

City Council Regular Meeting Transcript – 05/18/2017

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[10:16:46 AM]

>> Mayor Adler: All right. Ladies and gentlemen, Monday, May 29th, will be Memorial Day. A recognized federal holiday to pay tribute and respect to the men and women who have fought and died for our country. Would you all please stand for the presentation of the colors, the national anthem and the invocation.

[Presentation of colors].

>> ♪ Oh say can you see by the dawn's early light, what so proudly we hail'd at the twilight's last gleaming?

[10:18:46 AM]

Whose broad stripes and bright stars through the perilous fight, o'er the ramparts we watch'd were so gallantly streaming.

♪♪ And the rockets' red glare, the bombs bursting in air gave proof through the night that our flag was still there.

♪♪ Oh say does that star-spangled banner yet wave... O'er the land of the free... And the home of the brave?

[Retiring colors].

>> Would you please join me in prayer? Oh mighty God, long ago you spoke and worlds came into existence. In your divine Providence you continue to watch over your good creation. In your divine wisdom and according to your Providence you have chosen to grant authority to earthly leaders.

[10:20:52 AM]

We ask that you will graciously grant guidance, understanding and prudence to these governing authorities. May they serve the common good of the people and seek justice in all of their decisions. Father, grant keen discernment to the local leaders in Austin, to the state representatives and to our governor, and also to the governing authorities in Washington and to the president of these united States. There are those in the world that would seek to oppress and subvert peace and order. In those moments our nation's leaders are called upon to make very important decisions. At times our leaders may be called upon to place our sons and daughters in harm's way around the globe to reestablish order and to recover a peace that has been disturbed. There are in fact service members at this very moment standing in the gap, executing the honored profession of arms on our behalf, keeping the fires of justice and order burning. Some like Danny Dietz and his seal team members, have given their lives for the cause of liberty and peace and it is to their honorable service that our thoughts now dwell. On this day we seek to honor those who have gone before us and offer our humble thanks and solace to their families. We thank you for their willingness to serve to the best of their ability. We lift up the family members who are left behind to put together the brokenness that follows in the wake of such a costly endeavor. May you grant peace to their souls in the days ahead and help them as they seek to do your will each day. And now father, may each of us who wears this uniform in service to our nation's military be ever mindful that we do so with peace as our end. It is in your Holland merciful name we do pray, amen.

[10:22:55 AM]

>> Mayor Adler: Chaplain, thank you. Please be seated. In honor of memorial day coming up on Monday, may 29th, and to honor all service members who have paid the ultimate sacrifice, we are here today to pay special tribute to a fallen hero, United States Navy seal Danny P Dietz junior and to his gold star mother, Cindy Dietz March. In April of 2005 Dietz deployed with his special recognizance element to Afghanistan to support naval special warfare squadron 10. Two months later he was part of an elite team of four Navy seals assigned to capture a key Taliban leader in the mountainous terrain of Afghanistan. Their code name was operation redwings and it was made up of Michael P Murphy, Marcus latrell, Danny Dietz and Matthew axleson. Luttrell and axleson were the team's snipers, while Dietz and Murphy were the spotters. According to the U.S. Navy the team was spotted by an anti-coalition sympathizers who immediately reported their position to the Taliban fighters. A fierce gun battle ensued between the four seals and a much larger enemy force with superior tactical position. The seals radioed for help. A responding chinook helicopter was shot down by rocket propelled grenade, killing more seals and eight army knight stalkers.

[10:25:04 AM]

It was the second worst combat loss in Navy seals' history. Danny was the first casualty of this battle and was killed before the helicopter's arrival. The entire event is documented in the book and the movie "The lone survivor." Since Danny's death, his mother, Cindy Dietz marsh, has worked tirelessly to keep Danny's name alive and to support the military community in Colorado and now Texas. She is the president of the Danny Dietz memorial fund that generates two annual scholarships to students from Danny's high school. In 2015 the memorial fund teamed with the Danny Dietz military order of the

purple heart chapter in Colorado to award a scholarship to junior rotc members and this partnership will continue for many years to come. Along with Danny's father, Cindy contributed to the book "Danny, the virtues within," written by Jeremy Dunlap, that tells the story of her son and the amazing man he was even before joining the Navy. In addition to her work supporting the memorial fund, Cindy makes regular appearances in support of Navy and gold star families across the nation. Cindy is married to Don Marsh, a Vietnam veteran, who served eight years active duty with the United States Air Force. He works alongside Cindy to maintain Danny's legacy and serves as treasurer of the Danny Dietz memorial fund. They moved to Bastrop and Central Texas, our area, in 2015, and now proudly call Texas home.

[10:27:15 AM]

If y'all would come up I would like to give you a proclamation.

[Applause]. We have a proclamation. Be it known that whereas the city of Austin takes this time to reflect and remember all of the fallen soldiers, Marines, sailors, coast guardsmen this Memorial Day. We will never forget the sacrifices made by these brave men and women who paid the ultimate sacrifice for their country. Whereas on this Memorial Day we honor the valor and dedication of those who have sacrificed their lives and paid a tremendous debt to protect and defend our freedom that this nation was built upon. We also owe our gratitude to the gold star families who have supported those who have answered our nation's call and lost a loved one who would never return home. And whereas this Memorial Day and every single day citizens throughout America should never forget that freedom is not free and this day serves as a tribute to honor the memories of the fallen and that we must celebrate the lives of these courageous heroes. And whereas on this solemn day we recognize members of our armed forces who have served our country, and in particular we recognize a fallen Navy SEAL gunner's mate, second class, Danny P. Dietz.

[10:29:17 AM]

Danny was killed in action in Afghanistan in 2005 as part of Operation Redwing, which was portrayed in the book and the movie "Lone Survivor." We take this time to remember and pray for him, our military personnel and the families of those who have lost loved ones while serving our country. Now therefore I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim May 18th, 2017 as our Memorial Day.

[Applause].

>> I would like to say this is an honor, but a very bittersweet honor. My dad is not here with us today, but he is in our hearts forever. And I am so thankful to be a part of Texas, proud to be called a Texan now. You all have been so kind, so loving, and without all of you I couldn't be where I am today, and I thank you. God bless you.

[Applause].

>> Mayor Adler: We'll remain standing while we retire the colors.

[Retiring of colors].

[10:34:08 AM]

>> Mayor Adler: Please be seated. Thank you.

>> Mayor Adler: All right. Let's go ahead and call this meeting to order. So let's go ahead. We have a quorum present. I'm calling this meeting to order, Thursday, May 18th, 2017.

[10:36:09 AM]

It is 10:35. We're in the council chambers here at city hall. Let's look at the changes and corrections. Item number 11 is being postponed until June 8th of 2017. Item number 27, boards and commissions, May 15, 2017 it was recommended unanimously by the electric utility commission, nine-0 vote, two vacancies. Item number 34 should add districts 1, 4, 7 and 10 to the list of districts. Item number 40 is withdrawn. We're getting feedback up here. Item number 45 I have been added as a sponsor. Item number 56 should say district 7 and not district 1. We have some items that have been pulled off the consent agenda. The consent agenda runs through item number 51. So I'm seeing that we have pulled item -- item number 2 has been pulled by Mcraven, item number -- by Mr. Flannigan, item number 12 has been pulled by I think Alter and Troxclair. Is that right, councilmember Troxclair? Item number 13 has been pulled by law for a brief presentation. Items number 14 and 15 have been pulled by the mayor pro tem. Item number 26 has been pulled by councilmember Troxclair. Items number 50 and 51, I'm going to pull those.

[10:38:23 AM]

We also have items that have been pulled by speakers. Item number 18 was pulled by speaker. That's an item that's going to be postponed. Do we have when 18 was being postponed to? I don't see that. Postponed until December, is that right, Ms. Houston? It's an indefinite postponement at this point, item number 18. There's a speaker that was signed up to speak on number 18. That item is being postponed. Mr. King and Mr. Osher, are you okay with letting that item stay on consent? Is Mr. Osher here? No. Are you okay with that? I'm sorry? We're just going to postpone the item. Is that okay? So that will stay on the consent agenda being postponed. Item number 29 has been pulled by speakers. Item number 28 has been pulled by speakers. That's 28 and 29. Item number 41 has been pulled by speakers. And item number 45 pulled by speakers. We also said we were going to take up item number 45 late in the day after dinner if we extend that far or just before dinner if it doesn't look like we're going to need to come back. We have some people here that want to speak on the consent agenda, so I'll ask them to come down now. Mr. Pena, do you want to come down and speak?

>> Alter: Mayor, while he's coming down, I wanted to add \$100 to item 47 for the -- I wanted to add \$100 in fee waivers for item number 47 for Texas moms fight back March.

[10:40:36 AM]

>> Mayor Adler: Okay. So noted in the record.

>> Tovo: Mayor, may I also just note that 43, and you may be about to mention this, this is the item that you sponsored regarding security lighting in west campus, I believe we have a time certain request for 3:00 P.M. >>

>> Mayor Adler: We've talked to them and it's going to go on consent and they want to let it proceed to pass, so we'll let it go on consent. Mr. Pena.

>> Mr. Mayor, remind me please of the numbers?

>> Mayor Adler: 34, 36 and 49.

>> Mayor, Gus Pena. Item number 36, I know this gentlemen very well, Mr. Monica. I guess this gentleman was the lowest bid. He's been doing this work for many years. I was wondering if there's any way that -- you know, I understand he's the lowest bidder, but darn T you have to spread the wealth out and not just keep it to one contractor. I know you might not agree with me, but that's the sentiment in the community. Now, you said 49?

>> Mayor Adler: I had 34, 36 and 49.

>> Well, I just don't have the backup on number 49, but I guess it has to do with the community development program. I think one of the things we need to do, mayor, is to educate the community. I'll be honest with you, a lot of the community residents here in the city of Austin are angry at y'all because they don't get educated on how their money is spent.

[10:42:36 AM]

Taxpayers have a right to hear how their money is being spent and a lot of them are not getting the word. So I guess on this item since I don't have the any way that you could educate the public on how their taxpayers' money is being spent. To be honest, just this morning they said you're going to go to city council and telling them they're spending too much on our money and not enough on health and human services and housing. I'll leave it at that, mayor. I also want to thank you for the United States marine Corps reserve detachment that came over here. I am a United States marine Corps veteran and I cry every time I hear taps. But condolences to their family and I want to thank you for your leadership also. And there are some issues that I will speak to later on this afternoon. Thank you, sir. Appreciate it.

>> Mayor Adler: Thank you. Okay. We're now back up to the dais. Again, consent goes through items 51. The items I have shown as being pulled, 11 being postponed to June 8th. 14 and 15 being pulled. 26 being pulled, 28 and 29 being pulled, 41 being pulled. 40 is withdrawn. 45 being pulled. And then items 50 and 51 being pulled.

>> Kitchen: Mr. Mayor? I don't want to pull it, I just have a comment on item 36. I just have a comment on item 36. I don't want to pull it. So at the appropriate time.

>> Mayor Adler: Okay. Anything else? Yes.

>> Garza: I don't need to pull item 26.

>> Mayor Adler: 26 is back on the consent agenda.

>> Houston: No, sir, because I was going to pull it too. I was going to pull it also.

>> Mayor Adler: So it is pulled.

[10:44:37 AM]

Okay. 26 is still pulled.

>> Troxclair: And if possible I have late nomination to the board of adjustments. Christopher covo. I would like to appoint him --

>> Mayor Adler: Does anybody have any objection to that being added to the nominations? Hearing none, he's added. Okay? Now, any discussion on the consent --

>> Tovo: Mayor, I just wanted to note that item 40, which has been withdrawn, will be back on June 8th. This is the item I sponsored regarding the temporary public plaza in south central waterfront.

>> Mayor Adler: Okay. Postponed to June 8th.

>> Tovo: Mayor, it does need to be formally withdrawn because we're changing the posting language but I wanted to indicate to the public that's watching. Following that it will be back on the agenda.

>> Mayor Adler: Is there a motion to approve the schedule -- I'll give you a chance to talk in a second.

>> Houston: No, I needed to pull something. 24, it's just a question, but I want to pull it anyway.

>> Mayor Adler: 24 is pulled.

>> Houston: And then 48. And that's it.

>> Mayor Adler: 48 is pulled. Okay. Is there a motion to approve the consent agenda. Ms. Garza moves that. Seconded by Ms. Kitchen. Any comments on the consent agenda? Ms. Kitchen?

>> Kitchen: I wanted to comment on item 36, which relates to the authorization for bond -- the November 2016 mobility bond fund for sidewalks. I think that I'm in support of moving forward with this, but I wanted to note for the public and for the council that at our mobility committee meeting questions were asked about the interpretation of the scope of -- that the sidewalk money could be spent on.

[10:46:38 AM]

And it was raised by our disability community because we wanted to make sure we considered the sidewalks that needed repair could also be considered, provided, of course, that they were priority sidewalks. So going forward we'll have a discussion probably during the budget about the interpretation of the sidewalk bond funds and whether or not it's the council's intention to use those funds for repair in addition to new sidewalks. But this item today is simply for the first priority early out sidewalks, so I do support it.

>> Mayor Adler: Ms. Houston, you pulled item 24, I think, is that right?

>> Houston: I can do that -- no, because I need staff to come up and explain what the exemption was.

>> Mayor Adler: That's fine. On the items being pulled, 11 is postponed, 14, 15 pulled, 24, 26, 28, 29 pulled. 40 withdrawn, 41 pulled. 45 pulled, 48, 50 and 51 pulled.

>> Alter: Mayor, did you mention 12? I'm not sure I heard you say that.

>> Mayor Adler: I'm sorry, I didn't pull -- 2 and 12 have also been pulled. Sorry. 2, 12, 14, 15, 24, 26, 28, 41, 45. 13 is pulled for the presentation by law. Let me say this again. 2, 12, 13, 14, 15, 24, 26, 28, 29, 41, 45, 48, 50 and 51. It's been moved and seconded. Any further comments on the consent?

[10:48:40 AM]

Motion? Yes, Ms. Troxclair?

>> Troxclair: I wanted to add another comment to item number 36, the sidewalk funding. I too will support this today. It's the first of \$37 million that we're spending from the bond funds for sidewalks. But -- in talking with the transportation staff about how the money is being allocated and what projects were chosen, a lot of that criteria again kind of exempts my district from receiving a lot of the funding. In fact, there's only .1-mile of sidewalks out of the \$37 million, only .1-mile of sidewalks is planned for district 8 because in part -- two of the criteria that they used is density and transit. And because of the environmental regulations that we have in the city, I don't have a lot of density in my district because it's an environmentally sensitive area and because I don't have a lot of density I also don't have very much transit, but I don't think that means that there aren't still walkable parts of the district. So during budget -- I don't think that now is the appropriate time, but during budget I just want to have a discussion about whether or not it would be appropriate to potentially put a floor on the amount of money that's put per district. Christmas too long reasonable and still allow the majority of the money to be put in the majority of the districts that need the work. So I wanted to put that on everybody's radar. And then I would like to be shown voting no on item number 4. This is a wastewater change order, but it's the 14th change order on this project and I'm just -- it just seems excessive to me. I want to be shown voting no on items 8, 9 and 10 although I support art. I just think in this time where we're having affordability crisis and a difficult budget year that spending nearly three million dollars on public art is the highest and best use of our tax dollars.

[10:50:41 AM]

I also want to be shown voting no on item number 47 and abstaining from items number 7, number 42 and number 46.

>> Mayor Adler: Okay. Thank you. Any further comments? It's been moved and -- Ms. Houston?

>> Houston: Yes, sir, please show me abstaining on 9 and 10. We talk about the creativity of our local artists and what we need to do to keep them here, and yet I feel we need to walk the walk and 9 and 10 are not doing that. So show me abstaining on 9 and 10, please.

>> Mayor Adler: Thank you. Yes, mayor pro tem?

>> Tovo: I wanted to comment on 9 and 10 because I think the comment was made that these are taxpayer dollars. I also wanted to point out that these are -- in 9 and 10 those are Austin -- those are revenue that come from the airport and have to be spent within the airport zone, so they are not I think accurately referred to as taxpayer dollars. In number 8 it is another enterprise fund, it's Austin energy. Soy just wanted to provide that clarification.

>> Mayor Adler: Thank you. Consent agenda has been moved and seconded. Those in favor please raise your hand? I'm sorry, Ms. Houston?

>> Houston: I am so sorry. It was going so fast there, I need to be shown voting no on 25.

>> Mayor Adler: Okay.

>> Houston: Now I'm ready.

>> Mayor Adler: Okay. Anything else before we take a vote? Those in favor of the consent agenda please raise your hand? Those opposed? It's unanimous on the dais with the notations that were made. All right. Let's go ahead then and see how quickly we can work through some of the pulled items?

>> Houston: Mayor, may I ask a point of personal privilege? On item number 52 that we'll be taking up later during the non-consent agenda, I see that Ms. Julie Oliver is here. There had been some questions and concerns in emails this morning. I would like to have the opportunity to bring her up so she doesn't have to stay here all day. If that's possible and if the committee -- the council agrees with that.

[10:52:53 AM]

>> Mayor Adler: Okay. I would be fine with that. Do you want to take that up first? Do you want to discuss that first?

>> Houston: Yes.

>> Mayor Adler: So let me call up then item number 52, which is the central health commissioner item. Ms. Houston, do you want to make a motion? Some comments first. If you can have a seat I'll make a couple of comments. Some of you may not know, but the health and human services council committee

has been working diligently for, oh, the last year to appoint city appointees and one point appointee to the central health board of managers. As many of y'all are aware, there's been a lot of concern by community advocates about the lack of transparency on the board of central health, communications with key stakeholders which I consider the taxpayers of this city, regarding the financial relationships between the medical school and the hospital system and any potential conflicts in those activities. And so we've been working very hard and very diligently to try to find people in the community who are willing to serve, and it is a significant commitment of time, to be interested and submit their applications to the central health board of managers. We've done a really great job in filling several positions in the last three times that we've made a recommendation. Today we have two people that the committee wants to recommend. There has been some concern about one of the museum who put -- who has put herself forward and I would like an opportunity -- because on Tuesday we had some conversation.

[10:54:53 AM]

She was not here to participate in those conversations or talk for herself or have any kind of comments. So I would like to have the opportunity to have her come and introduce herself to the full council and talk about any conflicts of interest in how she would handle those if she were appointed, if that's possible. Then I'll make a motion after that.

>> Mayor Adler: Okay. We have three people that have also asked to speak and signed up on this. And I know this is something that we're going to discuss in executive session. So I think what we're going to do now is just take the testimony and then we will hold this item to consider and debate until after we've gone to executive session.

>> Kitchen: Okay. First, correct?

>> Mayor Adler: I'm fine letting her go first.

>> Kitchen: Okay.

>> Houston: Ms. Oliver, if you will come up.

>> Mayor Adler: Faul Ortega is on deck.

>> Houston: Would you introduce yourself to the members of the council and talk about why you are interested in this position and any things that you have to say about recusals, conflicts of interest?

>> Absolutely. My name is Julie Oliver. I'm the division controller for hca, general partner in the St. David's health care partnership. I'd like to give you a little bit of my background if that's okay and of the things that brought me to St. David's. I have an accounting background and a law degree. And when St. David's, the foundation, was undergoing its tax exempt audit by the IRS and then subsequent revocation of their tax exempt status that was my very first case outside of law school. So I wrote a lot of the memos that helped explain how there's a system of checks and balances in that partnership that

allows St. David's to still be tax exempt, still offer its services to the community, without letting a for-profit override and overrule some of the decisions that benefit the community.

[10:57:04 AM]

That being said, St. David's the partnership then hired me because they hadn't had an audit for four years when I came on board and I had to go through all of the contracts, all of the financials, basically rebuild the financials so we could get to a point of audit and transparency for our foundation members. So I fully believe that transparency, I fully believe in accountability. It's one of our values at St. David's. It's a value because it's available. And I understand that you -- you guys have to answer to taxpayers and I have a financial background, I have a legal background -- legal background that also I understand conflicts of interest. Of course I would recuse myself from any discussions, any votes that would have any potential implications for St. David's health care partnership. I'd love to answer questions from you if y'all have them, questions, concerns. But one of the reasons -- I didn't answer that. One of the reasons that I applied for this position is firmly deep down in my heart I believe that people have the fundamental right of health care. I was a 17-year-old medicaid mom years and years ago. I've also been an uninsured mom and I've also been on the side of being an insured patient. People deserve access to health care. They deserve to have that. They deserve to be able to seek health care with dignity. So that's one of the reasons why I'm here. It's really a passion of mine. And I absolutely can take off my St. David's hat and put on my central health community citizen hat in this role.

>> Mayor Adler: Okay.

>> Kitchen: Ms. Oliver, one of the concerns that has been raised is the fact that the Seton system is a competitor of St. David's. So some have raised the concern that you would not be able to handle conflicts -- some have raised the concern that anything related to Seton would be a conflict.

[10:59:15 AM]

And that you wouldn't be able to handle that. So I'm asking you that question. You're a lawyer and I think -- I'd like to understand your understanding of what a conflict is and whether you would consider anything that had to do with any other organization other than St. David's as a conflict. And I have to state my own bias. I think that -- I think that situations that involve competitors of St. David's would not be a conflict. I'd like to understand what your perfect I have would be, whether you think you would need to recuse yourself.

>> I think I would have to recuse myself in cases where St. David's businesses were on the line. That would be a conflict. Would I do things purposefully to harp -- to harm Seton's financial interests? No. I think I can be balanced and measured in reviewing any of the items that central health is faced with and so I could completely present a balanced approach to that. Let me think about it. I'm a parent, y'all, I have four kids, and you have to have balance with your kids because guess what you hear a lot of, that's not fair, you know. There are times you do the right thing because you have a bigger picture of something and that for me is the community of Austin and that is the bigger picture, what benefits the citizens of this community. What do you guys have to answer answer to your constituents. That is the overarching guide what I would view this role as.

>> Mayor Adler: Further questions? Thank you very much.

>> Thank you.

>> Mayor Adler: Next person to speak is Fran Ortega.

[11:01:16 AM]

Linda Chavez is on deck.

>> Good morning, Mr. Mayor, councilmembers. My name is Frank Ortega and I'm the LULAC district 7 director in central Texas. You should have already received a copy of our LULAC resolutions regarding the need for this city council to consider and adopt policies that would allow for board and commission appointments to reflect the diversity, demographics, makeup of our population. Both LULAC district 7 and the Austin Tejano Democrats have unanimously adopted the call for you to reconsider the city recommendations by the health and human services committee to the central health board of managers. It is most important for you to understand that Travis County Health Care District is the entity that was created by the legislative statute to provide health care services to our most vulnerable indigent population in 2004. Their mission has not changed but the need has become increasingly greater as the poverty population has increased significantly over the past decade. Over 70% of the population served by central health is Latino. Yet the board of managers only has two Latino -- Latinas as members, both appointed by the Travis County Commissioners. This 10-1 city council has never adopted a Latino/Latina to the central health board yet you have invested time and energy to addressing systematics and institutional racism that exists in all levels of our society. LULAC believes that it is your responsibility to set the standards for overcoming these past injustices by appointing policies that will correct the inequities.

[11:03:25 AM]

We also believe that you must model behaviors that will close the disparities gaps within your jurisdiction. City appointees to the board of managers should be reflected of the population that is served. We also know that there is a great need for the central health board to include diversity of skills and backgrounds to appropriately address the value access to health care needs and budgetary decisions necessary to fulfill their fiduciary and statutory responsibilities. There is currently no member of the board with a cpa background within the year. The only attorney on the board will be leaving. This has and will create a void that should be filled by your actions today. We ask that you do not accept the recommendations of the health and human services committee and that you do --

[buzzer sounding]

-- Wait and reevaluate the need to appoint a latino/latina to the central health board of managers. You had a finalist that failed the existing need of the central health board and that had no pro seeding conflicts. Either appoint him to fill one of the vacancies or start the process over.

>> Mayor Adler: Thank you.

>> Thank you for your consideration.

>> Mayor Adler: Thank you. Linda Chavez. David king.

>> Thank you. Thank you, mayor, mayor pro tem, councilmembers. I just want to echo the last speaker's point about central health board of managers should reflect the demographics of the population it serves and I know this council is committed to that policy and I see that you are taking actions every day to move in that direction.

[11:05:27 AM]

And I'm not here to speak against the applicants that are being recommended at all whatsoever, but I am saying we definitely need to do everything we can to make sure that our boards and commissions and like this do reflect the population -- the demographic of the population they serve. And I really appreciate the comment from the previous -- the applicant, proposed applicant for the board about transparency and accountability. You know there's a concern that the bond money is being spent more on the U.T. Medical school instead of programs that directly serve our under served populations and the indigent. And you know better than anyone here how important that is and how much need there is out there. And my opinion is that we can bring those services directly to those people, that's the best way to provide it. That's the most impact we can have. So I hope the focus is on ensuring that the central health board has goes directly to serving the under served and the indigent population in our city. Thank you very much.

>> Mayor Adler: Thank you. Council, those are all the speakers we have --

>> [Inaudible]

>> Mayor Adler: Okay. Mr. Peña. I didn't catch you when I updated a little while ago.

>> It's there, Mr. Mayor. I wouldn't lie to you.

>> Mayor Adler: I see your name now.

>> You see my name now. Thank you for seeing it. Mayor and councilmembers, I'm a federal eeo discriminating investigator and collateral justice. I'm also an irs investigator. We investigated crimes not only in hospitals but also in businesses and also city councils. I'm on record, I have my documentation if you want to see it.

[11:07:31 AM]

My comments are these. Mr. Ortega is very right on target. How many more times are we mexican-americans, hispanics, whatever you want to call your self, and I mean no disrespect, are going to be left out of the process. It is very important to have proper representation regarding the geographics of the community. More Latinos and Latinas are going to be the population pretty quick if it's not now. We were not made privy to the meetings or the candidates. I have 20 of my cousins, sisters and others that are working for central health and they find it hard to believe that this process is going through without a Latino or Latina. My dad was born in Mexico, World War I veteran. He also said we're not going to be discriminated against. I believe strongly that this process -- and you remember, councilmember Houston, I spoke at the last session but it was on another issue, but I wish this process would be more transparent and it ain't. Excuse my bad English. It has to be put the brakes on starting over, it has to be reflective of the population and it ain't, it isn't. So what I'm saying is this is reconsider -- this is not a good process, mayor and councilmembers. You have legal, she's a darn good city attorney, she can legally advise you, but I'm telling you one thing, this is federal and I'm telling you this is discriminatory. It is not a good process. We need a Latino, Latina there and why it was not selected. When is this going to stop, when is this discrimination going to stop?

[11:09:32 AM]

We are going to be the majority. Be reflective of the community. Thank you very much and I hope you all do the right thing because there's a federal lawsuit that is pending on it.

>> Mayor Adler: Thank you. Two other people signed up. I don't know if you want to speak.

[Inaudible] Lopez and Robert Osier.

>> Mayor and city council member members, I'm a mother, taxpayer. Today I come to you as a Lulac district 7 member and it's a district for women in my chapter. I would like to speak on behalf of women. Especially women that live in poverty. Latina women that live throughout the crescent area. I'm going to tell you a little story. A young mother, she used to be a stay at home mom. An unfortunate turn of events their partner lost their job and lost insurance. She discovered her 2-year-old baby was allergic to mosquito bites. She ended up with her baby in the emergency room four times. Without transportation. She had to call the ambulance a couple of times. She was referred to the

[inaudible] Office. The only clinic at that time closer to her home was south of the river and Oltorf and South First. She had to take two buses because the only car that was at home was taken for her partner to go look for a job. After a long wait and a lengthy discussion with the office she realized she was not insured. She went home crying, broken hearted. She didn't know what she was going to do to pay all those bills that kept coming from the visits to the emergency room. That person was me. That was me with my first child. 15 years ago. Ever since I pledge to advocate for people in my community that lack the capacity, the skills, the time and the resources to come and advocate for them.

[11:11:42 AM]

At that time I didn't have a single clinic in the southeast quadrant of the city. Been advocating for a while on this issue. I am passionate about this because I know the challenges that many people in our community face. I do truly believe that if people that knew about our background were sitting at that board they would be making more sense in the decisions that they were making for a long time. We have been having people there to sit there and make decisions that do not resonate with the community. Why would we have to be up in arms when they keep closing clinics without letting our communities know. How many years do our kids need to be missing entire school days because their parents need to take a bus or a couple of buses before they can go to a clinic? And they are removed not only themselves but their siblings because their parents don't have support systems to pick them up after school. What does that do to the grades of these kids? Do you know that right now the number of beds that are planned out for holding facilities is the fourth grade reading grades of our students?

[Buzzer sounding] We need more representation. We need people that are culturally competent and are going to be willing to make the decisions and especially about the transparency. We know what's been going on with our [inaudible]. They are funneling the moneys to U.T. And it's not fair. Thank you.

>> Mayor Adler: Thank you. Robert Osier, did you want to speak?

>> By the way, thank you very much for the memorial service this morning. That was really nice. I just want to follow up on this question that was raised about conflicts.

[11:13:44 AM]

Just so that you understand how the impact that it has on your citizenry. I've been looking at this central health operation for a long time. The law firm that represents central health for 24 years based on a discussion with Robert Oliver, they also represented Seton. And it was at the same time. So you are looking at this thing and -- and I asked questions about it through the county and I didn't get answers. I didn't know about Robert Oliverment I wasn't told this. And so then you see this deal that is struck on the teaching hospital. And Seton gets a teaching hospital, they save in their rent and we lose a net 23 to 25 million dollars a year in rental income. And then immediately afterwards or shortly thereafter the law firm merges with a firm in the St. Louis area which is the same area that ascension is located in and ascension is the parent company of Seton. Okay? And you look at this thing and you kind of go, oh, oh, that's the way the world works. And this woman that came up, Ms. Oliver, is a terrific woman. And -- and I use st.david's. They are a great outfit. But I'm just wondering if on this issue in terms of how you set up this -- as a matter of fact, I believe St. David's should have been involved in the whole medical school thing. I'm wondering if you are not setting up a situation that you have these kind of irreconcilable conflicts that they've had over at that agency for years and it's just going to create problems. And it generates a certain kind of cynicism in your citizenry about how this thing works and who this thing -- I mean I'm paying for all this.

[11:15:55 AM]

Is it all going to benefit private organizations, private firms? It raises fundamental questions and it creates appearances that just are not often are not palatable for your citizens. Thank you very much.

>> Mayor Adler: Thank you. Those are all the speakers on that issue. We're going to lay that aside so we can consider this in executive session. We'll come out and debate it when we come back. Miss how often.

>> Houston: Mayor, what did you say? You were talking softly.

>> Mayor Adler: We're going to talk about this in executive session. When we come out of executive session then we'll have the debate on the dais.

>> Houston: Could I go ahead and make a motion to move that we appoint maram museitif central board of health managers.

>> Mayor Adler: Is there a second? Mayor pro tem seconds. You are just moving now one of the two people.

>> Houston: Correct, then we'll go into executive session.

>> Mayor Adler: Any discussion? Ms. Troxclair.

>> Troxclair: If it's okay, I would love to second the motion because she is my constituent.

>> Mayor Adler: Seconded by Ms. Troxclair. Discussion? Those in favor please raise your hand. Those opposed? It's unanimous on the dais. We'll come back after executive session for the other motion. Let's hit item number 2 pulled by Mr. Flannigan. >>.

>> Flannigan: Is Mr. Robertson here? I was hoping to speak to the city department about this. Has he not made it down?

>> Tovo: While the personnel are coming down, I wanted to thank Ms. Oliver again not just for her interest in serving on the central health board and coming in last week but also being here today to add this additional information for my collection.

[11:17:56 AM]

-- Colleagues.

>> Flannigan: If we might want to wait and take this up when Brad Robinson can come into the chambers. I have questions about how the projections of the future use of this facility.

>> Mayor Adler: Item 13 is just filling a number in a blank. If staff would come forward we could handle item number 13.

>> Good morning. We recommend council approve a payment of a settlement amount of \$130,000.

>> Mayor Adler: Is there a motion to approve item number 13 set at 130,000? Mr. Casar makes the motion, Ms. Pool seconds. Discussion? Those in favor raise your hand? Those opposed. It's unanimous. Everyone on the dais. She's on the dais. She's just a few feet away. She raised her hand. Are there other things up here we think are quick things where there was just a quick question? Is 50 and 51, can we dispense with those?

>> Yes, mayor, chuck Wozniak. I can explain quickly what these items are or if you have a specific question. On item 50 I spoke with the concerned citizens with the see irrelevant are club -- Sierra club. They are okay would the June 15 public hearing. We're going to meet with them and try to get any questions answered that they've got. On 51 we're fine with a postponement to October 5th.

[11:19:59 AM]

>> Mayor Adler: October what?

>> October 5th.

>> Mayor Adler: Is there a motion to postpone -- no, I guess 50 is to set a public hearing as noticed June 15th councilmember pool makes that motion. Second by Ms. Garza. Discussion? All those in favor please raise your hand. Those opposed? Unanimous on the dais. And now a motion to set 51 for public hearing on October 5th. Is there a motion? Ms. Pool makes that motion. Second Ms. Garza. Discussion? Those in favor raise your hand. Those opposed. That is set for October 5th.

>> Pool: Thanks.

>> Mayor Adler: Do we have other items that we think would be quick questions? Ms. Houston, item number 24, is that a quick question do you think?

>> Houston: I don't need to

>> Mayor Adler: I'm sorry?

>> Houston: I don't need to pull 48.

>> Mayor Adler: 38 in.

>> Houston: 48.

>> Mayor Adler: Let's take an item on 48. Is there someone that moves passage of item 48? Ms. Houston makes that motion. Second, Ms. Garza. Discussion? Those in favor raise your hand. Those opposed. It's unanimous on the dais. 48 is taken care of.

>> Houston: 24 is quick.

>> Mayor Adler: Let's call number 24.

>> Mayor and council, Austin water.

>> Houston: I just want to know what the exemption is that we don't have to do minority business owned. It says this contract is exempt. Why is it exempt for minority participation? Or goal setting?

>> Councilmember Houston, James car Scarborough.

[11:22:05 AM]

Typically we would defer that question to our colleagues at smbr, but the mwbe ordinance applies to competitively solicited contracts and this case because it is -- this item is subject to the state's statutes with regard to sole source, it is exempt from the mwbe ordinance.

>> That is a correct assessment.

>> Houston: It would be helpful if that would be in there rather than exempt. When we don't set rules they don't perform as well. If that's the reason why because it's a sole source, if it said sole source that would be helpful.

>> Yes, ma'am.

>> Mayor Adler: Is there a motion then to approve this item number 24? Motion to approve item number 24? Mr. Renteria. Is there a second? Ms. Garza. Any discussion? Those in favor please raise your hand. Those opposed. Those abstaining. Those opposed. Ms. Houston voting no. Mayor pro tem off the dais and Ms. Troxclair off the dais, the others voting aye. It is 8-1-2 passes. That's number 24. What about item number 26? Do we anticipate that one is going to take long? Resource recovery. We'll hold. So Ms. Houston and Mr. Flannigan are the ones that pulled that. Ms. Troxclair removed her pull. That gets us to 28 and 29. They have speakers.

[11:24:09 AM]

41 was pulled by speakers. Let's pull number 41. Mr. Panacki. Do you want to speak to this? It looks like it's going to pass. So as we're on the dais, number 41, does anyone on the dais have any reservations about this one? So that the speaker can know. It doesn't look that way. So you can speak, but know that it will pass.

>> I just want to show why we are -- so that everybody --

>> Mayor Adler: Okay.

>> We are building something in east mlk area, we are building connectivity. First of all I want to thank my councilmember for bringing this and all the co-sponsors for bringing this item. And one thing I would like to show you, we have all these routes in -- east of the airport which are east-west routes on capital metro, but there are two large developments. One is Mueller and another is

[inaudible] And we do not have north-south connectivity. So we are building north-south connectivity and especially people do not have automobiles are safe by cycle route or walking route is not -- it's a right. So this kind of shows it what kind of route we are trying to develop in a broad fashion. And there is a solution which is north of Mueller which is called east link. We are kind of building the complimentary solution.

[11:26:13 AM]

This is how our east mlk hike and bike route looks like and it has been completely done by the citizens. And on the north you will see the park, little walnut creek park with a green route through it, hike and bike trail through it, and that's what is a part of the discussion today. This is the park, it is a 200-acre park. It was added as a park or bought by city in 2002. It is in now a cip since 2002. And in 15 years there has not been any development on it and people cannot use it because the Gates are closed. So one of the thing we are trying to -- there is about 3,000 people including the people of Mueller who can use this, and since the crossing over in 183 is closing down so people have to have a safe route to the ymca, so we are trying to open up this park, this 200 acres of park to the people around it for that they do not have to drive to west side or somewhere for a nature hike. They can stay in the neighborhood. But over and above all this is a great equity builder because in a park, you know, people do not differentiate who is wealthy, who is poor. This is the other portion of the hike and bike trail trail which councilmember Renteria approved on some of the -- for acquisition of the land and we thank him for that. Finally this is the last portion of the trail which is a route through the golf course. This route exists. Please understand that this route exists already. And what we are -- we are requesting this route to be extended a little bit to mlk so that people can go to Mueller using this route and then it completes the hike and bike route at least to some extent.

[11:28:26 AM]

I have requested -- this is part of this entire design and that's why I wanted to speak, to make the east mlk hike and bike trail route possible. So I had a set of requests that I have put into the mayor's office and I hope everybody will look into this and get us some kind of help so that we can make this possible. Thank you.

>> Mayor Adler: Would you please send that power point presentation to the offices?

>> I have.

>> Mayor Adler: Thank you. Is there a motion to approve this item, 41? Ms. Houston makes that motion. Is there a second? Councilmember alter seconds it. Discussion? Those in favor please raise your hand. Those opposed. Unanimous on the dais with Flannigan and -- no, with troxclair and the mayor pro tem off the dais. That passes. I'm going to now call up item 53, the historic land use matter. Last week this was set for a public hearing and we said we would call this up earlier in the day this week because we had people that were going to be gone in the afternoon. Is staff here? Thank you.

>> May I pro seed?

>> Mayor Adler: Yes.

>> Mayor and councilmembers, thank you very much for your time today. 1/2 street. I work as a civil attorney and I am also one in the city of Austin's magistrate's judges. I'm here before you today to to -- personally and let me make sure -- I'm here before you personally on my behalf as a property owner and also representing the oak west university neighborhood association.

[11:30:29 AM]

Last week you heard from Dan Becker regarding the issues of substantive due process that were in his expert opinions problematic in this case. Today I will address the issues of procedural due process that in my expert legal judgment was contrary to law and city regulation. First, we believe that we were unreasonably denied

[inaudible] To speak during a public hearing that was scheduled for the express purpose of hearing testimony from both the owner of the property and from neighboring property owners. City code and all board and commission bylaws provide that public hearings should conclude by 10:00 P.M. We think this is a good policy. At that hour it's time for citizens to be home with their family and it's also an hour of night that after which tired decision makers can make ill-advised decisions. There's a provision to extend meetings beyond 10:00 by a vote of the commission, which was done in this case. But we believe that provision is to allow for concluding the public's business, which when you are close to the end of a actually published agenda, not to continue for an additional three and a half hours to make a decision at 1:25 in the morning of the next day. And indeed at that hour we believe the commission found themselves stuck in a place that really they didn't want to be in and ended up making a an ill advised decision. At that unreasonable hour the chamber was empty. Neither the property owner or the neighbors were present and the neighbors had to leave to attend family responsibility as sleep and preparation for the next workday. Procedural the commission was given only two choices by staff.

[11:32:30 AM]

Hold a public hearing with no one present to speak in a obviously empty chamber or return the item to the consent agenda. Given these two choices, the commission not surprisingly chose to return it to consent. But there is a third action empowered under the city code that was not offered or taken. Postpone the hearing to the next meeting. This action would not have required sending out notices

again for the postponed hearing. Substantively but not hearing from the public the commission failed to receive and consider --

[buzzer sounding]

-- Information -- what's that mean? Failed to consider information relative to its -- its decision. With full information the commission might have reached a different conclusion. Next, we believe the staff report did not meet the requirements of the city code on two grounds. First the process of considering demolition permits. The code requires evaluation based on five criteria. There is no citation to the five criteria one way or the other in the staff report. Second, the code requires an assessment of the building's integrity. That is, its ability to physically convey its historic character. You can have all the history you want, but if the building is -- has been altered to the point that it has significantly changed from the time it was historically important, then there would not qualify for landmark status. Neither of these requirements were fulfilled in the staff report provided to commission members. No citation to the five criterias and aside from a brief mention about uncertainty regarding the exterior stucco, there was no mention of integrity. As a result, the commission's decision to release the demolition permit by way of a consent agenda was contrary to the code and the regulations because a record of commissioners' decisions did not contain the necessary findings required under our ordinance.

[11:34:40 AM]

Further, procedure errors made by the planning commission were made at the planning commission level of appeal. When the appeal was heard by the planning commission, there was no change in the flawed city report. In response to our appeal addressing the five criteria, the staff at the meeting did verbally address the five criteria at that level of review, but even there misrepresented the definition of community value criterion. In response to a question it stated that this cry tearian was applied on a citywide basis and this is contrary to the code language defining community value under our ordinance which on its face includes neighborhoods and groups in addition to the city level of value. Finally just to remind you of Mr. Becker's testimony last week, I'm going to slowly click through his slides before I conclude my -- while I'm concluding my presentation of our appeal.

>> Mayor Adler: As you do that just for the record, is nuria Zaragoza here?

>> She was here a few minutes ago.

>> Mayor Adler: Monica Estrada? Deborah terazas? Arthur Moreno? They've all donated time.

>> In conclusion -- okay. In conclusion, after taking into account all the procedural and substantive reasons we believe you should uphold our appeal, what we are asking for is quite simply, we ask you to take actions that would allow the historic land commission the opportunity to hear all the evidence and

opinions of the property owners and the neighbors that rightfully should have been able to receive when it first heard the case.

[11:36:46 AM]

Let them apply their expertise to the complete and code compliant record of information. This is all we are asking for, a fair hearing for all. Accordingly I ask you to reverse the decision granting the demolition permit thereby initiating an historic landmark combining district zoning case. I request that you make as a condition of your decision that I and the neighborhood association be responsible for providing the landmark zoning report to conserve your limited staff resources, and further that I and the neighborhood association do so in a timely fashion within 45 days. So that this case, which has already lasted -- as this case has already lasted too long for all the concerned parties. You know that as a preservation -- you know that has a preservation has the complete support of the neighborhood association. This property is at a disadvantage because its proposed demolition came at a time during when frankly we as the neighbors are beaten down. We have spent many hours and offered many concessions when we created the wildly successful university neighborhood overlay. Instead of the protection we expected, we have had to react from one zoning case to another. We've lost many structures and we've lost many very frustrated neighbors. Please help us save this structure. Let me keep going very quickly to make sure. Okay. So I go back to -- let me rephrase one more thing.

[11:38:47 AM]

I request that you as a condition of your decision, that we be allowed -- that we be given the responsibility for providing the landmark zoning report in a timely manner within 45 days. And that the demolition permit be denied. Thank you for your time today and I will welcome any questions you may have.

>> Mayor Adler: Thank you very much. Thank you. Next speaker, Kim Joseph.

>> I think I'm the only speaker and they donated their time to me.

>> Mayor Adler: Is cater Joseph here? Did you want to speak?

>> Yes, he is here.

>> Good afternoon, mayor and councilmembers. I believe at planning commission after the appellant spoke, Mr. Sadowsky gave a presentation, then I spoke following that because Mrs. Radio he's and I are -
- Ruiz and I are not speaking, I'm against the appeal.

>> Mayor Adler: You can speak, then we'll call staff up to speak.

>> Excuse me. I have a couple things to hand out.

[11:40:49 AM]

Do I come to you individually or put them at the end? Okay. Thank you. I'll go ahead and start it while we're waiting for the presentation to load. I am a [inaudible] Generation austinite born and raised. And throughout -- I'm here to speak against the appeal for the demolition of these properties. This has been an extremely time consuming and expensive process as we filed the demolition permits nearly 400 days ago. Hlc heard the case July 25th and at that time was the appropriate time for anyone speaking against it to -- to be heard. And Mrs. Ruiz or no one else was heard, no one else came to speak. Back in January I met with the appellant and she informed me in order for this case to be dropped, the only thing that was necessary was for the property to sign a restrictive covenant saying that today nor in the future no one that lived at the property could park in the street. They had to park only on site. And that was the solution to this appeal, which I think everyone can gather has absolutely nothing to do with the historical significance of the property. The owner thought that that was a ridiculous request considering what the appeal was about and so we've continued -- continued to go down this road. This is a time line which I've also passed out to you showing how long of a process this has been and how costly it's been.

[11:42:50 AM]

Meanwhile, paying to carry the property, paying property taxes, paying vacant building insurance as the building cannot be inhabited and it's very expensive to keep a vacant building. I would like to talk about section 24-2-947b of the land development coat. 1207 is a tri-plex and 1209 is a four-plex and both buildings are nonconforming. The joining was changed and their S sf-3 lots. One of the main provisions of the section of code is to govern the situation -- excuse me, is to govern the cost of the improvements restricting that they not exceed 20% of the value of the structure before the improvement. So if you look at just tcad, for instance, which I think are pretty high structure improvements considering the condition, 89,000 and change on each structure and take 20% of that, that's just shy of \$18,000, which gives you a \$7.50 per square foot allowance to bring these buildings up to code and to get them back up and operating. Which is very clear is

completely impossible: I've also attached a letter from the architect discussing the condition of the properties --

[buzzer sounding]

-- And them being in his opinion beyond repair. And here are a few pictures of the property. You can see its condition. And I think this property, one thing to keep in mind is the case you all heard recently on 52nd street. This property is very, very close to that property that had code compliance issues. If you will look at these pictures, look at that refrigerator, that is sitting on the kitchen floor and it's leaning considerably. I mean the property is in disrepair, it's a hazard.

[11:44:53 AM]

The owner is not willing to let anyone live in the property and it has been completely locked up for quite some time now. I would greatly appreciate -- and the property owner would as well, if we could move forward and release this. There was a public hearing with hlc. That time has come and gone and I do not think 400 days later we need to revisit it. Thank you very much for your time and if you have any questions I'll be happy to answer them.

>> Mayor Adler: Did you have questions, mayor pro tem?

>> Tovo: Mr. Joseph, I noticed -- I believe and in fact Mr. Sadowsky is here and so I'll call on him in a bit too, but I would like to talk a little about your representing the property owner, correct?

>> Yes, ma'am.

>> Tovo: What kind of exploration about the property owner do about renovating the properties?

>> We did a lot of exploration we sent a considerable amount of money with an architect and a structural engineer and even the code section aside, if we were able to get through that, they were -- in the architect's opinion the buildings were worn out and needed to be replaced. There was no feasible restoration.

>> Tovo: The zoning had been changed --

>> I think it was multi-family at one point and it was rolled back, I believe.

>> Tovo: I look to staff for that. It looked to be single-family for a long time but I'm not --

>> I don't know how it would be single-family if -- when they put four units in unless they did it illegally.

>> Tovo: I don't know. They are quite old houses. As you said, they may have pre-dated the zoning. And I know you've represented other property owners before who have older houses, have applied for demolition permits, but I guess that's one reason why I'm asking you since our historic preservation officer did recommend that the property owner look to rehabilitate these properties, that's one of the reasons why I was looking to see what -- you know, what significant work had been done to that.

[11:47:14 AM]

And a refrigerator on a floor is not a sound of structural and soundness. That's just a basic renovation.

>> Well, it's a sign of the floors being in a short 10-foot span, the floors being six inches out of level. But I understand the preservation office's recommendation and there's been many times where a property has not met the criteria and Mr. Sadowsky has made that recommendation and we've gone to great, great lengths to restore that property and to -- rather than to build new, but in this particular case these properties, in my opinion, in the architect's opinion and the structural engineer's opinion are beyond the point. It's going to be considerable more expensive which we've already spent a whole lot of unplanned money carrying this property for 400 days and it's going to be a whole lot more expensive to restore those properties rather than to build something new.

>> Tovo: Okay. I would be interested in the examples you referred to whereupon the recommendation from the historic preservation officer there was an attempt and then a successful attempt to actually restore the house. You don't need to do it now. You can do it outside this hearing. Because most other cases I'm familiar with you've been associated with were actually demolitions.

>> I'll be happy to provide that.

>> Tovo: Super. Thank you.

>> Mayor Adler: Is there a motion to close the public hearing? Mr. Flannigan makes that motion. Second to that motion? Ms. Garza. Those in favor please raise your hand. Those opposed? We've closed the public hearing. It's unanimous on the dais, Ms. Houston off. Mr. San do you ski, do you want to come and talk to us, give us your recommendation, basis for that?

>> Yes, sir.

>> Good morning, councilmembers, Steve Sadowsky, historic preservation office, planning and zoning department.

[11:49:15 AM]

This case came to the historic landmark commission in July of last year. It's been pending since that time. Our -- there are a couple things that came up during the testimony today, and I'm sorry, this is going to be a much more extensive presentation than you all need. There is photographs of the house. I actually personally went out to the houses and looked at them. We do that in every single case that we present. Sandborn maps show the 1935 on the top, shows they were original single-family dwellings. The 1961 map shows they were divided into apartments and that they had been stuccoed over. Now,

what that means to me is they were not originally stucco, they were frame. The maps of 1935 were color coded but we don't have the color version so we have to just look at what they say. And since this was a fire insurance rating company, the fact that they had a stucco exterior was extremely important to them. Would not have passed -- wouldn't have -- they wouldn't have missed it on the 1935 map. So the stuccoing of these houses came between 1935 and 1961. There's no building permit to do any of that work. I don't understand exactly when that occurred. Our designation criteria, the building needs to be 50 years old, they are. Retain a high degree of integrity. With the volume of cases that we go through, our staff reports, if there's no issue with the integrity of the building, we generally don't put it in there. Our staff reports really are written for our commissioners and they understand this. The building has to either be individually listed in a national register of historic places, designated as a recorded Texas historic landmark, state archaeological landmark or national historic landmark.

[11:51:19 AM]

These buildings are not any of those. Or it has to have significance in at least two of the following categories and here are five criteria we've set out. We've had these for many, many years now. The two that we most -- or that we use the most are the first two, architecture, historic associations. Community value also comes into play. And I know you all have the full code section in front of you, but each of these needs to be -- to qualify, a building needs to be shown to have significance in these areas. I don't mean to make a trifle of this, but every single building has a history. What we need to determine is whether that history and architecture is landmark worthy. What we're trying to do in our landmark process is designation and nominate the most eligible buildings that really have the significance in architecture and historical associations. If there is also community value, then we definitely address that. Here are the minutes from our July 25th, 2016, hlc meeting, and the staff's recommendation of course is to encourage rehabilitation and adaptive reuse. Our office -- one of our office's goals is to encourage preservation without necessarily making every single thing an historic landmark. We want to preserve the character of our city and preserve our history, but not every single building can qualify as an historic landmark. So we always encourage rehabilitation and adaptive reuse, but also set to release the permit upon completion of a city documentation package. Notice here who made the motion to release the permit. It was commissioner Terry Meyers, who is one of our most arrest dent supporters of preservation.

[11:53:21 AM]

She was support by commissioner panju and that combination hardly ever happened at the landmark commission, but it did here. As I said, the case has been pending since July 25th. The notice of appeal

was filed in August. There have been numerous postponements at the planning commission and then at the council. So this case has been going on for almost a year now. What I really want to tell you all is that we work with property owners to encourage preservation. Without necessarily nominating every property as an historic landmark. Landmark designation should be reserved for those properties that truly deserve it. And the demolition of a property is something that always is going to cause concern. We want to encourage property owners if they can preserve a property to do that because preserving a property continues our architectural and historical heritage in Austin, something that is quickly going away, but not every single property is eligible to be an historic landmark. In this case the valuation, and I want to say our staff report here is 16 pages long. So it is -- it is very thorough. We went through all of the city directories looking at who lived there and came up with our conclusions that these houses were built by a man who was a real estate developer. He ended up living in one of the houses, renting them out. He turned them into apartments, but this is really typical for that area. And while staff felt that these houses did not qualify as historic landmarks, that was also the feeling that the landmark commission had upon hearing this case. We do feel that the area is right for an historic district.

[11:55:22 AM]

And we would welcome the opportunity to work with Ms. Ruiz and other folks in the neighborhood to start developing an historic district for the west campus area, this area is changing very rapidly and we need to identify houses that could qualify as a district as well as potential landmarks. What we have right now, we don't have a district yet so we have to take our landmark designation criteria and apply it to these buildings, do these houses qualify as historic landmarks, the answer is no. Thank you.

>> Mayor Adler: Any questions for staff? Ms. Kitchen.

>> Kitchen: Just a quick question on your case chronology.

>> Yes.

>> Kitchen: So I think it said August 5th, 2016 appeal filed.

>> Yes, ma'am.

>> Kitchen: Can you remind me what the chronology was after that?

>> Chronology was then the appeal was filed that went to the planning commission. There were a number of postponements.

>> Kitchen: When did it go to the planning commission?

>> February 14th was the actual hearing.

>> Kitchen: Okay. And -- and I think that's the hearing that we heard testimony about earlier.

>> I'm sorry, what --

>> Kitchen: Never mind. I can ask -- I think someone else testified earlier about concerns about that hearing, but thank you.

>> Okay.

>> Tovo: I wanted to ask about that hearing. The appellant -- appellant talked about procedural errors with regard to the historic landmark commission and I wanted to have you address whether there were any procedural difference in how that was handled that evening. Or to the item being pulled from the consent agenda and being put back on the consent agenda without discussion.

>> No, mayor pro tem, it was actually never put back on the consent agenda.

[11:57:26 AM]

It was originally on the consent agenda because the staff's recommendation was to release the permit upon completion of the documentation package. It was pulled by discussion by folks who were there. That was a very long meeting. We had a lot of cases, a lot of public hearings that evening and this was one of the last ones. By the time this came up for public hearing, there was nobody left in the -- in this room. To make a presentation. So the -- that doesn't mean that the commission couldn't still have discussed it. Commissioner Meyers at that point made the motion to accept the staff's recommendation and that was that because there was nobody left to testify about it.

>> Tovo: Thank you. Mr. Sadowsky, looking back at the case, case 14-2016-0001. Just to pick up on what Mr. Joseph said, the old zoning case was to rezone one of the two properties, 1207 west 22nd from sf-3 comp to sf-4 and it looks as if it made it through the planning commission -- sorry, it looks as if it made it through the -- through -- yeah, planning commission, but what happened to that particular case?

>> To the zoning case? I'm not aware, mayor pro tem. I was not involved in that one. The only involvement I've had had -- could you address that issue? I see it was a nonconforming use.

>> That property is 1207, this is 1207 west 22 1/2 street.

[11:59:32 AM]

That zoning was granted by council and the exact same -- very similar product is being built on that and it had full neighborhood support to build three houses instead of the two it previously was.

>> Tovo: So back to the question about the procedural issue. In your opinion, there was no procedural lapse with regard to how the landmark commission considered this historic zoning case?

>> That's correct.

>> Tovo: And the vote again was --

>> 7-0. It was unanimous.

>> Tovo: Thank you.

>> Mayor Adler: Mr. Casar.

>> Casar: I don't know if this question I .>> Casar: I don't know if this question is for you or for legal. I heard your recommendation and I heard your recommendation and discussion on it whether or not this property should be an historic landmark, but since this is an appeal for us, we had a particular layout in code on how we're supposed to handle appeals rather than just an historic case.

>> Lee Simmons, assistant city attorney. Generally appeals are handled as de Novo review. So what you would basically do is sit in the shoes of the planning commission and review this as if it's coming to you for the first time. You have up hold the planning commission decision today or reverse it or may modify it as per what's stipulated in the code. So it's a brand new review. We sit in the chair of --

>> That's right. You basically sit in the --

>> Of the planning commission or of the hlc.

>> Of the planning commission.

>> Now that I'm sitting in the chair of the planning commission is the planning commission a de Novo review, are they sitting in the chair of the hlc or are they thinking about procedure? I'm wondering whether or not I should be basing my decision based on whether or not this should be an historic landmark or whether there are procedural areas?

[12:01:38 PM]

>> I think we should go back to what's stipulated in the historic part of the land use code. There is a right of appeal for certificates of demolition. And that right of appeal provides certain criteria that are different from when the hlc has an application for a zoning to historic landmark. So in this case this was an appeal of a certificate of demolition. The criteria are different, but they also overlap with the zoning criteria for moving into landmark zoning. For landmark zoning there is no right of appeal under chapter 25-2. It's my understanding that that would be more of a right of petition if someone were to protest that zoning application.

>> Casar: I'm sorry, let me see if I can -- maybe my understanding is unclear or maybe it was my question. I'm trying to figure out whether or not in this vote I need to -- I am considering and wrestling with whether or not this property should be an historic landmark or not or whether or not an appeals process I am making decisions about whether or not this was handled appropriately by the other body, be it that I agree or disagree with their opinion on historic landmark. That's what I'm trying to understand which of those two or is it both that I should be worried about.

>> The historic use of the land use code is pretty broad, but it's my understanding that it's the latter case that you would be interpreting the application for the certificate of demolition. That does contemplate whether or not the property has the potential for landmark status. The commission if you go all the way to the hlc, the historic landmark commission, they are obligated to permit a demolition under two specific circumstances.

[12:03:43 PM]

The first would be if the interest of historic preservation would not be adversely affected by the demolition and number two if the interest of historic preservation could best be reserved by removal of this property to another location.

>> Casar: Sorry, I'm confused because you said first that the latter was what I should be worried about is procedural and more legalistic, but what you just read out right now is that I should be concerned about whether the removal of this impacts historic preservation, which seems for me what I thought was the former thing I said. I could hold off on my questions if everybody else gets this and I don't, but I feel like if the answer is I should be worried about both you could just tell me both, but if it's one way or the other --

>> It's my understanding that you don't have to be worried about the procedure in this case because you're interpreting this appeal de Novo as if you're getting it for the first time from the appellant.

>> Casar: So really our decision making is about whether or not this -- we believe this should be an historic landmark or not as may we were the historic landmark commission.

>> That would be part of the conversation, yes.

>> Casar: Okay, thank you.

>> Mayor Adler: Okay. Thank you. Council, you pointed out that this is an appeal and I think that is well taken. For that reason I should have given the appealing party the opportunity to be able to close at the end of the discussion. So with your indulgence I know we've closed the public hearing. I think that I should have afforded the appealing party the right to close, so with your -- without objection I'm going to give her three minutes to close if she wants it. Do you want to take those three minutes?

>> Thank you. I also thought I was going to be able to close. Mayor pro tem, this is always been an sf 3 zoning case and so right now what you have before you is a staff recommendation and then our expert's recommendation that this particular structure does have historical potential.

[12:05:58 PM]

So there is definitely competing cause, and particular since your staff recommendation never made any point of the significance or lack of significance of this particular structure meeting historical designation or at least the potential for it. So right now what you have before you is our expert report giving you the five or six reasons why it would have the potential for doing it and then a staff recommendation report that does not even reference those. So there was also the question of cost. The first time we ever heard the question of cost was at the land use commission when the preservation officer made the admission that it would be very expensive. We then made thereafter a public information request to see -- to actually see that report, and we were never given any response. So if a report ever existed we as a neighborhood association were not allowed to consider it or given a copy of it. And we also believe that this particular structure -- and I think if you go back to the July hlc hearing you're going to see that it's listed under demolition by omission. It's not listed under our -- under the actual code. And part of that demolition by omission that go into talking about how their -- how the owner has never put any extra money in it. One complete house, I think since 2007 has been empty. One has been empty for 12 years and 15 years. So these structures can definitely continue being used and they're low income housing for our neighborhood. The woman that lived there for 19 years makes \$9.25 a year. That is rare for our neighborhood, and we want to keep it that way.

[12:08:06 PM]

Let me go back over my notes. Yes, there was a question about the 1935 Sanford fire. We found a 1930 case in which it actually showed -- and I think it's under our appeal. It exhibit number 1. And it shows that the actual properties were made of original stucco because that's exactly what it said on there. So it is definitely originally stucco according to the 1930 Sanford report or case. Concerning parking. We were at a meeting at my house and there were several members there --

[buzzer sounds] There was never a request that there be a restrictive covenant for parking. If you look at this particular house they do an excellent job of parking. They have eight parking spaces in the back designated. So I don't know what the parking issue -- the parking issues are major for this whole neighborhood, but it was definitely not asked for a restriction because there's plenty of parking in the back.

>> Mayor Adler: Okay.

>> Thank you very much.

>> Mayor Adler: Thank you. We're now back up to the dais. Is there a motion to grant the appeal? Ms. Pool makes that motion. Is there a second to grant the motion to the appeal? Ms. Houston seconds that. Discussion? Ms. Garza?

>> Garza: It kind of goes along the lines that councilmember Casar was trying to get some clarification. Is voting in support of this motion mean that it goes back to back to historic landmark commission or does this vote say we are designating it an historical structure?

>> Lee Simmons, assistant city attorney. If you decide today and vote today to reverse the planning commission's decision, it would ostensibly go back to the historic landmark commission to be considered for historic landmark zoning designation.

[12:10:10 PM]

>> Garza: And then would come back to us?

>> The process would basically start all over at the landmark commission level.

>> Garza: A vote aye means we're sending it back to the process basically.

>> If you up hold the appeal it dies now. If you reverse the appeal it goes back.

>> Mayor Adler: Wait, wait.

>> Garza: No, I think it the other way around.

>> Mayor Adler: If we grant the appeal.

>> I'm sorry, then it will go back.

>> Garza: Okay, thanks.

>> Mayor Adler: Ms. Pool?

>> Pool: The reason why I'm supporting granting the appeal is to give the appellant and the expert who came and talked to us last week and made good points and also our staff an opportunity to dig into the record and possibly cure what -- I don't know that we're going to get to the bottom of whether there were some reversible errors or not, but it feels like some of the procedure wasn't as exactly straightforward as consistently as I would like to see. So I would like to give the appellant the

opportunity to build the record and then have the historic landmark commission make a careful judgment based on a more robust record that would be submitted.

>> Mayor Adler: Is there any further discussion? Mayor pro tem?

>> Tovo: I've really gone back and forth over this one over the last several weeks. For one thing, I really put a lot of faith in the historic landmark commission when they're functioning well, which I hope they're on the path to doing at this point. On the other hand, it really does -- I really do give credence to a case that comes up at 1:00 after everybody who came down to speak to it has left really didn't get an adequate hearing. So I'm -- I would like the landmark commission to have another -- the landmark commission to have another opportunity to look at it with the benefit of hearing from those who can speak to what they see as the value.

[12:12:23 PM]

But I do want to acknowledge that I have a lot of faith in our historic preservation officer and the research that you compiled for it. But I am also struck by the language in the staff report that speaks to encouraging rehabilitation and adaptive reuse rather than demolition. This area of west campus is still very residential with many one story homes still used as single-family residences or duplexes. It still retains the feel after neighborhood when it was an area of houses. And talks about it being very unfortunate to lose these twin four-plexes as they represent a popular style at the time and are important to the neighborhood. So again, because it came up so late after the community members who came to speak to the case had left, I do support it going back to the landmark commission again. I would say if they were to vote to -- vote against historic landmark designation again, I would not support an appeal coming back through the process. So I would hope if we vote today to sent it back to the landmark commission and the landmark commission makes the same decision they did last time, that we would let the owner and the developer and process move forward with their plans because I understand and hear their frustration at the length of time it's taken. And I want to express my regret of this trend that we're seeing of the demolition of many, many older structures in our older neighborhoods. I think this is -- I think this is -- we have seen several demolition right around this area of the neighborhood and I have to believe that it is in part due to some of the -- it's under really extreme pressures and the fact that some of the areas near it have been so significantly up zoned I think is putting pressure on this area as well. And I think it's a lesson as we move into codenext that we are rapidly losing a lot of our existing housing stock and we need to take codenext with tools that will exacerbate that as you hear the changes that are happening this, are displacing long time neighborhood residents of modest means.

[12:14:46 PM]

So part of maintaining central Austin as -- and the economic diversity that exists means holding on to some of that older housing as well. But again that is not the basis for my support of this motion, but my basis of the support of the motion is that I think people should have been afforded an opportunity to talk, and that's difficult when it comes up at 1:00 in the morning.

>> Mayor Adler: Mr. Casar.

>> Casar: I'll be supporting this motion as well. For similar reasons. I would really like for the hlc to think this through. If it was just a procedural issue that would be one thing, but I do think there's some significant interest in this being a potentially historic property and I would like for them to take one more look at it. I also -- I kind of take a bit of a different story from this than the mayor pro tem might in that this is actually not zoned right now to be this kind of multi-family property, but this is an historic part of those neighborhoods as they're being attached housing and multi-family properties scattered throughout the neighborhood for a diversity of housing types. I think that's part of the history of central Austin and so we started making that less and less legal as other parts of the city got built out. So I think that preserving that history is important and recognizing that that's part of our neighborhood's character as we move forward with things like codenext, and in fact I think that some of the up-zonings in west campus have actually produced more affordable housing than a lot of the just existing single-family zoning there. And the uno district we are actually producing more income restricted housing, unsubsidized and income restricted housing through any other program except for through vmu. So I think we have to wrestle with the fact that we can change zoning in order to create income restricted housing and we can also leave zoning wait it is and sometimes lose these multi-family four-plex units for more expensive single-family homes.

[12:16:56 PM]

So I think it's obviously a very complicated issue, but I appreciate the hlc taking a look to see if these four and six plexes, which historically have been built in central Austin, can be a part of the historical record and hopefully part of the future too.

>> Mayor Adler: Councilmember alter.

>> Alter: I have a question for staff who might have been present at the planning commission meeting. So when it went to planning commission I'd like to understand if there was a full hearing for this and what planning commission decided exactly.

>> Yes, councilmember. There was a full hearing on it. Where I made a presentation, Ms. Ruiz made a presentation, the planning commission basically took the -- were in the shoes of the landmark commission and upheld the landmark commission's decision.

>> Alter: And there was no discussion of planning commission feeling they were not qualified to make that decision?

>> There was a feeling by one or two at the planning commission that they weren't the experts, but the landmark commission was the expert. The experts in this case. And they were going to defer to the landmark commission's expertise.

>> Alter: Thank you. And I have a question, I don't know if this would be for you or for legal. If this were to go back to the landmark commission, is there a way to make sure that it doesn't come back to the planning commission and council if they find against the appellant?

>> I think this would have to be initiated as a new zoning case. The council can do that at a future date. Council cannot do that today. Can come back as an item next month or the hlc landmark commission, could certainly initiate historic zoning on this property.

>> Alter: I think I was asking the reverse. If they found that they still thought it was okay to move forward with the demolition, is there a way to prevent it from going on another year for the owner if the historic landmark commission does not change its mind, it seems unnecessary to go to the planning commission and council at that point and it would take up a significant amount of time and resources to do that.

[12:19:20 PM]

>> I'm Chad Shaw with the city of Austin law department. If this goes back to the historic landmark commission it will go back for their consideration of the initiation of an historic zoning case. So if they decide it is not deserving of initiation there is no appeal to that decision. So it would not come back to you.

>> Alter: Thank you.

>> Mayor Adler: And then would the demolition permit then be granted?

>> I'm 94.

>> Mayor Adler: And then would the demolition permitting granted?

>> At that point I believe under city code the certificate would be released that then subsequently -- it's overly complicated, but yes.

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: I do not support granting this appeal. I am very troubled by the notion that we would use historic landmark designation. Nowhere on the ordinance of the hlc does it say that's the point. Staff has

made a very eloquent case that this property does not meet the standard for historic landmark. The commission voted in an unusual agreement that it does not meet that standard. Planning commission agreed. The property owner has come before council now and cited how much effort and financial resources they're having to spend to maintain a property that cannot be occupied. Ostensibly you could have spent that money rehabbing the property, but now because we have drug this out a year, not only has the applicant said the property is not in a condition to be rehabbed effectively, the money they might have spent to do that has now been spent maintaining the property without occupants. I don't think we're going to find a different outcome when this goes back to historic landmark. It seems very clear that those properties do not meet the requirements. All we will do is cost the property owner additional money through a byzantine process that we will then endorse for future properties.

[12:21:24 PM]

We will set a precedent that on any demolition permit, any complaint of process will then come before us. We will then kick it back to historic landmark. They will spend time and money, both ours and theirs. This is so clear that this is not an historic property. It is so rare to find that much agreement in the community between the commissions and staff. I urge my colleagues to vote no on this appeal. It is so rare to see a case so clear before us.

>> Mayor Adler: This is a tough one for me. I'm concerned about the precedent that's set. I haven't heard evidence that it's historic. The question is do we leave that open. The process was followed in this case at each stage of the process. It's unfortunate when things go late for them. It's unfortunate when things go late for us, but we act late and it doesn't invalidate what we did. I will look at the commission, that people who it was with a single voice the commission spoke, including those that I look at sometimes to see whether or not there's an issue. And I'm concerned with the precedent as Mr. Flannigan discussed. Any further discussion? Let's take a vote. Those in favor of granting the appeal please raise your hands? Ms. Kitchen, Mr. Casar, pool, mayor pro tem and Houston. Those opposed raise your hands? The rest of the -- one, two, three -- six, the rest of the dais.

[12:23:29 PM]

Wait a second. Raise your hand in you're opposed. Six. Who are we missing?

>> [Inaudible].

>> Mayor Adler: So it's 5-6, the motion does not pass. All right. That gets us then -- yes, mayor pro tem?

>> Tovo: Mayor, I know we're on citizens communications, but one of the neighbors as well as Mr. Sadowsky talked about this area as being a potential local historic district. It's my understanding that the neighbors have begun that process and I would urge the neighbors and the staff to move forward with that local historic district and certainly hope it would be supported.

>> Mayor Adler: Okay. Let's go ahead and move to citizens communication. First citizen to come up will be Kathie Olive. To speak for three minutes. And Nikki Goldstein is on deck. Ma'am.

>> Cathy Olive, Elroy neighborhood association. I'm here to talk to you about state levels of 85 decibels coming off the property of circuit of the Americas, not the car races, which are terrible, but Monday through Sunday, track rental days by car clubs. The neighborhood is suffering through 110 decibels of ear splitting noise. I have to wear these when I go outside and work in my garden. If I don't wear these, I'm going to go deaf and I'm not going to be able to hear what you have to say, and these things are pretty uncomfortable to wear, but I have to because anything above 85 decibels you start losing your hearing. I took pictures of my sound meter laying on the railing of my porch and I got a sound rating of 185 decibels, and I live across the street.

[12:25:37 PM]

I took some pictures. This is just a Normal day. This isn't a car race. It's a Normal track rental day. This is 108 decibels and 107 decibels. Your CLOC compliance report of July 2013 with code is sadly out of date. In it, in your bullet reports, you talk about air quality, but you completely ignored noise quality. I've been asking for noise mitigation since 2011, trees, fences, berms, something. My question to you is why do the homeowners along Mopac have those big fences for noise mitigation, but we don't have anything? There's other places in Austin that have noise mitigation, and we don't have anything. I'd like for you to consider some kind of noise study out there to find out how bad the noise is because I don't think you have an idea how bad it is. And also, go back and check your -- go back and look at that CLOC agreement and see how badly out of date it is. There's a thing in there where they said they planted 1,000 trees. Those trees aren't out there. If those trees were out there it would help to mitigate some of the noise, but it's not there. Thank you.

>> Mayor Adler: Thank you.

[Applause]. Next speaker is Nikki Goldstein. Is Nikki Goldstein here? What about Aubrey Smith? Nikki Goldstein?

[12:27:37 PM]

Is Aubry Smith here?

>> I just want to follow up on what Kathie says. We're neighbors. I tell you, y'all come out there and hear for yourself how loud it is. None of you are going to understand what we're going through. It's unbelievable that we're being put through this. And it can be taken care of. If you look on the deal you will see turn 11. And then an open parking lot. There's no trees, there's no nothing. You will see Elroy road and Jay sobson road. This is where we live. There is nothing to protect us from the noise. The noise gets so bad at my house that the only thing I can do is leave. There's not a room I can go into in my house to get away from the noise. We have a serious problem and we're asking somebody to help us. It's been this way for four years now or ever since they opened the track. And we can't get any help, not from the police department, not from the sheriff's department, not from anybody. I'm 61 years old. I was planning on dying in my home. And now I'm being forced out of it because of the noise. There has got to be something that you people can do to help us. Thank you.

[Applause].

>> Mayor Adler: Medicines Garza?

-- Ms. Garza?

>> Garza: I wanted to thank Ms. Olive and Mr. Goldstein for coming out. This area is in my district and my staff will be coming out and seeing what we can do. I just asked questions because I saw that you were signed up and since this is relevant to my district.

[12:29:38 PM]

And it seems that since this not apply, unfortunately, because it was annexed later. But I will work with my staff and somebody will be out to see what we can do to alleviate this issue for you.

>> Mayor Adler: Is Aubry Smith here? Is Sylvia Mendoza here? Carlos Leon is on deck.

>> When I say you, it means most on city council. It seems the last time I was here some of you all were not paying attention. You still don't know the definition of illegal. Here it is again. It is banned, forbidden, prohibited, not legal, unlawful, wrong, unjust and unconstitutional. I'm going to need you to look at me when I'm talking to you because when I glance up you're not. So no texting, no talking. Don't do your homework while I'm speaking because I know you certainly aren't writing notes on what I'm talking about. They say you can't teach an old dog new tricks. You can, it just takes a little longer. I'm going to be training you for the next time. I deserve our undivided attention. When you look at me, look into my four eyes. Just keep looking. Look into my four eyes. Stop me when my time's up. Look into my four eyes. That's you, Ellen troxclair. No texting, talking. I'm sorry, I can't be mono tone.

[12:31:42 PM]

This is how I talk. Look into my four eyes. One day you will catch up to my level, but I'll already be on a higher level. Like I said previously, while you're playing checkers, I'm playing chess. When you say king me, I say checkmate. While you're working at the local level, I'm at the state and federal level. Everybody looking at my four eyes? I need your individded attention. Look into my four eyes... This hand is tired. Look into my four eyes... Good job. You got it. I deserve my three minutes.

[Buzzer sounds]

>> Mayor Adler: Thank you very much.

>> [Indiscernible].

>> Mayor Adler: Thank you. The next speaker is Carlos Leon. Xenobia Joseph is on deck.

[12:33:45 PM]

>> SOI Carlos Leon, Austin, Texas, may 18, 2017. To speak what's right.

[Speaking foreign language]. First and foremost, gracias adios for helping me expose and defeat deep state evil in Austin. From APD officer Monica Mccoy writing a false violation and location on a ticket she never should have issued me. To Rene Moore, APD administrative supervisor, central records APD, allegedly committing aggravated perjury and tampering with a governmental record to illegally withhold exculpatory evidence to wrongly defend Mccoy and attack me. I now present on record in front of you right now, new related municipal court evidence showing assistant city attorney chase Reid camillion committing perjury when he verbally and in writing pledged to refile state's dismissed pedestrian crossing mid block case against me as a new bogus pedestrian and roadway case, causing double jeopardy, violating article 45.040 of the Texas code of criminal procedure, which says, quote, in no case shall the state be entitled to a new trial. Also, the included online municipal court public inquiry records and printed communications requiring my court appearance under threat of arrest, handed to me by deputy clerks of the court, show multiple repeated acts of tampering with a governmental record and simulating a legal process that frame the clerk of the court, Mary Jane Grubb.

[12:35:56 PM]

However, the notices are actually signed by Mary Jane Gruleb and the accompanying municipal court stamps are fake. This is embarrassing. You have the evidence in front of you. Read my report in full. Drain the swamp now. Fire Chase Reid Gamillion yesterday for his alleged crimes and whoever is tampering with governmental records and simulating legal processes. Help the Travis County DA put Moore, Gamillion and others that are massacre cadeing as public servants in jail where they belong. In Jesus name I pray, thank you, lord, God bless Texas and the United States of America.

>> Mayor Adler: After Ms. Joseph the next speaker is going to be Jere Lock.

>> Thank you, Mayor, Councilmembers, I'm Xenobia Joseph. My comments today are specifically related to transportation code 451 and also the hotel occupancy taxes. I was actually going to speak about the route that goes from Lago Vista to Austin, however having gone to the visitor impact task force meeting on Tuesday I wanted to make a conditional recommendation and that is specifically that you take a look at the route that specifically is for tourists, which is the 820 bus rapid transit in Councilmember Garza's district. I said it before on March 2nd, 2017, I told you that that particular route, the numbers were inflated. And if you look at that spreadsheet that I just gave you, that route cost approximately \$5,000,800 or \$5.8 million.

[12:37:58 PM]

If you compare that to the ridership on the 801 bus rapid transit, the rapid transit averages about 20 something passengers per hour and on the 820 it would actually have to be 34 passengers per hour. Under the tax code 351 you can actually use the transportation funds for the tourists and so I'm asking you as a condition to actually negotiate with Capital Metro and consider paying for that route with the hotel occupancy taxes under the condition that they will improve the routes in North Austin. Specifically I gave you the monies that are allocated for routes elsewhere, but in 392 and 383 are both less than a million dollars and the monies that are utilized for elsewhere in the system exceed that amount. I would also tell you specifically in the domain as it relates to the circulators, that bus averages about seven riders per hour and it costs approximately \$280,000 now, under the connections 2025 that amount increases to approximately \$1.7 million. And so I have shown you which of the districts are specifically affected as it relates to North Lamar Transit Center. I did not get that information, instead under government code chapter 552.111, which is the agency memoranda, Capital Metro sought an attorney general decision to withhold that information from me. Councilmember Casar has silent in that particular transit center is smack dab in his district so I want you to recognize title six of the civil rights act of 1964, specifically that the minorities are losing two-thirds of their routes in North Austin while you have increased the frequency to the whites that are going to UT and also to the University of Texas, their housing, and also to the downtown area and the central core. As it relates to the project connect, which you're working on now, according to the information that I received on last Friday, that is a different amount of monies that will be allocated.

[12:39:59 PM]

I specifically wanted to tell you as well about the bathroom comment that was made to councilmember Ora Houston on May 4th when you got an answer from Javier

[indiscernible],.

[Buzzer sounds] Respectfully that information she received was faulty and the amount was 7.5 million. Mayor, I ask that you recall that item and you ask Cap Metro to give you a copy of the agreement that they voted for, which is to negotiate with the city and not have you pay for the bathrooms in their entirety. Thank you so much.

>> Mayor Adler: Thank you. Next speaker is Jere Lock. And then after Mr. Lock, it will be Gus Pena.

>> Pretty soon you will get something from the Austin energy resource working group that will recommend how heavily you shut cut emissions in this city. Right now their proposal seems like it will be 65% by 2027. That isn't nearly enough and it's certainly not what a lot of other comparable cities are doing. Atlanta, Chicago, San Diego and others have adopted goals of 100% by the early 2030. It should be at least that much. The reason I say that some of you know who Bill McKibben is, some of you don't know him. He's probably the most respected person in the climate change community in this country. He's really pivotal. He wrote something called the Calculating -- the new math five years ago. They got lots of new information and they crunched the numbers, again, it wasn't just him, it was others crunching the numbers. What they came up with, they bought information from a Norwegian company and it gave the best look yet at what global admissions are in the work of the fossil fuel companies.

[12:42:05 PM]

What they came up with is

this: We have to be 100% renewable by 2033. That's globally. 100% renewable by 2033. This comes from I think the most respected person in the U.S. Climate change community and it's been signed off by others. He wrote an article for the New Republic and what he said was if we don't do this 100% renewable, our 10,000 year experiment with civilization will fail. This man is no alarmist. He's really joined at the hip with lots of really good scientists. And you're seeing what's happening in the Arctic right now, the temperatures in the Arctic in December, January and February were 50% above Normal. You also see 52,000 square miles where the permafrost is designating integrating really rapidly. The reason this is important is there are huge amounts of methane buried in the permafrost. This is in the geologic record. We don't want to see this coming up. What we're seeing

is what will happen before it comes up. So I'm asking that you really take this report seriously and that you really take what other cities are doing and that.

[Buzzer sounds] You take the warning of bill Mckibben and others to heart. I'll send this to you in an email, bye-bye.

>> Mayor Adler: After about Pena, the next speaker is Steve Swanson.

>> Good afternoon, mayor, councilmembers. Gus Pena, proud united States Marine Corps veteran.

[12:44:07 PM]

I swerved the first and third marine division active, first and third marine air wing active. Memorial day is may 29th, 2017. This is the day we remember and honor all military veterans who died in all wars who are involved with the United States providing military support to other countries. You all will have the day off. We military veterans still hurt because of deaths of our fallen comrades, united States marine, army, Navy, air force. Please remember my classmate from Austin high, Alex Quiroz. His mom was our fifth grade teacher at Zavala elementary. Also the following friends

of mine: Toby Rodriguez, Wiley Guerrero, booger laugh laughed land. I miss all you friends who died in Vietnam. I will never let anybody forget y'all, especially on memorial day. Honor and remember all veterans of all wars. God bless America and our fallen heros, veterans, you are not forgotten. Also I would like to thank Anthony walker, an army veteran. He is activist and helps out a lot of veterans and a lot of good people. He has been before you I think once or twice, but at the county commissioners' court. He works for the bus system. He's a good friend of mine, good friend to the community. Thank you, Anthony, for being there for us veterans. Mayor and councilmembers, on your day off remember my friends. We will not forget them. Thank you.

>> Mayor Adler: Thank you. Steve Swanson and then Alan Roddy is on deck.

[12:46:08 PM]

>> Good afternoon. My name is Steve Swanson. I'm glad to see you, some of you again. I'm here as a grandparent and retired business executive and a 20-year volunteer in education here in Austin and central Texas and other parts of the state. My experience included volunteering at the first school closed in the state of Texas, renamed and reconstituted by the Texas accountability system, which is east side memorial at Johnson. I got involved in several task forces under the joint subcommittee at the city, county and school district. Was an active participant in the imagine Austin plan, including priority

program number 3 for education and in adding the last night it was voted on, work plans for the purpose of ensuring the plan doesn't shut on the shelf. I'm here today to share with you the hope that Austin becomes the leader in governing education. And that hope is based upon the diversity of our people, the economic vitality of our community and the existing Texas education code status as well as the imagine Austin plan. And in order to strive for that we put together a governance improvement scorecard which I hope you have a copy of. One is specifically for Austin's imagine Austin plan. And its purpose is several. It's first of all to inform students and parents and the public of the rights under existing status and under the imagine Austin plan as well as to inform the city council as well as the school board on their opportunities and responsibilities. And then too on a regular basis use the open government provisions to ask us how are we doing serving our children and meeting the needs of our-- meeting their needs as well as the taxpayers' needs.

[12:48:13 PM]

So that is what this scorecard is for. We've introduced it to aid in conversation with them about it today. And I'm actually kind of excited that there is the imagine Austin plan and that we have work plans, which is the specific section that actually asks us to create a plan to plan so that we can actually see if in fact we're unfolding and using the plan as it was hoped for. My personal interest will be in the education arena, priority program number three, but I also think it's probably important for the codenext world as well to actually see their work plans. And so I just wanted to bring this to your attention. The open records environment will be public. We've learned to use the public process for public information. So not only are the citizens themselves educated, but also the councilmembers as school board members.

[Buzzer sounds] The information I've given you a package on the provisions of the imagine Austin plan I'm talking about and the scorecards. Thank you.

>> Mayor Adler: Thank you. Last speaker is Alan Roddy.

>> Saving the best for last. Good afternoon. I'm Alan Roddy. I have been a proud austinite for 57 years and I worked for the city for 13 years at ctm. I was also a member of the city council's lake Austin task force so I'm here to talk about resolution where the city manager was instructed to prepare a public safety ordinance similar to the lcra's 50-foot no wake rule by November 7, 2013. I hope with the new city manager -- new city manager and district 10 councilmember the council's instructions will finally be fulfilled. A few years ago I saw a motor boat run over a paddle board who was only about 25 or 30 feet from the shoreline. That continues to motivate me to fight for this public safety issue.

[12:50:15 PM]

City code requires swimmers to stay within 50 feet of the shoreline and the task force doesn't think it's a good idea for boats to be going 30, 40, 50 miles per hour in that area. Boats can still go through that area, they just have to slow down where the swimmers are. I do not have time to cover the past five years, but I will document three items that show that Mr. Douglas and others deliberately deceived and manipulated the Austin city council. First the task force never recommended spending \$370,000 to place bowies the entire 21-mile length of lake Austin. Rule that was adopted by the other five highland Lakes 17 years ago. This ordinance is based on state water law, does not require any bowies and it costs the city nothing. Second, in its April 9th, 2014 letter, deputy city manager McDonald states the public safety ordinance could not be adopted because it would be related to environmental protection, not public safety. The resolution itself states this ordinance due to potential public and health safety concerns. Linda Guerrero and Carol Lee's response is on the back of Mr. McDonald's letter. Why does Mr. McDonald think a boat running over a paddle board is an environmental protection issue? When the resolution explicitly states it's related to public safety. Did any city staff actually read the city council's resolution? Third, and this is the most important one. Did anyone in the city manager's office or city attorney's office actually read the January 22nd, 2015 Texas parks and wildlife department's response to Mr. Douglas' petition to change state law to make an exception for the city of Austin. If anyone had actually read this document you would see that Texas parks and wildlife did state Austin already has the authority to adopt the Icara's 50-foot no wake zone ordinance and Texas parks and wildlife said Mr. Douglas' petition was quote, unquote, unnecessary.

[12:52:20 PM]

Mr. Douglas said Texas parks and wildlife rejected his petition, therefore the city could not adopt the ordinance. Texas parks and wildlife did not reject the petition. They said his petition was quote, unquote, unnecessary.

[Buzzer sounds] Can the city manager or legal staff explain why Mr. Douglas said his petition was rejected and the city can't adopt this? Right there middle of the page it says decision was unnecessary. Please, do you have any questions?

>> Mr. Roddy, thank you for coming down today. I want you to know that my office has requested a briefing on the lake Austin task force report. I don't believe this council since 10-1 has had a briefing on that, that's what we were told. So that we can follow up on this issue and other ones that maybe need to be followed up on. Thank you.

>> Thank you. I would appreciate a meeting with the actual task force members. Four years, city staff members never attended our task force meetings. They can't really respond to this. That's why we documented it. We don't have to -- you don't have to take our word for it, but Carter Smith, the executive director of parks and wildlife, Ann bright, she's a pretty good lawyer. I think she knows more about state water law than Mr. Douglas did.

>> Alter: I think my staff is in touch with you, and we'll be happy to meet with several members of the task force at once before the briefing if that would be helpful.

>> Okay. Thank you very much.

>> Mayor Adler: Thank you.

>> Y'all have a good lunch.

>> Mayor Adler: Councilmembers, that's all the citizens communication. We can break for lunch and for executive session. Ms. Houston?

>> Houston: Yes, mayor. If I may, I'd like to introduce our appointee for the central health board of managers if you would come down, Ms. Maram mustefi. She's had extensive community involvement on the issue of health care and access to health care. She's very connected to the refugee community and she's an arabic speaker.

>> Thank you, mayor and councilmembers.

[12:54:23 PM]

>> Mayor Adler: Can you pull the microphone closer to you. Great.

>> Thank you all for your unanimous vote. I really appreciate it. Austin is dear to my heart and I will work tirelessly to improve the health and well-being of our community and reach out to underserved. And thank you for everything, for your vote. Appreciate it. Have a great lunch.

>> Mayor Adler: All right, councilmembers, it is five until 1:00, I --

>> Mayor, excuse me for interrupting. I'm here to talk on 14 and 15, and I have some obligations this afternoon so what should I do about my testimony?

>> Mayor Adler: On 14 and 15? We'll call those this afternoon right after lunch. You won't be able to be here at 2:00?

>> How long will you be at lunch?

>> Mayor Adler: My guess would be sometime between 2:00 and 2:30 would be my guess.

>> Maybe I can come back. I'm not sure.

>> Mayor Adler: My only concern with doing this otherwise is if we do that -- I hope that you will be able to.

>> Troxclair: She is submit her written testimony. She could email all of us so we have her testimony if she needs to leave.

>> Mayor Adler: If you want to email us that would be good too. Thank you. The central health board for Julie Oliver, that's the only item that I have us discussing in executive session. The city council will go into closed session to take up one item portent so 551.071 or 551.074 to discuss legal and personnel issues related to item 52. That's the appointments of Julie Oliver to the central health board of managers.

[12:56:29 PM]

Item number 54 and 55, which were listed, that's open corridors, we will not be having executive session on today. Without objection we'll go into executive session on the items announced and we will be back hopefully as close to 2:00 as we're able to do. Let's go back into executive

[1:59:17 PM]

Austin city council meeting

(executive session)

[2:39:28 PM]

>> Mayor Adler: All right. We are out of closed session, in closed session we discussed legal and personnel matters related to item no. 52. On item no. 52, Ms. Houston, do you want to make a comment?

>> Houston: Thank you, mayor, and -- oops, excuse me. First of all I want to thank the central health board and the usceo, Mike easeland for responding to our request for information so quickly. It is the will of this body that we get more specific information, so to that end I will be drafting another letter this afternoon and sending it to Ms. Daniels and Mr. Geesland to request more specific information rather than the percentages that we were given regarding some of the issues that we asked for. So giving you more time seems like the reasonable thing to do, so we're -- I'm moving to postpone at some point the next conversation about the appointee to June the 6th?

>> (Indiscernible).

>> Houston: 8th, June 8th. June 15. I have it written down someplace. June 15.

>> Mayor Adler: And Ms. Houston moves to postpone the 752 to June 15. Is there a second to that? Mayor pro tem seconds that. Any discussion? Those in -- yes, mayor pro tem?

>> Tovo: Just quickly, council member Houston I think your original email to central health talked about getting the actual agenda items and that -- I think that would be the kind of information that would be releasable --

>> Houston: Right, we will state that clearly this time.

>> Tovo: Thank you.

>> Mayor Adler: I also want to thank -- and I know all my colleagues feel the same way, for the time that this committee has been spending on this issue, and it looks like we'll spend -- we have another appointment at the end of the year, so we know at least again it's -- this is -- this is one you guys -- you guys did for the team.

[2:41:46 PM]

So thank you for that. It's been moved and seconded. Those in favor of postponing to June 15 please raise your hand. Those opposed? Unanimous on the dais.

>> Opposed.

>> Mr. Flannigan votes no, others voting aye with Mr. Casar off the dais. Okay. Let's see if we can have those -- the consent agenda on zoning matters?

>> Thank you, mayor and council member, Greg Guernsey, planning and zoning department. Yes, there are consent items I can offer on zoning. The first item I'd like to offer is item no. 56, and this is in district 7. And it is offered for consent approval on second and third reading. On the dais you should have a copy of the executed restrictive covenant on yellow paper. Item no. 57 and 58, discussion items. Item no. 59, a staff recommendation for postponement to August 3 as well as item no. 60, staff recommendation for postponement to August 3. Item no. 61 is a staff recommendation for postponement for June 15 as well as item no. 62 -- excuse me, item 62 is an indefinite postponement. Before that item can come back we'll have to renotify for the hearing. Item no. 63 is consent for three readings. Item no. 64 is consent for three readings. Item no. 65 is a staff postponement to August 3. Item no. 66 is a staff postponement to June 15. Item no. 67 is a staff postponement to June 8. And that's all I have to offer for consent.

>> Mayor Adler: 68 and 69 are for discussion?

[2:43:47 PM]

>> 58 --

>> Mayor Adler: 68 and --

>> Oh, 68, those are 4:00 items.

>> Mayor Adler: Gotcha.

>> Come back to those a little later.

>> Mayor Adler: Okay. 4:00. Okay. The consent agenda then consists of items 56 through 67 but not including 57 and 58. Is there a motion on the consent agenda? Ms. Garza makes that motion. Is there a second to that? Council member alter. Any discussion? Those in favor please raise your hand. Those opposed? It's unanimous with Ms. Troxclair and Mr. Casar off the dais. Those things are passed. Let's then double back. Let's do item no. 2. Mr. Flannigan, you pulled that.

>> Flannigan: Yes, thank you. Are the staffers here who I want to talk to? Come on up, Bert, I can ask you, and Ryan, because we'll -- I -- I think the item itself I might even support at the end of this conversation but I wanted to get some clarity first around the 21,000 new connections number and how -- how that estimate was reached, and in some conversations with taf there's been -- I've -- staff, I've been a little confused. Was it a demographer analysis that reached 21,000? Was it an Austin water analysis? Can you all help me understand how 21,000 was the estimate for new connections for this facility?

>> My understanding from the systems planning division with the utility, our planners worked with Mr. Robinson, and it was a combination of factors that they took a look at. They took a look at -- essentially it's close to what's called a census tract. It's a little bit different so they looked at past growth from the city over a period of time. They looked at the imagine Austin plan and where growth was intended and projected.

[2:45:52 PM]

They took a look at service extension requests in the area and what's happened over time, and based upon all that information and discussions with Mr. Robinson they came out with a projection for that particular area. Is that accurate?

>> That's correct. And so council member, we worked collaboratively to create a long-range population and employment forecast for -- which is basically a census tract area, and then my understanding of this, and this is maybe where we would want to go back and create a more unified response, but the engineers and the planners at Austin water took that forecast and translated it into future wastewater and water needs. So it's -- the initial delivery product came from my department, and it was collaboratively sort of processed and analyzed, and then at some point the wastewater engineers determined that 21,000 from our original forecast.

>> Flannigan: Okay. So when you did your original forecast, are you looking -- so you talked about the census tracts. I'm trying to understand if you looked at growth by census tract to anticipate future growth in that census tract or are you looking at kind of -- an area as a whole and its growth over the last period to predict its growth? Do you see what I'm saying?

>> More about potential, and so really the beginning of that is a land use analysis, what's out there and available, where is it in position of the transportation system, where is it in position to environmentally constrained areas. So a really pretty traditional forecast, not relying too heavily on the past, certainly taking a cue from that, but more about what the big potential future is. And of course as you well know, the biggest area with a little bit of a question mark on it is Robinson ranch. So for us I think the methodology of the forecast is we assumed that we would get a lot of product from Robinson ranch, but the timing is what we were so uncertain about.

[2:47:53 PM]

And in my mind they're kind of two schools of thought. There's a school of thought that it's still maybe a decade away before we really get in the middle of it in intensive growth, and then the other school of thought that says it may just be a year or two away. And my sense is that's the unknown, is when does it start to kick in, when does it start to develop. It's a pud. There's been a lot of previous work done on it. It's got a land use plan so we have some certainty on that. The uncertain piece is when does it start.

>> Flannigan: And the conversations that I've had with staff would argue, is it 10 or is it 20 or 30 years away, not one -- one and two is not a reality, and my concern with this analysis especially as it relates to Robinson ranch, are there other planning activities that you're familiar with that are relying upon that same recommendation or forecast that you've given to Austin water? In terms -- specifically to the growth of Robinson ranch.

>> There might be a couple of others. I mean, it's -- it's an assumption that we begin with, and so I don't have a good feel for that one, sir.

>> Flannigan: I think the challenge for me is if this was one small little parcel and we weren't sure what -- I would get -- you just kind of gloss over it. This is not an inconsequential area. It's not inconsequential not just because of its size but its regional activity center in imagine Austin. Part of it being that is a that

a train station would get put on the red line which there's not been any indication that that's been in anybody's long-range plan or budget. So -- and in context of all the other planning that we're doing as a city, I'm concerned that these numbers are being used not because the wastewater folks are not appropriately trying to forecast but how many other decisions are we making or not making? And I don't want one planning process to be assuming 20,000 new connections in this case, and then another planning process assuming that that's not going to happen, and that's my ultimate concern, at least from the analysis forecasting part.

[2:50:07 PM]

So thank you, Mr. Robinson, for coming down, and reply colleagues for the delay. I have a couple more questions for Mr. Jennings just on items that we had discussed previously, and I just want the community to know --

>> Sure.

>> -- How this process works. On the operations and management costs.

>> Yes, sir.

>> Flannigan: So what we're assuming as we enter into this contract, that we're going to go from 4% to 10% usage of this facility after it's been expanded.

>> Of the treatment plant.

>> Flannigan: Of the treatment plant. But that 10% assumes this forecast -- that's how we get to 10%. Is that right?

>> It incorporates that, yes, sir.

>> Flannigan: So how are operations and management costs for this facility allocated over the next years if we don't reach that number?

>> Flannigan: The agreement -- an interlocal agreement with the cities of Round Rock, Leander and cedar park sets out provisions of how that's calculated. It's based upon a winter month average, and so that calculation is in relation to other -- the other cities winter month averages and then a percentage is allocated to that, and based upon the actual operations and maintenance costs, that percentage is then charged to each of the cities. For example, the city of Austin's right now is like 4.7% of expenses that are in the collection system, associated with the collection system.

>> Flannigan: So the operations tracks nearly as in realtime as you can get, year to year, with each of the participating entities' usage of that facility?

>> That's correct, sir.

>> Flannigan: Okay. Then my last question, we enter into this contract, we now own 10% of this facility, we get 20 years in, we are still not using 10% of that facility, other municipalities have started to use more of that facility and now it's reached capacity. At what point -- or is there a point in which the ownership is rebalanced to accurately reflect the usage of the facility?

[2:52:11 PM]

>> When the cities are paying for the capacity that they -- additional capacity that they want, they have the contractual right to that capacity. So if it turns out, for example, just as it is -- was in 2000, the last time the plant was expanded, the city of Austin underestimated the wastewater flows coming to that facility, so we are actually in noncompliance with the contract and we've worked out an arrangement with Round Rock to cover us until the time that the plant is expanded. So the same thing can happen in the opposite. If we have additional capacity and other cities need additional capacity, we could sell that capacity to them that's an asset that we have, and we can use. Also, if it turns out that the plant is going to be expanded by others and we don't believe that we need that kind of additional capacity for 2050, then we can shrink the amount of future capacity we have or keep the remaining capacity that we have.

>> Flannigan: Thank you very much.

>> Yes, sir.

>> Flannigan: And thanks to staff for all the quick work this last week to get my questions answered. I think this is -- of the concerns that I saw expressed in the water/wastewater commission, I feel like they've all been addressed, and just kudos to you and to staff for making this what might be a complicated arrangement seem clear in that over time it does rebalance operations and maintenance rebalances, ownership rebalances based on the overall need and future of the facility.

>> Yes, sir.

>> Flannigan: So thank you very much.

>> It's our job. Thank you.

>> Flannigan: Mayor, I'd move approval of this item.

>> Mayor Adler: Is there a second to this item no. 2? Ms. Houston makes that motion. Further discussion? Those in favor please raise your hand? Those opposed? Unanimous on the dais. Mr. Casar off. No. 2 passes. That gets us to the next item, which is item no. 12.

[2:54:13 PM]

This is the fire department staffing issue?

>> I think we have -- speakers.

>> Mayor Adler: Okay. We do have speakers. Let's call Jeff Mitchell. Who is up next is on deck.

>> (Indiscernible).

>> Mayor Adler: I'm sorry? Okay.

>> (Indiscernible).

>> Mayor Adler: Is Gus Pena here? Is Bob nix here?

>> (Indiscernible).

>> Mayor Adler: Okay.

>> Tina Canon will be on deck.

>> (Indiscernible).

>> Mayor Adler: I'm sorry?

>> Not speaking.

>> Mayor Adler: Not speaking. Got it. Mr. Nix, you have donated time from Jeff Mitchell. So you'll have six minutes.

>> Thank you. Mayor, mayor pro tem, council, thank you for considering this item today. This budget cycle, fy '17, the fire department will be on the average 154 firefighters short. And with the budget amendment that I hope you will approve today the fire department will be spending a total of \$21 million in overtime costs in fiscal year '17. And as we go through this process of why, I'm especially sympathetic to new council members who are asking some really good questions and trying to figure out exactly what's going on. So how much extra are we really spending during the shortage period? For instance, there's massive cost savings when you're not paying 154 salaries to the tune of around \$16 million. And that needs to be taken into account if we get a true picture of how much it actually is costing us. I'm going to read a little bit from the budget report I sent you yesterday to your email accounts. To fully understand the effect that rising staff vacancies have on the overall budget, we need to calculate the difference between the increased overtime cost and the decreasing salary and benefit costs.

[2:56:21 PM]

In other words, when vacancies go up, ot goes up, and salary and benefits go down. And I performed a series of calculations in the report I gave you, and what I did was I tried to create what a fully funded optimal department looked like and benchmark that against where we are today. And so the true delta, the actual cost overages from a fully optimized department to what we're spending in 2017 with \$21 million in overtime is about 5 to \$6 million extra. Now, 5 to \$6 million is a lot of money, but it's not 21 million. And so I think it's important to put it in perspective. If the cost delta between optimally staffed fire department and a fire department that's running with 150 short is around 5 to 6 million, I believe budget office kind of validated that yesterday at the workshop meeting, and since we never run optimally, we could say we add another million dollars to that, then we're about 4 to \$5 million over Normal operating levels when we're spending the 21 million, because of the offset -- the big offset we have. Now, 4 to 5 million is a lot of money, and we need to do something about it, and so what we are offering, the association, we're saying that during this period of elevated cost savings, we do need to make some tightening measures. We do need to do everything we can possibly do on the table to reduce cost but we simply can't reduce staff in the fire stations and we need to do it in a way we're not harming it in a way and the academy other we're moving people through the academy. I'll be working with the city manager and budget office, in standing side by side with the chief and explaining to the members and firefighters that we're going to have to tighten our belts but I hope council can also see we don't have a \$21 million crisis.

[2:58:22 PM]

We have a bump of 4 to 6 million depending how you want to calculate that and we need to do something to reduce that bump, and I do appreciate you guys hearing me today, and I stand ready for any questions you may have.

>> Mayor Adler: Thank you very much.

>> Thank you.

>> Mayor Adler: Those are all the speakers we have for the dais. Council member alter?

>> Alter: Thank you. I hope my fellow council members will bear with me for a minute here. We have a rapidly growing city, a limited budget and lots of unmet needs that impact the quality of life across our city. The decision for us today to approve 3.5 million in overtime is a symptom of the fact that we are struggling to update our models for the Austin of today. The fact that we have to rely on overtime has implications for our budget and the safety of the public and our staff. There's always going to be some overtime as part of our staffing model, but this level is above and beyond the Normal margin of error.

Through our discussions we've heard some explanations, vacancies, consent decrees, staffing model and contract restrictions. Today I'm not going to ask for a postponement because I do not perceive the will would be there to do so on the dais. I hope we are moving to a place where we fully understand what is driving the need for overtime and that the city manager will create a plan to address the problems. Pieces of such a plan were shared with us, but we need to dive deeply when we have ordinances, policies and contracts combining in complex ways to determine a huge chunk of our general fund budget. The good news here is we heard yesterday is that if we do fix the root causes of the extra overtime then we would likely be able to meet the fighter department's unmet needs and avoid dipping into reserves in the future. The good news as I heard in discussions yesterday is that in our good news is we have to fix the problem.

[3:00:22 PM]

Police do training without relying on 13,000 hours of related overtime. Other cities have found ways to centralize recruiting in H.R. Our timing is fortunate that we are entering negotiations for contracts as clearly there are elements and choices we need to tease out during this process if we want to solve the underlying problems driving the symptoms before us today. Budget amendments or requests to add to our current fiscal year budget. To fund them we draw on our reserves. The choices we make for one department impact what we can fund down the line. In Florida they constrain what they can and cannot fund on one-time needs. I would like to drawing my colleagues' attention for the one time items, aid housing support, justice center, snap education and outreach, tenant relocation and funding to name the few. The total was \$4 million and today we are being asked to authorize \$3.5 million. There are opportunity costs of the decision before us even if we do have reserves above our 12% threshold at this time. In this case I'm concerned about one department experiencing a recurring problem and coming for additional funds over and over. I have tried to understand the plan to solve this through our various work sessions. But I am still concerned. We have a responsibility to maintain our aaa bond rating. On today's agenda we voted on several projects for our mobility bond that depend on the benefit of an aaa rating. I'm worried we keep asking all the other departments to tighten their belts and at some point they are not going to be able to do more. We have only to look at the unmet needs to see a lot of those fall under the category of norm operating items. I will be speaking with the city manager about the best way to ensure we have a plan so this does not continue to be a recurring problem and continue to ensure the safety of the officers and the public.

[3:02:30 PM]

Given this is a budget amendment procedural did not feel right to attach a resolution with a specific direction and since I didn't have something on the agenda to do otherwise I will invite my colleagues to collaborate with me on next steps to make sure that we have an appropriate plan moving forward. I would like to thank the finance team and all the department staff for their efforts to answer my many questions. Thank you for pulling the data together so we have a clear understanding of the challenges at hand. I feel we are entering the budget process and the contract negotiations better informed. But given my many concerns I will be voting no today.

>> Mayor Adler: Is there a motion on this item number 12?

>> Mayor, can I speak? I just want to reiterate my colleagues' comments. I have some grave concerns about how we operate our fire department. I think when you go back and analyze how this department operated prior to the 2007 model you can see a substantive improvement. The staffing levels in those interim six years reduced firefighter injuries and there are conflicting amounts of vacancies and the overtime, but seem to be a more reasonable. However, after the federal grant which has ended but we have maintained that staffing level we have never been able to maintain the number of firefighters that we need, yet our overtime costs are skyrocketing, but it has not made a appreciable impact on the safety of our firefighters. All this while the number of structure fires has remained constant Oregon down. I'm going to join my colleague in voting no not because I think it will fail and not because I think we immediately constrict what our fire agency is doing in its operations, but how serious this issue is for me and how serious I think it is for the city that we have public service agencies built to serve the current needs and future needs, not built to meet the needs of a day that has long past.

[3:04:58 PM]

This work will continue. I would join my colleague in making sure that we have as much open and honest conversation about overtime and hiring and the service that our community expects, deserves and pays very dearly for.

>> Mayor Adler: So -- Ms. Garza.

>> Garza: I just had a question. I know that miss cannon said she did not want to speak but I was curious if she was signed up as a private citizen against or representing the chamber against.

>> [Inaudible]

>> Garza: Thanks.

>> Mayor Adler: When this issue surfaced I think back in February, the question of the overtime issue and fire obviously was a concern for all of us on the dais. And I know based on the conversations that all of us have given over the intervening four months that it's a concern and we're all collectively trying to

come up with different solutions to it. I think it's been a really good conversation we've had as a council on this issue. And I know that it's going to be something that we've asked to have addressed in the budget that is moving forward that we have. I wish there was the luxury for all of us to vote no on something like this because none of us like the fact that so much of this is the number is so large, but we have to I think approve this so that we can make -- pay for the work that's already been done and to ensure that we continue to have fire protection in the city, and recognizing that to cut off the funding is not a real practical option because it would -- it would mean we didn't have fire protection. So I don't want my vote or any of my colleagues' votes who are voting yes to be interpreted that we don't collectively as a group Sherri think the same and equal concern on this issue.

[3:07:09 PM]

I would move passage of this item 12. Is there a second? Ms. Pool seconds that. Is there any further discussion? Ms. Troxclair.

>> Troxclair: Councilmember alter, I know you said you possibly were going to work on a resolution, but is it appropriate for us to give direction from the dais to the city manager to do -- take any and all reasonable steps going into the next year's budget to mitigate the overtime issue for fy-18?

>> I think you all have given that direction loud and clear. I don't think you need to do it again today, but -- you are not posted to do that but I think that direction has come through very clear.

>> Mayor Adler: Okay. It's been moved and seconded to approve this budget item. Ms. Houston.

>> Houston: Thank you, mayor. I'm conflicted because last year we had this same kind of conversation about the overtime and I know there's some constraints about the contract that people are trying to work through, but I'm just afraid that it will -- same thing -- conversation will come up next year, and there's no way for us to prevent that from happening. And so the money that we would be able to use one-time funding on to the social service contracts or health care we're going to be limited with that now and we may be limited by that next year. And so there's no -- I don't feel any sense of assurance that this is going to get fixed any time soon. If we had started on it three years ago and started looking at the overtime and how vacation time was productive time and all those kinds of things, then I may be at a better place, but we're just now starting to look at that now rather than -- this has been a problem that's been going on for four years now.

[3:09:23 PM]

>> Mayor Adler: I think I have a greater sense of optimism than you do that this time it will be --

>> Houston: You're the most optimistic person that I know.

>> Mayor Adler: It's now dove-tailing with the negotiation of those contracts which is the first time this council has been in that position and I think we've also given that direction to the manager and to the staff that it's important that those negotiations happen in a way that give us the ability to be able to rectify this. I'm encouraged by the conversation with our leadership in fire that this is an issue for them too and the time line was laid out in the conversations we've had to be able to fix that. We want to make sure that we provide our professionals the support in order to be able to effect that as quickly as they can. But I certainly understand the interest and obviously need for us to do that. It's been moved and seconded. Are we ready? Those in favor please raise your hand. Those opposed? Miss Houston, Mr. Flannigan, councilmember alter and councilmember troxclair for or against, the others voting yes all with probably resolutions. The votes go on to the next item and that passes. Items 14 and 15. Which are the meeting procedure issues. There is one item on 14 and 15 that we've discussed that we said would be in this but it didn't appear.

[3:11:26 PM]

I've handed out that amendment to item number 15 on the dais, which calls for the agenda to be posted 13 calendar days prior to the meeting. So that it would be out two weeks before. It's the bright yellow piece of paper. A second to that amendment? I'm sorry. Okay. Someone want to move passage of item 15?

>> Pool: A quick question. Frances McIntyre is back and I think she wanted to speak on items 14 and 15. I don't know if you want to take her now or wait.

>> Mayor Adler: Okay. Let's get it out on to the floor. Is there a motion to approve this item -- items 14 and 15? Mr. Renteria makes that motion. Is there a second? Miss Houston seconds that. So let's now call for the public testimony on these items. Miss McIntyre, do you want to speak? Come on down. David king will be on deck.

>> Good afternoon, mayor and council. I'm Frances McIntyre speaking for the Austin league of women voters on the agenda items that are 14 and 15. The league is very pleased that you have taken the time to work out procedures for the city council meetings, public hearings and appeals. We certainly agree with your statement that, quote, democracy is best served by the participation of people in their government. And also applaud your statement recognizing transparency as essential in all matters of government. We are pleased that the rules and procedures will be online -- available online for the public's edification. However, the part relating to general citizens communication contains a number of rules limiting public participation at public hearings.

[3:13:34 PM]

We're concerned that the -- that the stated times are too restrictive. Taking the first 20 citizens to speak and giving them three minutes with the rest of the speakers getting only one minute seems unlikely to provide enough testimony to represent those opinions of the many who would like to speak, particularly if it is a controversial subject. Even with the stated additional minutes that may be donated to the speaker, it would allow only seven minutes and three minutes depending on where you are in the line. The total time for public comment on an agenda item may not exceed 90 minutes. If my memory serves me right, most of the public hearings I have attended are watched just got started after one and a half hours, especially those that were controversial. So the league would like to suggest that since the presiding officer, the mayor or the mayor pro tem, and/or the full council may limit or reduce the speakers' time and length of testimony, they should all be able to increase the speaker's time and length of testimony and the total time for public comment. The league also has endorsed your previous ruling on allowing electronic testimony, but I don't know how that fits into this procedure. We agree with your statement that, quote, Austin -- Austin's exercise of representative democracy is well served by the time length and substantial participation of its citizens. And hope that you do not limit the time allowed for public participation for the sake of making meetings shorter. Also I'd like to briefly address abstentions. I know that Robert's rules of order do not ban abstentions from a vote, but the league would appreciate the councilmembers giving a reason why they are abstaining on any and all votes.

[3:15:35 PM]

Thank you.

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

>> Thank you, mayor, mayor pro tem, councilmembers. I'm running up here because I don't want the meeting to be any longer than necessary.

[Laughter] But I do concur with the comments previously made. You know, we have 11 representatives here. We have broader representation. And if we limit it to 20 people getting three minutes, that's two people from each of your districts basically. And that's not enough. So I concur that limit of 20 people getting three minutes is arbitrary. There should not be a limit. The citizens who come here to speak should have their three minutes if they come up here and follow the procedures. You know, if I were in your seat, I would be wanting to hear from the citizens who take the time. Even if they are saying almost the same thing that the previous citizen said. These are their own words. This is their opportunity to speak directly to their elected representatives. And so I don't think there should be any limits. I think you should be here to listen to every person who shows up and to give you their testimony. There are some specific suggestions in addition to the ones you just heard that I hope that you will address, and

that is the council may not adopt by consent an item on which two or more people have registered to testify if the persons have registered to testify 15 minutes prior to the scheduled start time of the council meeting. That's restrictive. I don't -- that's arrest by rather. Why? If they are here and signed up before the public hearing has been closed they should be allowed to speak on an item. So I think that's limiting too and I would get rid of that. And then another item is the council work session regarding council action 1-2-4-b, the council may work on an item not on the Thursday agenda.

[3:17:43 PM]

You know, if I look at the work session agenda, I don't know which items qualify for this so what I would suggest if you are going to vote on an item, that item be specifically marked on the work session agenda that says this item will be voted on by the council. I just worry. You know, I know public input would be a lot on that, but if you don't know you are going to vote, if a citizen doesn't know that, they don't know to come to the meeting to sign up to speak at the work session. So I think it should be clearly noted on the agenda if that item is going to be voted on by the -- voted on by the council. Thank you for listening to my comments and I will give the rest of my time back to the mayor.

>> Mayor Adler: Thank you. I've handed out the amendment. It's on the bright yellow paper. It's consistent with what we had talked about earlier. Is there a second to this amendment to say we post it two weeks ahead of time? Councilmember alter seconds that. Discussion on this issue? Mayor pro tem.

>> Tovo: Yes. And this is -- so I've also handed out an amendment sheet. I handed it out earlier this morning. It's a gold sheet. And it does the opposite of what the mayor's item does so I'll just indicate my interest in seeing us keep the current schedule and so I won't be supporting the mayor's amendment. And, you know, we've had earlier discussions about this so I won't belabor them, but I think I did at one work session talk about specific issues that were time sensitive and needed to move forward. I think if we're doing compelling work it often needs a shorter turn-around time. Some of the examples I offered involved a resolution I brought forward trying to meet an emergency funding gap for the senior meals program.

[3:19:48 PM]

There were -- there was one related to the lake Austin task force initiating that process at a time where there were some applications moving forward. There were several other things that had to be done on a pretty short turn-around time, water wells and many other things I could think of. I understand we're going to have a stop gap measure of an amendment -- not an amendment, an addendum process where if it is a time sensitive issue we can bring forward an item for the addendum. It's not clear how those are

evaluated, who is going to make that decision. It appears to me that would be the process that if I believe it's time sensitive I could still bring it forward, but I think addendums are not as transparent for the public and I just -- you know, I think there's a lot of will to move back two weeks and so this item and the mayor's amendment will probably pass, but as I mentioned on Tuesday, I think -- I think if we were all getting our materials in on the Wednesday before the meeting that would be a good start in the direction that I think there's a will to go. I mean right now those -- that's not currently happening and that would be an intermediate step before we decide to move things back several weeks earlier. We always have an opportunity and exercise it when it's appropriate to postpone items that members of the council feel they need more time to consider. A lot of what's on our agenda from week to week are not items about which people indicate more time. Most of -- most of our items from council this week passed on consent, I believe. So, again, it seems to me not a necessary change. I think it ties the hands of council. I think it will prove to be logistically complicated trying to balance several agendas in the air at once. And I do see some down sides to it. So I won't be supporting the mayor's amendment and depending what happens there, I may or may not be offering my amendment to 116.

[3:21:50 PM]

>> Mayor Adler: And I appreciate all of those concerns, mayor pro tem, and if there was a way for us to set up probably to have even a little more deliberative process I would probably go there and I think this is probably a good balance. And certainly I think that the times that we have a true emergency item that has to be handled in four days the council has the absolute ability to say we're going to consider those things. But, you know, this has been a it are active process as we try to find what works and doesn't work. If this doesn't work for any of the concerns you raise then I'll join with you and changing it again as we have been should this pass. But I think that this is the next thing for us to try and hopefully will give staff more time on weekends and that I just think it gives the community more time to be able to react. Any further debate on this? Councilmember Garza.

>> Garza: I feel like I'm going to pull on the mayor's motion, but I wonder if there is a middle ground between the two sides because I don't -- and I spoke about this at work session once. I wonder if we could get a consensus around ten days. And I think that would be the Monday before the following, just to -- I think 13 is a little long and I think six is a little short. So I would suggest if there was a way to get a middle ground, that would be a good transition maybe.

>> Mayor Adler: Staff, you had recommended 13 days. Was there a reason for that?

>> We were recommending 13 days because Monday -- every other day of the week is extremely -- there's a lot going on for the agenda office. Friday is the day that we actually have time to post the agenda. Of course, we could accommodate you no matter what you guys chose, but if we're speaking about middle ground, I think we can think about what we were originally proposing.

[3:23:57 PM]

The reason that the 13 days out wasn't in the proposed meeting procedures was because when to post the agenda currently is just an administrative decision. We felt if we kept that administrative with discussion after you guys discuss it the city manager could choose to go 13 days out and it would be easier to switch back to the six day -- to the week if it didn't work out. Versus if we -- if we put it in these meeting procedures, we need to come back and have another vote, if you want to change it back.

>> Mayor Adler: Okay. So I'm going to stick with the 13 days just because of the logistic issue and I would suggest we do this by item 14 we're making it a resolution so we can change it most easily between us and if there's a need. That should come back to council to change that anyhow. I would stick with this. Further discussion? Yes, Mr. Flannigan.

>> Flannigan: I support the mayor's amendment. For me the 13 days is about giving us two work sessions. It's about the timings on how -- how often we're able to discuss as a body and when things have to be posted and how much notice there has to be. Made the most sense as we -- the two week, the 13-day was the right way to move forward. I have certainly had items over the last month that we've either postponed but we only postponed it once, we wouldn't have had to postpone it if we had a full two weeks to deliberate. Or items that I've had to really run staff ragged to get my answers fast enough because I knew it would pass before I had an opportunity to debate it. The two-week thing is to me something very important and I think there's maybe less agreement about meetings every two weeks, which is something I've been advocating for, but if the first step here is two weeks out for an agenda, I'm in much agreement to this amendment.

>> Mayor Adler: Okay. It's been moved and seconded. Any further discussion?

>> Tovo: I have a followup question for staff.

[3:26:02 PM]

So as I understood your response, you were suggesting the deadline not be within the ordinance because then we would need to pass an ordinance amendment to make any changes. So your recommendation was to just keep it in the rules rather than have it be adopted as an ordinance, as the amendment before us would do. Is that correct?

>> Not entirely. Right now when to post the agenda isn't in the code at all. And since the -- the only action we're taking with regards to an ordinance is taking all the stuff out of code. What I was suggesting is not including it in meeting procedures at all. That way you would still have to come back and amend a

resolution. I'm sorry, with the new resolution, if it's just an administrative matter, then you can just kind of give us verbal, hey, this isn't working out and we can change it.

>> Tovo: I see. Thank you. Then I did have one other question. Were this amendment to pass and this question is for our city attorney, it talks about the final agenda being posted if there are addendums to that, would we still be in compliance with this rule?

>> An addendum is after the final agenda. And again, we don't like to put a lot of stuff on the addendum. We hope that is for an emergency process. There is a process right now to have an an addendum and you have to indicate it's an emergency. It's a little awkward for the manager to say no to you, but that's how it happens.

>> Tovo: Okay. Thank you.

>> Mayor Adler: Okay. Ms. Garza.

>> Garza: Are we -- I'm confused about how -- if this gets posted -- councilmember Flannigan says we have two work sessions. Does that mean two council meetings where we can discuss two council meetings agenda items? Work session?

>> Mayor Adler: We would just have one work session, but we've had councilmembers who have done this in the past where they've said I want to talk about this now, I'm going to ask it be considered in two weeks.

[3:28:11 PM]

If they wanted to tell people when we're all gathered as a group, we would be able to at the work session discuss anything we wanted to. If that creates a problem or we need to prioritize that list, then I think we could do that. But again, I would suggest that we start this and see. And if we start having those kind of problems, let's address it, let's fix it.

>> Garza: Okay.

>> Mayor Adler: Anything else before we vote? Yes.

>> Alter: If we did have a work session where we have three council meetings in a row, there would be work session where we would have two agendas that would be posted, but I think the ultimate direction would be to see if this allows us to limit the number of meetings to be more efficient so that we can spend our time meeting the needs of our districts as well. One thing I just wanted to reiterate that the mayor had suggested was this doesn't have to be the last time that we look at our procedures. This is Austin, Texas where the capital of innovation, let's try it and see if it works. If it doesn't work, we'll go back. We don't so -- part of moving it out of the ordinance is make it feel less like something that's set in

stone. I'm very much in favor of trying this and seeing if it works and seeing if it improves the work flow and maximize efficiency while still allowing us to meet all of our other goals. So I'm very much in favor of trying it.

>> Mayor Adler: Ms. Pool.

>> Just because you post it doesn't mean -- it has to be posted as a work session. We're saying we're going to post two council meetings ahead as a work session.

>> Mayor Adler: Yes. Councilmember pool.

>> Pool: Could I ask Mr. Rusthoven to weigh in on how or whether this does any violence to our zoning work? If it does, I think maybe we don't do anything with zoning, but talk to us about that.

>> If all we're talking about is posting two weeks ahead, the only thing I would -- it would affect the timeliness of the information in the backup.

[3:30:21 PM]

We would discuss at the work session. Zoning we're going to get a little leeway. Add the ordinance and stuff like that after the two weeks. As well as planning commission action, things like that. As far as actual posting goes, the implication would be the in ability to postpone a case one week. You know, right now without doing it as an addendum. Now you occasionally postpone a zoning case until the next meeting. It would have to be a minimum of two weeks out rather than one.

>> Pool: And would you have to do a reposting or would that be something we could manage without notification if we made a public announcement that it would be postponed --

>> The postponement does not require notification. We would just have to do notification sooner because you are posting earlier. The backup may be -- would have to be added on to as we go along and there would be no nor postponing stuff from one week to the next. We're often pressured by applicants to postpone only a week. We would have to tell them we can't do that without an an addendum.

>> Pool: It would be helpful depending on what we decide to hear really good feedback from you and the staff who handle that part of our business to make sure that we aren't unduly hamstringing you or making the bar too high, anyway, how this affects your work is going to be important I think for me if we do a test run after see how it works, I would really want to know what the reality is for you and your staff.

>> Okay. Will do.

>> Mayor Adler: And there would be no problem with council giving the direction if we wanted to postpone for a week at the time we postponed it we could say put this on the addenda so we could

consider it next week. On any given item we would have the opportunity to do that. It doesn't change any posting requirements, doesn't change anything. We can do that as a body if that's something we decided to do.

>> Pool: That's great. The last thing I wanted to address having items on two work sessions, but we would be on two work sessions I'm hearing, but we would only actually take it up the council meeting two weeks later, so would we have on the work session agenda like work session 1 and -- I mean we would have to somehow separate them so that we know this item while it's on this work session, it's first time and we won't be taking it up for two weeks.

[3:32:46 PM]

Maybe there will be some kind of signals on the agenda.

>> Mayor Adler: The work session agenda could be the two agendas one after the other so it would be clearer which agenda they related to.

>> Pool: Okay.

>> Mayor Adler: Okay. Mayor pro tem.

>> Tovo: I now have followup questions for Mr. Rusthoven. I guess I will just say I think we're going to have to really talk about managing our work session time if we're going to talk to two agendas because we're running long on work session agendas. Can you help walk me through how this is going to work? I'm still not understanding how it works for zoning. The staff reports are going to be added in later so they are not required to be in the full two weeks earlier.

>> Our intention -- talking about the posting, with regard to the -- what we discussed at the work session was if we have to post two weeks ahead, that we will provide a staff report two weeks ahead, but more than likely it will be the same staff report that went to the planning commission meeting so it may not have the planning commission action because the planning commission action could actually be within that two-week period. That's not uncommon. We'll probably need to be updating that to include the planning commission action, adding ordinances, restrictive covenants, things like that to come in within that window. I think the important thing to know is that as we discussed several weeks ago at a work session, we start working on getting these cases on your agenda several weeks before you guys see them. We have notification out and deadlines to the law department and agenda office to get the backup. And so we can move all that ahead a week. I just want you to know when it comes to the backup, that means there's probably going to be incomplete information available two weeks out and we'll be adding to that in the next week.

>> Tovo: And so currently though if it's posted and the planning commission hasn't taken action, we'll have a memo saying -- if the planning commission meets on a Tuesday and postpones it, there will be an item in our backup that posts on Friday saying the staff are requesting P.

[3:34:58 PM]

How will that happen now? I'm trying to understand the interaction between that and the addendum. My concern about the zoning piece is one -- it's not completely clear how that's going to work out, and two, I'm concerned we're going to have people coming down or members of the public who are less clear on whether or not something is coming forward on a particular day because whereas they once had a memo in there saying the staff are requesting a postponement, you won't have the opportunity to do that the week before because you will have had to get your stuff in two weeks earlier unless that's part of the backup that will come late.

>> There is a possibility. We'll probably just be including the backup we gave the commission before they postponed the item. We could follow it up with addition to the backup, the postponement memo. One important thing to consider here is that the -- every case only goods to the planning commission or Z.A.P. And they meet every other week. It's not that we have a planning commission every week. We have one every other week. So we're going to kind of have overlapping two-week periods here so --

>> Tovo: Right, but like where on Friday I open my book and the community can get online and click on that item and see a postponement, they won't see backup information if it's being requested for postponement. Now they will see backup information, so they will see backup information, then you will have to submit late backup to indicate it's being postponed. There will be a shift for the public in terms of understanding which zoning items you know are going to be postponed because they haven't gone to planning commission yet.

>> That's true.

>> Tovo: Okay. And then I didn't completely understand the point at which the addendum intersects with it, but --

>> If we were expecting a zoning case one week, we would have to do it as addendum rather than --

>> Tovo: So if the council decides to postpone, because the final agenda was needed -- needed to have been finalized earlier, a community member would then have to look at the addendum for that week's agenda to know it was being postponed.

[3:37:06 PM]

>> Correct.

>> Tovo: Okay.

>> Mayor Adler: My hope is --

>> Tovo: I think that helps me.

>> Mayor Adler: My hope is if we got things early, it would help meetings move more quickly. And I think it doesn't have to be as complicated as it was suggested. And, you know, I would hope that over time if you knew that the report had to be done two weeks in advance, you could do the report two weeks in advance. It just means moving up the schedule. The only place it doesn't fit is where we have a planning commission or a zoning commission meeting that's almost on top of the city council meeting where the window is really short. And I know that one of the things the community has asked for is a little bit larger time in that so that we're not reacting quite as quickly. The issue of postponing the meeting when we have postponed a meeting now people show up and we postpone it for a week or two. That practice wouldn't need to change. But it's all iterative and let's figure out what we can and can't do. If we're running into problems, we certainly can. And as we start into this, I mean do things as best you can, recognizing that we're trying to get the information as early as we can. And over time we'll learn what's feasible and what's not.

>> Mayor, we'll have a staff report in the backup. The issue is we'll probably have to update it between possibly the time we post it and the time we get to the council meeting.

>> Mayor Adler: Maybe. And if you are not dealing with a meeting that just occurred that week, but you are dealing with one that occurred earlier than just that week, then you ought to be able to get the full report in two weeks in advance. So we'll see that. If this passes. It's been moved and seconded this amendment. Those in favor please raise your hand. Those opposed? Mayor pro tem voting no. The others voting aye. And councilmember pool abstaining. 10-1-1. Mayor pro tem, do you want to bring some amendments to this?

[3:39:07 PM]

>> Tovo: I do, thanks. So the first one would be to 114, and this just adds some language, and I'm not sure if staff have clarified this. I didn't notice they made some changes. It adds the language when possible if council expects to not extend the meeting past 10:00 P.M., reasonable notice should be given to present speakers. I did not amend the language that we discussed on Tuesday, but I assume that we've resolved that issue of -- staff, did you resolve that issue that we don't want to be taking up issues after 10:00 that we've indicated we might not take up?

>> Right. So we did not add the sentence you've added here, but we did take out the part about voting to extend the meeting after 10:00 because we would have already made that decision at dinner time.

>> Tovo: Very good. Thanks. So this is, again, just additional language. And I'll move this in approval with the other language, under speaking time to address -- to address the issue that --

>> Mayor Adler: Mayor pro tem, can we take these in order?

>> Tovo: I move approval of number 1 adding the language to give people reasonable notice that we are not necessarily going to extend the meeting if that seems to be the case.

>> Mayor Adler: And I think we can -- I would urge people just to incorporate this, but before we do, where it says not to extend the meeting past 10:00 P.M., we had talked about the possibility we would call an item but stay with it even if it went after 10:00 P.M. In order to be able to finish that time. Rather than saying expects not to extend the meeting past 10:00 P.M., maybe what would be better to say that council expects not to call any new item after 10:00 P.M. I think might be better.

>> Tovo: Fine.

>> Mayor Adler: Does that sound good to you? With that change, is there any objection to that being incorporated?

[3:41:08 PM]

Hearing none, that's incorporated with that change.

>> Tovo: And then my other addition would be under 119 under speaker registration, speaking time, I am also really reluctant to limit speakers even beyond the first 20 to two minutes. Excuse me, to one minute. And we've had lots of conversations about this in the past, but as somebody who remembers clearly being at that podium at 3:00 in the morning providing testimony after many, many speakers before me on a controversial issue, I just think it's really important we provide ample opportunities to the public when they come down to speak. However, I know from our previous discussions that there's support of this configuration but I would like

to add the language: Whenever possible council shut attempt to balance time constraints and make an effort to add three-minute testimony from as many present speakers as possible.

>> Mayor Adler: Okay. Mayor pro tem, this is changing a section that we're not changing here. So this is going back and changing something that we changed earlier.

>> Tovo: I understand.

>> Mayor Adler: I'm just checking. Is that correct?

>> Tovo: Because we're having an additional conversation about it and I think we haven't always stuck to the first 30 -- excuse me, the first 20. We've been very flexible about that. I want to add the language that suggests we will be flexible. In fact, just a few meetings ago we had an issue, I think we had 25 speakers or 30 and they all got three minutes. I want to codify when it's possible we're going to give everybody three minutes. We're going to balance that interest against our time constraints.

>> Mayor Adler: So I believe with everything you said in principal, I agree with that, and I think this has been a practice we've had in operation some time. I think it's worked really well. And I think that we have made as a council adjustments in those situations.

[3:43:10 PM]

It might create an expectation different. I think what we have is working really well right now as it's laid out. So I would -- I would not support this and I would just say that part of what we're doing appears to be working at this point so I would leave it alone.

>> Tovo: I'll offer that as a formal amendment then.

>> Mayor Adler: It's been moved. Is there a second to that language? Mr. Flannigan seconds. We're on a change to 1.1-9. Further discussion on that? Those in favor of the additional language change, raise your hand. Garza, kitchen, mayor pro tem, Flannigan, pool. Those-posed? The balance of the dais. Does not pass.

>> Tovo: Then my last just suggestion is that -- and this is a very picky one so I didn't write it on the amendment sheet, but we have a convention in a lot of city documents to capitalize council and it's irregularly capitalized so I would capitalize council since that's our usual style and I think the same is true of councilmember. I saw some note some places where it was merged, and again the city style is separate it. To the extent these are in here, I would regularize them.

>> Mayor Adler: I think that's right as well so go ahead and do that. Okay. Let's take a vote on the rules now. 14 and 15 it's been moved and seconded as amended now. Those in favor please raise your hand. Those opposed? Unanimous on the dais. Takes care of 14 and 15. Can we also say the first time we'll do this will be August 3rd so that you have a chance to get ready for it. Thank you. That gets us then to the next item, which I show as being item number 26.

[3:45:17 PM]

From Flannigan, you pulled this one. We have two citizens to testify.

>> Flannigan: We can let the testimony go.

>> Mayor Adler: Two people, is Gus Peña here? Is Andrew Dobbs here? Mr. Dobbs.

>> Thank you, mayor, council. Texas campaign for the environment. Here in support of this contract. I wanted to -- I sent you an email yesterday, but I want to repeat those messages that, first off we are very pleased with the process that this contract went through. We have had many discussions in this very spot about contracts at Austin resource recovery that were not so happily agreed to and the difference this process was handled perfectly. We've been talking about this for at least a year we met with staff and worked with them to develop the concept here. Swac was engaged throughout the process. At this point all stakeholders, unanimous vote from swac are in supported so he would hope you would support it as well. I understand that there's some concerns about the cost. I actually texted while I was back there my staff because tce runs a door to door full-time outreach campus and payroll costs are \$350,000 a year. This is effective use of resources budgeted and already included in the budget for the curbside composting program. This is a very good use of these resources and I'm excited to see how it goes. There's a question of why we don't do this in house and it's because this is -- this work is not simple work.

[3:47:20 PM]

Can be like learning how to communicate with people and educate them on a complex program and make lifestyle changes in a dynamic way requires professional skill. And skilled professionals should be employed for this. Furthermore our department, Austin resource recovery, is already doing a really good job changing the way they've been doing public outreach. They are doing a lot of work, still more needs to be done. This allows us to extend outer if. A couple items after this on consent you approved \$12.5 million for tree cutting, right? Why not cut the trees in-house? It's because it's a skilled job and you wanted to hire somebody that's going to do it effectively and allow your staff to do the things they do effectively. It's the same thing with this. One other concern that councilmember Houston expressed that I share actually is the concern that this is -- that these people aren't going to be from the community that are going to be doing this education. First things first. This company has a very good track record of reaching out to communities of color in the city of Austin. It's a minority owned business. And I think that that is a very well taken point. And I think it's worth the city council either informally or formally making sure that the vendor does highlight and attempt to hire as many local folks from the affected communities as possible. Because they are -- you know, they haven't gotten the money yet --

[buzzer sounding]

-- There's still an opportunity to take that into consideration. I'm happy to answer any questions. Thank you, mayor.

>> Mayor Adler: We're back to the dais. Mr. Flannigan. Ms. Houston.

>> Houston: Thank you, mayor. And, you know, this is something that's been going on because I support composting, I want the city hall to compost. I want everybody to compost because all that we don't compost ends up in the landfill in district 1.

[3:49:23 PM]

If this is a staggering amount of money to me for outreach efforts. I understood what Mr. Dobbs said, but to me it's -- as I said to him, I expect a lot of money in the first couple of years because you've got to develop the bones and the structure for how you are going to do community engagement. And then after you do that for the first couple of years, then you can massage that structure and the costs should go down. So I'm concerned about why it is so much for all of those outlying years. The other part of this is as he said hopefully we would have some -- I was hoping we would have some train the trainer opportunities for people who live in the community, who know the community and the community knows them. It gets really old to have people from outside being paid to come into our community to talk about what's the best thing for us. And so my hope was that rather than contracting for those people to go out and do that, that we would have some kind of train the trainer with the neighborhood folks, and then we would pay the neighborhood folks to go out and do that. I see that's not a part of this solicitation and I'm very concerned about that. We're going to meet with the neighbors, we're going to mind their minds to get the kind of information that we need, and then we're going to pay people to do that rather than paying the people who are getting the information about how best to interface with communities that don't even understand what composting is or why you are going to bring us this green can. Those are my concerns. I would expect it would be high in the beginning and then it would go -- the contract would be lower in the out years.

>> Mayor, councilmembers, Sam Greer, Austin resource recovery. So this item obviously wants

[inaudible] Is authorizing to negotiate with the contractor. These are some of the items we could possibly negotiate with the contractor and include those.

[3:51:24 PM]

The amount of money, the 200,000 per year, you know, you are right, it could be a lot more in the beginning and then lowers, but the total could be a million dollars. So as a citizen, as a professional, you know, you are -- I'm thinking it's probably not enough, as Mr. Dobbs mentioned also. You are looking at a million dollars over five years, 200,000 homes, by then we would probably have 200,000 customers or 210,000. So you are talking about five dollars per home to educate and outreach and do what we need to do to train people. So when you look at it that way also, it's really not that much. But you are right, at

the beginning it could be more and then it could lower. So again, we're -- you're authorizing us to negotiate the contract and then all the information that you just discussed could be part of negotiation.

>> Houston: Again, I don't have what the engagement framework will look like. I guess that hasn't been developed yet. So -- or maybe it has and if you could tell me what the engagement will look like.

>> Emily chancellor, acting division manager Austin resource recovery. So we do have some -- we asked the proposers to give us their best ideas for how to do outreach an overly grass roots neighborhood approach. So the proposer will bring their ideas and each year we will do a work plan and we will be looking at which areas the curbside composting is expanding to. In one year one tactic may work best for one neighborhood. We may have to adjust subsequent years depending which areas of the city we're working in. So we have the flexibility to bring the solution that makes the most sense for the communities we're working with each year. And that's part of the -- so we will be adding customers, assuming council's support, we'll be adding customers each year and these services, these neighborhood outreach services will focus in those areas where the service is new. The curbside composting service is new.

[3:53:25 PM]

>> Houston: Do you anticipate that the contractors would be, I think you call them zero waste block leaders. Would you be contracting with them to go out? Because it looks like about 38,000 new customers will be added each year.

>> So we can discuss with the vendor about their contracting practices and what their plans are for adding those workers for this contract. Our zero waste block leader program is an existing program, they are volunteers. Councilmember alter asked us about the opportunity to provide payment for those types of volunteers and we've committed to researching that and seeing if a stipend or some kind of payment for our zero waste block leaders is a program we could build and move forward in the future.

>> Houston: If we're going to continue that model, that would be my hope, we find some way to pay people in the community to go in and that way they are known and people will depend on them and can go to their house and say I'm not sure again. So that's a better model for me than having a contractor go out there and then go to the next neighborhood where we roll out the composting the following year.

>> Right. I understand. And I think we will definitely make that part of the negotiations if this contract were approved to talk about their hiring strategy for on the ground average workers. We want to make sure it's folks from our community.

>> Houston: Okay. Thank you.

>> Mayor Adler: Councilmember alter.

>> Alter: I was wondering if you could share how you see this intersecting with the work we're doing in the workshop.

>> The working group? This is a contract for outreach and as you know for education and training. It really doesn't have anything to do with the issues that we're discussing, policy decisions that you are making of the working group.

[3:55:31 PM]

You know, we're not talking about going to landfill or, you know, methane recovery, just teaching people how to compost. And getting that -- getting that information out to the public.

>> Alter: Is it that you are teaching them to compost at their house or you are teaching them how to compost so they can do the curbside program? Isn't that covered by the discussions?

>> Well, it's curbside program that we're covering under this contract. What you are talking about in the working group has to do with the collection of it. Collection and processing of the composting material.

>> Alter: Right, but if we negotiate a contract to do engagement for -- relative to a program that is under some debate, however you want to put it, but then we don't decide to move forward for whatever reason, I'm not saying we aren't going to, I'm trying to understand the intersection between the even pagement and the program we're talking about. As I understood it, that that is potentially under -- the extension of the pilot to other areas.

>> Sure. Certainly we can use this contract for other programs too such as recycling, we can be recycle being things that's going to come up. If anything happened to this organics program, you decide you don't want to do that, we could always utilize it for other programs that we have. Or at the end of the first year after we track what the vendor is doing, we can come back and decide what you want to do.

>> Alter: But if we let you execute a contract for the first three years, then you are obligated, aren't you, to do that?

>> So I think staff would be asking that you approve the contract today. We would work on getting the contract in place and doing training, and we would start our outreach with the 14,000 customers who already receive curbside composting service to help us increase participation there.

[3:57:43 PM]

And I believe we could limit our work and the commitment to the vendor to that area in doing recycling outreach in areas we have data that shows recycling numbers are lower and start making progress once we have decisions from council the expansion of the curbside composting, then we could expand the outreach to support that program.

>> Alter: And so it wouldn't be -- even if we did make some kind of change with that, which again I'm not saying we're going to, I'm just trying to understand how these two processes interact because we have the last four-month extension that ends June 22nd on the curbside compost, a 120-day holdover so by the end of that period we would need to be figuring out, and I don't want to imply we've made decisions on that, I just want to understand how these are intersecting. It looks like Mr. Scarbrough may have --

>> We never made the assumption this working group was taking on the composting, we should be composting as a community. If that's the case your questions are valid. I thought the work group was only looking at the contract for vendors on how we, as Sam said, how we process the organics. So you are raising it to a little different level. We never assumed -- the policy question was never outlined should we compost in the community. That's why Sam is moving forward with this process.

>> Alter: I'm not

>> Alter: I'm not raising doubt whether we should compost in the community, but where the contract goes, if I understand it, as far as extending that pilot. Or am I misunderstanding that?

>> This is just to educate the citizen. It's agnostic where it goes, that won't have any part of that contract.

>> Alter: You're saying regardless we've already made a policy decision, which I agree with, to do curb side composting.

[3:59:48 PM]

So regardless of what happens with that other contract, we will have a contract of some sort in place and this outreach can happen with no matter what that contract looks like.

>> Exactly.

>> Alter: Great. Thank you for clarifying.

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: When I read the contract details it says that the outreach efforts should occur between April to August. Councilmember, when we wrote that scope of work we were anticipating that curb side composting would expand in June of this year. And so we put the specific months in the scope lapse. In prior conversations with council we talked about outreach three months before service starts

to customers have time to learn about the program and what's coming in their neighborhood before the green cart arrives on their curb. So that's what we're referring to with the April to August, but we are not limited to those months. So we will continue to meet our commitment to start outreach at least three months before service starts.

>> Flannigan: And when do we expect new service to start?

>> The process that we were just talking about, obviously we're still going through the working group and hopefully the working group committee has some information for us and how to move forward with approving either the current contract or what we need to do with that. As Emily mentioned, whenever that contract gets approved, we're hoping that we can start this contract or training at least three months before. If they come back and say, well, we're going to start in October, then it would be best to start maybe around June, July time frame.

[4:01:56 PM]

July, August. At least three months ahead of time. For the first phase that councilmember Houston was talking about, the 38,000, that's the first phase. So once the contract, the contract for organics gets approved, then we go to these 38,000 homes and try to train them, try to teach them through this contract. At least about three months or so before the collection of that 38,000 starts.

>> Flannigan: And the \$200,000 was first year's contract is in your fiscal year 2017 budget?

>> This fiscal year we have about 60, \$70,000. And of course the rest of it is -- it is included in the forecast, the five-year forecast and the budget that we're going to be talking about in future months.

>> Flannigan: So what we would be approving is 67,000 of your current budget and 200,000 in the next budget and then the fifth year would be 267 for the rest. So it would be a million total.

>> The total is a million dollars.

>> Flannigan: I also have broader concerns, but I tend to agree. If you're going to accomplish with the contracts set out and what answers I've received that are published that the intent is to reach all customers, he couldn't reach all customers spending \$200,000 over four years of campaigning. I don't see how that works. And that was with an extremely robust volunteer effort spending \$200,000 across -- nearly \$200,000 across two campaigns and that's just in one 10th of the city. And I wasn't even trying to reach all customers.

[4:03:57 PM]

So I don't think that -- I'm concerned that the dollar amounts don't actually accomplish what's set out. So the contract -- the requirements to reach all customers was set out by staff and then the

[indiscernible] Responded said I can do that for a million dollars. Or did we set the million dollars?

>> The proposal that we get, generally for contracts, the proposals that we get there's work plan, there's number of hours, number of employees, the hourly rate, all of that included. And I totally agree with you. This is not enough money. There are other cities in the United States that spend six times more than that. They spend five, six million dollars a year. And that's why their diversion rate is about 70, 80% and we're still at about 38, 39 percent. So it's always been a challenge here in the past that we need the money for education and for training people. And it's always cut. So for the extensive amount of work that needs to be done, we need to have the money. And I totally agree with you, it's not enough. Prosecute.

>> Flannigan: Here's ultimate --

>> Flannigan: Here's ultimately my job. I asked how many customers does the city need? Having not reached nearly all, because one could argue a that it is not enough, the council could come back and say we didn't reach nearly all, we need more money, it strains the public trust in this process.

>> So the -- when we say nearly all, it's true we will reach all the customers. Now, when we talk about 30,000 a year, it's face to face, door to door. We have methods that we can engage in through media, social media --

[4:05:58 PM]

>> Flannigan: I'm glad you mentioned door to door because another item in the contract said the door to door contracts must be attempted at least four times before you give up. Having spent the last four years block walking, that is a sinsithian effort. You don't have to knock four times on a door that someone isn't there or doesn't open the door or a whole other host of reasons. Separately I concur with councilmember Houston about the different parts of town requires different types of outreach from different types of people, and whether or not those concerns are addressed. I'm not satisfied with those answers, although I probably could be at some point. I think ultimately, though, I think given the delay in the rollout, and given my concerns on the conflict between the amount of money and what the outreach target is, I don't support this now but partially I think it can be done in the next budget.

>> So councilmember, I can provide a little more clarification if you would like. So this outreach contract is one aspect of our overall plan so our response back to you that we expect to reach nearly all includes also direct mail that the department will do that will not be done by this contractor, and other tactics. So I hear your concern. The goal we have for door to door would be about 10,000 households per year, and then we're estimating that we could reach about 30,000 households through all of our face to face

outreach. So that would be trainings going to gardening clubs, school groups. Any of those. We want to be in the community where community is so we want to identify the communities through the contractor to have presentations to have a table, have those face to face conversations, to answer questions.

[4:08:02 PM]

So those were some of the details on our response.

>> Garza: I should have asked this earlier and it's not a big deal if you don't have this now. How does this compare for the amount of contract for the bags, about the same?

>> It's significantly less than that. I don't have those numbers in front of me. That contract also included a pretty significant advertising budget, which is not part of this. That's part of the shift that we're working on is to have the face to face interaction. I think there will be some opportunities where advertising would be helpful for this to promote open house meetings or opportunities to come to workshops, but this is a different approach than that campaign was.

>> Garza: And I know there are opportunities for -- I'm going to support this. I think education is key to any program being successful. I just know that, for example, Austin energy has grant funded programs for like their ev, their electric vehicle program and there's philanthropic groups that -- sustainability efforts that cities are trying to make. So I'm just curious does our staff do through a process where we make sure we're looking for those kinds of grants and it's an opportunity, concerns about maybe this isn't enough, here we have an opportunity to match for some kind of possible grant and say we're putting up 1 million, will they put up 1 million? I'm curious if your staff goes through that process.

>> I'm not aware of any grants for this type of work, but we'll certainly keep our ears open.

>> Garza: Thanks.

>> Councilmembers, I'm sorry, Jessica King, Austin resource recovery. Our partnership with the sustainability office, a lot of their funding to help with the grant programs that they issue as part of their sustainability efforts, we have a key component to that so we contribute to do that.

[4:10:06 PM]

But Emily is right, we do not have a grant program that specifically identifies outreach and education and develops that, -- provides grant resources for those types of outreach efforts. It is something that we are interested in looking at so we'll explore that. But the intent of this particular contract we listened

very closely to the council and commission and say we wanted utilize the resources within the community that already exist and we're already relying on their expertise to help us with the relationships out there and get on the ground and we need that time to do that and start the conversations in doing that.

>> Mayor Adler: Councilmember alter?

>> Alter: I wanted to confirm this is already budgeted. You're asking to be able to -- for this fiscal year? Not the whole thing, the first portion.

>> The rest is in the forecast.

>> Alter: And it's also that arr is an enterprise fund so this wouldn't be coming out of general funds.

>> No.

>> Alter: Thank you.

>> Mayor Adler: Ms. Houston?

>> Houston: I think that was point is that we're not going to be able to give you enough money to do what the other cities are doing, but energize our local residents, then we could have those face to face contracts and say when people come to my door after seeing people all day long, if it's not somebody I know I just skip on to the back of the house.

[Laughter]. So it's important in order to get the face to faces that it's somebody that they know or recognize from the community, then they're more likely to open the door. I know the cans are here. I was in the district and I saw lines and lines of little green cans out there. I'm excited about it and hope it gets started soon.

>> Mayor Adler: Is there a motion to approve this item number 26? Ms. Houston makes that motion. Seconded by Ms. Pool.

[4:12:08 PM]

Was that a second? Any further discussion? All those in favor please raise your hand? Those opposed?

>> Flannigan: Votes no, troxclair vote no. We were under an hour and a half before music starts. We have eight more items on our agenda. Council says we can do it.

[Laughter]. Item 28 about tree trimming. I think this is the same -- does it make sense to pull these items up together. Let's pull up items 28, 29. We have several people to speak. Let's hear first from Juan uravides. Frank Fuentes.

>> Council, that was a mistake on my part on 28. I wish to withdraw number 28, but I do want to donate my three minutes for number 29 to Mr. Fuentes. Thank you. Clear clear.

>> Mr. Fuentes, number 28.

>> I'll be short, mayor.

>> Mayor Adler: We're calling 28 and 29.

>> Honorable mayor and members of this council, madam city manager, madam city attorney, for the record my name is Frank Fuentes. Chairman of the U.S. Hispanic contractors association. And we are here opposing staff's recommendation on these items. On item 29 that's a potentially -- actually, it's 10 years for \$70 million. And staff came up with 4.1% goal for minority participation for approximately \$70 million again for 10 years.

[4:14:17 PM]

We don't understand that 6789 this is tree trimming. It is our understanding that for tree trimming along the electrical lines, you're not required to have a state license. It is a couple of organizations that qualify you, that are national associations, and they qualify the folks that actually do the tree trimming. So when I suspected that that question was to be asked of staff, how did you come up with four and a half%, they would probably say we can't find any qualified contractors to trim trees. And we obviously are going to object to that answer because we have within our membership a general contractor who actually bid on this particular contract and he's been qualified by the two organizations that qualify contractors that do this type of work. That's the utility arborist association, the national association of agriculture. So if you have a contract contractor that can bid the whole job and you typically will see Latino contractors and Latino laborers doing the actual work then there is absolutely fiscal evidence that there was more than four and a half percent contractors that can do this particular type of work. On that issue alone I would ask this council to hold this contract back and ask why on a 70-million-dollar contract for 10 years why only 4.1% goal required? The other point that I would like to make is if in fact our contractor, our member has been doing work in the surrounding electrical co-opens successfully and they actually have successfully worked as a contractor for Austin energy, why weren't they given this opportunity, more specifically in the matrix, where they were scored so low under technical experience and under Austin experience.

[4:16:23 PM]

It doesn't make any sense if they've already done this work successfully for Austin energy. For us that particular metrics should be questioned. It should be highly subjective. So we ask this council to again ask how these matrixes are created, how are they designed? And then finally one of the things that really perturbed our organization, we were shown in the actual procurement documents that were sent out to the contractors that there is a speaking English only document coming out of Austin energy. And given all the Latino hate rhetoric that we've been hearing lately, it really showed us that perhaps we need to go back to Austin energy and show them that in Austin, Texas, we don't produce that type of document where you should only speak English and not Spanish. I'm sure they have their reasons. But again given all this rhetoric that we've been hearing lately, it's just the wrong time, I think, for them to show this document, specifically to us because we didn't particularly like it. I hope this council doesn't like it, I hope this council doesn't approve those documents that are coming out of a department from the city of Austin. I hope that this council questions it. I hope this council says to them, sends a message to them that Austin is not that type of city, that Austin doesn't produce that type of requests, those type of mandates. That in Austin we accept all kinds of folks and I think we take it for granted that they can communicate with them. Whether it's in Spanish or English, it doesn't matter. And our hope is that you don't accept the recommendation that are coming to you today. Again, thank you very much, mayor and council.

>> Mayor Adler: Thank you. Bob dobalina?

[4:18:28 PM]

Is he here? The next speaker is Jessica Presswood. Is Pete Garcia here? Where? Is ALMA Garcia here? Is Danielle Macias here? Is John Macias here? You have 15 minutes, Ms. Presswood.

>> Thank you, mayor and thank you, councilmembers. Thank you for staying so late this afternoon and hanging in there. This is a very important issue for us, Garcia tree trimming. And I'm here to oppose on behalf of Garcia tree trimming the bid award recommendations asplundh and Wright. For this solicitation bidders are recommended based on the evaluation matrix regarding the following four criteria. One the total evaluative costs, two the local presence, three demonstrated applicable experience, and four technical solutions proposed. Additionally the patient had an M.B.E. Who compliance plan, 1.86% women owned business for the annual project goals. The solicitation documents at issue state, quote, contract award will be recommended based on the overall value to the city of Austin. So what does the city of Austin value? Are Austin residents valuable to the city? What about providing business opportunities to local businesses who make this city what it is today? Does the city value equality?

[4:20:31 PM]

How about increased job opportunities for residents within the city of Austin? Gtt has been headquartered in Austin since 1985. Gtt is owned and operated by a former Austin firefighter, Mr. Pete Garcia, who is here to my left. Mr. Garcia values his local community. Mr. Garcia values his local workforce, and he derives his workforce from Austin residents. He values equality and bid this project with a 100%, 100% minority and women-owned businesses, locally. Mr. Garcia utilizes local and women-owned businesses as subcontractors and he takes pride in providing fair and honest services to his hometown. In fact, gtt was the lowest bidder under the solicitation. But yet, despite gtt's commitment to its community, two companies who have no organic ties to Austin, Texas are being recommended. They bid higher than gtt. Their actual expenditure, they currently hold the aspect for these services. Their actual expenditure over the term of their recent contract was \$36 million. Gtt bid this at \$26 million, \$10 million less. But yet, despite gtt's commitment to its community, two companies are getting recommended for this project over a local minority owned company.

[4:22:31 PM]

So my question to you is how is that so? It certainly should have nothing to do with experience or qualifications because gtt has all of that. Gtt has over eight years of consecutive, utilized vegetation management experience. Gtt just recently came off the Google fiber project for the city of Austin, contracting under maztech companies. Gtt worked for two consecutive years on the utility lines for the city of Austin. Gtt has over eight years of direct experience working for pedernales electric cooperative for the city of Westlake. Experienced working for the department of transportation and is currently performing services for the encore lines for the city's of Taylor, Round Rock, pflugerville, Georgetown, Round Rock and Hutto. Yet gtt scored eight out of 35 under the section titled demonstrated, applicable experience. Eight. Eight points. I think it's safe to say that gtt has several years of experience providing line clearance services around Austin energy's energized electrical lines, utility easements and rights of way. In its submission, it demonstrated it has the equipment, its local facilities, and all the experience and staff that they need to perform the services satisfactorily. In fact, they have done this in the past. So how did gtt score so low in this section? I think that's a good question. And I think it's a question we should all be asking. Pursuant to the minority and women owned business goals, the program is intended to, one, promote and encourage m.b.e.'s and WBE's to work with the city of Austin.

[4:24:34 PM]

Two, to afford them an equal opportunity to compete for work on city contracts. And three, to encourage contractors to provide subcontracting -- I'm sorry, subcontracting opportunities to certified

m.b.es and WBE's. It further states that the city encourages bidders to achieve M.B.E. And WBE participation goals and subgoals for this contract. Gtt is the first minority business that meets and exceeds the solicitation goals. It bid at 1.98 percent minority and 1 point eight percent. Asplundh and Wright bid the bare minimum. What is more concerning is that asplundh and Wright both contacted gtt for a good faith letter for this specific contract. When gtt asked asplundh and Wright if they were willing to sign a commitment that they would be able to do the work, these contractors refused. Because asplundh and Wright have no intentions on hiring minority subcontractors, they used the good faith letters to meet the requirements so they can lapse lapse.

[Lapse in audio]. On information and belief, asplundh and Wright have a history of receiving good faith letters from minority companies and they never used them on the projects. Gtt submitted an abundance of information regarding its understanding of the requirements under the scope of work, its plans to accomplish the work, assemble crews and equipment and its plans for completing the work safely and in a timely manner.

[4:26:39 PM]

Yet again, gtt received the lowest score on technical solicitations proposed. How can a company that has been performing these exact services for the city of Austin score so low? Why are we giving preference to foreign companies that have no ties to Austin except for satellite offices? Gtt and [lapse in audio] Work diligently for 10 years to get to point of where they are today. To the point to where they're big enough, they are the capabilities, they have the manpower. They have the equipment, they have the experience. They have all the certifications. I could list off all of their certifications, all of their licensing to get to where they are today, to be able to have a chance to win this contract. They've been working tirelessly to get to this point. So as a city I think we need to know where our 70 million plus dollars is going. Should gtt be awarded this contract, its workforce is derived from the city of Austin references and all tax dollars will remain in the city of Austin. Gtt has the skills, experience, equipment and materials to meet the contract requirements. As a result of the foregoing we are respectfully suggesting that gtt be awarded the full contract and be given the opportunity to continue to add value to the city of Austin. Its residents and its local businesses. And in the alternative we ask that gtt be awarded the contract to perform services in the southern division or the southern zone. Thank you.

[4:28:39 PM]

>> Mayor Adler: Thank you. Those are all the speakers we have on both 28 and 29. We're back up to the dais. Is staff here? Can you speak to the issues that have been raised by the speakers?

>> Mayor, councilmembers, James Scarborough, purchasing office. Probably we'll need to be joined by some other staff members. So certainly there were a number of concerns that were brought up and some of which, a number of which are the first time we've heard them as well. But I believe that -- unless I misheard something, that all of these concerns were associated with item 29. Gtt did not respond to item 28. And I don't believe unless we are --

>> Mayor Adler: Let's request ask that question. Mr. Fuentes, do your comment go to 28 and 29 or just 29?

>> At this point we'll go to 29. 28 is, I believe, transmission lines. And 28 is -- 29 is -- am I correct? Distribution lines. So we want only for the distribution lines, which is 29, that's correct.

>> Mayor Adler: So there's no one here in opposition to 28? Let's handle that. Is there a motion to approve item 28? Mr. Renteria makes that motion. Is there a second to that? Ms. Garza? Any discussion on 28?

>> Houston: I still have a question about the --

>> Mayor Adler: Let's hold the vote until we have this discussion, in retrospect. I understand that issue. Can you respond to some of the issues?

>> Sure.

[4:30:42 PM]

This particular item is under active protest. We received it actually this weekend and the first chance the staff had to look at it was on Monday. It's several weeks late and typically we would go ahead and either respond to it or pull the item and have a chance to look at it, but because of the additional questions that we've been receiving from staff this week, we have been spending time -- from council staff this week we've been spending time attending time to both answering the questions and also in regard to the particular protest. A number of the points that have been brought up today were not addressed in the protest so staff's not really in a position to respond to all of these now. But some of the things that we've heard today are something that we need to take time to respond to. But like I said, the protest itself being as late as it was and not only containing content that was actionable would normally be beyond our Normal process. But if it's council's wish that we look into the protest and based on some of the things that we've heard today staff are glad to do so and postpone the item and consider it further. Like I said, some of the things that we've heard, the English only document, these are new to us. We're familiar with some of the concerns, the concerns submitted with the evaluation, but that would involve discussing both the strengths and weaknesses from all of the offers and being able to discuss them in conjunction. So that would take more time and more consideration. So at this point we're not prepared and able to discuss that particular content because we just heard, as you heard it.

[4:32:46 PM]

>> Mayor Adler: Mayor pro tem?

>> Tovo: And this may also be an item of which you don't have information at this point. But there were some assertions about the companies that are proposed to get the bids that they tend to have good faith effort letters, but not actually follow through in using M.B.E. WBE contractors. So I wondered if we had any data related to that for past contracts?

>> Good afternoon, council, Veronica [indiscernible]. I don't have [lapse in audio] Today, but we do expenditures on all contracts so this is one that we certainly do. I don't know if they've met their goals, but I do know they've had extensive participation on previous contracts. I propose that we pull that information and bring it back to council.

>> Mayor Adler: The question might be rather than -- because we've heard the questions. We could also daylight other questions to staff. But it sounds like it is appropriate to postpone this item 29. The question is do we approve 28 or do we postpone them both to see the conversation -- I don't know if they're related sufficiently. Do we have a preference on the dais? Mr. Reason? Renteria?

>> Looking at the metrics here, it seemed like there were only two companies that submitted bids, is that correct?

>> 28? Correct, yes, sir.

>> Renteria: I don't know if that would make a difference if we deferred, delayed this one.

>> Mayor Adler: Is there a reason not to postpone them both? Just in case that investigation of those companies turned up something that we would like to see, I think it would probably be appropriate to postpone them both. Would someone make that motion? Ms. Houston makes that motion to postpone pending you bringing it back to us when it's ready. Seconded by Mr. Flannigan. Any discussion?

[4:34:48 PM]

Those in favor of the postponement please raise your hand? Those opposed? It's unanimous on the dais with Mr. Casar off. Thank you, if you could take a look at that. Okay. Mount mayor, if we -- Ms. Houston mayor, if we have --

>> Houston: Mayor, if we have additional questions we'll get them to you.

>> Mayor Adler: Send them to staff and perhaps you can give us a written response, manager, that raises those things. Thank you. Item number 45 we're going to hold. That gets us to item 57 and 58 which is the montopolis matter, staff?

>> Thank you, mayor and council, Greg Guernsey, planning and zoning department. Item number 57 and item 58 are related. Run is a neighborhood plan amendment and one is zoning change. Item 57 is case npa-2016-005.0 three for the properties at 2509 montopolis drive. It's about a 6.4-acre tract and the proposed change from existing commercial designation to a mixed use designation. The planning commission did recommend the mixed land use designation unanimously. Staff did not recommend the recommendation -- or recommend the future land use map change. On the zoning case, it's case c-14-2016-0113 for the properties at 2507, 2509 and 2511 montopolis drive. The commission did make a recommendation to approve the zoning applicant's request and this was for a zoning change from general commercial services neighborhood plan or cs-np zoning to general commercial services mixed use neighborhood plan zoning. They did add a caveat to that that would prohibit residential uses within 1,000 feet of a prax air facility.

[4:37:01 PM]

The facility as you can see on map that's being displayed is outlined in red. The subject tract is in yellow that has the designation further up on montopolis drive. The existing land use is currently vacant. To the south is an undeveloped tract zoned industrial. To the east is some cs zoning that's undeveloped. To the north is some single-family, martial arts facility. And to the west is MI, major industrial zoning and P public zoning, which includes the Austin energy control center and also a semiconductor lab that was known as sematech for many, many years. Imagine Austin designated this tract in this area as a job center. You have major trip manufacturing companies that -- chip manufacturing companies that have been located in this area. And we're also not recommending the zoning change. In your backup material there are zoning changes that have occurred for commercial zoning in the area, but one case was not mentioned here, took place in 2000. We were before the city council. It was a case for multi-family zoning on the property immediately to the south of this tract. The issue of prax air came up at that time. Eventually the case expired. There was a neighborhood petition that was filed by the adjacent property owners that were commercial property owners. And also the fire department was not in favor of the zoning change requested at that time. Prax air is a company that provides gases to our industrial users to some of the food and beverage, also to our medical suppliers. They have certain combustible and toxic air or gases that would be harmful for human breathing.

[4:39:04 PM]

And that is probably one of the main reasons why staff is not recommending the zoning change. Also it being a job center. This would negatively impact the ability of the adjacent industrial uses to either to expand or develop in particular the sematech property across the street, which is zoned MI. If this was zoned for residential uses or allowed residential uses it would inhibit their ability to do future industrial use on that property. It was mentioned in actually the 2000 case that prax air was considering doing an expansion. And if it were to be residential it would limit their ability to have an expansion of their facility. And the property to the south would be prohibited in doing certain types of industrial uses because of the introduction of residential next door. We do not see having the multi-family use abutting the industrial use as being a good land use, and staff recommends against it. Again, your planning commission did recommend in favor of the zoning change. Also of the map amendment. Staff feels strongly against this case and we wanted to make sure that that was heard. If you have questions, fire department staff is here and we can answer any questions at this time.

>> Houston: Mayor? Could ski Mr. Guernsey to go to the map and -- I see Ben white, montopolis, but I can't see the sematech tract you were talking about.

>> This is the prax air facility, this is the subject tract and this is the sematech property across the street. It's zoned currently MI.

>> Renteria: Mayor?

>> Mayor Adler: Is the intervening tract restricted to commercial use.

>> The intervening tracts are industrial, industrial.

[4:41:05 PM]

There's commercial that's behind this property right now.

>> Mayor Adler: It's zoned industrial.

>> It's zoned industrial.

>> Mayor Adler: Do you know if there's a deed restriction to commercial use?

>> I would have to go back and check.

>> Mayor Adler: Okay. Any discussion on this item? We have some people who have come to testify.

>> Renteria: I just have a question. What is there right next to where oltorf ends, I guess you would call it southwest?

>> Oltorf right here?

>> Renteria: Yes, it ends right there in that building. That one -- no. Yes.

>> I don't know the particular use of that structure.

>> It's the southeast

[inaudible].

>> Renteria: Thank you.

>> Mayor Adler: Ms. Kitchen?

>> Kitchen: Mr. Guernsey, I want to make sure I'm understanding. You said one of the concerns is that prax air might expand in future. Is that what you said?

>> In 2000 they mentioned their ability to expand was impeded. I don't believe they have made an expansion to this property.

>> Kitchen: Okay. Who owns that land in between the tracts and prax air? It's not prax air, is it?

>> No, I don't believe it is prax air. I don't know the individual or individuals that own that property.

>> Kitchen: Okay. And you also mentioned the fire department was here.

>> Yes. The fire department is here to answer questions. They had placed a condition which the planning commission did adopt, 1,000-foot barrier, where there be no residential uses.

>> Kitchen: I would just like to understand their perspective on this.

>> Kitchen: I just wanted to understand your perspective on the risk here.

>> Yes, ma'am. Our engineers -- I'm chief rob Meyers, the fire marshal for the city.

[4:43:07 PM]

And our engineers take a risk analysis when issues are brought before them. When the particular property was brought to us the risk analysis that had been used was using an emergency response guidebook, which is what we use trying to figure out where hazards are. And taking the chemicals or gases that are at this site going through the guidebook looking for reasonable distances they came up with a thousand foot radius and that's the circle you see around this property. The folks when they came to us for the zoning change, the original plans showed structures within that circle and we told them we could not approve that. They did ask for a variance to the thousand foot mark and we suggested that they go back and look at their set up to see if they could put the buildings outside of that thousand foot. Those are the different components that we use to come to where we are today.

>> Kitchen: Okay. Thank you.

>> Mayor Adler: Mayor pro tem?

>> Tovo: Sir, I have another question.

>> Mayor Adler: Marshal?

>> I'm sorry?

>> Tovo: I guess I'm wondering has the fire department taken a position on this joined just suggesting that -- beyond just suggesting that we require it be within -- beyond 1,000 feet? Are you recommending this?

>> I don't have a position for or against it. We took a reasonable risk analysis, is where we came up with the perimeter circle that you see. It's based on the emergency response guidebook and if an incident were to occur during daylight hours. Given that the facility probably just works during daytime hours that's probably the most likely time when an incident would occur and the fallout zone where you could have issues with flammability or health issues with exposure, that was a reasonable distance, so the 1,000-foot mark is what we came to.

[4:45:10 PM]

At this time I don't have a stance for or against this property. It's between the agencies involved. What we've got in front of us with the requests made where the buildings are meets all the risk analysis that our engineers used.

>> Tovo: It sounds as if you were not able to verify that they're only operating during the day.

>> Oh, we didn't go back to prax air. I believe they're a daytime operating company. But I don't know that for a fact.

>> Tovo: Thank you.

>> Renteria: Mayor, I think once the applicant makes their presentation -- you're fine -- that they're going to show that their development is outside of 1,000 feet. So I just wanted to mention that.

>> Mayor Adler: Okay. Can we go ahead and call the public folks to speak? Ms. Pool?

>> Pool: And I just wanted to add in on the use of the buffer area as anything other than commercial. My staff did a little bit of research and came up with a restrict. It's dated back in 1979. It was with Roberta crenshaw and she was the one that put on there that it would only be used for commercial used. Do you have a copy of that?

>> Actually, I conversed with my staff. The LI tract, two tracts there to the south of the subject tract, they have that restrictive covenant that they would be used for industrial uses. They have to do basically a pda, planned development agreement, which is something that you might see at some of the properties that are actually nearby. Also on the second tract to the south, the one that's labeled li-mp, that's also owned by prax air.

>> Mayor Adler: It's also what?

>> By prax air. So you have the subject tract, the tract to the south is owned by some entity. The next tract below that I understand is owned by prax air and then you have the prax air facility itself.

[4:47:10 PM]

>> Mayor Adler: Can you comment on -- can you point to the chart, if you would, and explain which tracts it is that has the restrictive covenant on it?

>> So these two tracts are the two that have the restrictive covenant that they be developed for industrial use would required a planned development agreement, which would something you would normally have a a LI district. It's not uncommon. This tract is owned by prax air and this is the prax air facility.

>> Pool: And I think it's the middle one there that was the crenshaw property. I think the one right above that.

>> These are the two, as I understand, that have the restrictive covenant.

>> Mayor Adler: I'm confused. I thought the restrictive covenant you read, councilmember pool, said it's limited to a commercial use? Does that provide for you can do an industrial use if you do.

>> If they turn in that plan.

>> Mayor Adler: So both those are a restrictive covenant?

>> That's correct.

>> Pool: Any other use other than commercial has to go through that process. I just thought it was interesting it was [lapse in audio].

>> Mayor Adler: Mayor pro tem?

>> Tovo: I'm sorry, to point that out again? We have the subject tract and it's hashtagged -- hash marked. Just immediately south of that is a tract that has LI zoning. That whole thing is one tract?

>> I think these are two different property owners. This would be prax air, this is owned by prax air.

>> Tovo: We have the prax air development all the way on the bottom. Then next to -- then one above it is the li-np. So both of those have the ability to have industrial uses on them. The restrictive covenant just limits them to bringing them forward in a pda.

[4:49:14 PM]

>> That's correct. You would need a planned development agreement. Tract but you could have the industrial uses on them.

>> If they comply with the covenant of the pda.

>> Tovo: But they're not restricted from having industrial uses?

>> Except for that requirement they need the pda before [inaudible].

>> Tovo: And I can one more question. And then the C 14-2016 -- I can't tell if it's a three or 85, is that also li-np?

>> Could you say that number again?

>> Tovo: It's right next to the pmp tract.

>> This tract is also industrial.

>> Tovo: Okay. And the pnp is public, some sort of public.

>> Correct.

>> Tovo: But basically this tract is adjacent to industrially zoned tracts, not industrial uses because those are undeveloped. Until you get to the prax air and there's a prax air tract between the prax air operating facility and the undeveloped li-np tract that has a restrict that requires it to come forward with a pda?

>> That's correct. So here's the prax air. This area is also prax air. The other intervening property owner that's zoned industrial as well, the LI, and the subject tract.

>> Tovo: Okay. Thank you very much.

>> Casar: I have a question on that.

>> Mayor Adler: Let's go to Ms. Kitchen and we'll come back to you.

>> Kitchen: Going back to the thousand foot radius that I believe the fire department drew, that was from the existing prax facility, not from the additional area that the prax air could expand to?

[4:51:22 PM]

>> That's correct.

>> Kitchen: So prax air could expand even further out, which would make that thousand foot go even further and they wouldn't be restricted from doing so, right? Because it's their land and they could do it if they wanted to.

>> They would still need that planned development agreement to be approved, but they could expand if this property were developed with residential, their ability to expand in the future would be greatly limited on what they could do because of having the residential [inaudible]. And I think I would let the fire department, if there was actually housing built on this property, the ability to expand the building is greatly inhibited.

>> Kitchen: So in other words, the zoning we're being asked to consider, one really affects their neighboring plot. It affects prax air if prax air were to consider to expand.

>> Mayor Adler: Correct.

>> Kitchen: Right now they have the authority or the right to expand, but if we allow residential put that close to them, in effect they couldn't use their property to expand.

>> I don't know if they couldn't say they won't be able to use it to expand. They wouldn't be able to use it in the manner they are now per the fire department.

>> Kitchen: I mean the hazardous uses.

>> If they tried to do the exact same thing on that property, they would not be.

>> Kitchen: Okay.

>> Mayor Adler: Mr. Casar?

>> Casar: So you talked about the restrictive covenants on the tracts east of montopolis, but on the MI tract west of montopolis is that -- that doesn't -- maybe you don't need a pda in order to develop more industrial uses there, right?

>> I don't believe so. That was originally the semacomm labs and there was talk about doing expansion on that property until they moved to New York.

[4:53:23 PM]

>> Casar: So to summarize you have the industrial uses. South of it you have industrial use owned land that doesn't have industrial uses and couldn't unless it got a pda, unless you go across the street, across montopolis.

>> In essence where you see my red pen, the area below is mainly industrial and above is commercial and some residential.

>> Casar: And I'll go through some of these questions maybe after the testimony, but on Cameron road on the line between councilmember Houston's and my district we have tried to wrestle this question of how to do the transition appropriately and have gotten some concessions that maybe have helped with that. But we can maybe see what the speakers have to say before I get into too much of that.

>> Mayor Adler: Okay. Let's go ahead and call the speakers. We'll begin with Susana Almanza. No, I'm sorry, we'll have the applicant speak for first.

>> I should have some time donated. I think I should have three folks.

>> Mayor Adler: Let's see. John Stratton?

>> And Jules and Nick.

>> You do. You have 12 minutes.

>> Hello mayor and council. I'm Leah with strenner group here representing the property owner for 2507 through 2511 montopolis drive. I am going to walk through the property with you a little bit, building off of staff's presentation, and then I'm going to explain why in this case we do not agree with staff's recommendation and we are requesting your approval for these changes. So to give you an idea of where this site is located we're in southeast central Austin in district 3.

[4:55:28 PM]

The big picture for this part of town is that it's an area that's been sentenced to a lot of industrial use over the decades. The neighborhoods want more residential and they've been asking for it for a long time. This area is not going to be able to transition to the mix of uses they would like to see without the city's support due to those existing industrial uses. So the property I think as staff discussed is currently vacant and I point this out to make sure everyone realizes that we're not displacing anything here. This is a vacant piece of property that has never had a commercial use on it. It's about 6.4 acres and it can accommodate about 200 units. So like staff said, it's currently zoned cs-np and we are asking cs-mu-np with the fire department's recommended buffer recorded in a public restrictive covenant. The reason that we're specifically requesting that the buffer be recorded in a restrictive covenant, there's two reasons for that. The first one is so that it could be written in such a way to have -- to be conditional upon those hazardous materials being where they are right now. If prax air picks up and moves out

tomorrow then there's no need for that buffer to be there and we could use the full site for housing. And the second reason is my understanding is that with codenext coming and the rezonings coming, any piece of property that's rezoned with a co -- maybe I shouldn't say any. Most property that has a co on it is going to maintain legacy zoning whereas properties without cos will be moved to many of the new transect and non-transect forms of zoning. So I think in interest of sort of supporting codenext we would want to see our property -- the entitle means don't really change substantially, but we would want to see our property as part of the new code changes and having that buffer for a restrictive covenant would achieve that goal. We are also requesting a Flum amendment from commercial to mu. Mixed use. So you can see in your backup that we do have the support of the montopolis neighborhood contact team.

[4:57:29 PM]

We got a unanimous vote of support for both the zoning and the neighborhood plan changes. And here we have a zoning map. There's two important points here that I'd like positive point out to you. The first one is how close this site is to the east Riverside corridor. You can see they're in the top of the slide, that corner between grove and montopolis is the east Riverside corridor. And then you can also see that there have been a handful of mixed use rezonings moving through this area over the last five years or so. There is a real -- this has been a lot of change. This is a very desirable area for residential development. And I included this -- this is currently land use that's on the ground right now and I think what's particularly helpful about this is first you can see all the residential there to the north in the turquoise and bright blue and you can see how much vacant land we're talking about including the partial. One other point that I want to mention, because it was brought up in the staff report as transit, you can see from this exhibit that this area has excellent transit. I'm a transit user myself so I dug into this a little bit. And there are quite a few excellent routes close by. It's a half mile to the corner of montopolis and Riverside where you can catch the 4 or 100 or 350. It's a .7-mile walk to the 20, which is my route, one of the best routes in town, I would argue. And it's just a two minute walk to catch the 311 or 381. Not only is there excellent access, but there's access to a variety types of transit, which makes it an excellent place for residential use. Use. Staff are recommending against this change due to proximity to industrial use and zoning. Like you touched on a little bit already, per the fire department's assessment, the use issue is really about that air site. You can see from this map that we can abide by the boundary. There have been other zonings -- or maybe they haven't made it to you -- that were included in the barrier.

[4:59:39 PM]

We can develop as residential and respect that barrier. And then the second thing as far as the zoning goes, like you discussed, that swath of property from Montopolis down to Ben White is zoned LI, but that entire swath has a restrictive covenant on it like you heard, that if anyone wants to put anything on there other than commercial, they have to go through the process which means you get to weigh in on it -- which includes the property that Praxair owns to the north of their property. If they wanted to expand their use, they would have to do a planned development agreement that would have to come to council. It's worth noting that that mu site on the right side of the slide rezoned in 2012 from CS so to CS-MU, it had support. And it was approved. And it was -- I think it's still under construction. It may be open at this point. The second point touched on by staff in their report is that this property is located in a job center. I want to point out a few things about that. First of all, imagine Austin job centers are not a parcel-by-parcel designation. They're big blobs. Our property is on the edge of this big blob. There have been other recent rezonings that have had staff support. The lines of these centers, as you can see, these kind of wavy lines, they cut through the middle of parcels sometimes. This was not a designation that said this parcel should be for jobs. It was SF3 before it was CS. If you zoom out, the map in your backup is zoomed in to more specifically show this parcel. If you zoom out you can see this is a huge swath of southeast central Austin.

[5:01:40 PM]

It seems to me that we are not trying to say with our imagine Austin job centers that this entire portion of our city that stretches from -- touches I-35 and goes to 183 is not going to absorb any more of our housing needs, or accommodate any more of our housing growth. Imagine Austin strives for complete communities and mixed use, which is what we're trying to do. We're right to fill in this job center, the vacant land, with residential. We have agreed as a community we need more residential in our city. Finally, staff is recommending denial based on the Montopolis neighborhood plan, which calls for more housing units, which is exactly what [inaudible]. We've recognized this citywide and Montopolis that has recognized it as long as ago as 2001. Their neighborhood -- plan calls for minimizing the impact on residential areas. And this change achieves that goal, because it continues to push the boundary of the mixed use where land is vacant. It's continuing to push that industrial boundary to the south, which is what the neighbors would like to see. And I also think it's worth in line with their vision for their neighborhood. So I went down to the history center thinking of the idea of planning principles and knowing that like most of our city, there have been a handful of different planning processes. The short version of it in this area is that we've been saying that we should continue to put industrial here because there has been industrial here for a really long time. There's been industrial in this area since before it was within the city limits, and even as recently as imagine Austin, the definition of a job center is a place where we don't think residential is appropriate. We're continuing this legacy. It's time to release east Austin from this industrial legacy. If we continue to base planning decisions on this document, this area will never be able to transition to the mixed-use area that it wants to be.

[5:03:47 PM]

As staff reported, we did get unanimous support at the planning commission. In case you department have -- didn't have time to watch, the Montopolis neighborhood has evolved substantially since their plan was approved in 2001. This change does make sense. Staff have supported other cases under the same circumstances. The planning commission didn't understand why that would be the case. Imagine Austin is due for a five-year update, and this may be a good example of why we update our comprehensive plan every five years. So I think this is a classic case where applying the planning hierarchy of uses doesn't necessarily make sense. And this area wants to change, and, therefore, the hierarchy of uses doesn't really work. Not only is this a perfectly appropriate place for residential use, it meets many criteria that we tout for good residential places. And it gives us an opportunity to build on the evolution of this neighborhood to fill in residential around existing jobs. There are existing jobs in this area, there definitely are in some of the sites that you saw. And there's also a lot of vacant land that can be used for residential. East Austin was saddled with this industrial zoning a while ago. There's really no reason to continue to limit this property. The mu rezonings show the future. And the only legitimate concern is health safety, which we are happy to comply with -- by keeping this tract commercial. Therefore, I'm here to request your support for the change to this Flum and zoning to add an mu. We are requesting that the fire department's recommended buffer is put in a public restrictive covenant. Please let me know if you have any questions.

>> Kitchen: Okay. I just wanted to ask a little bit more --

>> Yes.

>> Kitchen: About the planned use.

>> Yes.

>> Kitchen: Specifically, the thousand-foot buffer does go onto the property.

[5:05:49 PM]

>> Correct.

>> Kitchen: So how is it that you would avoid being within that buffer?

>> The property can hold around 200 units. It's almost 6 1/2 acres. The buffer takes two acres off that edge. We would probably use that part for parking. The fire department said no habitable structures in that area. So we would not put any dwelling units in that buffer area.

>> Kitchen: But there might be a park, or they might be coming and going on that land to their homes.

>> Correct.

>> Kitchen: Okay. Thank you.

>> Mayor Adler: And as I understood, the fire marshal's nod of his head, your restriction was for habitable structures?

>> That's correct.

>> Casar: My staff has brought up with y'all, the applicant, about how in some of the cases where we have residential across the street from industrial and we are building those transitions that we are planning for some sort of green space buffers, or vegetative buffers from existing --

>> Mmhmm.

>> Casar: Industrial uses. Is that something that if this goes on, y'all would be willing to continue exploring?

>> We are willing to continue to explore that. But I want to point out that functionally, the hierarchy of uses that we're talking about here, which is residential, commercial, industrial, is still upheld, it just shifts down. So we can certainly -- I'm more than happy to talk about that, but I want to make sure we understand, kind of, what we're buffering from.

>> Casar: And then if this does become -- my understanding is that there's some apartments that maybe were just off --

>> Yes.

>> Casar: If those start becoming more residential, I think something that might be -- instead of us having gated apartment buildings next to each other, figuring out connectivity, because a lot of the apartments in my district that get close to highway frontages or major roads are disjointed, you have to drive through three roads to get from one to the next.

[5:08:07 PM]

Something of interest to me, especially -- and I think some folks in councilmember Renteria's office might be interested in figuring out a way to make sure that if this does transition that we don't just have these blocked off multifamily islands.

>> For sure. Commercial multifamily, absolutely. I agree with you about the connectivity.

>> Casar: Thanks.

>> Mayor Adler: Thank you. Anything else? Thank you. Susana Almanza is our next speaker. And then --

>> David king.

>> Mayor Adler: Donated time. All right.

>> Good afternoon, mayor and city councilmembers, I'm the president of the montopolis neighborhood planning contact team. And we did get approval to this particular case and the other cases that you see now that are grmu and csmu because we do want to see a transition of housing. We wish that it was all affordable housing, but we haven't been able to achieve that goal. The one thing I want to talk about is the prax air. I think that one of the things that this council needs to begin to work on is the equity line swap, because prax air does not belong in our communities. It's within a .5-mile of multifamily units within townhouses and homes. So prax air does -- should have never been there and allowed all the housing. Prax air is probably on the terrorist list because whenever there's combustibles or gases, then they're designated by homeland security as a possible terrorist site. And so prax air, we would fight it tooth and nail if they would try to expand because it doesn't belong in our community. Prax air does not belong there where the city of Austin now has its energy site was where Tokyo electron was, which we also opposed.

[5:10:11 PM]

There were other high-tech facilities that were trying to make montopolis a high-tech corridor, which we -- to keep them from becoming a corridor in our community. And so if we're looking at it, we need to make sure that prax air -- we have plenty of land that the city owns near the airport which residents will never, ever be able to live. That would be a great site for prax air and for prax air to be able to expand if they wanted to. We need to start looking at city sites, these dangerous -- out of communities. And she's right. Montopolis did get annexed into the 50s. And so we've got a lot of land there, a lot of industries that don't belong there. That adjacent land between prax air and this site was another zoning case that came to you before Mr. John Joseph which had the land that actually started Ben white, which is next to the affordable housing apartment on Ben white. His land goes all the way from Ben white, comes out like an L shape on to montopolis. He was running into the same situation because of prax air. So you can see unless we began to really address the issue of prax, we will never be able to transition our communities to a lot of communities you live in. We would like our communities to look like that, too. So we need to do that. The other thing I want to touch on is the parks ordinance, because one of the things that we talked about was designating those fees to come to the montopolis community. And now we have the parks department saying, well, you're a little bit a mile away. So those funds cannot go to montopolis. For five years we've been trying to repair the Vasquez fields park with no kind of success.

[5:12:15 PM]

[Chuckling] You'd have to remember, Montopolis is in a poverty area. Also, the master plan for the

[inaudible] Park has never been completed. The basketball park for our youth next to the softball fields has never been developed. Yet we're getting other organizations coming in wanting to do bike trails and so forth. But again, it's a good thing about the parkland ordinance. But I think it hasn't gone through the equity lens. So when you start to put stipulations about this only can be for new parks, for new residents, and not help the poor people who live in the community to make sure that that money goes to our parkland -- we know we don't have enough money for maintenance, yet we're trying to put a new park in Montopolis on the south side and not giving it to the community that's been there for decades and decades. I think that's a real big injustice. The parkland ordinance needs to go to -- equity -- because there is a lot of flaws in that particular ordinance. And it's prohibiting us and a lot of community -- park - pool is going to be closed this summer. Wow. Montopolis is always open late and pretty soon, our pool might not open because it's so old and antiquated and there's no funds. We really need to look at it. Here was a property where we thought that we would be able to get those -- over \$200,000 designated for the Montopolis community only to be told by the parks people that no, we're a little bit too far out and so the money has to be designated for a new park that will be coming sometime in the near future. So those are the major points that I want to talk about, is please help us transition our community from a bunch of industrial, hazardous facilities and let's make it like everyone else's communities, especially those that live west of I-35 so that we don't have all the hazardous.

[5:14:22 PM]

Because you know that 90% of all the industrial facilities were in east Austin. And so we're talking about institutional racism and addressing that issue. Here is the opportunity to address the institutional racist land use issues that were put upon us and that we need to make the change. Thank you very much.

>> Mayor Adler: Thank you. Those are all the speakers we have. We're now back up to the dais. Is there a motion? Mr. Renteria.

>> Renteria: Mayor, I move to approve the planning commission's recommendation to rezone it to CS-MU-MP and to change it to mixed use. I also would like to see a restrictive covenant saying that if any hazardous material identified by the Austin fire department are being stored -- if they move and they change location, and they move the hazardous material, that the restrictive covenant would be only applied as long as there's hazardous material on site.

>> Mayor Adler: Mr. Renteria moves passage of items 57 and 58 at the recommendation of the planning commission with also the condition that there be a restrictive covenant or other provision that says that if Prax Air no longer has the hazardous material, that the thousand-foot radius be adjusted.

>> Mayor, if I could clarify that, it's for first reading only.

>> Mayor Adler: Is there a second? Mr. Flannigan seconds that. Is there any discussion? Mayor pro tem.

>> Tovo: Yeah. I'm glad that we're considering it only on first reading. I'm going to give it some more thought between now and second reading.

[5:16:24 PM]

These cases are really challenging when we're considering rezoning industrial land for residential use. And I think we've had really good testimony here today, both from the applicant and from the neighborhood association. And I would certainly support this in a heartbeat if plans were underway to do just what Ms. Almanza suggested of doing some kind of land trade or moving prax air and working out some kind of land swap so that we're assured that industrial use wouldn't be in such close proximity to the residents who would occupy the tract of land we're discussing now. But with the existing conditions and prax air there and operating, and no immediate -- intent as far as I can see for them to move, and the other lands -- adjacent to this tract being zoned, even if a couple of them have to go through a pda process, there's at least one tract that does not. And I'm real concerned about locating residences in such close proximity to those industrial uses. So I would have to support the staff recommendation in this case. So today at least I'm not going to be able to support this motion. I think there are some industrial tracts that make good sense to rezone. And I'm very supportive of this neighbor planning team's efforts to really change the character of those areas and to try to promote residential. But I'm not sure, given the amount of residentially zoned land in this area -- I just can't get comfortable with making a zoning change in advance of those, again, knowing that prax air is there and that the other land already has the industrial zoning, I am uncomfortable with making a change that would -- living -- individuals living on that tract.

>> Mayor Adler: Council?

[5:18:29 PM]

>> Yes, mayor, I would just like to ask for a little more flexibility in crafting that restrictive covenant. I am concerned about -- we don't like restrictive covenant to disappear without council having the ability to look at them. And from what I understood, that may have been the intent of what the applicant was asking. So I'd just like a little more flexibility in crafting that restrictive covenant.

>> Mayor Adler: That's fine. Why don't you come back with your best attempt at trying to effect that.

[Off mic]

>> Mayor Adler: Okay.

>> Thank you.

>> Mayor Adler: Ms. Houston, did you say something?

>> Houston: Yes.

[Clearing throat] Excuse me. This is for staff. Could you tell me what was the building just west or south -- I can't get my bearings right -- of prax air? Did you all say that was the southeast Austin health clinic?

>> It would be south is the health clinic. To the west would be symatec. To the . . . So here's prax air, this is a health clinic, this is the symatec site, this is all undeveloped. The new housing, the montopolis plan is mixed use, is over here.

>> Houston: Okay.

>> Referenced. The Austin energy building.

>> Houston: My question is, how did the health clinic get next to prax air if prax air is so dangerous?

>> It's not occupied as residences. They have -- individuals that stay overnight.

>> Houston: But individuals go in and out of there all the time. If we're that concerned about noxious gas --

>> Some hospitals actually use a certain amount of gases that prax air probably supplies.

[5:20:32 PM]

But it is not a residential facility which people would be living in -- property.

>> Mayor Adler: Did the fire marshal want to respond to that?

>> A couple different options on that. One, it may have slipped through the cracks as far as not getting to our office for engineers to review when it was set up years ago. Part of it is, to be honest, not all city systems work properly. The other component is, it's not a residential area where people are sleeping, where they don't have the capacity to recognize that there's a problem. Though it's a clinic, it's still a place where folks are awake. If something goes on, they or the employee would have the ability to remove themselves from the property if there was an issue. Those are a couple of possibilities, but I'd have to go back and look as far as the history of it to see what created the hospital next to prax air, whether it slipped through the cracks or other components that may be part of that. We weren't looking

backwards at things. There's also areas in the city where we've got a pipeline where houses are on top of that. That either went through the residential process and didn't make it to our engineers for review and thus was put in place and was missed along the way.

>> Mayor Adler: Okay.

>> Does that help?

>> Houston: That does help. Thank you so much. I appreciate that.

>> Mayor Adler: Do you want to close quickly?

>> Yes.

>> Mayor Adler: Hold on a second.

>> On the map that you just had up, could you show me where the property is that doesn't have to do the pda? And I'd like that larger view that you had up. Thank you.

>> Mayor Adler: For you -- thank you.

>> And if you happen to know, I believe UT owns a property near Austin energy, if that's in this view, if you could show that.

[5:22:41 PM]

>> So, again, the tract, this is the symatec property which is is --owned by the university, zoned MI, does not have the restrictive covenant limitation that requires a pda. It's this property right here.

>> Alter: Okay. Thank you.

>> Mayor Adler: Thank you. Do you want to close?

>> Thank you, mayor. I just want -- I think, just to close on a few points that were raised here, the first one is that yes, that property across the street is owned by UT. It's currently operating as a research and development facility with a long-term lease. I did have some conversations with the UT real estate department about their plans for the property and how that would all work. And basically, it is to be used to further -- I got kind of general answers.

[Laughing] But basically, ut-owned properties are used to further the goals of UT. Right now they're doing research and development out there. That's what they expect to be doing for a long time. The reason they have the user that they have right now, which is called nevadi, is because the facility on that property was built by symatec a while back. It's a state-of-the-art, very high-tech facility that has some manufacturing space, some office space, and it has a very intricate level of security passes because they

do stuff for the government and all kinds of things, so that's the use that there's right now, and that's what it is expected to be there for the foreseeable future. I want to point out that there is already housing within this thousand-foot buffer, or sort of a housing development. The one over to the east of our site on Ben white was approved a few years ago. It's just the corner of that property, but it does get at the question that y'all have raised as far as what if someone wanted to come in in those industrial properties in the middle and do something and go through a pda process and all that.

[5:24:42 PM]

There's already -- basically just outside that -- buffer that would trigger the same kind of process that our rezoning would trigger. So we're not creating a new impediment to these folks. This area is already changing and moving in the direction of mixed use and residential. And finally I want to say that I guess I just want to emphasize that this change is what the neighborhood wants. This is in line with their goals. And I think while, of course health and safety is an important component of this change, respect that health and safety regulation, and still help the neighbors evolve to meet their goals.

>> Mayor Adler: Thank you. Any further discussion? It's been moved and seconded. First reading only. Planning commission recommendation with the additional mention of returning that thousand-foot buffer. Let's take a vote. Those in favor, please raise your hand.

>> We have the restrictive covenant change.

>> Mayor Adler: Yes.

>> That council said. I don't know if that was in the planning commission recommendation. So I just wanted to clarify.

>> The planning commission added a condition. I don't know that they --

>> The planning commission basically said a condition to prohibit residential use within a thousand feet of a prax air facility. The commission recommendation . . . Let's see. The commission reconsidered the item and adopted a condition to include a one-thousand-foot buffer -- restrictive covenant as well as a conditional overlay because of the uncertainty in how overlays would be handled after the adoption of codenext.

>> So that does not include anything to say that it would disappear.

>> Mayor Adler: No, that's why we added to it the additional mention.

>> I just wanted to make sure that we were voting on what I thought we were voting on, which included your change.

[5:26:43 PM]

>> Mayor Adler: Yes. It's the planning commission recommendation with the additional element about reducing the thousand feet based on future prax air use. Okay. It's been moved and seconded. Those in favor, please raise your hand. Those opposed? Mayor pro tem votes no, the others voting aye. It passes on first reading. Council, we have three public hearings I think we might be able to move through quickly here. There's no one signed up to speak on these. Let's see whether or not that's possible to do. Item number 69 is being postponed until June 8th. Mayor pro tem moves postponing this item until June 8th. Is there a second? Ms. Garza. Any discussion? Those in favor please raise your hand. Those opposed? That item is postponed. 60 -- you're standing there, do you want to do 70?

>> On 70 we have only one speaker and they support it. We could approve that on all three readings if you want.

>> Mayor Adler: I have no one signed up wishing to speak on item number 70. Okay. Is there a motion to close the public hearing and approve 70? The mayor pro tem makes that motion. Is there a second? Mr. Renteria. Any discussion? Those in favor -- yes.

>> I believe that we had a request out to staff for looking at -- permanent restriction of parking, but also to do with some parking issues that they're experiences due to the same event, and I would just like to make sure that we have a followup to make that in those thosetemporary periods of time happen.

>> Mayor Adler: Is there a motion to approve this item number 70? Mr. Renteria makes that motion. Is there a second to that?

[5:28:44 PM]

Is there a second to this?

>> I'm sorry.

>> Mayor Adler: Yes, councilmember pool. Any discussion? Those in favor, please raise your hand. Those opposed? Item number 70 passes. That gets us then to item -- 8, which is the Atmos matter.

>> Mayor Adler: That's okay. Take your time. I have no one signed up to speak on this matter as well. Is there a motion to approve item number 68 and close the public hearing? Ms. Garza makes that motion, seconded by Ms. Houston. Is there any discussion? Let's take a vote. Those in favor, please raise your hand. Those opposed? It passes as well. Okay. That has us having handled everything on our calendar with the exception of item 45. Do we want to come back after dinner to do item number 45? Do we want to try to do 45 quickly?

[Off mic]

>> Casar: Yeah. I think -- signed up. Frankly, I thought we were at 5:15 with four items, I thought there was no way, but, how many speakers do we have?

>> Mayor Adler: We have four speakers signed up, Gus peña who is not here, Mr. King, Mr. King I don't see, Sheridan, and Mr. Franklin.

[5:30:51 PM]

Mr. Franklin is here. What's your pleasure, Mr. Casar?

>> Casar: I mentioned on Tuesday that I didn't want to keep people here that didn't need to stay here. To speak. Do you want to speak?

>> Mayor, city council, my name is Darnell Franklin, I work at the airport. I am here today to let you know on behalf of the union, we support the actions of the city in taking -- defend its citizens against a hateful law. As an African American, I have faced racism many times. I know how much it hurts when you are a victim of racism, and even worse to see a loved one being a victim. As a union leader, I learned that we must come together, stand together, and fight back. Tonight our city is coming together, standing up, and we are fighting back. Thank you.

>> Mayor Adler: Thank you, sir. Mr. Casar, do you want to make a motion on this item number 45?

>> Casar: Is that everyone who signed up?

>> Mayor Adler: Yes, just four people signed up to speak.

>> Casar: I had the impression that there was someone else, but she may have just stepped out, so I will just make the motion to approve.

>> Mayor Adler: Okay. Mr. Casar moves passage of item number 45. Is there a second to that motion? Councilmember Garza. Any discussion?

>> Casar: Thanks, everyone, for your support of this. This is an important step. In maverick county, somewhere was the first city to move forward with pursuing a challenge against senate bill four. Passed county commissioners on Monday voted the same, the city of El Paso decided to move forward on Tuesday, and San Antonio's city council and Dallas city council will be briefed on this next week.

[5:32:54 PM]

And so we are part of a broad coalition of people and communities that want to stop this bill before it gets implemented. As I mentioned at work session, clearly we are also defendants on a suit coming from the attorney general. But even if that suit were to go away, I think it's appropriate for us to authorize the city attorney to not just defend that suit, but to take the steps necessary and appropriate to stop senate bill 4 and its effects on our community. I hope that we succeed in this effort. But I think that there's going to be a lot of work to do, just like we saw cities and counties step up -- and community leaders step up in Arizona when their show me your papers law was passed. Unfortunately I think we're going to be facing some of those same challenges and I appreciate the council's support in fighting for our community on this issue.

>> Mayor Adler: Okay. Let's take a vote. Councilmember troxclair.

>> Troxclair: So I have had a couple people encourage me to walk off the dais, abstain, or not say anything. It would be easier for me to do that. I don't relish the times -- I mean, we're all going to have -- well, I enjoy having lively discussions with this council about things like affordability, traffic, and basic city roles of city government. But unfortunately today I'm in the position where I'm forced to respond to this issue. And I feel that I can't -- as the only person, probably the minority on this vote, that I have a specific responsibility to speak up on behalf of the people who hold a different but equally important view of the city of Austin being both welcoming and lawful.

[5:34:55 PM]

You know, a few months ago when I met with them, I asked if the policies of the city and the county regarding illegal immigration are making the city less safe and their response to me was unequivocally yes. You know, the bill . . . There's been a lot of information put out there. And I think that it's important that we have accurate information so that we don't incite unnecessary fear. And I think it's important to point out that the law ensures that cities and counties do not actively circumvent existing immigration laws and requires them to honor I.C.E. Detainers. It explicitly protects victims and witnesses to crimes regardless of their immigration status. It explicitly prohibits racial discrimination. It does not allow detention or arrest based solely on suspicion of illegal immigration status. It does not change state law regarding when officers may inquire into immigration status. And finally, places like schools and hospitals are exempt from the bill. You know, in the midst of our affordability crisis, this is going to cost the city an unspecified amount of money to do something that I've had federal immigration officials tell me is making our city less safe. So for those reasons, I'm going to respectfully vote no on this item today.

>> Mayor Adler: Any further discussion on the dais? Just for the record, there's never been any allegations that the city of Austin is violating any federal or state law. What the legislature has done here is to go beyond federal law and take something that is optional, at this point voluntary, not enforceable, and make it illegal and sanctionable.

[5:36:57 PM]

Our public safety people testified -- our public safety professionals testified at the legislature, along with most of the other big city public safety professionals, that this will make communities less safe. We've invested a lot of time and taxpayer money in developing a relationship between our law enforcement and all parts of our community, including our immigrant community, and they say that's going to be put in jeopardy. Beyond that, I think there are issues related to a city and a community's ability to be able to have their culture reflected in the ordinances, and rules, and policies that they adopt. And the legislature is abridging that here. And I believe acting in an area as well that is federally controlled. Any other comments? Mr. Casar.

>> Casar: I've heard some discussion, and most recently from the governor talking about whether or not there has been fear-mongering on the side of people that are opposed to the bill. And I think that of course from my perspective, it's not because of information that people are worried about the law. What it does do is it does require above and beyond federal law compliance with warrant list detainees and does require that local law enforcement -- it requires a policy change on our part here at the city of Austin to be a supportive portion of enforcing our broken immigration system, which creates a real question for immigrant communities about whether or not they can go to police. There was a recent news story that safe, who provides sexual assault forensic testing for the city, reported since the February I.C.E. Enforcement sweeps in Austin, they've seen an 80% increase in people not reporting the sexual assaults that they were tested for to the police. And so I think that that fear is real.

[5:38:58 PM]

But I also have seen a lot of bravery on the part of undocumented families themselves stepping up to fight back against this and appreciate us taking this step to

[inaudible] And to continue supporting the community that is both feeling fear, but also, I've been really proud and impressed to see how bravely so many folks have stepped up in this time.

>> Renteria: Mayor.

>> Mayor Adler: Finally, then I'll pass it on. It also provides that public officials that endorse a policy different than that contained are subject to be removed from office. And since I and many of us up here, I would anticipate, will endorse policies contrary to this law, it would be good to have a court say we can't be removed from office. Mr. Renteria.

>> Renteria: Mayor, I grow agree with what you said. Also in my church that I go right after, the Spanish speakers come. And we have lost over half of our congregation. They're just so afraid to come out. And they're afraid of driving out there and getting stopped. And this is basically what this senate bill 4 does, is it goes back to where it says show your paper, which is going to be profiling people that are the color of my skin, you know. I've lived in this state all my life and traveled all around the state fighting the injustice. We had marches that we did from Lubbock to El Paso, big springs, Houston. You know, to me, it's very hurtful when people say those kind of things. I've had guns pulled out on me with my family going on vacation and stopping at big springs saying, we don't serve your kind here.

[5:40:59 PM]

And I'm afraid that this legislation is going to bring that back. I hope not, you know. I hope that the people of Texas don't react to that. But, you know, I'm very afraid. And like I said, there's a lot of people in my community that are afraid. And we've been seeing that in some of our schools where some of the parents at the beginning didn't allow their kids to go to school because they were afraid about, you know, getting deported. So, you know, it's a sad time here that we're in this state, and I'm very disappointed, because all this hard work that I have done in my life to fight for equality just seems like it's slowly disappearing and the hate is coming back.

>> Mayor Adler: Ready to take a vote? Those in favor of this item number 45, please raise your hand. Those opposed? Ms. Troxclair is voting no. 10-1 it passes. Those are all the items we have on our agenda except for music and proclamations, so this meeting will now stand adjourned, subject to music and proclamations, which will begin momentarily. Thank you.

[5:49:42 PM]

>> Mayor Adler: All right. We have a big crowd and a big treat tonight. You all are here for my absolute favorite part of city council meetings. We are the live music capital of the world, and it's only fitting that at our city council meetings we stop to celebrate live music. And tonight we get to do that with J.R. Gomez.

[Cheering and applause]

>> Mayor Adler: So, J.R. Is a nine-time grammy nominee.

[Cheering and applause]

>> Mayor Adler: Yes, winner of the 2004 American and Latin grammy with tejano icons grupo mas. Thank you. J.R. Has served as lead vocalists for multi-platinum artist quintanea, late Salina. His musical influences include Steve Jordan, Earth, wind, and fire. He has traveled all over the United States in Mexico, central and South America, expanding his passion for music. But if you know J.R., two things will always come before music -- his family and god. Please join me in welcoming J.R. Gomez.

[Cheering and applause]

[5:55:40 PM]

[Cheering and applause]

>> Mayor Adler: Whoo. That was great. I wish we could.

[Laughing]

>> Mayor Adler: Hey. So, if someone here tonight, or watching on TV wants to find you, do you have a website?

>> Yeah. My Facebook page is where I post everything, which is j.r.all star at Facebook, or you can find me on grupo mas, any of those albums on iTunes.

>> Mayor Adler: And to the people who want to buy your music, is that the best place to go?

>> Or you can Google me, J.R. Gomez.

>> Mayor Adler: Cool. If somebody wants to come see you play live, do you have any gigs coming up in town?

>> Facebook, my social media outlets, word gets around on the radio stations, or anywhere you can find me.

>> Mayor Adler: Okay. All right. So we have proclamations. Be it known that whereas -- come on over. Be it known that whereas -- this way we get the picture and my kids know I actually --

[laughing]

>> Mayor Adler: 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 our musical scene thrives because Austin audiences support good music produced by legends, local favorites, and new comers, and whereas we are pleased to showcase and support our local artists, I, Steve Adler, mayor of the live music capital, do hereby proclaim may 18th of the year 2017 as J.R. Gomez day.

[5:57:41 PM]

Congratulations.

[Cheering and applause]

>> Thank you very much, Austin, Texas. You know, I definitely want to thank my family for coming out tonight, my mom and dad. They're always there to support me. So -- don't make me cry.

[Chuckling] I also want to thank everybody in Austin from all the small bars to the big bars, to all the events that supported me throughout my career. And of course all the tejano fans that are here. I want to thank y'all so much. I'm going to try to do what I do and keep it going, you know what I'm saying. So let's keep music in our hearts and always be respectful and humble. And let's do our thing. Go Austin.

[Cheering and applause]

[Applause].

[5:59:46 PM]

[Applause].

>> Pool: Well, this is a distinct honor for me to read this distinguished service award for my good friend Michael Knox, and I'm really happy that the mayor is here too. We were like "Who gets to read this"? I think we both really wanted to. If there are any other councilmembers in the hall, please come join us. Michael, this one is for you. In recognition of his 28 years of service to the citizens of the city of Austin, Michael Knox is deserving of public acclaim and recognition. Michael, a Texas registered landscape architect, played a leadership role in shaping what downtown Austin is today. Serving as the downtown officer, Michael's role has supported public-private partnerships that have built the capacity to make downtown Austin a destination for visitors, and austinites alike. His vision and personality have been a tremendous as at the time to the downtown alliance and the downtown commission. His time with the city has left a lasting mark on the look and feel of downtown Austin. And his love and talent of photography enabled the city to capture the change before us. This certificate is presented in acknowledgment and appreciation thereof this 18th day of may in the year 2017. It and this distinguished service award is signed by mayor Steve Adler and offered on his behalf and the entire city council.

[6:01:55 PM]

Michael, congratulations.

[Applause].

[Applause].

>> Mayor Adler: We have a city of Austin distinguished service award for her untiring service and commitment to our citizens during her 35-year tenure as a dedicated employee.

[Applause]. Dedicated employee of the city of Austin. Mary annee Martinez is deserving of public acclaim and recognition. Her unmatched work ethic, dedication to public service and made her an invaluable team member of the economic development department.

[6:03:57 PM]

This certificate is presented in acknowledgment and appreciation thereof this 18th day of may in the year 2017 by the city council of Austin, Texas. Congratulations. Thank you for your service.

[Cheers and applause]

[Applause].

>> Thank you, everybody, for being here. I told myself don't cry, so I'm going to try not to cry. But thank you, mayor Adler for this distinguished service award, all of the councilmembers, all of my colleagues from the economic development department. I see Mona, Casey and David. And most important, thank you to my husband Tomas who is standing here with the camera, for all the support that he's given to me.

[Applause]. And also I have really enjoyed working for the city of Austin all these years. I've made a lot of great friends. What can I say about the city of Austin employees and our leadership? They are the ones that make this city such a great city to live in.

[6:05:59 PM]

My work with the international community, all of my international delegations, I just want to thank everybody for supporting the city of Austin international program, which is part of the economic development department. I'm not going anywhere, I'm not leaving town. I'm going to still continue to do my work with the international programming within the community, like my manager was telling us in a

memo, you will still see me at the UT club, see me on the sidelines at the football games because that's where I'm at during football season, the longhorns. But thank you very much, councilmember Renteria has been really a great supporter of our -- supporter of our sister sisters, but the mayor has been a great supporter of the international program. I look forward to working with everyone in the future. I'm going to stay in touch, stay connected. The city has been great. What can I say, thank you very much, everybody, for being here.

[Applause].

>> Mayor Adler: We have a proclamation. I'm going to read this and then it's going to be accepted by Michael Marder and Larry Abraham and Joe Marshall, who are co-directors of teach. Be it known that whereas teach, a collaboration of colleges of natural sciences and the college of education, is an innovative, university based secondary stem teacher preparation program at the university of Texas at Austin.

[6:08:14 PM]

And whereas uteach has prepared over 1,000 high school, high quality stem teachers who are educating tomorrow's scientists, technologists, engineers and mathematicians to play a vital role in the city of Austin's economic growth. And whereas teach is answering the critical need for qualified stem teachers in Austin and across the nation with its nationally replicated program. Now therefore I, Steve Adler, mayor of the Austin, Texas, do here by proclaim may 18th of the year 2017 as teach natural sciences day. Congratulations.

[Applause].

>> A great city needs great schools and Austin shines. Any time anyone comes to check the schools look really great. Just two years ago Austin was second in the nation in eighth grade math. For 20 years UT Austin has been proud to prepare teachers. We send them to the whole state. We send many to the nation, but we're part of central Texas. We're part of Austin and that's where most of them go, 240 of our math and science teachers have worked here and 90 are working in the Austin independent school district right now.

[Applause]. So we're proud to be part of Austin. We want to help Austin keep moving ahead, to help Austin be smart, and with our best teachers help Austin stay a little weird. Thank you, mayor, for this honor.

[Applause].

>> I just want to add to that, that we know that Austin is a city that attracts lots of people to want to come visit. Next week there will be hundreds of people coming to Austin to find out about how our program can help them around the country.

[6:10:20 PM]

And also to celebrate the fact that there are 45 other institutions all around the country that have decided to copy our program so they can do the same thing and we'll not only welcome them here as we always do in Austin, but we'll send them back to make the world a better place.

[Applause].

>> Mayor Adler: Sometimes this gets really complicated, that's why I need instructions. Congratulations. So we have here today some city of Austin certificate of congratulations because the city is pleased to be honoring with a grant for technology opportunities program for 2017. The following grant recipients: Goodwill industries of central Texas.

[6:12:24 PM]

Break-through Austin. UT foundation. Latinistas, boys and girls club of Travis county. American youth works, meals on wheels. Austin pathways. And creative Austin. The city's top grants provide grants for programs that have been reviewed and found to show potential for benefiting our community. These grants will support a mir rad of programs for each of these grant recipients, and we have a certificate of congratulations for each. I'm excited looking through and seeing the work that's going to be done. That helps our community, youth in our community. And each of these is signed and authorized by the city council of Austin, Texas. Congratulations.

[Cheers and applause] University of Texas foundation.

[6:14:25 PM]

Boys and girls club of austin-travis county. Meals on wheels and more inc. We have Austin pathways. Creative action. So I guess we have -- we have a grant for the grant review committee, which obviously did incredible work. And this would be

[inaudible], certificate presented with our thanks for your service to the city of Austin as a member of the 2017 grant review committee for the grant technology opportunities program, which is top, presented with our sincere appreciation for the volunteer time that you put in and for your spirit of public service.

>> Thank you.

[Applause].

>> [Inaudible].

[6:17:42 PM]

>> Thank you, mayor, mayor pro tem and councilmembers. The gtops program was designed in 2001 by the telecommunications commission to support digital technology projects that show promise of benefiting our community. The goals of the gtops are to support programs that support public access to computers and information technology, especially among underserved segments of our community. Support programs that provide information technology literacy education and training. Support programs that use information and communication technologies in innovative ways that serve the community. Provide seed

[indiscernible] For Austin non-profit organizations for their technological outreach efforts. In the past 17 years, gtops awarded over 1.84 million in grants. The grantees raised more than \$4.9 million matching funds, including 38,000 volunteer hours, 1.6 million [lapse in audio] With the rest coming from cash matches. Since 2001 gtops has helped residents gain an average increase of 81% in their digital skills. Since 2001 gtops has served 30,926 it austinites through a variety of programs, including access to devices and the internet, high costs, lack of availability of devices, difficulty of usage. Literacy and using computer and internet technologies. Not having the skills. And education required to use equipment and the internet effectively. Meaningful and useful content and services available. Making sure the programs are designed to meet the diverse cultural and educational needs of underserved groups and communities. And final, in order to have the pros comprehensive impact on closing the digital divide, gtops addresses all these barriers. And to learn more about how your organization can apply in the upcoming years, can you go to gtops.org.

[6:19:51 PM]

And mayor, mayor pro tem and council, thank you very much for your time and support of the gtops program within the city of Austin.

[Applause].

>> Flannigan: So I don't get to do too many proclamations. This one is near and dear to my heart. This is a community that I've worked in for many years and many of these folks worked alongside me in the community, and the lgbt community for a long time. Whereas the international AIDS memorial is for the a people living with HIV to honor those affected by the AIDS pandemic as well as to break down barriers of stigma and discrimination for new generations and whereas with the theme ending AIDS together this is one of memorials in 50 countries to raise consciousness about HIV and AIDS and whereas this observance provides an opportunity to recognize and thank the many volunteers, health care professionals, community members and scientists who are all looking to prevent HIV spreading into AIDS or preventing new HIV infections and hopefully assisting humanity to find a vaccine or cure.

[6:22:24 PM]

And whereas over 6,000 austinites are living with hiv/aids and globally over 40 million people are living with HIV today and over 37 million people have died worldwide. Now it's up to all of us to get to ground zero. Zero AIDS death, zero new infections, zero stigma and discrimination. Ending AIDS together and forever. Now therefore I, Jimmy Flannigan, city councilmember district 6 for Steve Adler, mayor of the Austin, Texas, do hereby proclaim may 21st, 2017 as the 34th international and the 18th annual central Texas and Austin AIDS candlelight memorial service in Austin.

[Applause].

>> Mayor, councilmember Flannigan, city council, members in the audience and TV land. This year our theme is ending AIDS together. And it's not over, guys. You heard how many people have died and how many people have AIDS. We will be announcing right here Sunday on the plaza 28 people that have died since last year of HIV or AIDS. One is too many, but 28 of your neighbors have died because of this. This has got to stop. I've done this 18 years with our community. The community has done this 18 years. We've been fighting this war for 35 years. And we still are fighting it today. Why? The funding, the science, the cure. It's not there. We need to make this happen with everybody's help. And one person, several agencies, one government cannot have it. Everybody has to do it to make it all happen worldwide because it affects everybody. You probably ask anybody in here, one person they know has been affected by HIV or AIDS, I'm sure of it.

[6:24:24 PM]

So this Sunday I would like to invite all of y'all to our 18th annual eighth conditional light memorial service right here on the plaza. We will have great speakers. We will have great resources, free condoms if you want to come get them, free literature from the community. And it's all to help remember those who have passed away and those that are living with HIV and the ways on how we can stop HIV and AIDS in our lifetime. Right now we'd like to introduce the people that are here with us right now. Of course you all know our great mayor Steve Adler. Right next to him is Dr. David bar stow, president of impact Africa. Right next to him is Andrew Knox. He is the executive director, sorry, of the Austin harm reduction coalition. We have Nicholas task barfellow, he is an HIV activist here in Austin. Laura still is an HIV paid [indiscernible] With the city of Austin. We have Paul Scott, the executive director of AIDS services Austin. Right next to him is Mrs. Blythe plunge it. She is facilities and health care provider over there at project transitions. Next to her is Mr. Roger Timmy, outreach coordinator with the care communities. And certainly last but not least, we have Jimmy Flannigan there. And my name is Eric and I've been coordinating this for 18 years. We would like to invite all of you out there. We also have free prep testing. If you want a pill to prevent HIV, whether you got exposed before or after, we can help you. We can stop HIV with any of y'all that don't have it. Come on. We have testing all the way from 4:00 P.M. To 9:00 P.M. On Sunday. We have also have free HIV testing as well. Come out, let us help you and let us help the world end AIDS together. Thank you.

[Applause].

[6:28:02 PM]

>> Mayor Adler: We have a proclamation that is going to be accepted by our ems chief of staff jasper brown. Be it known that whereas emergency medical services is a vital public service and provides life saving care to those in need 24 hours a day, seven days a week, 365 days a year. And whereas the emergency medical services system consists of paramedics, emergency medical technicians, emergency physicians, emergency nurses, first responders, educators, administrators and others who have dedicated their lives to the service of others? And whereas it is appropriate to recognize the value and accomplishments of the emergency medical service providers in Austin and Travis county by designating emergency medical services week. Now therefore I, Steve Adler, mayor of the Austin, Texas, on behalf of my colleagues on the council, including councilmember Jimmy Flannigan, do hereby proclaim may 21st to the 27th of the year 2017 as emergency medical services week in Austin, Texas. You guys do great work.

>> Thank you,.

>> Mayor Adler:, mayor pro tem and all the councilmembers for your continued support of the men and women out there. I'm only accepting this proclamation on their behalf, obviously, as the mayor said. And they're working 24 hours a day, seven days a week. I'm not able to be here at these celebrations or proclamations, but they are out there working tirelessly, the professionals men and women who are

answering the phones, giving you prearrival instructions, responding to those in need anywhere that care is needed. And then providing that excellent clinical care and getting you to either the hospital or taking care of you onscene.

[6:30:08 PM]

On on their behalf and they're doing the real hard work, I accept this on their behalf. So thank you, mayor.

[Applause].

>> Mayor Adler: We have another proclamation and this is going to be accepted by joy sublatorsa rock well who is the co-founder of the Texas Lyme disease association. Be it known that whereas Lyme disease is the fastest growing vector born disease in the United States caused by the bacterium [Latin term]. You will fix that later. And is found in 45% of the common black leg deer ticks in Texas, which transmit the disease.

[6:32:16 PM]

And whereas the risk of contracting Lyme disease can be rear round and tick bites are nearly painless with fewer than 50% of patients with Lyme disease able to recall a tick bite and fewer than 50% reporting a bull's eye rash. And whereas Lyme disease is a complex, multisystem illness which if caught early can be easily treated with antibiotics, but if left untreated can invade the nervous system, heart and multiple organs of the body causing years of pain and suffering and severe disability and even death. It can manifest has arthritis or migraines or fibromyalgia. Chronic fatigue, Ms, sls, also, Alzheimer's and other disorders. Whereas the Texas Lyme disease has provided advocacy for patients since the year [lapse in audio] And seen alarming number of patients seeking support and works to educate the public about the signs, symptoms, treatment and how to prevent Lyme disease. Now therefore I, Steve Adler, mayor of the Austin, Texas, do hereby proclaim may 2017 as Lyme disease awareness month. Thank you for what you do.

[Applause].

>> Thank you, mayor Adler, very much for getting this information out and proclaiming may as Lyme awareness month. Excuse my voice, I'm a little hoarse. Because we do need to get education out there and raise awareness because there's doctors in Austin who tell their patients there is no Lyme in Austin, there is no Lyme in Texas. We have doctors who don't know how to recognize a bull's-eye rash. We have doctors who don't treat with long enough antibiotics and then we have patients who go on to develop

Ms, also, fibromyalgia, all these other problems, and a lot have to go out of Austin and out of state to see a Lyme disease physician.

[6:34:33 PM]

A lot of doctors don't know that the guidelines are taken off the clearinghouse and now the international Lyme and associated diseases society, those guidelines are now posted which allow for treatment with longer term antibiotics, which can prevent some of these chronic illnesses. So on behalf of the Texas Lyme disease association I'd like the public to know if you're having trouble getting diagnosed, if you have weird symptoms, migraine headaches, fibromyalgia like symptoms, if you're curious if it's Lyme, go to the website and there are symptoms listed. Also if you fill out a form, a contact form, a volunteer will call you. It's an all volunteer agency. Someone will call you and direct you to a Lyme literate physician which may or may not be in Austin. I go to Dallas to see my Lyme doctor. So the other goal is we want to educate doctors and so I would love it to find doctors here in Austin who could treat chronic Lyme. And so the Texas Lyme disease association has free continuing medical education for any physician, nurse practitioner, any health provider. It's free and it's accredited on the txlda.com website. Also doctors, if you would check out international Lyme disease society, they also have conferences. I just want to get people educated because I want to prevent suffering and death that so many people have suffered. And while I'm up here I just want to promote this book, how can I get better? An action plan for treating [lapse in audio] Chronic Lyme disease. And I have a friend who travels to see this doctor from Austin all the way up to New York. And he's an amazing doctor. If all doctors would read this book we would be in a lot better place today. So thank you again for doing this.

[6:36:33 PM]

[Applause].

>> Pool: Are there any folks from the program or from Apa or just in the community who would like to come down and stand with tawny? You are welcome to come and join. Staff and volunteers E I think tawny would really appreciate it. So the mayor and I are going to offer up a proclamation. Mayor, do you want to join me in reading this. We can kind of do one and the other.

>> Mayor Adler: Okay.

>> Pool: All right. I'll go ahead and kick it off.

Proclamation: Here we go. Be it known that whereas the chief animal services officer for the city of Austin leads a staff of more than 100 full-time employees and nearly 800 volunteers to provide shelter,

education, prevention and enforcement services to Austin and the unincorporated areas of Travis county. And...

>> Mayor Adler: And whereas tawny Hammond has been Austin's animal services director for the past two years leading to care for 17,000 animals and adopting out nearly 8,000 pets in 2016.

[6:38:46 PM]

>> Pool: And whereas tawny Hammond has worked the past two years for Austin's already acclaimed animal services by remaining dedicated to sustaining Austin's no-kill commitment, promoting education throughout all of animal services activities and working closely with animal welfare stakeholders in the Austin community.

>> Mayor Adler: Now therefore, together with councilmember Leslie pool, I Steve Adler, mayor of the Austin, Texas, on behalf of our colleagues on the council, do hereby proclaim may 18th of the year 2017 as tawny Hammond day.

>> Pool: Congratulations.

[Cheers and applause]

>> Wow. Thank you. I got a little choked up. Today is also my dad's birthday, so I was like wow, may 18th. Thank you very much, mayor and councilmember pool. It's really a hard time leaving Austin. My spouse and I did not count on falling in love with this community like we did. We knew it would be fabulous, but we didn't know how hard we would fall. Austin -- I came here because Austin is an incredible community and because you all as a community understand that pets are part of the wellness of our society and how we treat them matters. They're our family and they're our friends and they complete our lives, they complete families. They stave off loneliness. They connect us socially. They help with anxiety and depression and perform those services formally or informally in our lives. How we treat them is a measure of our humanity. Austin already was the flagship of the country and I came here to learn more and I was honored and humbled to walk in the steps of other people that came before me that got you to where you are today. And just to be able to continue that journey was an opportunity of a lifetime for me.

[6:40:49 PM]

So the only reason I'm leaving, and it's important for you to know, is that best friends animal society has set a goal for the nation to be no kill by 2025. And what that means is that we stop killing homeless pets.

We stop institutionalizing homeless pets in animal shelters and we find live outcomes and solutions and humane solutions for them, either returning them to their homes, transferring them to rescues or getting them adopted. And we are the flagship of the nation and because of Austin, best friends is able to make that bold goal, that bold commitment. So I will be going back to the midwest. Both my spouse and I have some parents and family that need our attention right now. And I'll be leading the effort nationally for six states in the midwest. So that's the only thing that could peel me away from Austin. Austin agrees with me. It's my tribe, it's my people. I found my people and now I'm leaving my people. And I'm very, very sad, but I'm also -- I'm honored that I can do more. So I want to thank you and I ask these folks to come up here because all I was was the cheerleader and the person that pushed everyone forward. A lot of folks in animal services and in city leadership and the mayor and council and Austin pets alive and Austin humane society and the community at large are all that made this happen the past two years. We're at 99% live outcome on dogs and 98 on cats, just about. It's unheard of. And the rest of the nation wants to be us. So be proud, know that it matters. Thank you so much for making us feel welcome. Thank you for this proclamation. And thank you for just everything you've done. I love you all. Thank you.

[Applause].

[6:43:46 PM]

[Applause].

>> Pool: So we have a proclamation for Julie Harding -- I'm sorry, Jill Harding who has done some really amazing work out at bowie high school so I'm going to ask the mayor to join me in reading this. It worked out really well last time.

Proclamation: Be it known that whereas bow by high school was built on top of a cave that remained closed until 1995 when science teacher Jill Harding organized students and carvers to begin pulling construction fill out of the cave.

>> Mayor Adler: So whereas Ms. Harding worked with the city of Austin watershed protection department cave contractors and bowie high school students to drill into the cave to allow students the opportunity to experience nature firsthand.

>> Pool: And whereas Ms. Harding's efforts to spearhead the restoration over two decades has led to the opening of the cave under the school which can now promote science education.

>> Mayor Adler: Now therefore, together with Leslie pool, council, I Steve Adler, mayor of the Austin, Texas, on behalf of our colleagues, do hereby proclaim may 18th of the year 2017 as Jill Harding day.

>> Pool: Congratulations.

[Applause].

[6:45:48 PM]

>> Thank you. I'm honored to receive this recognition. And there are -- I can't even tell you how many people who have helped on this cave over the 20 plus years we've been working on it. But there are a couple I want to recognize tonight. Nico Howard and the city of Austin watershed protection division were crucial to this endeavor. Nico came out on the very first summer we spent digging dirt out of the cave and helped out then and has been my unwavering support in advice and health all the way to the completion of this project. And although over the years we fooled around trying to get the dirt out, it was a big effort and it wasn't until the watershed protection division, in partnership with aid, got involved, that it really happened. And so over a couple of Summers they had professional Earth movers that came and removed the rest of the dirt that made the cave larger and would accommodate more students and then they came in and put some marvelous safety features in so we can take our -- all our students in that want to participate. And we're really excited about it. That's how you make science real and get kids excited, and have them see the connection between what we do on the surface and how it impacts our aquifers down below where they see the water dripping in those caves, and it's just really fabulous. The other person that I want to acknowledge tonight, and I wish he was here, was the first principal of bowie high school, Mr. Cantewing. I went to work there and I had no idea there was a cave underneath the school. And I got wind of it and he saw the educational potential of having a cave right there on campus which you could connect kids to.

[6:47:48 PM]

And he asked me to help, and I got hooked and I've been doing it ever since. So anyway, thank you so much. I really appreciate this honor.

[Applause].

>> Mayor Adler: We have half the city of Austin workforce here. Pull 'em all down.

[6:50:21 PM]

>> Mayor Adler: All right. This proclamation is going to be accepted by Richard Mendoza who is the director of the city of Austin public works department. Which you guys make me really proud to be

fellow city employees, what you guys do for public service. And the work you do makes this city operate. So on behalf of a much larger city, before I read this, I just want to say thank you to you guys. And now we have a proclamation. Be it known that whereas the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water and sewer, streets and private and public buildings. And whereas the efficiency of the qualified and dedicated personnel who staff our public works department contributes to our quality of life through their positive attitudes and understanding of the work that they perform. And whereas we are pleased to recognize the contributions which public works personnel make everyday to our health, safety, comfort and quality of life. Now therefore I, Steve Adler, mayor of the Austin, Texas, do hereby proclaim may 21st to 27th of the year 2017 as national public works week. Thank you, guys. Thank you all.

[Cheers and applause]

>> Thank you, mayor and thank you, city council.

[6:52:23 PM]

We are definitely humbled to receive this recognition today. And next week is national public works week where throughout the country in cities like Austin, although not as good as Austin, are doing the exact same thing. And they're recognizing the employees for the work that they do in public works to maintain the quality of life for their communities and to improve their transportation and public works infrastructure. But mostly I want to thank the men and women standing behind me because you are so right, 365 days a year, sometimes 24/7, they are out there tirelessly taking care of our communities, keeping our communities safe, protecting our over 2,500 miles of streets and sidewalks and bridges, keeping the school crossing safe for our kids in the morning, and many times going unnoticed day-to-day. And so my hat's off to the folks behind me to continue that service. It's an honor and it's a privilege to serve the community of Austin, Texas. And much, much deserved proclamation. You all should be proud of yourselves. And lastly, we don't do it alone. We have our sister departments in the city, Austin watershed department, Austin water, transportation department, parks. I'm sure I'm leaving out a couple more, but it's all public service to protect our infrastructure. We look forward to continuing the good work for the city. Thank you, mayor.

[Applause].