worked with ice. I don't know where those rumors come from. We have never -- we don't work with them. We don't ask people where they're from. It's a violation of A.P.D. Policy to do that, and I've never seen one officer brought up on that charge.

>> Mayor Adler: Excuse me. Mr. -- Do you want to donate time to this speaker?

>> Yes.

>> Mayor Adler: Okay. Donate time.

>> I'll keep it short. So a lot of the rumors and innuendos that you've heard here tonight are just not accurate.

[7:46:39 PM]

They are mistruths by lack of education of our contract. Our contract allows more than any other contract in this state as far as what citizen oversight can do. So I disagree with the statements that were made earlier about what's allowed by our contract when it comes to civilian oversight. To I will be here the rest of the night. If you have any questions, I'll be more than happy to answer those questions and to answer another gentleman's -- I believe it was this gentleman right back here. The reason we've asked for a one-month extension to slow down bargaining is because there are two bills, which y'all are very familiar with, sb 2 and sb 4, which could drastically affect the outcome of our bargaining session. So we've asked for a month delay before we have any more bargaining sessions because sb 2, which I know you guys are very familiar with, as far as the way our citizens are taxed on property, and sb 4, which is the bill dealing with immigration and several other issues that are very controversial in the city, so we just decided to take a step back, let's wait a little while until we know what's going to happen at the legislative session, then we'll come back to the table and bargain. Thank you.

>> Mayor Adler: Thank you.

>> Mayor, I have a question for Mr. Cassidy. Mr. Cassidy, thanks for coming and for answering some of the questions. I've had some conversations with members of the community, too, to try to explain how Austin police department is not ice. Could you -- and we are also not the sheriff's department.

>> Correct.

>> They're separate jurisdictions and we have separate missions. Could you explain how -- what the ice is, the interface of ice with the sheriff's department and the detainer piece, and what role, if initiation A.P.D. plays with detaining? It's my understanding you don't detain and you don't arrest.

>> That's correct.

[7:48:41 PM]

A.P.D. Books people into jails, it could be homicide, it could be public intoxication. Once that officer leaves that location, A.P.D. Has nothing else to do with what happens between the sheriff's department and ice. You know, there just isn't. And I don't know where those rumors come from. A lot of the issues that have been brought up tonight are actually issues -- they're not contract issues. I think it's possibly confused a lot of people. These are issues that need to be down the street over at the legislative session being brought up, because it has absolutely nothing to do with our contract. A lot of these issues that have been brought up tonight.

>> Lies.

>> Mayor Adler: Hey, hey. Please.

>> Pool: I appreciate that and I appreciate the work that you all do.

>> I will also say a lot of issues that have been brought up can be handled in our contract. But -- you know.

>> Pool: Mostly I just wanted to establish a delineation between what our police department is required to do by mission and how that is different from what the sheriff's deputies are required to do --

>> Yes.

>> Pool: -- In relation to the federal agency. My understanding is, we don't have any jurisdiction in those matters. And although people have equated the sheriff's department with the A.P.D. That true?

>> That's why we want a 30 day from bargaining because sb 4 could change the way the law reads and the way we have to do things here in the Delaware that will be a policy change for council and the chief. That's not a police association issue. But when sb 2 and sb 4 -- those are things that can drastically affect bargaining. We just wanted to take a step back until the end of the legislative session.

>> Pool: Thanks.

>> Mayor Adler: Thank you. Next speaker is mark Mckim. After Mr. Mckim, is David Lopez here? Is Debra elamu here?

>> Yes.

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

[7:50:41 PM]

Sir.

>> Hello, mayor and city council. My name is mark Mckim and I'm a member of undoing white supremacy in Austin, and I live in district 1. I came here today to speak about the Austin police labor negotiations, and -- but first, I wanted to really thank you all for, as many of us have already said, for opening this process to the public to really give feedback prior to some of these issues that have been discussed tonight. I fully support the demands laid out by ccu and believe A.P.D. And the city should do its best to ensure a fair and just contract that will incorporate community accountability. For example, the police monitor should be given power to actually investigate police misconduct and hold police

accountable in some sense. Also, the citizen review panel should be given power to hold officers accused of misconduct. From what I've heard, neither institution really can actually do that. We also believe that the city already spends so much of our budget on the police department, and we believe firmly that we should invest that money in more preventative measures, such as better housing, affordable housing, mental health services, job programs, education, community gardens. I mean, honestly, like anything can help, any public asset is going to help produce the things that could potentially lead to criminal acts. So I just wanted to thank you all for all of your service that do you for all of Austin, and -- yeah. Thank you.

>> Mayor Adler: Thank you.

[Applause] And then the next speaker will be Jera Keith. And is Karen Escobedo here? Please proceed.

>> Good evening. My name is Debra. I'm with an organization in Austin called Black Sovereign Nation. I live in District 1. I want to bring attention to some names that I think you all constantly have to be reminded of. Sofia King, Larry Jackson, Jr., David Joseph Brian King and Lawrence Perish.

[7:52:50 PM]

Victims of brutality, victims of violence. Between the city labor office and Austin Police Association, you all have an opportunity to negotiate these contracts so that -- I don't have names to add to this victim list. One of the demands that I want to highlight is the demand that the citizen review panel be infused with the necessary independence through transparent, independent budget and increasing staff and grantees to go beyond mutual respect to the imperative of protecting rights of citizens in the face of police power. We demand that the citizen review panel be given full range of enforceable subpoena powers, as well as the power to review all evidence, demand additional evidence, testimony from any and all that could have bearing on the issue at hand. We demand that the CRP be given actual power, not just words but actual power, to hold officers accused of misconduct accountable by having the power to pass judgments and have those judgments enforced.

[Buzzer sounding] I'd also like to add -- I did hear the bell but --

>> Mayor Adler: You have donated time.

>> The police department does, in fact, cooperate with ICE by allowing detainees to be processed, and so I just -- what Kim Cassidy says was not factually correct. How in the world are we getting deportation rates of 90 a week, whatever was the last count for Travis County, if Austin Police Department is not in fact cooperating? You can go to the federal building and look at the vans, removing people from Austin, people who were put there because Austin Police Department asked for identification and ran their fingerprint and saw that they were undocumented. So just in case there was any confusion.

>> Mayor Adler: You had donated time so you still have another 45 seconds.

[7:54:53 PM]

>> She had donated time but I can keep talking if you'd like me to.

>> Mayor Adler: In that case, thank you.

>> Okay.

[Applause]

>> My name is Jera Keith. I live, work and organize in District 1, and I'm with the community based and oriented organization called Black Sovereign Nation. I'm here today to talk to you about the power you have to hold Austin Police Department to a higher standard. It is my belief that over the years, the council has failed my community and left us at the mercy of A.P.D. To be honest, even this exchange that just happened was a failure to my community. Refusal to acknowledge facts is failing my community. In 2015, Austin ranked fourth highest in total number of people fatally shot by police. That

same year, the city of Austin agreed to increase base wages for A.P.D. In 2016, David Joseph was killed and video footage of Brian King being body slammed by officers surfaced. According to the amendment to the agreement by A.P.D. and the city of Austin made available to the public on the city of Austin website, A.P.D. was still given a 2% increase. I know we aren't here to talk about money but rather policies that we want this council to push for A.P.D. to implement, but I just want to point this out because I think it shows that this council has demonstrated a lack of concern for the communities that are disproportionately affected by the misconduct of Austin police department. It's not just a budget increase that demonstrates that lack of concern, but this council's decision to disregard the request and cries from the community year after year. Our community will no longer stand for water, symbolic actions or initiatives disguised as checks and balances. We want to see this council take a true stand in raising the standards for A.P.D. and establishing real and effective inhibitions of A.P.D. power. We want those standards to include an easier complaint system for citizens, as stated earlier by members of the Austin justice coalition, citizens need to be able to lodge complaints online or by phone.

[7:57:01 PM]

I'd like to thank ajc for reminding this council of the violent history that exists between our community and the Austin police department, asking citizens to make a trip to the department to lodge a complaint is an intimidation tactic. We will not stand for intimidation tactics. Council, please include literal as opposed to symbolic power for the Austin police monitor in your new and redefined standards for A.P.D. We'd like that increase to include subpoena power, access to body cam, video and Adu recording evidence. Real empowerment lieu of the citizen empowerment is necessary to ensure fair and appropriate responses to the injustice we see in our neighborhoods. That empowerment needs to include but not be limited to access to the aforementioned video and Adu evidence. As Jorge expressed, the discontinuation of the current policy that prohibits people with criminal history from participating in citizen review. Communities of color united as consistently brought to this council's attention the need for better policy regarding sensitivity to Austin's immigrant activity. This council needs to respect, acknowledge, and protect that community by pushing for language in the city's contract with A.P.D. that explicitly prohibits cooperation between immigration enforcement and the Austin police department. As requested by counterbalance, I implore you to push for inclusion that requires A.P.D. to require exchanges with drivers from beginning to end without exception.

>> Mayor Adler: Thank you.

>> I have time donated.

>> Mayor Adler: It's already been donated. You had both

>> The [bell ringing] Went off after three minutes?

>> It did.

>> I'm going to take more since -- council, I would like for you to push for these changes. We haven't made it halfway through the year. Please. We haven't made it halfway through the year. Lawrence parish was shot nine times. What about Morgan Renkins. Do you know her name? I'm looking at you all right now and I want you to acknowledge them.

[7:59:10 PM]

>> Mayor Adler: I think we all --

>> Have you ever heard Mark Farris' name, Sophia King's name.

>> Mayor Adler: Yes.

>> As you can see, the black, brown, activist community is here today. Things are changing. We're here, we're unified and we're not going to accept less than passionate and thorough representation.

>> Thank you.

[Applause].

>> Mayor Adler: Is Katie

[indiscernible] Here? Is Debbie Russell here? Then Debbie Russell. You have a minute and a half. Push it up there and then we can hear you.

>> I have a written statement here. Mr. Mayor, esteemed councilmembers, it is my pleasure to speak to you today. My name is (saying name), I'm the policy director with black sovereign nation and I'm here to talk to you about the negotiations for our city's public safety unions and how we believe that process should be handled. We hold these truths to be self-evident that all men are created equal and they are endowed by their creator by certain unalienable rights, life, liberty and the pursuit of happiness. Never have truer words have been spoken? We are led to believe that they are guiding principles, yet they lie discarded and morbid disrepair. We have not lived up to our expectations as men. How can anyone seek life, liberty or the pursuit of happiness under the blissfully ignorant local government and the oppressive hand of their personal attack dog, APD, who in 2015 was ranked fourth nationally for number of deaths. Yet we would reward this behavior.

[8:01:13 PM]

The fear of the citizenry, justifiable fear, I might add, for the safety of their community is disregarded by this council and by this city. And without realization we have come to demand the following: Literal as opposed to symbolic power for the office of the police monitor. And your new and redefined standards for APD. We would like that increased oversight to include subpoena power, access to body cam video and audio -- I lost my train of thought here. Real empowerment of the citizen review panel.

[Buzzer sounds] , Which is necessary for fair and appropriate responses for injustices that we see. The power needs to include, but not limited to access to the add and video evidence and the policy that prohibits people with criminal history from participating in citizen review. Thank you for your time.

>> Mayor Adler: Thank you very much.

[Applause]. Debbie Russell. After Debbie is Andrea black here? Andrea black? Is she here? What about -- residents start with Andrea.

>> Debbie Russell, district 3. I am here to support all of these folks that have spoken already, support every word they said. Check on the transparency, check on the open process. One concern I want to bring up is the budget amendment from last September about APD working with ajc in terms of addressing a lot of concerns before we actually sign off on anything here. We'd like to see that be transparent too. At some point we need to see what the results are from-- that work that they're doing. So there going to be something specific, track I believe that is going to represent and move forward.

[8:03:15 PM]

Check on the subpoena power, got to have that. And I know it seems like kind of a big ask. You heard earlier about having the civilian review panel have disciplinary power. That's the trend. That is now the trend in civilian oversight. And if you look at the cities that have that and you look at the community relationship with the police department, you're going to see this a lot better. And I invite you to look at that. Totally echo the one voice message there, pennies on the dollar for prevention versus punishment. It is actually over 40 percent of our general fund that we spend on APD.

[Buzzer sounds] And 11% of our budget, which is -- out shines -- San Antonio has five percent of their budget go to their police department. I want to make sure the interim -- that our police monitor is in the room. In the past they've been locked out. And I'll save my comments on what has happened lately for

another time in the relationship to Devon Contreras and how we're moving backwards now with this latest shooting.

>> Mayor Adler: That would be fine. And you can certainly email them to us as well, ma'am.

>> Good evening, my name is Andrea black. I'm in district 1 and I'm here in support of many of the comments that you've heard from communities of color united, undoing white supremacy Austin, Austin coalition and black sovereign nation. I think you're hearing from a lot of different groups, lots of different perspectives. We are united. We feel -- you can hear all of us coming up with very similar themes. For so many people you saw a number of people here tonight. There are a lot of people who were not able to make it or came earlier in the day. So if you actually came out earlier you would have seen a big crowd having dinner back there, so there a lot of people out in full force because we think this is a very important issue. Just a few things that I wanted to highlight, you know, I heard what the officer said, that he believes APD -- I do see there's a difference between the sheriff's department and APD, but there are ways in which there are connections. And if a lot of it was semantics the way he talked about it, if he doesn't think that that's an issue, then we would love to see it in writing like other police departments.

[8:05:21 PM]

That shouldn't be a problem putting that down if that's the case. He said it doesn't have to be an issue with local control, we should go to state, but he did say that this could be an area where we could discuss an area of local control. That would be great. We're actually asking you tool really look at how our police department interacts with the community here. We're not asking how the dysfunctional state is handling, but how we'll handle it here in our community. So we're really hoping that this actually can be an avenue where we can discuss local control. And then the third point is that we really hope this goes into the budget discussion, looking at the contract here --

[buzzer sounds]

-- Is going to then have an outcome as to how much money we have to spend on other critical resources. So thank you.

>> Mayor Adler: Thank you very much.

[Applause]. I want to thank everybody who participated in this. Those are all the speakers that I had signed up. That brings us back up to the dais. Councilmember alter?

>> Alter: Thank you to everyone for coming and spending your time to share your views with us. We're listening. I do have a few questions. I'm not sure if these should be best directed to the chiefs or the labor negotiator. I'm not sure of the process for that. Okay. I'll ask my question. So I have a couple of questions, but first of all, what are the drivers in the various contracts that cause us to invest more in public safety than in other areas?

>> Tom Stribling, interim labor relations officer. I don't know that there's one particular. It's sort of an historical perspective.

[8:07:22 PM]

I will say that the negotiations over the citizen review and police monitor portion of the APD contract was a major factor in driving some of the early across the board pay increases. That was obviously one. Secondly, again, it's not a stated policy anywhere but past councils have made it known that they wanted to continue to have our public service employees, their pay to be at the top of the market. So that's been a driving factor. So it's a number of different issues. I think those are two of the big ones.

>> Alter: Would it be possible for you to provide us sort of more detailed information than just the two as we're thinking about the contract, so from your perspective whether it's now or in the future correspondence?

>> Sure. We can provide additional details if you want. And I would like to get in contact with your office to find out exactly what types of information you would like to have and we'll provide that to all the council.

>> Alter: Sure. I would be happy to do that. Are there -- one specific thing I would like to understand, is there anything structurally in the contract that is contributing to the use of overtime?

>> To police overtime.

>> Alter: Well, I think we're talking about three different sets of contracts. Yes.

>> Alter: And they all seem to have issues with overtime.

>> I have --

>> Alter: And my prior question was meant for all three. I know that a lot of our speakers spoke specifically to the police department, but we're tasked with doing all three contract negotiations.

>> Sure. I have chief Brian Manley here and I think he can give you the specifics of what is driving the overtime budget with regard to APD.

[8:09:32 PM]

>> Mayor Adler: Councilmember alter, we're doing a deep dive on the way of vacancies and the like at the meetings on Wednesday for fire. The 26th for fire and E.M.S. And we can also address that issue with the police the and I think that staff's going to be there to-- Mr. Van eenoo is going to be there to go through numbers and the like. That would probably be a better place to handle that issue, more time, and we'll have everybody here that can speak to that.

>> Alter: When we do speak to that, if that's the wish of the dais to postpone it until then, I very much want to understand the parts of the contract that are contributing to the overtime because I think there are elements of recruiting and retention and all sorts of things that combine within the contract that may be contributing to overtime. And I think we need to understand it. If we want to wait until that conversation --

>> Mayor Adler: I think the intent of that is to unpack both the elements both inside and outside of the contracts.

>> Alter: Okay. If I'm not going to get answers it to that I'll ask my third one and I won't ask any more for now. So as I understand it, we're paying very high on the level compared to other cities for public safety. And by many measures we're getting very good results for that. I would like it some comparative metrics and this may not be an answer you can give right now, compared to other cities on various measures for all three of the public safety departments to understand where we stand, whether it's diversity, violent crime

[indiscernible] Transparency so that we understand what is on you are return for these investments that we're making in a comparative perspective?

>> And we'll be happy to gather that information for you and provide that.

>> Alter: Thank you.

[8:11:37 PM]

>> Mayor Adler: Okay. Mr. Casar.

>> Casar: I'd like to thank everyone for waiting out a long evening to us and speaking to us. I was struck by several pieces of testimony. In particular some of our citizens review panel numbers who spoke right at the beginning. I didn't know until very recently that there are complain ants, people that make

complaints that may not even have access to what happens at the end of the process. I was struck by some folks' testimony about how often times the police monitors or others opinions don't become public so I think the calls for transparency are needed and I think that sort of call needs to -- if we were more transparent I think some of these other concerns could be more easily addressed be it around how you resolve cases or around how immigration interacts with law enforcement. I just think that transparency seems to be something that a lot of community members were calling for and so as we move forward I just want my colleagues to know that at this point I can't in good faith support the next contract unless we have significant improvements and accountability and transparency.

>> Mayor, if I can just make a general comment about today's briefing, obviously we were focusing on the fiscal impact, and what impasse means. That was sort of the area that we were focusing on as opposed to some of these specific provisions within the contract. But we would be more than happy to either answer questions in one on one meetings or provide answers to written questions or come back with a more detailed briefing with regard to the specific provisions of the contracts.

>> Mayor Adler: I would anticipate discussions with the council on many of the issues that were raised today.

[8:13:40 PM]

>> Okay.

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: I also want to thank the community for coming out to speak tonight. And I think it's important and some of the speakers acknowledged it that this is the first contract under districts and I think that necessarily means that a lot more should be on the table than may otherwise have been on the table in the past. And I concur with my colleague, Mr. Casar. I think -- councilmember Casar. Thank transparency is key. It's something that we do in every other part of our city government and we take it very seriously in every other part of our city government and I don't think this should be any different. And I thank staff for helping us understand what impasse means. I for one am not afraid of impasse. The important thing is that we do right by the community and that whatever contract we sign as the first set of 10-1 council to do so, this is our best opportunity to do the right thing. And moving forward from this I think we'll be more likely to roll what we break in, and rolling it forward. But this is an opportunity to not end the conversation tonight. I would hope and expect the community would come out and speak again. This is too important not to allow that. And I am -- I am and my staff is going to work very hard on these details for all three of the contracts because I think the impacts because I think the impacts are too great to take lightly. It is the biggest thing that affects us in the community and in our daily lives. So thank you for the presentation you put together and again thanks to the community for coming to speak.

[Applause].

>> Mayor Adler: Mr. Renteria?

>> Renteria: Thank you, mayor. My question is going to be -- in the handout you gave us in the fire department we didn't renew the contract that we wouldn't be able to pick assistant chief --

[8:15:53 PM]

>> The assistant chiefs are still the the chief is to delegate the assistant chief. It is the rank just below that which under civil service law is a promoted rank, but under our contract the chief can put someone into that position without going through --

>> Renteria: So we have no positions? I mean, it seems to me on the handout that you offered that we had a voice in this election process, but now you're telling me that we don't. If the contract was to expire, what would we lose out of that?

>> Civil service law requires that promotions are based on a written examination that has 100 answers. And those that rank the highest on the written communication would be the person to get the promotion, second, third, fourth as you go through the list. And as vacancies come into play. That's civil service law.

>> Renteria: And what do we have now?

>> Now we have most of the ranks -- not all of the ranks, but certainly the ranks that are more supervisory ranks, we have the ability to have a written examination, and an oral assessment, and those two are weighted, put together and that creates the list. So without the contract we would not have the oral assessment piece as part of the waiting for the determination of who is entitled to the next promotion.

[8:17:58 PM]

>> Mayor Adler: Ms. Garza?

>> Garza: I also wanted to thank the speakers who came here. I think the overarching theme was transparency. I appreciate one side saying that there is transparency and that sometimes we don't know all the facts. That being said, I think that transparency is key for our community to have and it's unfortunate that this issue has become so polarized. I've often said that I absolutely believe that we pro black lives matter and pro police as well and all want at the end of the day that if somebody commits a criminal act that justice is served regardless of whether they wear a panel or not. So I think we all agree on that part of it. There are always bad actors in everything. I have a question about the slide -- it was slide -- the fourth slide. I understand the desire to show this and how it could easily -- it could be said that these kinds of, you know, raises are unsustainable. I just want to make sure that we are adding context to some of these and I can't speak for police, but I know these red circles, much of that was because we weren't at market. This is right when I got hired from the fire department. I think the starting pay was in like the mid 20's. So I want to make sure when we're giving this kind of information to base our decisions on that a context is provided because the reason that there were so many raises back to back like this is just to get fire up to -- I think they were one of the lowest paid at that time in the state. I just ask that when you provide this information that that is also given as context.

[8:20:02 PM]

In addition to it would be interesting to see what the city gave across the board compared to what each department got.

>> And councilmember, I apologize for not giving the context. This simply was to owe not from the contracts itself, not a judgment call on whether it was appropriate or not appropriate at that period of time. But it also establishes I think sort of the expectations that if I've always received a three percent increase, I get an expectation of that. So we were simply just trying to put sort of the historical pay raises, but we will certainly do a better job in the future of giving you more context with regard to that.

>> Mayor Adler: I also want to thank the community that showed up tonight and the issues that were raised. I also want to thank the public safety staff that we had here tonight and their preparation. And our officers as well. This is a conversation that we're all going to have to be in together as we work now through the budget and this is a conversation that we're all going to have to get there together in. Obviously in this city we've had significant incidents in our community that have been top of mind and continue to be top of mind, and have precipitated a lot of community conversation and discussion, as

well as determination to actually change policies or change procedures or to take a look at what it is that we do.

[8:22:05 PM]

At the same time we are one of the safest communities in the country. And that's one of the reasons why we have the quality of life that we have in this city. I will say that as I travel around the country and I am with mayors from other cities, we're in a lot stronger place than most other cities that I -- that I speak to across the board with respect to public safety performance and records and relationship with the community. So I think that's one of our strengths in Austin. This is a conversation that we need to have. This is a conversation that was addressed in the task force and the things we've had leading up to this point. When we have been doing our budget in the last couple of years the contracts that we've had have been set for us. So as a council when we got together during the budget time there was some limitations to what we could do or not do because a lot of the budget was already set for us. As a council we got together earlier in the process and I appreciate that the manager has helped us daylight a lot of these issues five months before they otherwise might have come to the council and by design because I think we need to discuss both the transparency issues as well as the financial issues. I think as a council we should consider establishing a fixed percentage at the beginning of the process that would be the percentage for public safety. What would be public safety and what would be other than public safety. And we can take a look at benchmarks, we can take a look at what we've done historically, but I think that might be something we should consider going.

[8:24:10 PM]

And then we should figure out then within whatever is that percentage for public safety, what our priorities are within that group, and have that discussion, and then outside of that the balance of the general fund and social services, health and human services, and I think that's probably the best way for us not to have trade-offs between social service programs and public safety programs. By deciding first what that percentage split would be. I think we should consider doing that. I think we should consider not tying together and linking the three public safety departments that we have and taking a good look at each of them individually with respect to whatever the appropriate benchmarks are for each of those. I think we should consider taking a broader look at public safety budgets so they extend past the one year we're looking at right now, but actually see if we can take a look at a three or a five-year horizon because it appears as if a lot of the public safety decisions that we're making concerns three to five-year decisions. New fire stations and staffing, new fire stations that roll out, equipment for the various departments, the question of increased staffing. So that we have a feel for not only where we are, but over time what it is that we would be -- we would be trying to do. But I think those are all things that I would recommend that we consider as a group so that we can give to our negotiators and so that our employees, our staff in these departments can have a fair idea of where it is that the council is on these issues.

[8:26:14 PM]

We have set up on this coming Wednesday and the Wednesday after that some pretty extensive conversations of some of these push-pull financial issues that deal with things that go then beyond finance in terms of staffing and areas of staffing that we should begin that conversation here on the next two Wednesdays. Another day on the calendar in case we want to roll over, but I think we should really

seriously think about doing this differently and really telegraphing where it is that we're coming from so that everybody knows in this process.

[Applause].

>> Garza: I have a question. My recollection could be wrong. The extra session this coming Wednesday was specific to fire. And councilmember alter had questions that include -- did it include police staffing levels as well?

>> Mayor Adler: Police was the following question. Police and E.M.S. Along with some other issues. The following Wednesday was police as well as some other issues. And then we also had an extra day that the manager was going to be working with the offices to schedule that has no agenda items on it, be whatever else surfaced.

>> Garza: And the posting language will be broad enough that we can ask similar questions about metrics?

>> Mayor Adler: Yes. It's intended to precipitate exactly those questions. Manager?

>> Councilmember, if you have specific questions you would like us to address, if you would get them in advance, we would be glad to incorporate them. We will be better prepared.

>> Mayor Adler: Anybody else want to say anything else on this topic before we take off? Ms. Pool?

>> Pool: I just wanted for those who are still here, I wanted to thank everybody and just echo the comments that my colleagues here made already.

[8:28:20 PM]

We take your comments to heart and we are all engaged in wanting to have a safe a community as we can have everybody no matter what side of the barn that you happen to be on. So I think we will work toward that end and I'm hoping for productive discussions for our labor contract negotiations for all three of our uniform departments. Thanks.

>> Mayor Adler: And yet another meeting that ends before 9:00. I think we've done all our work. This meeting stands adjourned.