

# City Council Regular Meeting Session Transcript – 5/10/2018

Title: ATXN 24/7 Recording

Channel: 6 - ATXN

Recorded On: 5/10/2018 6:00:00 AM

Original Air Date: 5/10/2018

Transcript Generated by SnapStream

=====

[10:14:01 AM]

>> Mayor Adler: All right. I think we're about ready to start moving forward. Before we begin our meeting, a couple things. First is, is the reverend Brian Ferguson here from wildflower church? Would you come on up? Would everyone please rise for the invocation?

>> I invite all who wish to join in the spirit of prayer and reflection. Spirit of life and love, spirit of this community gathered here this morning, we are thankful for this place Austin, our home where we live, work, rest, and play, and raise our families. We are thankful for all those gathered here today to help improve this place. As we undertake our business today, may we all listen to each other with thoughtfulness, open minds, compassion, and open hearts. May we all speak to one another with respect, clarity, and care. Let us remember there's always more that connects us as people than separates us, and may we remember all the citizens who are impacted by our decisions made today and by our actions. Especially those who are least fortunate and most vulnerable in our community. The financially poor, the unemployed, the new immigrant, the homeless, those suffering ill health, and those simply struggling with the trials of life. Let us also think of those in our community who have been historically marginalized by systems of power to the edges of our society. And may we find the wisdom and courage to bring them to the center of our decision-making.

[10:16:06 AM]

And our city is much more than just its people. May we consider, with care, our environment that's a gift to us and sustains us every day. We give deep, deep thanks to those who dedicate themselves with their time, their energy, their talent, on behalf of our city. May we be guided by all be do today with compassion, kindness, and the better angels of our nature. Thank you.

>> Mayor Adler: Thank you. Before we convene the meeting, I think we have a really special presentation from the aarp.

>> Thank you. I'm Jessica lemon with aarp Texas. I'm here today to present the city of Austin with their certificate for completing the action plan as part of the network of age-friendly communities. Age-friendly communities are, by their nature, inclusive and considerate of the perspectives of all residents of all ages and all persuasions. Age-friendly communities encourage and benefit from diverse citizen engagement by encouraging local leadership to engage residents in a process to identify the community's needs and develop and implement an action plan to address those needs. In 2012, the city of Austin recognized the shifting demographics taking place here in Austin and asked itself, with an ever-growing senior population and one of the fastest growing senior populations in the country, can we adequately meet the needs of everyone in our community regardless of their ages -- age or ability. A task force on aging was convened to assess the state of our community and the city first joined the network of age-friendly communities.

[10:18:06 AM]

Five years later, after completing the assessment forming work groups and conducting community engagement throughout the city, an action plan was formed and passed. And the past year has been about adding metrics to that action plan as required by the world health organization, thereby completing the plan. This work would not be possible without the city of Austin's commission on seniors, many of whom are here today, if they would stand up.

[Applause] They have made this work a priority and have worked tirelessly to see it through, and I know they will continue to see it through to implementation. I would also like to give a special thanks to Teresa Ferguson and the board of Austin app who have contributed time and talents to make this a reality. To aarp Texas volunteers and members who assisted at community listening sessions and shared their good thoughts and ideas along the way and everyone who served on the age friendly work groups. Finally, thank you to councilmember Ann kitchen for her leadership, who helped shepherd us through this process, and to interim assistant city manager Sarah Hensley, to Dugan, and to the mayor, to continue your work and this administration. With that, we have a quick video and I will present the certificate.

[Video playing.]

>> Austin is such an alive and vibrant place to live.

>> Austin is friendly, there's all kinds of things to do. I've been in Austin 37 years.

>> [Indiscernible]

>> Over 20 years.

>> Austin has the fast at the growing senior population in the country. [Inaudible].

>> The age friendly Austin action plan was developed with seniors and assistance with aarp and

[10:20:07 AM]

[Indiscernible] Several other strategic partners within the city.

>> [Indiscernible].

>> The age friendly action plan for the city of Austin is a plan developed around eight domains of [Indiscernible] By the world health organization.

[Indiscernible]

>> We need to have areas where people can congregate. Social interaction is so important for older people.

>> In a city like Austin that's growing the way it is, the affordability of housing is the real issue for people.

>> We have two programs for the city [Indiscernible] Accessible to people.

>> It's getting hard to just live on social security. We need to be able to have reasonable employment that values our contributions. We know a lot. We've lived through a lot. We want to be able to contribute to our community.

>> I feel like the work actually begins now. We have this incredible age friendly Austin action plan that has been developed, approved by council, that's been added to imagine Austin, and now we get to be able to implement the plan. Aarp is all in for Austin.

>> [Indiscernible].

>> I'm Karen, I'm all in for Austin.

[10:22:09 AM]

>> All in for Austin.

>> [Indiscernible]

>> I'm all in for Austin.

>> I'm all in for Austin.

>> I am all in for Austin.

[End of video.]

[Applause]

>> Thank you so much for all you've done.

[Applause]

>> Kitchen: Mr. Mayor, if I could just say something, I just wanted to give a real shout-out to our commission members. They worked very hard on putting together the age-friendly action plan. I want to thank Jamie briestmeister, who's the chair, and all of the wonderful appointees to our council to this really great commission. Thank you all for all the work that you've done and that you will do.

[Applause]

>> Mayor Adler: Thank you very much.

>> Renteria: Mayor?

>> Mayor Adler: Yes, Mr. Renteria.

>> Renteria: I also want to say that we're also working on senior housing at Rebekah baines. We're in the process now of building -- upgrading and building 500 units for our senior citizens so they can have a place to live, and we're improving our sidewalks there so people with wheelchairs can have access to the park.

[10:24:16 AM]

So we really enjoy and really love y'all's support. Y'all have done such a great job to many of them the citizens of Austin that there's a big need. I, as a senior, also know that, you know, we're going to have to have these types of services, and I'm committed to making sure that these kind of programs get done here in the city of Austin.

[Applause]

>> Mayor Adler: All right, council. Today is Thursday, may 10th of 2018. It is 10:24. We are in city council chambers here at 301 west second street in Austin. We have a quorum present, so we're going to proceed. Everyone is here except for councilmember troxclair, who's off the dais, still on maternity leave. All right. So, changes and corrections. We have some items that have been withdrawn. Withdrawn are items 17, 28, 30, 55, and item number 57. Item number 44 should be corrected to note that it's related to item number 6. Item number 49, additional co-sponsor added, the mayor pro tem. Item number 78 -- excuse me -- item number 78, a valid petition, has been filed in opposition to the zoning request. So this is set no earlier than 2:00 P.M. On our agenda. At that time the mayor pro tem will request that we take no action on this and allow -- until after dinner, and that speakers will be allowed to speak after dinner.

[10:26:25 AM]

If we have time this afternoon and there are people here that want to speak on this earlier than that, we'll give them that opportunity. But there will be an opportunity for speakers to speak after dinner, and we won't take any action until after dinner. Also, on changes and corrections, we have some pulled

items. The pulled items today, I've pulled item number 14, and I've handed out an amendment on the -- on the dais. Item number 18 has been pulled for time certain no earlier than 2 o'clock. This is the special events ordinance pulled by the mayor pro tem and me. Item number 19 has been pulled by councilmembers Flannigan and the mayor pro tem. We have a bunch of items that relate to each other, all of which are not going to have action taken on them until after dinner, and speakers will again be invited to speak if they have not chosen to speak earlier. And these are all related to the housing matters, so the related items all being pulled from the various places, items 22, 23, 24, 88, and 89. The Austin housing and finance corporation, which is item number 58, items number 5 and 6 on that agenda also relate. So we're not going to be taking up the ahfc meeting until after dinner. So we'll do that then. We also have councilmembers pool and Casar have pulled item number 48.

[10:28:30 AM]

Again, we won't take any action, and speakers will be allowed to speak after dinner. Item number 49 has been pulled by councilmember Flannigan. Also being pulled are items 51 and 52, which is Casar and tovo. 50, 51, and 52, again coming up after dinner for action and speakers. Items number 53 have been pulled. Item number 91 has been pulled by councilmember Houston. 53 by Renteria, 91 by councilmember Houston. We have some items that have been pulled by speakers, and being pulled on speakers is item number 46. 16, I pulled -- let me look here again -- yes -- I'm sorry, 16 has been pulled. 16 is pulled by speakers. Okay. So, in review, the following items I'm showing as being pulled. Yes.

>> Alter: I just want to do clarify that 20 and 21, which are on our handout as pulled by me, no longer need to be pulled. You didn't announce them, but for those of us who have it on the dais, our cheat sheet says they are pulled, but they're not.

>> Mayor Adler: Not pulled. So in review, this is what I'm showing so far. The pulled items are 14, 16, 17 withdrawn, also being pulled, 18, 19, 22, 23, and 24, 28 and 30 are withdrawn.

[10:30:35 AM]

Also being pulled are 46, 48, 49, 50, 51, 52, and 53. And also being pulled, item number 91 because 91 and 92 are otherwise on the consent agenda, but 91 is being pulled. We have some folks that are here to speak on the consent agenda. I'm going to give them a chance to do that. Yes, councilmember alter.

>> Alter: I just wanted to make sure that when item 47 moves forward on consent, that -- I wasn't able to get this in the late backup. It's the same thing that I mentioned in work session, in the last be it further resolved, it says employed by the Austin police department or certified peace officers employed by the city. This would allow the arson investigators to be able to purchase the guns. We discussed it. I passed that out. I just want to make sure that that is what gets put in. We missed the deadline by like a minute yesterday.

>> Mayor Adler: Okay. So this item number 47 will say, the Austin police department, with added words, or certified peace officers employed by the city.

>> Alter: And I just want to clarify it's peace, not police.

>> Mayor Adler: Yes, peace officers employed by the city. Okay. People to speak on the consent agenda at this point, Mr. Peña. Gus Peña. And Vincent Harding is on deck. While he's coming down, we have a lot of things that people have pulled to be handled after dinner tonight. Some of those appear to have pretty unanimous support for, speakers all in favor of. My hope is that those speakers will be able to get together, maybe have one person speak and the other people speak behind them, but if not, if everybody wants to speak, I'm going to call those things after the contested items because I think that we need to do the contested items when we're most awake. So if we're going to pull a lot of items that are not contested and we have a significant number of speakers on them, we'll handle those after we have handled the contested items.

[10:32:48 AM]

Mr. Casar.

>> Casar: Mayor, my understanding from Tuesday's conversation was that if we could get the non-contested items and those speakers to agree to the ten-minute boundaries set by councilmember pool on both the tenants' rights items and the immigration item, that they could come up -- they could come up right after dinner and head home, and so that's what I communicated to them after work session, and I think that that --

>> Mayor Adler: And I'm fine with that. If we can have the whole block of speakers in ten minutes or less --

>> Casar: And that would be for items 22, 23, 24, 88, 89, 50, 51, and 52, and then if any of those are contested, somebody shows up that is in disagreement, then we could let those folks speak their ten minutes and go home, and anything that's contested, of course we can take up afterwards because I understand that there will be many people here for the smoot terrace item.

>> Mayor Adler: We'll let speakers speaking on those things have ten minutes early in the process, then we'll move on.

>> Mayor, excuse me, can you give me the items again, please, sir?

>> Mayor Adler: I have you item number 9.

>> Okay.

>> Mayor Adler: 20, 21, and 29.

>> Gus Peña, co-founder veterans for progress. Number one, item number 9, I appreciate, you know, -- I think that this is dove springs recreation center. I was a member of dove springs when it was Walgreens in pleasant valley before they built the rec center. I'm a former member of the advisory board. I want to

thank whoever brought this item to the forefront. Thank you very much because it needs some rehab and refurbishing, on the dove springs recreation expansion. Mayor, you said 22. Right?

>> Mayor Adler: 9, 20, 21 and 29.

>> Okay. All of these are having to do with the housing. Anything we can do to add more housing, real affordable housing, instead of just calling it affordable housing for the people in need is greatly appreciated by us veterans.

[10:34:58 AM]

I will tell you this much, mayor, we do have homeless veterans that they get vouchers, but the apartments are very, very expensive, so, you know, somehow by calling them affordable housing, what's affordable for y'all is not affordable for us. So keep that in mind also when you also allocate funding for housing. I'll just keep it at that, but I just wanted to say thank you, Mr. City manager, for meeting with me on these items that we spoke about. They're very key and crucial to us. Respect is very -- is very needed for people that come in over here. I don't like coming over here. I don't like to see faces -- I don't care, it doesn't hurt me, but you know what let's act like adults, professional. You know, sometimes I deviate from professionalism or lack of professionalism, but, you know, you work for the city -- when I worked for the city as an officer and bailiff in municipal court and parks & recreation center, my respect was there for the people, and I want to thank you because you don't know me too well. You know me now. Now you know me, but the issue is this. Thank you very much for looking into these matters. Last item, I'm going to deviate a little bit, thank Jason, your chief of staff. This gentleman is -- I can hardly say more accolades for him because he's friendly, professional, and does what he says he's going to do. Last item last, I'm going to do it, we need a nationwide search for chief. The people are demanding a nationwide search. It has done before, for chief need, when I was on the board, I was on the national search, and also for Acevedo. So I tell you this much, I'm very well-known for seeking and getting good, qualified candidates for chief. People demand it, the taxpayers. Thank you very much for your time and have a good day.

>> Mayor Adler: Thank you. I would note also that item number 11 -- it was recommended on an 8-0 vote by the commission -- I'm not sure which commission, council, committee, boards and commission action, recommended on vote 8-on o'with 8-0, with commissioners, these don't appear on the changes and corrections this morning.

[10:37:29 AM]

They were handed out as separate yellow pages. Item 12, the purchasing language, the staff recommendation is selection of the five most qualified firms out of 12 firms evaluated through the city's qualification-based selection process. Is Mr. Harding here? Vince Harding? Okay. All right. One last time, on the consent agenda -- by the way, I would point out we have late backup in 6, 14, 18, 22, 24, 26, 28,

45, 47, 49, 51, 55, 64, 68, 69, 73, 75, 78, 79, 83, 80, 81, 82, 88, 89, 91, 93, and also on the Austin housing and finance corporation agenda items 5 and 6. One last time on the agenda, I'm showing pulled or withdrawn items being 14, 16, 17, 18, 19, 22, 23, 24, 28, 30, 46, 48, 49, 50, 51, 52, and 53, and also item number 91. Anyone want to make any statements or comments? Is there a motion to pursue the consent agenda? Councilmember alter makes that motion. Is there a second? Councilmember Houston seconds that any discussion?

>> Tovo: Yes.

>> Mayor Adler: Mayor pro tem.

>> Tovo: Yeah. I just want to do signal that I'm going to be submitting some questions related to item 26. I did submit some, and I appreciate the answers back about how aisd students will be working at Mcbeth. I'm real interested in some of the information they provided, that our staff have provided about other health science programs that might -- that are within our aisd schools.

[10:39:35 AM]

I think we do have a need for that kind of -- the kind of programming that happens at Mcbeth to happen throughout our city, and I think this is a great partnership -- sounds like a great partnership and one that we should look to to really expanding our programming for Austin youth of all abilities at other -- other facilities throughout our city. And then I wanted to say about 29, this would extend the front steps contract, and I know -- I just wanted to acknowledge the really, really hard work that our housing providers and our social service providers are doing to reenvision what the services can be at our arch facility, so they've been working really intensely on this process, and I know a couple of them expressed some concern that we would, in essence, be delaying the amount of time it would take to get some of those changes in place. And I just want to assure you that the city is very committed to making sure that we're using all of that great work to reenvision what can happen at the arch and that we're going to do it -- I hope -- I'm certainly going to urge that those changes happen as soon as -- as soon as feasible.

>> Mayor Adler: Okay. Councilmember alter.

>> Alter: Thank you. I just want to do really briefly make a comment on item 47, which prohibits the city manager from including any provisions in future contracts that would allow the city to sell our trade firearms. And this is really important. We have an epidemic of gun violence in our society, and with this step, this council is, once again, saying that we want to take action on this problem, that we know how to solve. Unfortunately, the city's levers in addressing gun violence are very slim. This is one piece of the things that we, as a city, can do, but it's important, and I appreciate my colleagues raising their voices with mine, to say that we need to do everything in our power to stop gun violence. So I appreciate this going on consent.

[10:41:36 AM]



Thank you.

>> Mayor Adler: Okay. Further comments? It's been moved and seconded. Those in favor of the consent agenda, please raise your hand. Those opposed? It's unanimous on the dais. Let's see if we can work through some of these consent items that have been pulled. The first one that we have up here is -- excuse me -- item number 14. Item number 14, councilmembers, concerns the subpoena power of the ethics commission. I'm sorry?

>> [Off mic]

>> Mayor Adler: Okay. We'll do 53 next because it will also I think be quick. Councilmembers, I've handed out on the dais an amendment, it adds a section F to this. The backup allows for the allowance of the sub of power. I added this because I think there should be check and balance for any body that's issue ago issuing a subpoena. This would provide for a very public and open review because it would require it to come to the council, and make sure that any councilmember, mayor, that's subject of that or associated with that is automatically recused from being able to consider. Is there a motion to approve the back -- Mr. Flannigan makes the motion to approve item number 14. Is there a second to that? Mr. Reenvision. Mr. Flannigan, are you willing to accept the amendment that's proposed? Is there any issue, any objection to the inclusion of that amendment?

>> Casar: Mayor?

>> Mayor Adler: Yes.

>> Casar: I think I just have some concern about this body being the place for the appeals, just because -- I know these will be rare, but it's just creating a new thing that councilmembers would potentially have to be lobbied on, and it would potentially be changing some of the work we do on this body.

[10:43:48 AM]

I can't think of another board or commission when flipping through the list that would be better. So I'm just wondering if there's a way that we can set up an appeals process with today's vote, but then have the wording such that at a later date, we choose where the appeal would go to. I'm just -- I'm just not ready, between yesterday of learning about this, and today, to decide that the city council is going to be the place for the appeals. I agree with the sentiment that we need appeals, I just -- I haven't thought through yet, and I don't know if anybody else has thought through yet what will happen, if there's a high level city official that's subpoenaed by the ethics review commission, how that would change the character of our own work to then have people lobbying for that city official to us to make a decision. It's just something -- it's just new, and I can't think of what the solution is, other than let's set up an appeals process, say there should be an appeal, but not quite yet cement into ordinance that we're the body that it goes to.

>> Mayor Adler: Okay. Yes, councilmember pool.

>> Pool: Thanks. I would like a little bit of time to think about this as well. I only -- I only just saw this just now on the dais, and I was wondering if the -- and I was looking to see if it had been posted on the

message board, which would have been really helpful when it was distributed to the author of the resolution in the first place, and it wasn't -- unless I'm not seeing it there. So I'm kind of in a place where I haven't had enough time. It sounds like it's fine. Councilmember Casar's comments are also important, and so I'm kind of in a place where I don't have -- I don't believe I've had enough time to really spend with this to know if this is the best way to go. I get the drift. I understand where you're going with it. But I want to make sure that the answers are provided with regard to what impact it would have on the city council as the final arbiter for sure.

[10:45:53 AM]

>> Mayor Adler: Okay. I don't have any problem putting this on the table. Mr. Flannigan, if you're okay with that, so people have a chance to think about it. And Mr. Casar, with respect to that, I just want to have some check or balance rather than just allowing for it. I couldn't think of another place to have that, you know, that would be accountable to the public as well. So let's go ahead and table this and then we can think about it, unless there's objection to that. Councilmember alter?

>> Alter: I just was wondering if staff could speak -- I understand the ethics review commission met and discussed this last night, but I didn't have a chance to download or hear where they came out on this, not with your addition, but generally the changes, if someone could share with us anything about their deliberations.

>> Good morning, councilmember alter. Cindy cross by with the law department. Ann-margaret sends her regards. She's if I know but wasn't able to make it this morning. I attended the ethics review commission meeting last night. They did not take any formal action on the item. There were comments about limitation on their power, but there were no strong objections or enough for a vote either way on the item.

>> Alter: Thank you.

>> Mayor Adler: Okay. Without objection, we're going to lay this one on the table subject to call later in the day. Okay. The next item that we have is item number 16, which is the planning commission membership item. Yes.

>> Tovo: Can I just suggest, I think there are a couple on this list that are real fast, councilmember Renteria's and maybe some others that we can dispense of pretty quickly.

>> Mayor Adler: Sounds good, and duly noted. And you're right, I forgot that. Mr. Renteria, why don't you raise item number 53.

>> Renteria: Thank you, mayor. This item 53 is the student, Austin, Texas, walkout. I had the honor of sponsoring this.

[10:47:54 AM]

I pulled it because these advocates need a little bit more help. We're currently at 1,325 out of the 1,768 as needed. I was able to contribute 350, but unfortunately, I'm limited on fee waiver response. Have walkout was led by a brave group of students, activists, who came to us for help, and I think that as a council, we need to support this important cause that gives our young activists a voice in our community. It was an amazing event, and these young advocates are causing change. We are \$443 short on the police fee. We want to -- I just want to open this up to the floor, if there was any more, if anyone could make a contribution to this.

>> Mayor Adler: Okay. Councilmember kitchen?

>> Kitchen: I'll be happy to. I wasn't in the quorum for this, but I'll be happy to make a contribution.

>> Mayor Adler: Do you want to tell us how much you'll contribute?

>> Kitchen: I'll contribute 150.

>> Mayor Adler: Okay. Ms. Houston?

>> Houston: 150.

>> Mayor Adler: How much are we shy?

>> [Off mic]

>> Mayor Adler: I previously put in 175 and I'll bump that up to 200.

>> Casar: Mayor, whatever is left, put it on my tab.

[Laughter].

>> Mayor Adler: Councilmember alter, did you want to contribute to this too?

>> Alter: Yes, I do.

>> Mayor Adler: Okay. Whatever is left we're going to split between councilmembers alter and councilmember Casar, and councilmember pool. Split that last amount three ways.

>> Alter: Mayor, I'm happy to take over your 25 since you already contributed --

>> Mayor Adler: Okay. I'll let councilmember alter take over my additional 25. I think that will make sense on review. Okay? With that, is there a motion to approve this item number 53? Mr. Renteria makes that motion, is there a second? Councilmember alter. Any objection?

[10:49:54 AM]

Hearing none on the dais, this item passes. Yes, mayor pro tem.

>> Tovo: Mayor, I'd like to suggest that 48, 49, and 55 look like they might be fast. 48, I think, has one speaker, 49 has one speaker -- well, 48 has two, but I believe we may only have one who's still here. 49 looks fast and I think 55 as well.

>> Mayor Adler: Those are three items we pulled that we would pick up later this evening. Right? 48, 49, and 50?

>> Tovo: Oh, I'm sorry. I didn't realize 48 had been pulled for later as well.

>> Alter: I don't believe 49 was pulled for later.

>> Tovo: I'm sorry, it is 6:45.

>> Mayor Adler: We could take up item number 49. Let's go ahead and do that. Item number 49, councilmember alter, you want to make a motion?

>> Alter: Yeah, I move to --

>> Mayor Adler: Approve item number 49. Is there a second to that?

>> Alter: I believe there was a late backup version. That's the one that I want.

>> Mayor Adler: Okay. Councilmember alter moves item 49 with the version that appeared in late backup.

>> Mayor Adler: One speaker, Mr. Peña.

>> Mayor Adler: Okay. It's been seconded by councilmember pool.

>> Tovo: I'm sorry, two speakers.

>> Mayor Adler: And we have speakers signed up to speak on this. Mr. Pena, do you want to speak on this?

>> What number is it?

>> Mayor Adler: 49.

>> [Off mic]

>> Mayor Adler: Okay. Then Leah ball.

>> Mayor?

>> Mayor Adler: Yes. Do you want to lay out the amendment that --

>> Alter: Yes. I think she may speak to it, so I want to be clear. I'll pass it out. So the amendment says amend the resolution for item 49 regarding the aid project as follows, so on page 2 of the resolution, in the fourth bullet regarding sidewalks, make use of existing code compliant sidewalks on and adjacent to property being developed or redeveloped in conjunction with the 2017 bond, where possible and in compliance with Ada requirements and explore alternative funding sources where sidewalk improvements are needed in order to use the bond money most sufficiently.

[10:52:15 AM]

The original language was not -- I'm going to explain that, if I have a second, I'll explain that.

>> Mayor Adler: Is there any objection to this amendment being added? Hearing none, it's added. You want to go ahead and explain it?

>> Alter: Yes. The original language was not intended to only give flexibility on sites where the sidewalks are inside the aid property line, the intent is to include all sidewalks that are located on or adjacent to sites being redeveloped as part of the bond. The idea is not to commit any funding source or determine outcome at this point but leave the door open to create solutions as far as sidewalks and the bond implementation happened on a case-by-case basis. We've reviewed this information with director of public works and from dsd, and they were comfortable with the language. If anyone has additional questions, they may be best answered by representatives from aid or public works.

>> Mayor Adler: Okay. That's been added now, and then let's hear from the -- any other speakers -- any speaker signed up on this item 49 that want to speak that I haven't called? 49? All right. That gets us to the dais. Councilmember Flannigan. Did you want to speak?

>> I just want to let y'all know that we have trustee Wagner here, she's running over to sign in right now, but she'd like to speak and she's available here if y'all have any questions.

>> Mayor Adler: Is the trustee here?

>> She is here, she's signing in right now.

>> Mayor Adler: Come on down.

>> We've been working with councilmember alter's office and others on this item. I know there's an Ila in place already, and we just -- I don't think anyone needs to speak, but we all want to make sure that we're here for questions if there are any.

>> Mayor Adler: Okay. Mr. Flannigan, do you want to speak to this while we're waiting for the trustee to come into the room?

>> Flannigan: Yes. I have also handed out an amendment that would add an additional be it further resolved clause, we're directing the city manager to explore how the same provisions might apply to other school districts that are in the city of Austin. In any district, Leander ISD just passed a bond recently, round Rock ISD is contemplating a bond this coming November, I believe.

[10:54:23 AM]

I want to make sure that anything we're doing to maximize the value of taxpayer dollars aren't just applied to our aid constituents, but that they apply to all the school districts. And I know based on prior conversation, that I believe eight of our ten districts have multiple school districts in them, so I would like to amend this to include this direction.

>> Mayor Adler: Okay. Is there a second to that amendment? Councilmember alter seconds that amendment. You want to address your concern?

>> Mayor and council, in regards to councilmember Flannigan's amendment, we've discussed the issue, and this is possibly outside of the posting and would recommend submitting a separate ifc. Normally we also put in the posting when we're directing the city manager to do something, and that's not in the current posting. So I would respectfully suggest submitting a separate ifc.

>> Mayor Adler: I would -- if I was asked to rule on this, I would probably rule to be germane, in part because it's just another school district, and I think school districts would be subject to amendment. But I hear the admonition -- this is also just a request for the city manager to come back to us with something. Can you -- will you just do that?

>> Yeah.

[Laughter].

>> I can certainly explore this as the direction indicates.

>> Mayor Adler: Okay. Do you still want to be made part of this?

>> Flannigan: Did you second it for me?

>> Alter: I'm fine pointing it out, if councilmember Flannigan is, I just want to add that I would be more than happy to work with you on the resolution if that ends up being necessary after what the city manager comes back with because I think that's important. We were trying here to dress a particular bond and a particular set of issues, not to exclude other school districts.

>> Mayor Adler: Right. If you were trying to add and change this to make it a school district, my sense of it might be different, but you're not.

[10:56:25 AM]

You're just asking the manager to take a look at it. So with respect to this, if it's something that you want to put on I would rule it germane. The better way to handle this might very well be, since the manager said he's going to do this and since this is just a direction of the manager, to just have him do that.

>> Flannigan: I'm willing to pull this down.

>> Mayor Adler: Okay.

>> Flannigan: With the acknowledgment that the manager is going to come back, and I still want to work with councilmember alter and hopefully we'll have the support of the dais to pull together an ifc that directs the city, in general to consider additional school districts for any items that come before this council in the future.

>> Mayor Adler: That sounds good. Without objection this item will be pulled. Is there objection to this amendment coming off? Hearing no objection, it's pulled off. Mayor pro tem.

>> Tovo: Since we're talking about this, I just want to suggest to councilmember Flannigan, long ago I brought a resolution asking our other school districts to participate in developing and working with our

city planning department on the educational impact statement that passed. Our planning staff reached out. We have had limited success from those other council districts -- from those other school districts, and in doing what aid has done, which is to develop a process for making those decisions. And so it sounds like -- I mean I think your resolution maybe -- or your ifc might be a good opportunity to reinstate some of that work. You know, we -- if we're going to expedite or make planning arrangements -- make arrangements in our planning department to make possible those, we need to have that kind of working relationship, and we certainly need to have that kind of working relationship around the development of schools and how that impacts -- and the development of projects, and how that impacts our school enrollment. So that's worked -- I think the educational impact statement has worked really well for aid, and I'd like to -- I think it's critical that we have in it our other areas, which are really expanding and developing quickly as well.

>> Mayor Adler: Councilmember Houston, then councilmember pool.

>> Houston: Thank you. And councilmember Flannigan and alter, I'd be willing to work with you because I have four districts in district 1.

[10:58:30 AM]

And I want to segue from something mayor pro tem said. It wasn't working until we brought it up in the joint subcommittee of Austin independent school district, Travis county, and the city, and got the right people to send it to. And so once we got the right names to send it to then we're getting far more responsive -- responses from the aid. So that may be the problem with the others. So we'll work on, together, those aids and say when you get an impact statement from the city of Austin, who should that go to, because we had to really make sure that the folks got the right name at aid. They were going to the principals, the principals weren't dealing with them. I mean, it was a mess, so now we've got it straight. We need to make sure other our districts are doing it.

>> Mayor Adler: Councilmember pool.

>> Pool: I'd like to clarify that the

>> Pool: I'd like to clarify the schools in the school district that are not Austin ISD, and I have pflugerville in my district, would be ones in city of Austin and -- because we can't spend our tax payer dollars, I mean I would not recommend that and so I think that also needs to be part of that conversation, and that may be why we limited -- there are other financial reasons why we have been helping Austin independent school district over the past few years and that relates to the school finance conundrum.

>> Mayor Adler: To the degree people are going could be expanding on this and bringing back other resolutions, I think we also ought to take a look at other public entities which with we deal, Travis county being one. I think that when another government entity is trying to do work for to public good, public purpose, we ought to look at ways we can do our procedures in a way that minimize the taxpayer money even if our taxpayers is paying that tax to a different governmental entity.

[11:00:32 AM]

Mr. Flannigan.

>> Flannigan: I'm glad to hear, councilmember pool, your concern for the taxpayers of Austin helping outside school districts. I know my taxpayers in Round Rock and leaned feel that same level of concern when the city spends money in aid. I'm looking forward to working with my colleagues on providing clear direction to city staff on how future items related to other governmental entities should be treated.

>> Mayor Adler: Councilmember alter.

>> Alter: Thank you. This item is important to help us work the tax dollars of those contributing to this bond, it's also important to get our children back into schools that are appropriate for them to learn more quickly. I'm pleased we will move forward with this. I understand commissioner Wagner is here and would like to speak and hasn't been able to sign up so I would like to invite her up to speak if I may, mayor.

>> Mayor Adler: You certainly can.

>> Alter: Or board member, trustee.

>> Mayor Adler: Trustee. Welcome to city hall and thank you for your service.

>> Good morning. I wasn't actually expecting to speak in my trustee role, I was here in my city role. I am now officially in my trustee role. I do appreciate you all bringing this forward and I think some excellent thoughts have already been shared. I think we at the district welcome essentially bringing the benefit to our students that very much is needed. I think councilmember alter touched on that. We have a great deal of disrepair in our buildings, displaced students in our buildings and we really need to move forward on these projects as efficiently as we possibly can, in doing so passing along that tax benefit to our constituency, our shared constituency in doing so. To councilmember Flannigan's concerns, we wholeheartedly welcome other school districts being able to participate in the same way in these measures.

[11:02:35 AM]

And because ultimately we want to make sure that our residents get the services that they need as efficiently as they possibly can so we're not incurring additional costs in doing so. I want to also make sure that you guys are aware, and I know you've watched and been aware of our process moving forward where we have included residents in a great deal of conversation, inputs around what happens with all of these projects and whether these projects are the right projects for our community. We are continuing to do so. We're not moving forward particularly with our historical properties and making any sudden movements or anything that would in turn jeopardize the integrity of these structures or do



so in a way that our community is not comfortable with. So that's still very much part of the process and I want you guys to know we're still very committed to that.

>> Mayor Adler: Thank you very much.

>> Thank you.

>> Mayor Adler: We're back up to debate. There's a motion here on the item number 49. Yes, councilmember kitchen.

>> Kitchen: I support the motion. I just wanted to make a quick comment. I wanted to thank the trustee for her comments and particularly wanted to note her comments about working with the communities in making sure that we have an inclusive and -- I forget on how you said it, but inclusive and transparent process in working with the communities. And I know that that's -- I look forward to us continuing to work directly with the school district and, you know, we had that opportunity somewhat when we were talking earlier about the closure of schools, particularly of Joycelyn, and I appreciated the opportunity to work with the school district on that. I think it's really important the roles of the school district and the city as we move forward. The city has been working very hard to prevent displacement and -- and, well, not prevent, but to do what we can to discourage displacement and gentrification, and the location of our schools and as well as, you know, the improvements to those schools is a critical component.

[11:04:49 AM]

So as we move forward as a city in the roles that we play in thinking about the location of -- the location of amenities in our neighborhoods, I look forward to continuing to work closely with the school district because, you know, schools along with other amenities that we deal with are just absolutely critical for neighborhoods. So thank you for coming to speak with us. I think it's very important for the school district and the city of Austin to work hand in hand as we work together in our respective roles in the community. So thank you for being here.

>> Mayor Adler: Ms. Houston.

>> Houston: Thank you. And trustee Wagner, I want to thank you also for being here today in your role as trustee. We don't often have that pleasure. And I would like to make sure that we continue the conversations in district 1 and all the title 1 schools that are in my district because the communities have different views about how successful the district is based upon where they live and their zip codes. So we just need to continue to try to work to mitigate some of those inequities that have been present in our school district and continue to do so and really harm our kids because education is a key to get out of poverty. And if we're not educating our kids all over the district, then we're not doing the job we've been paid to do. So I just want to thank you for being here and we'll keep in touch and I'll have another question for the author of the resolution.

>> I couldn't agree more and would welcome a conversation.

>> Mayor Adler: Thank you. We're almost ready to take a vote.

>> Houston: I had a question.

>> Mayor Adler: Go ahead and ask your question.

>> Houston: I'm kind of confused about the reference to the demolition and the historic properties. I heard what the trustee said, but could you spell out for me exactly what are we altering, because demolition and where we have lead and asbestos in some of our older buildings, how is that going to be handled, who is going to determine whether or not the historic properties go through the standing process or whether we're going to short shift that -- I mean what -- help me understand what -- those are my main concerns are the demolition and abatement of lead and asbestos.

[11:07:19 AM]

>> Sure, and mayor pro tem tovo and mayor, this was a portion of the resolution you worked on so if you want to chime in and correct me on anything, please do so. The amended resolution for the resolved with respect to historic preservation sets up a process so that we have an ability to separate those projects that do require a demolition permit from those that don't. And that involve interested stakeholders such as preservation Austin in that process. And when those should be reviewed by the historic landmark condition. And miss bojo might be able to speak to this detail more specifically. I was not personally in that piece of the negotiation so I think she can answer with greater clarity.

>> Mayor Adler: A really high level. The intent was not to change the process and to -- but to triage it early in the process so the school district could know what things needed to be involved in further conversations and to be heard by the preservation folks and which ones did not. So it was just an early way to triage, not to make any decisions or to change.

>> Houston: That makes sense and that's clear, but the part I'm missing is I don't see the neighborhood involved in that decision-making process. I'm glad preservation Austin is there, but I don't see, like, the neighbors that are around, you know, one of the older schools in town, I don't see that they are part of that triage process.

>> Mayor Adler: I think the intent was to make -- I think our current processes involve the neighborhoods. This wasn't changing that. So -- so this was going to our boards and same notices would be sent out that are ordinarily sent out. It wasn't adding anything or taking anything away, just doing the triage. So neighborhoods are currently involved in those conversations, they would continue to be involved and it doesn't disrupt that process or abrogate that at all.

[11:09:24 AM]

Is that correct? Yes. Mayor pro tem.

>> Tovo: So it's my understanding from this language that was added that there would be a public hearing at the landmark commission. It's not clear to me what happens after that. Whether that -- those

would proceed on if there's disagreement about it. So the landmark commission will provide the final answer on those properties? And I guess just to get back to councilmember Houston's question, the amendment deals with I think what we all wanted to prevent which is kind of an administrative approval of an historic facility, but it doesn't address -- and I appreciate you big it up, it should have occurred to me as I was reviewing this and didn't, it doesn't plain how it's going to interact with the code amendments I brought forward with regard to asbestos and lead abatement. But my impression is that those would be -- those would be once we adopt those and get them into our code, into our code, that aid as all other properties would need to follow along with those rules. That those are not being waived here in this resolution.

>> Houston: I just need to be clear of that.

>> No, I appreciate -- really appreciate your raising it so there's not any confusion on that.

>> Lee here, that is true, this resolution is not waiving any of those rules. I have a detailed explanation if you would like me to read it about how the asbestos and lead is being looked at in the aid schools, about out if you would like me to just say nothing is being waived, that's the short answer.

>> Mayor Adler: Great. Thank you. Anything else on this before we take a vote? Yes.

>> Alter: I just wanted to comment for those that are interested in the work of the joint aid, county, city subcommittee that we are going to be introducing to our meetings, I hope, a citizen communication period. It will be limited in terms of how long it is because we have limited meetings, but that may be an opportunity in the future that's available to folks that's not currently available.

[11:11:30 AM]

>> Mayor Adler: Okay. It's been moved and seconded. Yes, Ms. Houston.

>> Houston: I'm sorry, one more thing. One of the things that we have required in the last -- mayor pro tem's resolution was adequate and appropriate notice given to interested parties. Sometimes we're thinking about in the conversation about whether it's an historic property, but it's also about demolition, so that people who are living adjacent to, behind where we're going to demolish a structure get notice so that they can go to the library, that they don't get -- I mean, you know, asbestos in the air or lead so that they know something is going to happen today and we need to leave. Does that make sense? Was that included in this, the notification of people prior to demolition so that they would be able to --

>> Mayor Adler: Whatever our rules are with respect to let people know on the day it happened, this doesn't change that, but I don't know if we let them know on the day or not.

>> Houston: It should be some days before so they can make plans to get out of way.

>> Mayor Adler: That would be a separate question we can ask, whatever the rules are, this does not change those rules. And that's all this was trying to do. Yes, mayor pro tem.

>> Tovo: I would say sadly are rules are insufficient, but hopefully those amendments are making their way through the process and are going to get back to us. I'm glad miss bojo is here and in the interim I hope aisd will make sure that they are coming up with the notices that the city -- in addition to the city's.

>> Mayor Adler: Okay. Anything else before we take a vote? All right, those in favor please raise your hand. Those opposed. This item number 49 passes. Okay.

>> [Inaudible]

>> Mayor Adler: Which number?

[11:13:31 AM]

>> Tovo: I think 55.

>> Mayor Adler: 55 has been withdrawn. It's been moved over to number 93. Civil service commission appointments. Mr. Flannigan, do you want to make 93 those two appointments. Audit and finance came from the committee. Do you want to make the motion in the absence of -- I mean civil service commission.

>> That's not on --

>> [Inaudible]

>> Mayor Adler: It's 93 on the agenda.

>> Pool: It wasn't the judiciary committee, it was audit and finance.

>> Mayor Adler: Audit and finance.

>> Pool: I would be happy to make that motion. It was a unanimous --

>> Mayor Adler: Why don't you make that motion.

>> Pool: Sure, approve a resolution appointing two commissioners to municipal civil service commission and designating a chair and that would be the recommendation of the audit and finance committee to reappoint Lottie detaily and Michael Murphy to the municipal civil service commission.

>> Mayor Adler: Okay.

>> Pool: Then I would further say to continue the chair who is the current chair.

>> Mayor Adler: There's been a motion. Is there a second to that motion? Mayor pro tem seconds that. No speakers. Any discussion? Those in favor please raise your hand. Those opposed. Unanimous on the dais and 93 is taken care of. Okay. I'm looking at the agenda. We have tabled for the momentum number 14.

-- Item number 14. The planning commission membership, 16, we could take up. Let's go ahead and do that. We have five folks signed up to speak.

[11:15:33 AM]

Is David king here?

>> [Inaudible]

>> Mayor Adler: Okay. Councilmember alter, do you want to lay out your motion first?

>> Alter: Yes, please. I would like to move the motion that I posted to the message board last night in the chain that we had. This is a revision of option B. It is as was posted and discussed on Tuesday. It lays out criteria for determining who the planning commissioners are if they are considered to be lay and it provides the process for identifying whether they meet the criteria and a process for removal if there is a complaint. It is -- says option B revised 5-8-2018 at the top and was posted on the message board.

>> Mayor Adler: There's been a motion. Second to that motion?

>> Alter: It's going that way. I think I passed it that way. No, I'm sorry. Too many papers. My apologies.

>> Mayor Adler: Option B, revised 5-8-2018. Ms. Houston seconds. Let's hear from the speakers that we have. Mr. King donated his time to Fred McGee. There Susana Almanza here? On deck Fred Lewis.

>> Good morning, mayor and city councilmembers. My name is Susana Almanza with poder. In 1994 I served on -- as vice president of the charter review commission. It was our charter review commission that put the amendment up for a vote to the citizens to have a two-thirds majority of the commissioners be not directly or indirectly involved with land development.

[11:17:46 AM]

So what we wanted to make sure is that they were a super majority of lay people on the planning commissioners. And our intent at that time was to make sure that there was a fair process for the community because if you weren't here in the 1990s, people of color and especially people in east Austin, we didn't have a seat at the table, not until we passed the east Austin overlay when development came into our communities. So pretty much development and any types of form was allowed in east Austin and we didn't have a voice in that particular process. So by putting this on the charter review committee, we made sure that two-thirds of the planning commissioners would be lay people and could relate especially to neighborhoods and for us communities of color. So our intent was not to have people that were either engineers, real estate brokers or architects on the planning commission, but actually lay people, two-thirds. Because we wanted to make sure that it wasn't special interests that was dominating the planning commission, as it had been doing for a very long time. Like I said, people of color pretty much we didn't have a voice in that process. And I want to add that this -- this charter amendment passed by over two-thirds of the voters here in Austin. It wasn't the city council at large system that passed it, it was the actual voters that passed this charter amendment. And there's a reason that that charter amendment passed because of what had been happening up to that point to

the past and that too many developers were deciding on the commission what was the best for neighborhoods throughout Austin, but especially for east Austin because as the vice chair on that charter review commission, that was my interest of taking part.

[11:20:04 AM]

Acknowledge we were working on single-member districts. Making sure we had lay people, majority on the planning commission and making sure we had single-member districts on city council.

[Buzzer sounding] I'm going to ask you please don't change the charter's intent to have nondevelopment as a super majority.

>> Mayor Adler: Mr. Lewis. Then after Mr. Lewis, Mike Abear will be the speaker on deck.

>> I've worked on ethics and conflicts of interest issues and laws, studied it for over 20 years. This is not one of the more difficult ones. What you have to do is back off, take it away from the issues, the politics, the personnel and think about the fact what the law requires you to do. You were sworn in, each of you, to uphold the law, even when it's difficult. It's always easy to uphold the law when it's easy. Even when it's inconvenient, impacts friends or have a result you don't like. That's what the rule of law means. It basically means the ends don't justify the means. As Suzanna said, the planning commission charter purpose is clear, require super majority of board members to be lay members not connected directly or indirectly to land development. The problem with options A and C and the others is they read out lay members, just remove it essentially by the wording, and they read out indirectly connected. The argument that an architect or an engineer is a layperson not connected indirectly to real estate and land development is a weak argument. If you ask a reasonable person do you think an architect is a professional connected indirectly to real estate and land development, the answer is yes.

[11:22:13 AM]

Now, I know you can have lots of hypotheticals, but what we're here today is about commissioners that are architects, engineers and home builders. So we could play law school, it's been a long time for me, and talk about all these different hypotheticals, but the really issue is whether or not you are going to remove what we've known for three years is an illegally constituted commission that does not reflect the wishes of the voters. Two days ago the planning commission votes were 7-6. They would have been 5-5 if the commission had been legally constituted. So process matters. Give meaning to the people's charter amendment to reflect conflicts of interest. I would say the thing remove -- however much gymnastics has been done on it. The second thing is adopt councilmember Alter's option B which is a fair reading of what the voters wanted. Last, do not vote to eviscerate what is clearly a conflicts of interest rule. It was saying we would rather have impartial lay people, two-thirds, than so-called experts with special interests.

[Buzzer sounding] You may disagree with that policy choice, but it was made by the voters.

>> Mayor Adler: Thank you.

[Applause] After Michael abear speaks, Fred Mcgee will be on deck. You have three minutes.

>> Good morning. Excuse me. My name is Mike abear. I'm with community not commodity. I guess you've heard about it. I'm a lawyer, been at it 48 years, and got a pretty good nose for knowing when things aren't right. What you have before you is a simple proposition.

[11:24:15 AM]

You need not be a lawyer to read the charter. A 7th grader could read the charter and know what your responsibility is today. Too often over the last few years I've seen the city, the whole city, make choices to ignore the law to achieve expedient goals. I would submit none of the options before you are the correct option. The real option is none of the above. Do what's right. Honor your commitment to uphold the law, remove three commissioners who are not qualified to be on this commission. If any of you had the time to watch any part of the video this week of the planning commission considering a whole new set of amendments to the code, almost 200 amendments were submitted a week ago written by the real estate industry behind closed doors I think in complicity with our staff. They were put on a spread sheet by the chair of the planning commission and he is running a speed train, three minutes allowed for a commissioner to vote. He's put a vote on commissioners to submit comments by noon on Friday on the map. And if your comments aren't submitted, they will not be considered. So we have a real estate dominated process. This process would not be going on but for real estate industry dominating our illegally constituted planning commission. This is taking place after the close of the public hearings. It's also taking place after the staff submitted over 404 amendments and a brand new map one week before the first public hearing before the planning commission. This process must be changed.

[11:26:15 AM]

This process is not democratic. This process would not be going on but for the fact that our planning commission is illegally dominated by the real estate industry. So I urge you, honor your oath, do the right thing and let's get this process back on the right track. Thank you.

[Applause]

>> Mayor Adler: Mr. Mcgee. And with your donated time you have five minutes.

>> Good morning, mayor and council, and city manager cronk. My name is Fred Mcgee and I am not a lawyer. Nor am I someone who gets paid money to represent people who seek to influence you. Who seek to influence your decision making. I'm here to lend my voice and my presence to the previous speakers regarding the composition of the planning commission. Heads I win, tails you lose. That's how the planning commission is currently constituted. Heads I win, tails you lose. How nice is that? You've known because it was brought to your attention three years ago that that planning commission was

illegally constituted, and what have you done about that? Apparently nothing. And you should show some shame, you should show some remorse. I mean how bought and paid for are you, some of you? It's unfortunate and it's not right. We now are in the midst of an extended debate about codenext. Which is going to dramatically alter the way land, real estate and housing are developed in our city. But we have a planning commission which will render a vote on this that is a tails I win, heads you lose -- notice I just flipped that, but you get the point.

[11:28:20 AM]

Planning commission, you should do what the previous speakers have said. And you should read the plain meaning of the citizen approved city charter. It's not hard. The gymnastics that have been undertaken by especially legal professionals regarding this situation do not reflect well on the city and they do not reflect well upon you. You are undermining through your action or inaction the confidence of the citizens of this city in your leadership and judgment by these actions. I hope you bear that in mind by these shameless way in which you are Schilling for the real estate special interests that walk around this chamber like they own the place like ghouls. Please do the right thing here. It's not hard. Thank you very much for your attention.

[Applause]

>> Mayor Adler: Thank you. I think those are all the speakers that we have signed up for this. That brings us up to the dais. We have a motion from councilmember alter which has been seconded. Discussion or other amendments? Councilmember kitchen.

>> Kitchen: I have another amendment, but it's styled as a separate one so I'm happy if we take these up separately as opposed to amending on -- and I passed it out so --

>> Mayor Adler: Okay.

>> Kitchen: It's styled as a separate option.

>> Mayor Adler: May 10, 2018, agenda item 16, kitchen motion sheet. Councilmember Casar.

>> Casar: Is it possible to take a vote about which is the --

>> Mayor Adler: We're going to work on each of these, both of them.

[11:30:20 AM]

And then we'll take a vote then on which one it is that we want to consider. And then having decided that, then we'll take a vote on it. All right? So we would consider each of these. We can take them up one at a time, we can take them up at the same time. But we'll take councilmember kitchen's motion as a substitute motion. Is there a second to that substitute motion? Councilmember Casar seconds that. Or



Flannigan seconds, sorry. Flannigan seconds that. We're now in essence discussing both those and seeing if there are changes that people want to make to either the original resolution or to the substitute. Discussion on the dais? Councilmember alter.

>> Alter: Can councilmember kitchen explain for the public what your motion is, please.

>> Kitchen: Yeah. It was post odd the message board. I talked about it at work session. And I also posted it on the message board yesterday. So it's posted on the message board. The first thing it does is it does not attempt to define the language of the -- of the charter. And I did that because I think it's appropriate to leave the language in the charter as it is, and by that I mean the language that is speaking to -- the language that says establishes a minimum of two-thirds of the members who shall be lay members not directly or indirectly connected with real estate or land development. In going down the path to try to define that, I think that -- I think that that is not the path we need to go down. I think we need to keep the language that's in the charter and not run the risk of changing it inadvertently or watering it down in any way whatsoever.

[11:32:23 AM]

So I have -- my approach does not try to define that listening. The second thing, though, is I do think that we have a situation that we need to make clear, and there's two aspects of that and that has to do with our process. So the first part of what I'm suggesting is an approach going forward so that we don't get into this situation again, a very specific approach for addressing appointments to the planning commission in the future and so it speaks to various requirements around gathering information about applicants' backgrounds. And requirements that those be considered by the council and that there be a discussion of those -- be a discussion of the -- the qualifications and background of the applicants so that -- so it's a clear public process discussing that in a public setting, both in our work session and in city council sessions. It's clear council is doing in terms of making any decisions going forward. Then the last part of it addresses the concerns raised currently about the composition. And what that does is it directs our city manager to come back by June 14th with a process for removing planning commissioners and if a charter amendment is required, that the city manager is directed to bring back to us a potential charter amendment that we can consider. So basically that last part addresses the concerns that have been raised about the necessity to take some action on the current composition of the planning commission, but it also recognizes that -- it also recognizes the concerns that have been raised about the language of the charter and whether the charter as currently written allows for a removal process.

[11:34:48 AM]

Now, I certainly understand that there's disagreement on that, and I have to agree with some of the speakers that it is our responsibility to uphold the law. And so I am attempting with this approach to put in place a process to allow for removal of planning commissioners that is in compliance with the charter.

So I'm suggesting at this point that a process be brought back to us by that to include charter language that addresses the process for removing planning commissioners. So that's in essence what I've laid out.

>> Mayor Adler: Thank you. Further discussion on the dais? Mayor pro tem.

>> Tovo: I just have a couple questions about councilmember kitchen, about yours. Firstly, is it possible to get a marked draft? Some of this looks similar -- some of it is the same, some of it is altered. I just in trying to make sense of it, it would be helpful if you have a marked draft available to have it --

>> Kitchen: No, I don't have a marked draft available but I can walk you through it if you would like.

>> Tovo: I'm lining it out next to councilmember alter's, which is the option B that was in the back up with amendments noted in red.

>> Kitchen: The part of councilmember alter's that relates to defining the criteria is not in mine at all.

>> Tovo: I understand that. Again, I'm just trying to figure out what has changed from the backup.

>> Kitchen: I can go through it with you if you would like.

>> Mayor Adler: Okay.

>> Tovo: Probably best to compare the two. It looks like when I started -- the second, third, fourth, the fifth as is -- you have largely the same as the backup [lapse in audio] Again, I can -- I just ask if you have a D, administrative requirements.

[11:37:18 AM]

City manager is directed to bring back [lapse in audio] City charter and so it -- I know in our group of -- there are some of us [lapse in audio] A some who want a more narrow version. What are we directing staff to do? Does your -- ask them to take -- with regard to the language? You know, that's just supportive I think of what councilmember alter is trying to achieve by getting a definition that provides a broad interpretation of that charter language. Otherwise I'm afraid this will come back and say, you know, you're either in compliance or not in compliance with the charter depending how you define it and we're back to where we are right now.

>> Kitchen: I see what you are saying about that language and looking at it again, my intent is really the first part of the sentence. So I would be open to some changes there. My intent is for the city manager to create and bring back for approval a process for removing. So the last clause is -- I think we need -- the entire paragraph D is really focused on how do we get in place a process for removing planning commissioners, whether we use it now or use it later, we need to have a process available to us. That was the intent.

>> Mayor Adler: Councilmember Casar.

>> Casar: And I think that it depends how you read if as a modifier, as I speak to the English professor, she may tell me that it should be somewhere else, but I read the if as modifying for the removal of

planning commissioners when there is, if that makes sense. It's not modifying whether or not the city manager should bring this back. Does that make sense? I think it works by striking it, but I don't see this as conditionallal for the city manager's directive.

[11:39:31 AM]

I'm saying I think -- I think it's just what if modifies.

>> Mayor Adler: For what it's worth [lapse in audio] To interpretation.

>> Kitchen: We can make it clearer. Yeah, everything after --

[lapse in audio]

>> Mayor Adler: Any objection to removing things after -- so the rest is without objection.

[Lapse in audio]

>> Mayor Adler: Ambiguity. Councilmember pool.

>> Pool: If the charter amendment is to remove planning commissioners.

>> Mayor Adler: I think that one is charter amendment is necessary brought forward.

[Lapse in audio]

>> Pool: The task force looked at this. It will be coming to us to both deal with two-year --

[lapse in audio].

>> Mayor Adler: To put in language with respect to actual removal. Something I think we should consider to make sure it's clear as charter amendment council has the ability to be able to [lapse in audio]

[11:41:41 AM]

Further discussion? Councilmember alter.

>> Alter: The community is telling us the planning commission unlawfully -- a question we need to [lapse in audio] Swore an oath to uphold the charter

[lapse in audio] Doesn't meet with -- I am not a lawyer, but I have [lapse in audio] Some information to my colleagues.

[11:43:48 AM]

[Lapse in audio] All ordinances, rules -- thank you, it's a little hard to read. Chapter 2-1 says -- this applies to described in

[lapse in audio] For board members. So this is a procedure that we have used before as a council. It is one that laid out in our code. Back to the page I prepared, we have charter that says ordinances are -- so we have procedures. I submit to you [lapse in audio] Of what 67% of the voters voted for in 1994, which is have two-thirds of the planning commission be lay members.

[11:46:07 AM]

There's not a lot of ambiguity there. And if we [lapse in audio] Where there were four lay people we wouldn't be having any argument. Nobody would say if we only had four people that an architect was a layperson.

>> Mayor Adler: Councilmember Flannigan.

>> Flannigan: I am currentlyy frustrated that in the process of trying to solve this, we are continuing to grandstand and then going through three page he was documents to say it's not simple. If I have to go that many levels down to do this interpretation, then clearly this is a complicated matter. I don't think we should be grandstanding about this and I don't think we should be comparing architects on the planning commissioners to rapists and sex offenders. We should not make such trivial action or conversation on that. We are trying to solve a matter of law here. I am in agreement with councilmember kitchen at this point. I don't feel it necessary to further biological weapon the language of the charter. I think it's very clear by every action the council takes we are implicitly interpreting the charter and our codes and ordinances. I think it makes sense to start laying out the process by which we will gather the information necessary for each council now and in the future to make this determination. I am not okay with every decision on this dais being a proxy vote for codenext and that's what's is happening right now. Can we please just move forward on process and solve this thing in the charter like it needs to be done. I'm not going to sit here quietly anymore and allow part of this dais to grandstand and disrupt the legal process of law that we are trying to proceed.

[11:48:08 AM]

It's insane. You know what else was in 1994, what didn't exist in 1994? District 6. Every single decision we make is an interpretation of the charter. What also didn't exist in 1994 was a district system of governance. These things matter, these changes matter. Everything we do is interpretation. Thank you, councilmember kitchen, for bringing forward this very reasonable first step. I think it's necessary, I think it's simple and straightforward. There is clearly division on this dais if we were going to attempt to interpret this charter language so I don't think we should.

>> Mayor Adler: Further discussion on the dais? Councilmember kitchen.

>> Kitchen: I would just really like to say that -- this is difficult for all of us, and I am coming from a place where I respect every member of this dais trying to bring forward what they think is within their duty. That means that we have legitimate -- and I want to emphasize legitimate disagreements and understandings of how the charter might be interpreted. I also respect our legal department giving us their best thinking on what they think is appropriate in interpreting the charter. So that is one thing that I was trying to do here is not substitute my legal judgment for others' legal judgment, but to simply say we've got some disagreements so let's get some clarity and let's do that in a way that respects everybody's disagreement, you know, and I certainly respect everybody on this dais, the perspective they bring. We all have the duty to uphold the law and I believe that all of us are in good faith taking our best step to do that.

[11:50:13 AM]

And so I fully anticipate -- and this is just my perspective, I fully anticipate that it's Gooding to take a charter amendment so it's really, really, really clear, and that's what I'm going to be looking for is very clear language about what the process is for removing planning commissioners. But I also have this language open, if our city manager has another way that we can remove planning commissioners without a charter amendment, I want to hear that. So that's why this is written the way it is. But I just really ask us all to respect each other.

>> Mayor Adler: Further discussion on the dais? Councilmember pool. Councilmember pool?

>> Pool: I worry that if we don't shine -- create some clarity around the -- first let me say my straight, clear reading of what is in the charter relating to what directly or indirectly led me to the belief that we were in violation of the charter. I believe we are still in violation of the charter. The dais is divided upon that clarity and so what's clear to me doesn't appear to be clear to others. And if trying to define it more explicitly to include those professions that are involved in land development and real estate would provide that clarity not only for this dais, but for future daises, then I would support that. I think we need to take action to correct the violation of the charter as soon as possible. I worry that the process that would be brought back on June 14 -- well, I want to make sure that it actually does that. I want to make sure that there actually is a process.

[11:52:16 AM]

So I am not conflicted at all about the need to have the additional information in order to remove the -- I have complete clarity on it. I know some of my colleagues do not, so if we can help in that, I'm happy to engage in that effort. I also believe we need to make the changes quickly and cleanly, and so I am working through in my mind the portions of the kitchen substitute and the alter base motion to get to where we can make those changes most cleanly and explicitly and quickly. Maybe that's the area that

we should have some more discussion on because I think I feel on the dais that there is some accord with regard to clarity with definitions. So could we talk about the specific portions that are different between the kitchen and the alter amendments and try to work through those?

>> Mayor Adler: Mayor pro tem?

>> Tovo: That was what I was going to suggest. I think we're going to -- we're probably going to have differing opinions about the definitional piece. I think that's one of the key differences between the two, whether it should be enter and out, but I think there are some differences in the administrative requirements, but maybe not -- maybe not issues of substance. So, for example, under administrative -- under the administrative requirements, a is largely the same. The exception I see, and again, it's possible I'm missing something. Because I'm doing my own change tracking, but as I see it, a is different in that councilmember alter has the additional piece of including the city auditor and also under the criteria established in section 2 of this resolution.

[11:54:30 AM]

I understand under the criteria piece is just going to require an up and down vote, but I guess I would ask councilmember kitchen to consider the rest of the administrative requirements. And again, if we're going to do the -- if we're going to proceed this way with a substitute motion amending both, I would move recommending the approval -- the administrative -- the process that is outlined of councilmember alter's putting that into councilmember kitchen's because I don't see a big difference there. And that would be a minus the under the criteria because I think we'll need to vote that out separately. B, C, and then we can take the other pieces.

>> Kitchen: Would you like me to speak to that.

>> Mayor Adler: There's been a motion and the mayor pro tem is entitled to try to make changes to yours. I'm going to divide that into pieces so that we can handle it. I see the pieces being this: The first one being to add the words "And the city auditor" with respect to who the city manager consults with. The next change with respect to the issue is to add the words "Under the criteria established in section 2 of the resolution."

>> Tovo: Mayor, I'm trying to see what we have consensus around. That piece relies on another section around which we're just going to have an up and down vote. That's why I was not moving that piece right now. I'm moving a, which as I see it the only difference is "And the city auditor." B appears to be exactly the same. C is different. And I would say I think we do need to do these together because if you - we could add the city auditor, but if there's not a role for the city auditor as outlined in C, it's not sensible to add the city auditor into a.

[11:56:40 AM]

So a and C need to go together and B is the same.

>> Casar: Mayor, I just suggest that if we know what our baseline is it will be easier to handle the amendments. So I would just suggest we do, as I think we usually do in these sorts of situations and take a vote on what the base motion is so that we know what we're amending it to and not the base action.

>> Mayor Adler: The awkwardness is the substitute motion. When someone moves a substitute motion, you can amend either and both motions until you get to a place where you are.

>> Casar: I understand. That's why I'm requesting for simplicity here is we take a vote on which one the base motion is so that the motion on the table is just what the majority of council then they can make amendments to that base motion. It's theoretical right now.

>> Mayor Adler: We can do that. The problem with a substitute motion surround the rules each side is Ena little titled to make their motion the best it can be before the council votes on which one they choose. Bear with me here and I think we'll be okay. The base motion we're working on is the kitchen substitute. So with respect to the kitchen substitute, which is in essence a base motion for this part of conversation, the mayor pro tem is suggesting a single amendment she wants that does not want it divided that basically takes a, keeps it the same, is that right? No. It adds the auditor language, keeps B the same, and it substitutes C and D from the alter amendment.

>> Tovo: Not D. Again, mayor, let me say I completely agree with councilmember Casar. I think the way that substitute motion are in practice of substituting and getting an up or down vote is probably faster than what we're doing here. I respect your interest in doing it this way, but just to clarify B is the same in both drafts.

[11:58:42 AM]

>> Mayor Adler: Direct correct. So your not changing that.

>> Tovo: B is substantially different. I would like to see that added in, but I'm not tackling that now. I'm trying to tackle what I think is consistent in both drafts.

>> Mayor Adler: I'm not sure what you're asking.

>> Tovo: I move that we add the language "And the city auditor" to councilmember kitchen's a.

>> Mayor Adler: Okay. So there's a motion -- more than that or just that?

>> Tovo: And because it doesn't make sense to add the city auditor without describing what we want that auditor to do, I move C replaces councilmember kitchen's C.

>> Mayor Adler: Okay.

>> Kitchen: Can I speak to that?

>> Mayor Adler: First, is there a motion to that? Okay.

>> Kitchen: I think what this contemplates is that the city auditor and city clerk both provide questionnaires, which is really not typical a role for the city auditor. Usually if we're getting questionnaires and working on information from our appointees, that's a city clerk function. So the second question I have, which is really more to the sustans of C, which has the city auditor making a recommendation to the council on whether the nominee fits the layperson criteria. And I'm also -- I just don't understand how that's a city auditor role.

-- None of us had the opportunity to talk to the city auditor about that and other than those who put this together. I would want to hear from the city auditor -- that's quite a different role for a city auditor to make a recommendation to us on an interpretation of charter language and applying it to a situation.

[12:00:44 PM]

That's normally a role that of course the council does that everyday, but it's also a role that our legal does. But I've never seen that as a role of city auditor. So I'm really curious. It not that I have a concern about recommendations to us, it just doesn't seem to fit with the city auditor and I would have to hear from the city auditor before I could understand how this would probably be a role that would fit with the city auditor.

>> Mayor Adler: Mayor pro tem has made a motion, amendment to councilmember kitchen's. It's been seconded. Any further discussion before we vote? Councilmember alter.

>> Tovo: Councilmember alter drafted this.

>> Mayor Adler: I recognized councilmember alter.

>> Alter: On the city auditor's role is often to help that we're complying with the rules and regulations in place. So this is a charter rule and we would be laying out what the criteria is. So it makes a lot of sense with respect to my motion because I'm defining the criteria by which they would use it. And it's fairly straightforward in most -- 99% of the cases it would be straightforward. You would say are you a licensed attorney, architect or engineer, practicing in a field related to real estate or land development? That would be a question on the questionnaire. You would probably have one for each of those. Do you derive substantial income defined as we have it, yes or no? Do you have these professional certifications, et cetera, et cetera. And so they would be essentially certifying whether that person is lay by the criteria. If you have no cite, then the auditor has to make interpretations. If you have clear criteria, the auditor can easily make interpretations. And the auditor has said that I have not spoken to the auditor about your motion, but with respect to my motion she was comfortable that it fit within the purview of things and had no further questions for me.

>> Kitchen: I wish we had the opportunity to talk to her about it.

[12:02:45 PM]



>> Alter: She's at a conference and I believe she has a staff person here who can answer questions if you would like.

>> Mayor Adler: Mayor pro tem has moved an amendment. It's been seconded. Discussion?  
Councilmember Casar.

>> Mayor Adler: Mayor, again, because these amendments hinge on other decisions you're delaying on making it's hard to make the decision. I think it's just so much better for us to vote on which one of these we want to be the base motion because as councilmember alter stated, this amendment means something different depending on what the base motion is.

>> Mayor Adler: The base motion is kitchen and I agree it makes more sense than.

>> Alter: 's version and this version. But the question was to change it to councilmember kitchen's here. And I think we're ready to vote on that if there's not further questioning discussion. Let's take a vote. Those in favor of the mayor pro tem's amendment, raise your hand. Pool, alter, the mayor pro tem, Houston. The rest is the balance of the dais with councilmember troxclair off. Anything else with these two amendments?

>> Houston: Mayor, this may be to legal staff, just tell me. Is removal considered -- would asking the last three people placed on the planning commission to resign, is that removal if they do it voluntarily? We're spending a lot of time, but we know what the list looks like and we know there are three that have come on lately and there's a clump of about seven that came all in at the same time time. Could that the nobody the start for the last people here --

>> The language doesn't have any limitation on the request given to the city manager. The city manager could -- haunt I'm asking for can we do something now and then let the city manager -- in good faith, and then let the city manager come back with some other options, which may include charter revision?

[12:04:51 PM]

>> Mayor Adler: I think you could amend this to do whatever it is that you would -- you can bring in amendment.

>> Houston: Okay. I just didn't know whether that would be considered removal, which is what I'm hearing legal say that we can't do, without a charter revision. If I came up and said, do you know what? I'm just doing to resign. Would that be construed as a removal under the charter or would that be okay to remove three people from the planning commission? And I'm not a lawyer, I'm just asking.

>> Mayor Adler: I think that commissioners could opt to resign if they wanted to. Okay? We are now back to the dais. Are we ready to take a vote on the question of whether we substitute the kitchen amendment for the alter motion. Anyone want to speak to that? This is the question of whether we substitute the kitchen for the alt. Let's take a vote. Those in favor please raise your hand? Those opposed? Houston voting no, pool, alter and the mayor pro tem. The substitution is made. The motion in front of us now is the kitchen motion. Is there further discussion? Mayor pro tem.

>> Tovo: Yeah, I just wanted to say I appreciate the differing opinions up here and the attempt to come up with something that would work. But I'm not going to be able to support this. I think that we -- I would have felt more comfortable with a process that included the auditor, than just the clerk, which is more along the lines than when they fill out an application. I am also more comfortable -- I would prefer moving forward with councilmember alter's description of how we're going to handle the current situation and I think we need -- we need to come to an agreement about how that's going to be interpreted. Again, I favor the broad interpretation.

[12:06:53 PM]

It's clear that's not -- that's not the consensus position so I think until we clarify that we're not going to resolve the situation that many community members have rightly highlighted as an issue of our compliance with the charter.

>> Mayor Adler: I'm going to support this and vote yes, but I read this as us not taking any position on what that language means in the charter. Because it's not putting that question before us, it's putting us in the place whereas a council we can deliberate on that question as we make the appointments and hopefully gives us the greatest option at that point to fully change the planning commission if that's something that we wanted to do. But it can't happen now. But that would put us in that place. Any further discussion on this before we vote? Councilmember Casar.

>> Casar: Again, as I mentioned on Tuesday, my two planning commissioners are likely lay people, lay people. One is an immigration attorney and the other the chair of one of my district's neighborhood contact teams. But based on what we just voted, I'm kind of removed from that and I've tried to appoint people that I think are lay people's lay people. But I think that part of my issues with laying out this criteria is that I don't think this criteria as was laid now councilmember alter's motion does capture only a few people. That criteria is so strict that it could capture many more planning commissioners than just a few. I described, for example, my zap commissioner who works for echo on Tuesday, but then in reviewing councilmember alter's language this week, it also basically bans anyone of moderate income or middle income that has any rental property at all because the median salary in Austin I think is around somewhere in the 60,000-dollar range.

[12:08:54 PM]

So if you charge more than \$600 a month in rent on any property, you would be considered not a layperson under this. If you make a lot, a lot of money, then 10% of your income you might be able to charge more, but just because somebody makes a lot of money and has a rental property, somewhere under that criteria this would make them not a layperson. So I would just rather leave the discretion to the council to determine best whether or not we think we're complying with the charter or not. I've done my best to do that with my planning commissioners and I'm taking this resolution as moving us

forward in a way that we each do our very best to make sure that we're complying with the law and set up a process potentially through the charter to clarify this process.

>> Alter: I want to just clarify that anybody can serve as a non-layperson, they are just not counted in the group of laypersons. Any of the group of people you just mentioned, it's not they're not eligible to serve, it's just that we can only have so many of them. We have to be careful because we do have an opportunity for that expertise to be part of the commission. It just can't be an overwhelming part of that commission and it's not supposed to be that way because we want to avoid potential conflicts of interest. On your point about the rental, this is something that has been something that I have been debating. And we're not talking about my amendment, but we had put \$5,000 in it because that was somewhere else in our code as the amount of money. And I didn't want to just pull a number out of a hat, but I certainly would have been open to raising that amount of money and that would have been a way to address the case of somebody with a rental property and were we able to have the conversation about that criteria, I would have entertained that. The only basis I could start from was by using what was in the code elsewhere for the amount of money, but that would be a reasonable thing to be going through.

[12:11:04 PM]

I had gone through your case of the zap commissioner with the auditor and that's one of the ones that they would have come and said we can't give you a fair determination. You have to decide as a council. There would be plenty of people that you can decide very clearly whether they are lay or. No we're not debating this now so I won't do the labor this, but I wanted to make sure those were clear in response to your comment.

>> Mayor Adler: Thank you. Let's go ahead and take a vote. Ms. Houston?

>> Houston: Mayor, I appreciate the nuances that people have shared with us about how you decide who's in and who's out. The fact that we've all made appointments that got us to the situation that we're in now says that we really don't understand what -- who is and who is not an industry person. Because that's why we're in this situation. We've made appointments, each of us, to the best of our ability, and many of those are industry persons as defined somewhere, and we've not taken any corrective action, we've not looked at our individual commissioner and said, do you know what? I think you're over the limit. So we're responsible for this situation and I'm hearing us say that it's okay to continue to kind of have these conversations about the nuances of all the things that could happen when we've done those things and we're not willing to stand up and take responsibility and ask our commissioner to resign.

[Applause].

>> Mayor Adler: Let's go ahead and take a vote. Those in favor of --

>> Tovo: Mayor?

>> Mayor Adler: I'm sorry?

>> Pool: I'm passed out -- I wanted to present a version of the resolution that combines some of the main concepts from councilmember alter's version and councilmember kitchen's version. Basically if you look at that you will see that the first part, the definitional part is from councilmember alter's motion and the administrative requirements is the portion that councilmember kitchen has adopted.

[12:13:20 PM]

So this is a -- the one I'm proposing has councilmember alter's criteria for planning commission nominees associated with real estate and land development. It helps to define what kind of professions and activities fall within those industries. And I really think this is important right now for us to nail this down. Without this criteria we may end up in an excess active overanalysis of professional terms and I think we just need to dispense with that possibility. Councilmember kitchen's administrative language is in the second part. That's the enforcement piece. It calls for the process of the questionnaire for nominees. It asks staff to return with a method for removal of commissioners or with a charter amendment language should that be necessary, which is the essence and the heart of what councilmember kitchen has offered. So I'm hoping if we can combine these two concepts we can move forward and be successful in addressing all of the disparate issues and concerns across this panel so we can get back in line with our city charter and that more importantly it addresses the division of concerns on the dais to pull us altogether.

>> Mayor Adler: I'm going to treat this as an amendment. Councilmember pool makes an amendment. Is there a second to this amendment?

>> Houston: I'll second it for -- mayor?

>> Mayor Adler: Ms. Houston seconds.

>> Houston: Mayor, could we go ahead and have citizens communication while we read these and compare to the other three? It's 13 after -- 14 after 12:00. And I need to be able to negotiate between now three different versions. And so if you could -- if we could put this on the table, have citizens communication and then come back, I can read during that time. I may be the only one that needs that, but I'm just making that as a suggestion.

>> Mayor Adler: Let's call those speakers. We'll take the vote after citizens communication after before we -- before we break for lunch. Any objection to that? Let's go to citizens communication.

[12:15:22 PM]

First speaker is Susan Spataro and on deck is Dar loss Leon.

>> Good afternoon, mayor and city council. In light of the current affordability issues for Austin homeowners, renters and small businesses, as well as the transportation crisis in Austin, proceeding incentives to out of state businesses must be carefully septembered and scrutinized. Since you're

considering incentives for a major league soccer team, I will address this initiative. I have attended four public outreach meetings in an attempt to get information. These issues were raised by attendees, but not fully answered by city staff or psv. I guess my very major point is under no circumstances should an attempt or commitment be made by this government until all the facts are known. There needs to be full transparency to the public regarding subsidies, infrastructure, the stadium, training facilities and interim facilities. It should include, one, a definitive list of all public subsidies for this private for-profit soccer venture, including a, leasing or selling the 24 acres at mckalla place for less than fair market value. B, abating and/or rebating the property taxes on the land, stadium, auxiliary building and business personal property and any other subsidies. Number 2, there needs to be a comprehensive traffic impact analysis of the road systems as a minimum for burnet, Braker, Rutland and MCCAL la, including the new instruction along these roadways, as well as a detailed traffic management plan for the moving of 20,000 fans in and out of the stadium. This analysis does not require a site plan. This analysis should include infrastructure for roads, parking, pedestrian traffic and there should be a cost of necessary improvements and a determination of who will pay.

[12:17:23 PM]

Three, the same analysis needs to be conducted for the training facilities and interim site the psp will need. Four, determine the legal ownership of the Columbus crew. Psv and mls in a document filed in the Franklin county common police court in Columbus, Ohio said mls, not psv owns the Columbus crew. We need to know who we are dealing, who can sign legally binding documents and who is responsible for compliance. Five, we need to determine the financing arrangements that psv and mls have in place and what happens if there's a default. And six, certainly not the least, is justify to the people of Austin why using this land for a for-profit soccer stadium is a higher public purpose than 24 acres of affordable housing or 24 acres of open space.

[Applause]. These issues must be resolved in a complete and transparent manner. People of Austin have generally not been supportive of public subsidies to private companies. Lawsuits or a referendum for election are costly and should not be necessary.

[Buzzer sounds] For citizens to get resolution on these types of issues. Thank you very much.

[Applause].

>> Mayor Adler: Next speaker is Carlos Leon. And on deck is Sharon Weintraub. Is Ms. Weintraub here? Okay. You will be up next at the other podium. Mr. Leon, you can start.

>> Carlos Leon. May 10th, 2018 to speak what's right.

[Please speak up] First and foremost, grace yays adios for letting me speak truth to power. Though most of my APD interactions have been much better with interim police chief Manley in charge, officer Monica Mccoy and Rene Moore, administrative supervisor central records, must be legally held accountable for their criminal misconduct against me.

[12:19:34 PM]

Documents with evidence that I handed to Manley in person may 7th in front of you now on record. Mccoy P an unwarranted pedestrian stop on me for lawfully crossing the street. Wrote a false charge on the ticket and lied to me about where to cross. Moore refused to give me a copy of Mccoy's dash cam video recording that I legally requested, disobeying the public information act and defying attorney general Paxton's explicit ruling 2016-10001, tampering with a governmental record by intentionally impairing its availability to harm or defraud me. That's a state jail felony per Texas penal code 36.10. On Monday, Manley publicly said on record that trust is at the core of his policing philosophy, including APD policing itself and paying attention to its records division. To achieve his goal of APD being trusted by all, Manley must continually keep his word by speaking through righteous action. Therefore, I expect Manley to direct APD to quickly and completely work with the office of the attorney general, the state bar of Texas and the public integrity unit to legally hold Mccoy and Moore accountable for their criminal actions. To officially punish and/or remove them and get that dash cam video to me asap. Expect me to publicly report back to you, the city council, about what Manley and APD do about this before you vote to make him our next police chief.

[12:21:40 PM]

Evil must be defeated and its works destroyed with transparency and integrity to make Austin the safest city in America with equal protection under constitutional law for all under God. In Jesus' name I pray, amen.

[Buzzer sounds] Thank you, Lord, God bless Texas, the United States of America, constitutional law and truth.

>> Mayor Adler: Thank you. Sharon Weintraub is the next speaker. Is Laurel Marotta here? You will be up next. Go ahead.

>> In 2013 I and other citizens and before the city council to protest the declaration by the Austin parks and recreation department, or referred to as PARD, that it would retroactively enforce rules that was first enacted by city council in 1978. In response the council required the city manager stakeholders and parks and recreation board to evaluate current cemetery policies related to grave or interment. This move was to be completed in six months. It has been over four years. The delay entirely due to bureaucratic foot dragging by PARD. In the next week I'll be providing you with another binder setting forth in detail PARD's refusal to comply with the 2013 resolution as well as its squandering of taxpayer funds, city resources and stakeholder time. However, there is a third example of PARD blatantly failing to implement an act by city council. This is its binder before you. The binder contains detailed testimony and documentation. In summary under the Texas health and safety code, a municipal court that owns a cemetery is authorized to create a perpetual trust.

[12:23:42 PM]

In 1992 Austin implemented such a trust pursuant to the Texas status, however there is not a single document to show that pard is in compliance with either state or city law, despite over two million dollars in expenditures from the trust. Kimberly Mcneely, acting director of pard, told me she intends to facilitate an operational review of the fund. Considering that the cemetery rules and regulations process has been dragged out by pard for over four years, it is questionable whether pard is going to be in compliance with state or city law any time in the foreseeable future. Until pard complies with state and city law, the cemetery's rules and regulations process must be put on hold. Had pard implemented the trust, stakeholders would have been able to donate for the perpetual care of grave sites, resolving many issues regarding grave site gardens and memorials and providing pard with significant funds for maintaining cemeteries. Pard's mishandling of the trust shows pard's complete incompetence or criminality. I urge you to Barney further actions by pard regarding the administration of city cemeteries until there's a thorough and independent audit. I and other stakeholders have never maintained that we should be able to do anything we want in the memorial parks. We understand that reasonable regulations are necessary and all we've ever wanted to do is sit down face to face with pard and negotiate in good faith. We agree that city council has the authority to impose new rules and regulations for future grave sites. The only issue concerns existing grave site gardens and memorials, some decades old. As will be set out in the upcoming binder, pard has neither the ethical or legal right to impose new regulations that require the destruction or desecration of additional memorials.

[12:25:45 PM]

>> Mayor Adler: Thank you.

>> And really -- please, read the binder.

>> Mayor Adler: Thank you. Is Sharon Blythe here? You will be up next at this next podium. Ms. Marotta, you can go ahead.

>> Good afternoon, my name is laurel. I have lived on calico drive, which feeds into palace parkway, since February of 2014. Last summer my doctor recommended that I walk at least a mile a day. I started walking up palace last June. I could not believe how fast traffic travel odd palace parkway of the speed limit is 30 miles per hour. Within the first month that I walked, I was almost struck by two different cars on palace parkway. So I contacted the Austin traffic department to discover steps I could take to help make our neighborhood safer. Ms. Kitchen, I'm one of your constituents and I would like you to hear this, please.

>> Kitchen: After this I would like to meet with you. Go right ahead and I'll listen. Sorry.

>> Mayor Adler: At this point you need to speak to the whole dais.

>> So I contacted the Austin traffic department to discover steps I could take to make our neighborhood safer. I worked with Jennifer Norris Nielson to get a petition for traffic calming devices. I talked to the

Austin police department district rep on a real basis. Jennifer turned in the petitions on August 18, 2017. Both Jennifer and I have asked the Austin traffic department for updates on the petition through email and voice mail on several occasions. Other neighbors have also asked for updates. We have heard nothing. There are constant property damage accidents on palace. Some of the accidents were caused by vehicles driving 70 miles per hour. Many pets have been injured or killed. I drive the speed limit and have almost gotten rear-ended on several occasions. I have been the recipient of rude gestures and even road rage incidents.

[12:27:45 PM]

Last week my husband was passed on the right as was southbound trying to turn on to calico from palace. This is Harry. On April 19th, Harry, our beautiful smart cat, was struck by a speeding car on palace. He lied on the side of the road for two hours dying until one of the neighbors found him and told us. We rushed him to the vet. The the only thing the vet could do to help him was to euthanize him. For \$300 we now have our Harry in a box. I am heartbroken, but losing Harry has galvanized me because a walker, a child, a parent pushing a stroller, a bicyclist, someone could get killed. Someone is going to get killed. There have been several close calls already. If I do nothing, I am almost as bad as the person who is speeding. I have brought emails from several neighbors which I have given to the secretary. I want to know when we are going to hear about next steps. I want to know about how the Austin vision zero initiative applies to our neighborhood. I want to know how you are going to help us protect our neighborhood.

>> Mayor Adler: Thank you. Okay. After Ms. Blythe talks, the next speaker is going to be Caroline Staley? Is Ms. Staley here? Then the next speaker, Richard Franklin. Is Mr. Franklin here? The next speaker would be nailah sankova. You will be up next. Ms. Blythe.

>> Good morning. Afternoon now, I guess, mayor and council. My name is Sharon Blythe. I am here to discuss a compliance issue with the city cemetery contract. In 2013 the city of Austin council voted and awarded the city cemeteries burial contact contract and internment services.

[12:29:50 PM]

The previous company who had had it for 23 years was terminated for poor performance. It turns out that both companies were owned -- are owned by the same person. During the contract discussions in 2013, the parks board, their working group, the city council and citizens all agreed that no contractor burial company would store equipment overnight at these sacred places. The contractor shall be responsible for removing all equipment and supplies on a daily basis. See the slide up here? That's exactly from the contract. The equipment was not stored on the grounds from 2013 to 2017 and burial services continued without a problem. The parks department now allows the contractor to store his equipment on cemetery ground overnight in violation of this contract. Parks first response to me was that the contractor is in violation, then parks wrote again reasons why they are now letting his review



you use. Those reasons does not address the storage overnight, however. The contract is clear on this and no burial equipment will be stored overnight on a city cemetery. There are no burials at night in a city cemetery. So equipment is not needed to be stored there. This action by the parks department shows their disregard for city council and they are allowing an already overpaid contractor to make more money. To allow this usage rent free raises questions that something else might be going on here. And a good manager will want to look and dig in further into this matter. The contractor should arrange his own storage for his equipment outside the cemetery overnight as was done previously. I ask that the city manager ask the parks department to comply with this contract provision. This is important since this is an historic property, property building being run down by a contractor's use.

[12:31:54 PM]

I am happy to answer any questions and I'm available to meet at any time. And I appreciate your attention. Thank you very much.

>> Thank you. The last speaker is Robert McDonald. Is Mr. McDonald here? No? You will be our last speaker. You may begin.

>> Good afternoon. We get two minutes or three?

>> Mayor Adler: Three minutes.

>> Okay. It's been awhile since I've been here. Hi. My name is nailah sankofa. I will be -- this is the first time I'm saying this out loud ever. I will be a 30 year resident of Austin this next year. And with that when I first moved here, I moved to Austin without a car and I did that with the confidence in knowing that there was a bus system back then. And it's obviously changed in 29 years. And these changes coming up on June 3rd are going to greatly negatively impact 80% of the riders that use capital metro. And I know you all have heard from a lot of folks about this, but you haven't heard from me. And so I gave up my car in 2005 on purpose, intentionally, and so for the last 13 years I've been getting around by public transportation primarily. And with that I know that Austin's public transportation system extremely well. I actually know the routes, the drivers and the system better than the people who give information at the customer service line. So one of the things that's really, really -- really upsetting is the fact that with the changes, a lot of routes or parts of routes are going to be eliminated that are going to disenfranchise and again negatively impact poor folks, people of color, thank you, and the Latino community, especially women with children who use the bus to get their children back and forth from school.

[12:34:22 PM]

So the number 2 rosewood, part of that, the end of that route -- I'm sorry, I don't remember the name of that neighborhood, but it's off of -- east of Springdale and oak springs and on the east side east of givens park back there. So that entire route is going to be eliminated. You all do know, and I'm saying

this to you because you are the city council, you are the ruling head of this city, who is allowing a company, cap metro to determine the fate of the mobility of your citizens. And it's the citizens who ride the buses everyday for years like myself, and that's our only means of transportation, who matter. Not all of these people who are just moving into town about to buy these three and 400,000-dollar houses that are going up in our neighborhoods, gentrifying our neighborhoods as well as making downtown this hi-rise metropolis. I'm trying to say montopolis. But anyway --

[buzzer sounds] , -- You need to look at what's happening to cause a lot of problems. There's a photo at seventh and lavaca where buss have to turn. There's major construction going on there and a lot of drivers are concerned they're not going to be able to make that turn safely or effectively with that construction going on there. And there are no bus stops anywhere for 12 blocks when those buses get changed to that route. Pay attention. This is not right and you all need to do better than this. Thank you.

>> Mayor Adler: Thank you. Those are all the speakers we have. That gets us to the dais. Councilmember pool made a proposed amendment. Is there a second to the pool amendment? Did I get that already?

[12:36:23 PM]

I think Ms. Houston seconded that already. A discussion on the amendment? Councilmember kitchen.

>> Kitchen: I appreciate councilmember pool bringing forward the amendment. I can't support it because, as I said before, I don't support anything other than leaving the language in the charter the way it is. And I believe if we go down the road trying to add parsing out criteria for what that charter language means, we will -- not intentionally, but we could end up watering it down. So I don't think the problem is with the language in the charter. I think the problem is that the process that we had in place prior was not clear and we did not deliberate as a whole and look at our appointments in the way that we should have. So I'm not going to be able to support it because I don't support any language that attempts to put in place criteria because I want to stay with the language that's in the charter.

>> Mayor Adler: All right. Are we ready to take a vote on the amendment? Ms. Houston?

>> Houston: Mayor, I have talked with councilmember kitchen on her page, second page, a friendly amendment to just say to ensure that future appointments comply.

>> Mayor Adler: Okay. Let's go ahead and hold off on that until we've voted on councilmember pool's and then we'll come back to your amendment. Further discussion on councilmember pool's amendment?

>> Pool: I'd be happy to entertain that as a friendly on my amendment?

>> Mayor Adler: Are you making it to hers or Ms. Kitchen's?

>> Houston: I think it's yours, but I'm getting confused. Let me look and see.

>> Mayor Adler: I misunderstood you then, Ms. Houston. And where is it?

>> [Inaudible].

[12:38:25 PM]

>> Houston: It says future appointments comply.

>> Mayor Adler: I'm not seeing --

>> Houston: The whereas at the top of the page, the city council believes that this resolution will ensure that future appointments comply with article -- do you see that?

>> Mayor Adler: Second page, at the top of the second page. Are there any objection to that change being made to councilmember pool's amendment?

>> Houston: She already has it in there.

>> Mayor Adler: It's already in there. Ready to take a vote? Councilmember pool.

>> Pool: I just wanted to say one thing. I wanted to reiterate that my attempt to bring the two disparate pieces together was in large part, mayor, as an acknowledgment of the conversations that you and I have had over the past little while about I know you were concerned about trying to achieve a definitional clarity. And I know that my work, along with councilmember alter and tovo and Houston, has been an attempt to provide that. Since that was a specific ask on your part.

>> Mayor Adler: Okay. Further discussion? Those in favor of the pool amendment, please raise your hand? Pool, alter, mayor pro tem, Ms. Houston. Those opposed raise your hand? The balance of the dais. Councilmember troxclair continues to be off for these votes. We're now on in front of us consideration for the kitchen motion with a change that was made deleting that one phrase in the conversation with mayor pro tem and Greg Casar earlier. Further discussion? Mr. Flannigan.

>> Flannigan: I think, councilmember Houston, you want to make this your amendment to now the kitchen --

>> Houston: He just did. The mayor just said for future.

>> Mayor Adler: I didn't quite say that one yet. Is there any objection to adding for future nominations? With the understanding that even without future nominations, we could have a tool with us at the beginning of next year to deal with existing nominations as well.

[12:40:38 PM]

So I have no problem putting in that language.

>> Kitchen: Not next year, June 14th.

>> Mayor Adler: Whatever it is. We're not limiting yourselves to that. Any language to that language being included? Hearing none, that's included. We have the kitchen motion in front of us. Councilmember pool.

>> Pool: One additional concern that I want to see if we can maybe address is the possibility that the charter amendment may fail at the ballot box. Probably won't, but we are in fact resting a lot of our decision making here today on what the voters may do in November with regard to changing the charter language. I just want to point that out. I, generally speaking, am comfortable giving the voters of the city that power. So it will be important for us all to be sure that we educate on these charter amendments to make sure that the specific pieces that are necessary in order to achieve clarity in the charter do in fact pass because a lot of what we're talking about here today is relying on both that language being put on the ballot and then it passing.

>> Mayor Adler: Okay. We'll take a vote. Those in favor -- yes, councilmember alter.

>> Alter: Thank you. While I appreciate councilmember kitchen bringing this forward to address one piece of the puzzle, the process, I'm not going to be able to support this motion. I can't support something that doesn't put to bed the issue that we have more than one-third of our members who are directly or indirectly connected with land development and real estate. I believe that's a violation of our city charter and I believe that we have the power to remove planning commissioners in this instance and that we have procedures that are laid out in the words that I put up on the screen earlier. My opinion is that a licensed architect, engineer or other professional involved in building would not be considered by the voting public to be a layperson.

[12:42:46 PM]

That's my opinion and I -- I bet that a majority of voters would share that opinion.

>> Mayor Adler: Ready to take a vote? Councilmember kitchen.

>> Kitchen: I just wanted to say again because we've had a lot of conversation back and forth, that I -- I respect everyone's -- I respect everyone's opinion and I hope that others will respect my concern that I think that we don't have a process in the charter right now to remove planning commission members and I think that we've got to get that in place. So I hope that we can all respect each other's differences of opinion with regard to what is the legal route to go in terms of getting us all to the same place because I think we all want to get to the place where we're in compliance with the charter.

>> Mayor Adler: Okay. We'll take a vote. All right. Those in favor of the kitchen motion as amended, please raise your hand? Those opposed? Voting no is Houston, pool, alter, the mayor pro tem. Troxclair off the dais. The others voting aye. It passes. Councilmember, that gets us to 12:43. I would point out that executive session shown on our agenda, items 59 to 63, but we're not going to be doing executive today so those items come off the agenda. I'd also point out that there are something like 30 plus proclamations tonight. There's a series of certificates that are being given to a group. We'll expedite as quickly as we can, but I don't think anybody should count on us coming back from dinner and starting earlier than 7:00. It is 12:44 right now. Do we want to try -- what time do we want to try to come back

here to start work? It's a quarter to 1:00. Do we want to come back here at a quarter to 2:00? 1:00 tariff? 1:45? Let's do that.

[12:44:48 PM]

Maybe we can start taking care of matters before the 2 oak call. So at 12:44 we'll stand in recess. Let's try to everybody get back at 1:45.

[1:58:11 PM]

>> Mayor Adler: All right, I think we have a quorum here. Maybe we can move forward on some stuff. It is 1:58. May 10, 2018. Councilmembers, I think there's some things we might be able to handle quickly before we do the consent zoning. I would recommend that we do item number 14 which has an alternate, it goes to audit and finance committee. Some other people have talked about potential changes going to municipal court or other things, all of which I would be okay with. But in this interim period of time, it would go to audit and finance and then let people come back with changes. I would suggest we do 14, then we do 46, which doesn't seem to have any opposition, if we're not going to have a lot of speakers, that's the people's plan, everybody signed up yes. 56 is the joint sustainability, and 91 is the lease, I think we can get through that quickly, then zoning consent. After that we would call item 18, which is the special events item. But that's how I would suggest that we proceed. Okay? So first of those things would be item number 14, which is the ethics deal. I handed out something this morning. Mr. Casar said something other than the whole city council, cumbersome, in conversations threat we would send it to audit and finance committee in case there is an appeal as a way to handle that. Councilmember pool.

>> Pool: Thanks, mayor. And while we continue to kind of work through what the process may look like, I'm fine with going with your amendment that includes the audit and finance committee.

[2:00:19 PM]

I think councilmember Casar's comments about the city council as a whole being probably not the best venue for it, we also need to be fairly nimble and some of the concerns about audit and finance are we may need to call special meetings in order to act on those subpoena issues more quickly. I do agree with those who are saying that these are probably -- the situation will probably be few and far between so I'm fine with proceeding with your amended version 2 and then let's track it and also make sure that that is in fact the best solution.

>> Mayor Adler: I'm wide open to other solutions.

>> Pool: I would say that muni court probably would also not be as good because they have dockets pretty well packed and stacked and we need to be nimble.

>> Mayor Adler: Okay. Any objection to changing out option 2 for verse 2 for version 1? Okay, that's changed out. I don't know if -- was there a second to this before? By -- councilmember pool seconds. Any discussion? The section should be called in section F, don't call it appeal to council, just call it appeal. If no objection, we'll take out the words "To council." Hearing none, those words are taken out. Those in favor raise your hand. Those opposed. Unanimous on the dais with councilmember troxclair gone. Item number 46, which is the people's plan. I brought this item to just have the -- to move forward with the recommendation that came to us from the displacement task force which was bringing forward the -- some items they were recommending that's been called the people's plan and it basically asks our staff to vet them for us to look at things -- some of these things we've already started or are already doing but to reconcile all of that.

[2:02:30 PM]

Is there a second to that motion? Councilmember Renteria seconds that. Any discussion? Let's call the speakers in case they are here in case they want to speak. This is item number 46. Is Gus Peña here? Is Vincent Harding here? Is David King here?

>> [Inaudible]

>> Mayor Adler: Okay. He needs to come in if he wants to talk. Susana Almanza. What about Pedro Hernandez? All these people have signed up in favor. Monica -- come on down.

>> She's coming.

>> Mayor Adler: Monica Guzman. What about Fred Lewis. Fred McGee.

>> Mayor, I'm donating my time to Susana Almanza.

>> Mayor Adler: That will be fine. David, do you want to come on down? Take your time. This is the people's plan. That's okay.

>> Thank you. Yes, and mayor, I thought I would donate my time to Fred McGee, but I don't think he's here. The people's plan, that's really an important priority for the city. The people have spoken. The people who are being impacted by the issues that are challenging our city today, displacement and gentrification, the negative impacts of gentrification, they have spoken. This plan has come from them. And so I think that it should be a priority of this council to look at that plan and to come up with specific strategies to implement components of that plan. And I think it should be the top priority of this council to help those families now.

[2:04:31 PM]

And I just have to say and echo a previous speaker's comment about how we are rushing so rapidly to help a professional soccer team, a private equity firm get access to our publicly owned land for a soccer stadium even as we see people suffering and being displaced and being pushed out of our city because of the housing affordability issues. And I think that should be a priority of this Springfield. We should be putting resources behind that. And I think we should be looking at this plan, it should take precedence over codenext because I believe codenext is not going to help our middle income and our low-income families. I think it's going to hurt them. And therefore that's why I think the people's plan needs to come first and we need to continue to work on codenext and make it a plan that does help our middle income families and our low-income and our communities of color. Thank you.

>> Mayor Adler: Thank you. Cindy gesavoy. No? Zenobia Joseph. And Susana Almanza, you will be on deck. And Zenobia is going to speak first, Susana, you will speak second and you will have donated time. Ms. Joseph.

>> Thank you, mayor, I'm Zenobia Joseph. I did go to the people's plan gentrification meeting that was on Sunday. And one of the things that I asked them about specifically was transit. I didn't see transit specified in the draft resolution so I'm neutral on the item and would ask the city manager to take a look at transit as it looks at displacement. I specifically will use route 17, which is where we were located on Sunday, which is by the old Johnson high school, specifically in that area.

[2:06:39 PM]

If you put a big X in the area, you will realize that the bus will only go in that neighborhood school trippers. So that's a reality of what's happening in the neighborhoods. As it relates to displacement. And I mentioned this last week when I spoke, specifically -- or on the 26th. Specifically on Parmer lane, for example, you have affordable housing, but the nearest bus stop is three miles away and we know that that's unrealistic. In order to get to the nearest bus stop, roddingham and shopshire off of dessau road, three miles is a long walk. If you're trying to get to Samsung it's two .2 miles to the nearest bus stop. Even in your institutional racism, the plan you have, transit was not a high priority. So one of the things that's ingally important is as you're trying to reach the low and moderate income individuals, which is the first part of that resolution, is they probably need affordable housing, yes, but they also need transportation. I'll give you another example, which is specifically north Lamar transit center, which is in councilmember Casar's district, which he never talks about, but specifically that particular space is going to be dismantled and you have hundreds of people that will be displaced. And affordable housing is across north Lamar. So it's north Lamar and highway 183. In order to get across that busy road people are actually crossing in the median. So I want you to understand that even when you have affordable housing in a centralized location, you still need the transit in order to get to where you're going. So I just can't emphasize enough the importance of looking at transportation as it relates to affordable housing and to recognize that as you move forward to please put transportation into the plan. Thank you so much. If you have any questions, I'll gladly answer them at this time.

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

>> Good afternoon, mayor and city councilmembers.

[2:08:40 PM]

I'm Susana Almanza with poder and also with the eastern crescent right to state coalition. I want to say that the people's plan, and I want to thank the mayor's anti-displacement task force for bringing the people's plan forward. And I also wanted to thank

the following: The environmental commission, the zoning and platting commission, the hispanic-latino quality of life commission, the African-American quality of life commission, raise a round table, eastern crescent right to stay. Montopolis neighborhood association, the southwest combined contact team and so many others that have endorsed the people's plan because they know the importance and the gentrification and displacement crisis that is currently facing Austin. But what we currently want to say is we don't need any more analysis and studies. The six-point people's plan, our priorities is a low income housing trust fund and we want to make sure that 16 million in this year's budget when you look at the budget goes into the establishment of that low income housing trust fund. Too, we don't think Kathie tovo's resolution on the right to return should be delayed because that was scheduled to come back on may the 30th and I think we need to move that forward. The other thing is that the use of public land, you have passed two separate resolutions in three years about doing a pilot project on city-owned land for low income housing. You call it affordable, but we're calling it low income because affordable isn't really affordable when the median income for a family of four is now \$65,000 in Austin. So that is no longer affordable. So we're saying these three high priorities and also the neighborhood combined district is also a priority that has been used in seven different neighborhoods. Yes, they're mostly all white neighborhoods, but these are the tools that have been working that should have been used in east Austin to conserve and preserve the neighborhoods.

[2:10:46 PM]

So those tools are already in place. And then looking at the infrastructure we just need to make sure for the flooding that that money is appropriated there and that through our fees, our drainage fees, that we use that drainage fees for residential and not just commercial. And so that's real important. So for us is that the people's plan needs to move forward in action, not any more analysis or studies. You've done a lot of those. You have over 500 resolutions that have passed within 10, 15, 20 years and only a few have been instituted. I'd hate to see the people's plan become another plan that just sits back there, again being analyzed and studied and not moved forward when the council right now has the power to move these things forward. And to identify your studies, institutional racism study, the housing blueprint study, the hispanic quality of life study, the African-American quality of life studies. All these recommendations are on all of these studies and things that the council have had the community invest hundreds of hours in coming up with solutions. And so whoa really would appreciate is if you would implement these projects, not delay them. And not overanalyze them, but come up with a strategy on how do you implement the people's plan and how do you make these things a priority so that something does happen. Because I can tell you right now we're going to have over 40 families are going to be



displaced at the mobile home comfort park. We had six acres at Levander loop which we said should have already been built for less than one million to do a mobile home park.

[2:12:47 PM]

We are going to have over 300 people displaced at the country club apartments on Riverside and pleasant valley. Where are those 300 people going to go? We're going to have the fort branch -- that's are two affordable housing projects that have now met their time and someone has purchased them and they're going to be flipping now to market rate apartments. Where are those 300 people going to go from the fort branch apartments when they transfer over to market rate? So we have right now over 600 plus people that are going to be displaced really soon by the end of this year or the beginning of next year and we don't have those spaces available. We're in a time crunch not for luxury apartments and condos, but for building low income housing.

>> Mayor Adler: Thank you very much. Has anybody else signed up publicly to speak? I think that's everybody. Mayor pro tem tovo.

>> Tovo: I appreciate the concerns you've raised, Ms. Almanza, and that was one reason why I was particularly keen on seeing that last be it further resolved in here that the action will not prevent any related ideas, programs or initiatives for moving forward during the period in which the city manager is conducting the above described review, because it is as you've said several of these things are already in progress and ready to move forward and it is important to have action as quickly as possible. So thanks for raising that point.

>> Mayor Adler: Thank you. And I want to thank the people that worked on this and the people that have reviewed it, the task force, the race -- institutional racism task force, everybody that's been involved. And I look forward to being able to pick these and the other ideas that are coming from the community, the best ones, and have us move forward. Hopefully we're not picking one or two things that we do, as many different things in as many different things that we think will work. Anything else before we vote?

[2:14:50 PM]

Mr. Casar?

>> [Inaudible].

>> Mayor Adler: Come on up. State your name for the record.

>> My name is Pedro Hernandez, good afternoon, mayor, city councilmembers. I want to say real quick that I am in support of the people's plan, but what we don't need is another study or another analysis. We've had plenty of that. I want to enforce three points of the people's plan that should be enacted now, which is the first one to create low income housing trust fund. Second one, to adopt a right to stay,

right to return resolution. And the third one is to use city-owned property for low income housing such as the possible site for mls soccer stadium, which councilmember Leslie pool and councilmember Alison alter suggest might be a better use of that site for affordable housing. That's all I had to say.

>> Mayor Adler: Thank you very much.

>> Thank you, sir.

>> Mayor Adler: Any further discussion on the dais? Councilmember Casar?

>> Casar: I wanted to reemphasize the mayor pro tem's point, which is that some of these things currently being studied, are currently in process and this wouldn't slow that down as far as the -- as far as the housing trust fund goes, I think we need more you money in the trust fund. I think we wanted to add four million dollars or so to the trust fund and we only were able to get to two million. So we have already about a four-million-dollar goal that we're having trouble reaching. So I would encourage everyone in the community to come talk to us during budget cycle since we have to set budget every year, to try to get that number up. On today's agenda because it goes on consent, people don't always notice, but we did bring about a million dollars into the housing trust fund because of what I see as a new culture in the legal department of holding landlords more accountable, and we got about a million dollars from a negligent landlord in district 4 into the trust fund.

[2:16:57 PM]

And so I appreciate that that's part of the plan and something we need to keep ourselves moving on. If we want to get to \$16 million we have quite a ways to go. And also as far as our city owned land and city owned property, I want to update the council and the community that we've done almost every weekend block walks in the St. John community in order to change that Home Depot to be something and affordable housing and so we appreciate that being emphasized here. And I had one other thing that I had, but I can't remember it so we can move on. But the idea is that some of this stuff is ongoing and does need to -- I think just needs to continue to be worked on now while there may be other parts of of this that the city manager needs to sort out how it would be. How it would be doable and what its impacts might be.

>> Mayor Adler: And the discretionary call, putting the two million in, while it was not the the full way we wanted to go, it was still substantially more than anybody has ever done before us. So we're certainly again doing things now. Ready to take a vote? All those in favor? Those opposed? Unanimous on the dais, Ms. Troxclair off. Thank you very much.

[Applause].

>> Casar: And I remember what it was, mayor, which is that I believe what we passed here was about 20% of the bond being affordable housing, but I think that this time around we should do more and I think that we all got a letter from about 14 groups pushing for up to \$300 million in the affordable housing this year and I hope that number continues to grow.

>> Mayor Adler: Okay. Let's call up item number 56, which is the joint sustainability measure. No one signed up to speak on this. Does someone want to make a motion? Mr. Flannigan?

>> Flannigan: So I passed out two possible motions, option 1 and option 2.

[2:19:00 PM]

Option 1 is what we discussed in work session, which would have one each of the council committees for transportation, social service and housing, nominate an individual to joint sustainability that the council would then approve. That's option 1. Option 2 is just restoring the joint sustainability to its composition, removing the extra three by council and having it remain the committee of committees as it was originally created before 10-1. I'm going to -- with permission, mayor, move option 1, move to approve with amendment that I've laid out as option one.

>> Mayor Adler: Mr. Flannigan moves the amendment with option 1.

>> Pool: Point of order. I had worked with staff to put those changes to put in backup a revision on item 56. So we should not need to amend what is in the backup because that should reflect the changes that were offered up with the council committees making appointments and then that coming directly to council and our legal staff is here that worked on it. Neal is here and he can speak to that.

>> Mr. Flannigan.

>> Basically the backup should have what the -- what Jimmy is saying, councilmember Flannigan is saying is the amendment backup that -- I don't know because I just got his amendments. So maybe our legal staff can talk to it.

>> Mayor?

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: I handed out these amendments on Tuesday and first thing this morning but the backup in the agenda has not changed. It is still the original backup from April 30th. There's no new backup posted online.

>> Pool: Good.

[2:21:01 PM]

Well, there should be.

>> Mayor and council, Neal falgu for the law department. This backup is the same that was presented for the last meeting. I believe we were under the impression that there was going to be a motion from the dais.

>> Okay. All right.

>> So we have backup. Mr. Flannigan has moved adoption of this with the paragraph subsection B as contained in option 1. Particular seconds that.

-- Mr. Casar seconds that. Now we have a discussion on the option 1 amendment. Any discussion? Ms. Houston?

>> Houston: Councilmember Flannigan, can you tell me what the difference is between the one that's posted in backup and the one you passed out as option 1?

>> So the one that's posted in backup is what we discussed on Tuesday where the audit and finance committee would make all three of those nominations. So the option 1 is what I brought up on Tuesday which is to have one each of these council committees make a nomination.

>> Mayor Adler: Mayor pro tem?

>> Tovo: One thing I wondered about in our meeting on Tuesday, we currently have someone representing housing interest from the CDC and we currently have somebody representing transportation issues from the urban transportation commission and so of those three additional appointees we're going to be doubling up in some areas on those topics, housing and transportation are of course very important and public health wouldn't be represented. So another option would also be just to appoint somebody from -- to represent public health interests on that rather than having -- having a commission that's then comprised of two housing, two transportation and then one from each of the other area groups. I don't feel tremendously strongly one way or the other, but it's an option.

>> Mayor Adler: I don't feel strongly either, but if it's me I would let the ones that are identified do it because it covering everything.

[2:23:07 PM]

May not cover public health, I hadn't thought about that. I would probably make one more person and have them come from public health if it was just me writing this because everything else seems to be covered in the committee of committees. I'm seeing a lot of yeses and people shaking their head. Councilmember pool.

>> Pool: So when I had the conversation with Mr. Falgust in my office about bringing this amendment as an amendment, which I thought I was actually, but apparently not, we talked about changing the names of the council committees to the names of the council committees, mobility, public health, housing and planning planning. Law can speak to this as he did in my office, but there was a reason that we went with transportation,

[indiscernible] And housing.

>> That's right. We recommended not naming a specific council committee in the ordinance in the event that there's a change to the council committee structure. We didn't want to have specific names of council committee in the code.

>> Pool: But the point being that these are the three other council committee topics.

>> Correct, yes.

>> Pool: So they broadly represent. And should this council or future councils ever change the names of any of these committees, then this would still be relevant because -- unless we don't have a transportation committee at any rate.

>> Correct.

>> Pool: But if we change the name. So the other thing -- thank you for that. And the other point that I wanted to make, and this referring back to something the mayor was saying at our last meeting, you were asking if the intention of the open space environment and sustainability appointments of three members was to balance the member to ensure that environment and sustainability and open space issues, policies and missions were reflected in this work. And the answer was generally yes, that was in fact a key provision. And I would like to make sure that that intention is carried forward with the joint sustainability committee appointments. It may be that it is well satisfied by the description of the joint sustainability committee, but I don't want to lose that in the conversation here on the dais that whoever is appointed by the three council committees in order to round this out in the absence of the committee that did have that original responsibility and because I lead on this resolution as one of the first things which I actually had forgotten that I did back in the early days of being on this dais.

[2:25:36 PM]

The key point is that all of these folks are supposed to bring that portion of you their experience and insights into the work of sustainability to -- sustainability for the city. So to the extent that this is just some rhetoric, I want to make sure that the intent is not lost before we move forward on these and so that we can ensure that years from now if the city clerk is asked what kind of experience is looked for in these appointments, we can point back to this meeting and say the interest of the environment, sustainability, was top of mind.

>> Mayor Adler: So to that end, and I thank you for your leadership in creating the joint sustainability committee from the offset. Do we want to strike transportation and housing from the list of three and just keep the social service? The mayor pro tem is indicating there's already a housing, there's already a transportation on here.

>> Kitchen: But you would need to change it back to one from three if you do that.

>> Mayor Adler: It would be adding one more spot from the social service, just from social service.

>> Kitchen: Right.

>> Mayor Adler: Does that work with people? That seems to be -- is there any objection to -- we're going to make the first change we have here about appointing a second member and as concerns subsection D it's going to say that we add one additional person and it will be the council committee that handles

social services. Okay? Any objection to that? Hearing none, that amendment is made. Those in favor please -- yes, Mr. Flannigan.

>> Flannigan: I wanted to thank the opportunity to to thank staff for their assistance drafting language for us and putting these two options together really to just give us the options. And I'm grateful for the dais moving forward quickly and that's why I'm going to stop talking now.

>> Mayor Adler: And that's for picking up this ball. Let's vote. All those in favor please raise your hand?

[2:27:37 PM]

Those opposed? It is unanimously adopted with troxclair off the dais. We're going to do item 91 and then we're going to do the consent agenda. Yes. Are.

>> Alter: Mayor, I just want to point out that at some point we may need an open space and environment spot for council to discuss issues. We don't have a place for those issues to be discussed right now. So I just want to point that out as we're talking about this because that would have been the other obvious place on to have this come out of.

>> Mayor Adler: It looks likes we also need -- going back to councilmember Houston's comments earlier, it looks like we need one on social services as well to download some of that work and that has to come up to council as well. Both of those two areas seem like there might be holes. Item 91, is there a motion to be made on this item 91?

>> Houston: No motions, just questions and some understanding about the process.

>> Mayor Adler: Okay. S so that we have a motion on the floor let's go ahead and make one. Mr. Flannigan moves item 91. Is there a second? Councilmember Garza seconds number 91. Is there staff up here that can comment and answer some questions for us on 91? And I note that there's one person waiting to speak on this. Mr. King, did you want to speak on 91?

>> Yes.

>> Mayor Adler: Come on down.

>> Thank you, mayor, mayor pro tem, councilmembers. I'm going to be brief. I'll just get to the point here. I think that a 10-year 31-million-dollar sounds to be a lucrative lease agreement to a company who has been so disrespectful and disparaged our communities, many of our communities.

[2:29:50 PM]

I don't think we should be rewarding them with this contract. I think we should send them a message, a clear message. I don't think if this were your business you wouldn't tolerate this. You wouldn't tolerate this behavior. And yet if you approve this, you're basically going to say that it's okay, you can treat our

communities this way and you can still get a contract with us, a 31-million-dollar contract. So I think our values should be greater than -- more emphasized on respect for our communities than on making money. And there are other companies in other locations. This is not the only option for us to look at. So I think it's worth throwing the hook back in the water and seeing if we can find another location and work with a different company that does value our communities. And doesn't behave like this company has behaved. Thank you for listening to my comments.

>> Mayor Adler: Thank you. Is staff here to answer some questions from councilmember Houston, please? Ms. Houston.

>> Houston: Thank you. And thank you to the staff of the municipal court for being here. Ms. Grub, thank you. I'm trying to just understand the process that was used to identify the temporary lease space for the municipal court, so I want to thank you for your patience in helping me understand how this all happened. It's my understanding based on the identification of the needs of the staff that the temporary location for the municipal court will house approximately 173 individuals, seven courtrooms, offices, public space, those kinds of things.

So the question is: In the development of the specification for the temporary location were there parameters for the amount of square footage that would be required?

>> We used the specifications from the previous two professional studies that were done to determine the square footage that we would need.

[2:32:00 PM]

>> Houston: But according to those -- is it 20 -- what's the date that those two studies were looking at?

>> One of them was the year 2020 and the other one is the year 2025.

>> Houston: So 2025 you would need 100,000 square foot.

>> 107.

>> 107 square feet. So that's kind of where you set the bar at let's look at --

>> We primarily looked at the 2020 study because that's just one year away. And that was 101,000 square feet. And we reduced that because we do recognize that this is a temporary location. So our need is around 84,000. But the building that -- the building that we are looking at has 96 in it.

>> Houston: Okay. And so I realize also that this was not a request for proposal or a request for information, so please describe the budget development process that the lease space that you all used to look at the lease space. Did you have this is the lowest amount we should be able to lease for and this is the high amount? How did that budget get established?

>> So we considered four different locations. And this was the lowest price per square foot plus operating expenses. And in the approval of this lease we are requesting that the budget office place the

lease amount, the rent, the annual rent, in our base budget, which would be funded by the general fund.

>> Houston: The general fund. So what's included in the base budget?

>> The base budget is the price per square footage plus operating expenses.

>> So insurance, maintenance -- what else could be in there? There's something else that I'm forgetting. Those are traditionally in the base budget but we're paying for those outside of that base budget?

>> Well, our current operating expenses --

[2:34:01 PM]

>> Houston: Taxes. Taxes are usually included in the base budget. Taxes, maintenance and insurance.

>> Correct.

>> Houston: So we're paying for that outside of the base budget?

>> Right now the municipal court base budget, we own the building that the downtown location is in and we lease our south sub. So that's all that's in our current base budget right now. For this this would be the entire lease amount for the new location.

>> Houston: But would it include those three things, the maintenance, taxes and insurance in the base budget in the proposed location?

>> The maintenance and taxes for sure. I am not certain about the insurance.

>> Houston: Can anyone answer that is insurance included in the base budget?

>> Mayor and council, Alex gale, interim counselor for the office of real estate services. The Texas and insurance are included in the rent and the annual expenses that are included for the -- the annual rent for the property at that center.

>> Houston: Say that again, please.

>> So the operating expenses, the base rent is 20.75 a month per square foot and the operating expenses are 5.49 a month per square foot. Those are included in the total amount for the per square foot rental amount.

>> Houston: And in the late backup it said that you had reached an agreement so the \$800,000 was deducted. Can you give me the total for that year that's different from what we have in our earlier backup?

>> So for the first year the center was going to be 21.50 plus the 5.49 amount originally.

[2:36:07 PM]



The the late backup the first year is going to be 20.75 plus the 5.49.

>> Houston: And that's what total for the first year? Because we had in our backup, \$4,416,000. So with that -- what's the total of that for the first year?

>> So the first year would still be the 1.825 million and the annual rent and operating expenses would be 2,519,000 and \$40. So overall over the 10 year course of the rent for the term is a net difference of \$808,949.

>> Houston: Over the course of the 10 years?

>> Correct.

>> Houston: So it appears that the 2.59 million will come from the court's general fund, is that correct?

>> If this is approved, yes. The budget office will place that money into our budget.

>> Houston: And where does that come from now? Where is that being housed now? Is it in the current general fund of -- and then you will all just be moving the 2.95 million over to the municipal court?

>> That's correct.

>> Houston: Okay. And so this is -- this is impacting the budget that we have yet to vote on, is that correct too?

>> I believe that it has already been allocated to our budget so it won't have a further impact. Must not has already been moved to the court's budget.

>> Houston: So it's already there for this next year.

>> 'Em.

>> Houston: And the 1.825 million is coming from the budget stabilization fund.

>> That ha has also been moved into our budget.

>> Houston: So my question is is that going to reduce our 12% that we're required to have in the budget stabilization fund?

[2:38:13 PM]

>> Elaine hart, chief financial officer. These costs are projected for the fy 19 budget. They would not have an impact unless there's a payment in this year's budget. The 1.8 million would come from the budgettization fund. When we close out the year we had a little extra money and so of the extra we are allowed to spend one-third of it for one-time items, and that would come out of budget stabilization. That would not affect the 12 percent. We would still meet the 12 percent. The annual rent for the new

space would be an obligation that we would fund out of the general fund revenues for next year's budget. So it would reduce the monies available for meeting other needs.

>> Houston: And that would be, what, every year from now on it would come from the general revenue? Would it be the 4.4 million?

>> It would be about two and a half million I think is the number.

>> Houston: Just two and a half million?

>> It's in the backup. I don't have the exact number.

>> Houston: I think it's a little more than that.

>> It runs from about 2.4 million up to 3.2 over the 10 years.

>> Houston: Okay. So that would be an automatic -- it would be just like our health insurance and salaries, that would be just part of the new budget?

>> Beyond the fiscal '19 year, the budget for that year, it would be a cost driver built into future budgets, yes.

>> Houston: Thank you. That's what I was trying to think of, cost driver. Thank you so much. So before you go, and Ms. Grub, you probably weren't here, but there was a bond in was it 2006 that provided some bonding capacity for a new courthouse that we've been talking about that's never been built. How much was that?

[2:40:14 PM]

>> I'm sorry, I don't remember the number, but the number was not sufficient to pay for the facility need. And we tried several times to find something that would be suitable, but we didn't have sufficient bonding to do the facility that we needed.

>> Houston: Okay. So thank you, Ms. Hart. Ms. Grubb, do you know if the request for funding, because I see on the presentations you've been making to us that there's going to be a consideration of a new design for I guess the north building because in all the presentations we've had this looks like the south building is the one that you really focused on. So for the north building, is the municipal court in the 2018 bond proposal? Where would we get the additional money to be able to realize a court in the northern part of the city?

>> To my knowledge that is not included in the bond proposal. For the last three-plus years, all of the discussion in regards to the discussion of a new facility has been to go with the public-private partnership. The same purchasing model that is being used for the permitting center.

>> Houston: Correct. And that's what kind of threw me off on this one. So would we be doing the same thing for the south center?

>> That is the vision, to do an rfp for the north center and then do an rfp for the south center after that.

>> Houston: Okay. Let's see license transit accessibility, that was the other concern that I had. And you you all came back and said that based upon your data that most of the people drive to the downtown location. So I'm not sure how you captured that data, but let's go with that. But I know there are people looking at the app that you gave us, that there are people who live outside of downtown who are transit dependent.

[2:42:25 PM]

So I've looked at some of the scenarios that it would take for the people in district 1 using capital metro to get to the proposed location, and if they caught the bus at airport and martin Luther king, it would take them 52 minutes one way and up to two transfers. If they left from colony park out close to decker lake, it would take up to one hour 52 minutes one hour and three bus transfers. And if they left from the H.E.B. At Ed Bluestein it would take one hour and 24 minutes one way and up to two transfers. To me this is a hardship on the people who may be transit dependent, although you say most of the people drive their own vehicles. What we're trying to do is get people out of their own vehicles and with the placement of this south location so far south, people are going to have to now instead of using public transit have to use their own car. So we're now adding to the executive the -- to the congestion. I know you've had your heart set on this and as I too told you on Tuesday, in the bond proposal the municipal court was one of the number one things that I thought we needed to be asking for bond money to move you all out of this space that you've been in. And it's deplorable. But there are other -- again, we've done such a poor job on infrastructure in this community that we have so many city buildings that are as bad, if not worse than. Some of our buildings in my district use port-a-potties. They don't even have bathrooms for staff to use. So I understand the issue, but again, I think that -- and I understand what people are going to say. This is an emergency and this is a priority, but I think this is one of those taj Mahal kind of things that we could have gotten something better if we had the ability to put another call out.

[2:44:27 PM]

I was looking at some data from the Austin tenant advisors. The average rental cost per square foot in the southeast part of Austin is \$24 per square foot. Now, with the discount that we've gotten, but at the other rate, which is when I was calculating this, it would be like 12.5% higher than what's normally available out in the southeast part of the community. So I'm just really concerned about the precedent we're setting. This is supposed to be a temporary space. 10 years feels like permanent. Once you get there and get all settled in it would be hard to move to a new location. But I'm sure this will pass. I won't be able to support it, though. Thank you so much.

>> Mayor Adler: Thank you. Further discussion on this item number 91? Councilmember alter.

>> Alter: I don't know if this is a question for Ms. Grub or Mr. Gill. It was any understanding that there was an out in the lease where if we find a location and it is built that we can get out of lease and we have to pay for the finishout cost. Is that correct?

>> That's correct. So for the 10 year lease there would be an out at the seven-year period if at that point we wanted to get out, we would be able to pay the remainder of what would be owed based on the seven-year term.

>> Alter: Okay, thank you. I'm going to ultimately support this, but it's not without reservations. I understand we need a new space for the people who are working in our municipal court and the people who are coming to court for citations, et cetera. I am very concerned that we not make it a common practice to let our buildings get to this level of disrepair. I have asked on a number of occasions that we have a better understanding of why we are not meeting our financial policy that requires us to invest a certain amount in annual maintenance, deferred maintenance kinds of issues.

[2:46:42 PM]

And I would ask the city manager -- I don't know if you have any sense of when you may be getting us some more information so that we can understand better the magnitude of the problem across the city and especially as we're looking into a bond. And I know the bond is to address that, but this is a financially I am pertinent kind of way having to finance this having to dip into your reserves, violate our financial policies by deferring this maintenance. We should be owning our facilities and taking care of our facilities, and it just -- just waiting until the last minute costs the taxpayers more. So do you have a sense of when you will be able to provide us that information?

>> Councilmember, I don't have right now, but I will get back to you with a timeline on that.

>> Alter: Okay, thank you.

>> Mayor Adler: This item has been moved and seconded. Any discussion? Ms. Houston?

>> Houston: One more question. Ms. Hart, I don't see her anywhere, but -- there she is. Is there any way that you can let the council know at some point what the -- what was the original bonded revenue for the bond in 2006, I believe? How much is left? And how much would be needed in bonding capacity to go ahead and do a public-private partnership, which is the model we've been using here lately, to be able to move forward to buy or purchase our own building both north and south?

>> Certainly. I think we can get out a memo yesterday -- tomorrow. We'll try to get it yesterday too.

>> Mayor Adler: You are so good.

[Laughter].

>> Yeah, we are. I always know you want it yesterday. We'll try and get it out later today, if not tomorrow. But I can tell you bell get the bonds that are already authorized and available. It's the amount that we would need for that I have in question.

[2:48:47 PM]

I may have to give you a range of numbers there.

>> Houston: And I guess this is my last question and then you can call the question. Do we know of any other options at this point for keeping the staff housed, keeping them safe and keeping the public in a place where they feel comfortable? Are there any other options out there?

>> I don't know of any. If they say where they are, we'd have to do some serious renovations and they would be costly as well.

>> Houston: But do we know how much costs those would be?

>> I'd have to defer to real estate on that. I don't have an estimate.

>> Houston: Okay.

>> Building services I think had an estimate. I would hate to try and guess.

>> Houston: Here they come.

>> Good afternoon, Eric Stockton, building services officer. The estimates that we have are based on repairs and remediation of various issues and hazards in the building and they range from three to six million at this point. But they do not address any of the other issues that are being addressed through this lease.

>> And I understand from a memo I think I got from you or something that we all got that there is asbestos because of the age of the building, but it's not disturbed. And so there's not -- that's not that issue, but it is -- it needs work. Somebody fell out of love with that building a long time ago and we need to try to love it again.

[Laughter]. But I'm not sure that \$31 million is the kind of love that we can afford in this city with so many other issues that we're going to have to deal with during the budget. So I appreciate you going out and taking a look at it.

>> Mayor Adler: All right. Are we ready to take a vote on item number 91? Mr. Casar?

>> Casar: We did receive a message from the municipal court judge and the municipal court clerk that they would look into how many people are transit dependent that are utilizing the facility now and come to us with ideas of how we begin to address that issue because my understanding is that we do not know currently how many people are transit dependent that are using that courthouse.

[2:51:06 PM]

But we won't be moving into this building if we approve this any time too soon because of the changes that need to be made at the center southeast. And so I hope and expect that we don't have to do that follow-up, but that instead the court will take it upon themselves to find out who would be challenged by this change and come to us with creative solutions without us having to do that. I hope that that's something that they take upon themselves.

>> Mayor Adler: Great, thank you.

>> Renteria: Mayor, I'll be voting no. I just couldn't -- and I know that there's -- we really need to -- desperately need to move people out of that location. But I want to send a message to those people who send this kind of message, to personally insult the people of my district, Emmy hispanic district, and we're not going to tolerate that. That's all I have to say. And I love my court staff that we have there and the judges, but we are in a period right now of what's going on here nationwide, and we need to send a message also saying, hey, we're not going to tolerate that.

[Applause].

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

>> Pool: I think I may be abstaining for the same reasons. I have to say that I think that civil discourse has gotten really low lately and I know that folks who put the map up thought that it was cute and I think they need to think really long and hard about how people would have received that message. And it was disrespectful of all parts of the city. And some more than others. But to look at the city that way really was surprising from somebody who was trying to sell the city. So I'm looking at abstaining, and I completely support moving the municipal court.

[2:53:12 PM]

And so I wanted to get that into the record because our municipal court staff know that I have owe for quite awhile strongly supported this move.

>> Mayor Adler: Are we ready? Mayor pro tem?

>> Tovo: Yeah. I've gone back and forth over the course of this week about how I was going to vote for the same reasons that my colleagues have mentioned. Including councilmember Houston's concerns about the high cost. But fundamentally for me I thought the map and the marketing materials, as my colleagues have said, were really inappropriate, disgraceful and it concerns me a bit to -- as councilmember Houston said, to be entering into an agreement to spend taxpayer dollars with a company that produced it. I will say, though, I understand it is also my understanding that the company - I appreciate the statement and the apology and the willingness to move forward and use this as an opportunity for growth and I also appreciate that this is, one, the right that the municipal court needs a new facility, and two, that this would bring activity and development into an area of the city that is really in need of it. And so I will be -- I will be supporting this, and I look forward to hearing more from the company about what their plans are moving forward for -- and I understand there's a real

commitment to doing so and working with the community and doing so in respectful and productive ways.

>> Mayor Adler: Councilmember

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I will be supporting this also for the reasons that the mayor pro tem and others mentioned. And I just want to say also that the only thing that is helpful in terms of the incident that came out with regard to the marketing materials was that the company responded very, very quickly, immediately.

[2:55:30 PM]

And responded immediately, apologized and went beyond apologizing in terms of taking steps to make sure that that would never ever happen again. And so although I don't -- I certainly don't condone what occurred, I am encouraged by the actions that they take -- took proactively to -- to address the issue.

>> Mayor Adler: Ms. Houston.

>> Houston: Before we close, I see Mr. Salinas back at the top. If he would like to come down and maybe speak to some of the concerns. Some people don't read the paper, don't get emails, and so it would be helpful for us to have that apology on record.

>> Mayor Adler: And you can go ahead and sit down. Thank you.

>> Councilmember, mayor and council, trey Salinas. Thank you, councilmember, for the opportunity. As councilmember kitchen has said, the company moved as quickly as they could. They felt horrible and there's no excuses, period. But what we're trying to do is work with the community proactively with the elected officials and community leaders in southeast Austin to come up with a plan, an outreach plan and a community input plan where the company can bring some positive benefit to the community and take this very unfortunate situation and turn it into a benefit for the community.

>> Mayor Adler: Thank you.

>> Houston: I think I'm speaking more of training or experiences as far as --

>> That's right. And there's another thing we have committed to, that the company has committed to. The entire staff is going to be going through sensitivity training and we're working at identifying the groups, they are going to come in and put everybody through it and they are anxiously looking forward to it.

>> Mayor Adler: I wrote and published a statement and posted on Facebook.

[2:57:36 PM]

That contains my sentiment. I want to say I appreciate the sharing of the post that the president of houston-tillotson did. Those in favor of 91 please raise your hand. Those opposed. Renteria and Houston voting no. Those abstaining, councilmember pool. The others voting aye. Troxclair off the dais. That passes. Let's call the consent agenda, planning. After we do the consent agenda on planning, we're going to go to the special events ordinance. If,

>> Thank you, mayor and council. Greg Guernsey, planning and zoning department. First item for consent item 64, case c14-2017-0067. I understand councilmember alter --

>> Mayor Adler: Hang on one second. I forgot to do this. Stay there. Going to take just a second. With regard to item number 57, which is the bond update, that's been withdrawn so you can pull that off the pending agenda, item number 57. With respect to item 56 while we're still all on the dais, staff has asked for clarification and how that impacted the total number of people on the joint sustainability committee. I think to sum up what we did is we added one commission has someone now. That gives a total of 12 people. And then we added one more person, a 13th person to be appointed by whatever council committee. The total membership of the committee is 13. Is that everybody's understanding?

>> Hi, sorry, Deena Estrada, coordinator. There are currently three stakeholders, three commissioners who were appointed by the open space and environment committee who are currently serving. That's what we're trying to get clarification on.

[2:59:36 PM]

Are two kicked off immediately or were you adding a now 12, 13 -- 15th person?

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: I think it's appropriate to let them serve out their term. Let them serve out their terms.

>> Mayor Adler: Any objection to them serving out their terms? They will serve out their terms.

>> Their terms end February of 2019.

>> Mayor Adler: Okay. So let them finish out their terms. And thereafter it will be the 12 people that are shown in the amended deal plus one, that one city council committee appointment.

>> Okay. Thank you.

>> Mayor Adler: And that is without objection the sentiment -- that's what we meant to do. Even if we didn't say it, that's what we meant to do. All right, Mr. Guernsey, now.

>> Thank you, mayor and council. I believe councilmember alter wanted to speak briefly on item 64 and my would read something into the record but we can leave 64 on the consent agenda.

>> Mayor Adler: Okay.

>> Alter: Jerry, do you want to go first?



>> Jerry rusthoven. I've handed out a clay if I -- clarification. Previously spoke of a 450 trip cap which would be the predicted under a self-storage use. The applicant never agreed to that. What we want to do is to allow for the remainder of trips that are allowed in the champion trip bucket which dates back to the 90s and the year 2000. The number of trips left over are about 1148. This would allow whatever development to occur on this tract would take the trips out of that bucket and they would be deducted and that was my limit.

[3:01:37 PM]

>> Alter: And then --

>> Mayor Adler: Is there any objection to that amendment?

>> I believe councilmember alter has an issue with it.

>> Mayor Adler: Councilmember alter.

>> Tovo: I'm not going on -- to add to the record Jerry has prepared.

>> Mayor Adler: Is there any objection to that amendment? Jerry, was there applicant, neighbors, everybody is okay with that?

>> We haven't discussed with the neighbors. This occurred during first and second reading. There's only 19100 left. The staff mistakenly presumed they would want only which is allowable. But there's still the possibility there could be an office which is what's allowed today with or without the zoning change. 1100 is not a lot of trips so we feel this is a fair thing to do.

>> Mayor Adler: Councilmember alter.

>> Alter: So Jerry has prepared a memo which mimics a memo mentioned when we spoke about this last time for a similar case. The staff agreed that this memo was appropriate to include in the record and have distributed it on the dais. It states the vote was not to establish a -- but to allow for storage use but not allowed by right and other more appropriate zoning districts. This memo would be kept in case files for this particular prompt -- property.

>> Mayor Adler: Is there a motion -- it's on the consent agenda, second and third reading.

>> With the millions of dollars if I education.

>> Mayor Adler: With the modification Jerry just read into the record.

>> Item 65, applicant has requested postponement to June 28th agenda. Item 66, postponement request to, again, the June 28th agenda.

[3:03:40 PM]

Item number 67, c14-2016- 0136, councilmember pool was requesting a postponement to your may 24th agenda. Item number 68, c14-2018- 0018, this is for consent approval on second and third reading. Item number 69, c14-2017-0123, staff would offer this for consent approval on second and third reading. Item number 70, c14-2017-0074. Staff is requesting indefinite postponement of this case. When this case would be placed back on the agenda, we would be sending out notice again to let people know that it's coming back. Item number 71, npa-2016- 0005.04, mayor, I've spoken to David king, he's the only individual that had signed up. He does not wish to speak if it's postponed. Related item is number 72, again, David king signed up for this item, not wishing to speak if this remains being postponed and that postponed to 6-28.

>> Mayor Adler: Both 71 and 72 postponed to 6-28.

>> Correct.

>> Mayor Adler: Okay.

>> Item 73, c14-2017-0084, the applicant has requested indefinite postponement of this case. Item 74, c14-2017-0139, neighborhood request for postponement of this case to may 24th agenda. May 24th, on item 74. Item 75, we have an applicant request for postponement to may 24th agenda. Item number 75. Item number 76, c14-2017-0130, the applicant has requested postponement to your may 24th agenda.

[3:05:47 PM]

Item number 77, c14-2016- 0090, staff is requesting postponement of this case to your June June 14th agenda. Item 78, c14h-2018-0013, it was noted with changes and corrections that we would consider this item I believe at 6:30 although there was indication you might take speakers ahead of this time. 79, c14h-2018-0015, staff would offer this for consent for three readings. I understand the neighbors that have signed up for this item are in favor and would allow this to continue on the consent agenda.

>> Mayor Adler: Which number?

>> Item number 79. Consent on all three readings. Item number 80, c14h-2018- 0010, this is for consent approval on all three readings. I've spoken to both Rick and Gerard on this item and they would like to leave this on consent. Not wishing to speak if you take it on consent. Item 81, c14h-2018-0021, ready for consent approval on all three readings. Item 82, this is ready for consent approval on all three readings.

>> Pool: Mayor? On this one I'll just have a briefly comment to make on 82, but it can stay on consent.

>> Item 83, c814-2017-0001, this will be a discussion item. Item 84, we have an applicant request for postponement of this item to your June 14th agenda. And item number 85, c14-2017-0094, this is an applicant postponement of this item to your June 14th agenda.

[3:07:56 PM]

>> Mayor Adler: Okay. Does anyone object or take issue to any of the postponements that have been proposed? Okay. I hear no objection to any of the postponements. The items that I see being pulled, the consent agenda on zoning goes from item number 64 through item number -- through and including item number 85. The pulled items are items 78 and 83.

>> Correct.

>> Mayor Adler: Any comments on the consent agenda? Councilmember alter, then councilmember Flannigan.

>> Alter: I want to clarify earlier I'm not happy on the thrip cap, but -- trip cap but it's something I have to live with. It will come back to haunt us as these things do on champion tracts and I can't vote in support of this item because the neighbors were told it was a 470 thing that would be coming out of the overall cap and now it's switching and I understand that that's where the chips lie, but I can't support it. It will come back to haunt us, I'm sure. But I'm going to vote no on 64.

>> Flannigan: I have a question about the postponement on broadmore. Consideration on what's remaining that we're expecting to do.

>> Pool: I think Mr. Rusthoven can speak to that. Thanks.

>> Councilmember, we're still working with the law department to try and incorporate the conditions that were placed on the case in first reading to try to get them into legal form.

>> Flannigan: Which witness are in question?

>> They have to do with the fact that the entitlements, the additional entitlements that come from the zoning case are contingent upon the station moving from its current location to adjacent to this property.

[3:10:03 PM]

As well as the -- a couple issues with the tia which I think are almost solved, as well as the bucket approach which allows for impervious cover and other things to be considered on the site as a whole rather than individual buildings, we're still working on that.

>> Flannigan: I would ask staff to work with my office on the train station part. Represent a pretty substantial portion of that ridership asked questions and they are nervous. I think overall it's a good idea to move it, but I would love to have more participation on the train station part of that.

>> Mayor Adler: Sounds good. Councilmember pool and then the mayor pro tem.

>> Pool: Thanks. On item 82, this is Eubanks acres, I understand there was a chapter 245 claim made on this property and it was denied. It's currently on appeal, but I want to make clear that with this rezoning we are not guaranteeing any level of ability to development on this property. If you could put that into the record. Thank you.

>> Mayor Adler: Is that true? Do you want to confirm that?

>> That is a true statement.

>> Mayor Adler: Thank you. Mayor pro tem.

>> Tovo: Yeah, I just wanted to highlight 80, which is I hope going to pass on consent. This is the Robert Mueller airport control tower and I think this is a great step to have it rezoned for historic zoning and I look forward to seeing what might become of that and how it can be opened up to the public. And so I'm excited to see it there and thanks for working to move that one forward.

>> Mayor Adler: Councilmember pool.

>> Pool: And I also will be abstaining on item 64.

>> Mayor Adler: Is there a motion to approve the consent planning?

[3:12:03 PM]

Mr. Renteria makes that motion, seconded by councilmember kitchen. Is everything on the agenda with exception of 78 and 83 which have been pulled. Those in favor given the comments people have made, raise your hand. Those opposed. Unanimous on the dais, councilmember troxclair gone. Thank you very much. Next thing we're going to do is. I understand this item, item 18, there are a lot of people that have signed up to speak on this. I think that Brad spies is going to speak for many of them. If not all of them. But when we have number 18 -- mayor pro tem, do you want to make a motion and would you lay out what your amendments are so that people watching in the room can hear this.

>> Tovo: Yes, I would be glad to. Would you like me -- I'll lay out the amendments, then we can move approval after the public discussion. Okay, so these are consistent with the objectives that joy harden posted on the message board earlier this week. The first changes the implementation date in the ordinance to April 1, 2019. The second creates a task force --

>> Mayor Adler: In case people want to follow this as will be related to later, I'm going to number these as the mayor pro tem goes through them. So number 1 --

>> Tovo: Why don't I do them in order of how they were on the message board. I think that would probably be a little easier. And we do have some extra copies if anybody is interested in seeing them, we can get some extra copies from that end of the dais out to the public.

[3:14:04 PM]

So objective 1 and amendment 1 is create -- to create a process that will allow event applicants so request council decision regarding events that include street closures. That one is the -- that has a whole lot of strike-throughs and whatnot in the ordinance language.

>> Mayor Adler: At the top it has motion street, street closures and request for council consideration.

>> Tovo: Exactly. This restores an appeals process and this is something we heard from a variety of stakeholders they want to keep the existing appeal process in place. So this does create an appeal process for either neighbors or for event promoters. The second changes the standard effective date and it would change the implementation date to April 1, 2019. The third makes sure that prior to the adoption of the rules, which is an administrative process, that there would be a stakeholder engagement including the parties that have been participating all along. And so this amendment just reads -- well, I'll summarize, directing city manager to incorporate stakeholder engagement. Must also include presentations to city boards and commissions. With responsibilities -- that those boards and commissions that have responsibilities related to the rules and also encourages the city manager to designate a senior member of the city staff to be a single point of contact just to make sure that that part moves as swiftly and efficiently as possible. 4, addresses one of the concerns that we've been receiving emails about with regard to scalability for rules and fees basically making sure smaller events pay fees commensurate with their size and also that they are not going through the arduous process we would expect of our larger events.

[3:16:07 PM]

That one is called scalability within tier structure. And then 5 is the task force and this is establishing a task force which I do somewhat reluctantly, but a lot of stakeholders wanted this so I think it makes sense. It would expire actually in a year. There is an error in the ordinance -- in the resolution -- in the amendment, it says April 1, 2020. That was supposed to be 2019. For the next year this group with monitor how the new ordinance is going, what kinds of benefits we have achieved from it and whether there are other issues that need to be addressed. Serve on that. So that's in substance the amendments that I wanted to lay out. I would be remiss if I didn't thank all of those who have been participating over these five plus years. Thanks for sticking with it, from neighbors to people who do this for a living, we have people that have stuck with the process all along and I think many of them suggested these amendments and I hope are in support of them, and I really want to thank joy harden on my staff who has attended a whole lot of those meetings and really I believe helped facilitate some great resolutions here.

>> Mayor Adler: Okay. Let's call for the public testimony. Spies, do you want to go?

>> Good afternoon, mayor, mayor pro tem, councilmembers. I'm Brad spies with sxsw. First I want to acknowledge the events community and the neighborhood groups that have shown up today and all of their hard work throughout this process as well as a lot of the ace staff who is here and I know they have worked really hard on this over the years. If this ordinance passes with the amendments as mayor pro tem lays out, I believe it will satisfy the events community because it does allow for a robust oversight and process going forward.

[3:18:17 PM]

I do want to say I was a member of the music commission that passed the initial resolution that started this process. I was 12 years old at the time.

[Laughter] Just kidding. Seriously, though, the problem with this whole long process has really been an inability of staff and city legal to listen to the stakeholders. I'm incredibly thankful for E Lisa Dean and Jessica King for stepping into this process to facilitate more meaningful discussions. And to you, mayor pro tem, mayor and councilmembers, for considering these critical amendments be included in the ordinance. The process could have been a lot faster and with a better end product if the stakeholders had been listened to from the beginning. Indeed many of the points that have recently been included were initially brought up to staff five years ago. And so we hope that you will specifically direct staff to really listen to the stakeholders throughout these upcoming processes as opposed to just collecting their comments. Because there is a huge need for improvement in the permitting process and this ordinance is really just the first step. There are a lot of parts of the special events process that are not even conferred by this ordinance and which are in serious need of repair. One example is a disconnect between the building department and the fire department in how music venues and other small businesses get adjusted capacities. We are grateful to the music and entertainment division for their leadership on this issue and to the fire department and the building department who we know are eager to address these issues as well. We are hopeful that with stakeholder participation and a citizen task force that event producers, neighborhood groups and city staff can work together to achieve a process that works for everyone.

[3:20:18 PM]

This is specially important because it is a tough climate for events. As we've seen in Austin, a number of events have gone out of best in recent years and a number of small community organizations have decided not to have new events since the process is so cumbersome. That is unfortunate because events can be a great way for community groups or nonprofits to fund raise and also because in these difficult times it is more important than ever for people to gather together and to celebrate.

[Buzzer sounding] So I urge you to pass the ordinance only with the amendments as listed by the mayor pro tem. Thank you very much.

>> Mayor Adler: Thank you.

[Applause] Has anybody else signed up on this issue that still wants to speak? Okay. Give me your name just so I have it in the record.

>> [Inaudible]

>> Mayor Adler: David

[inaudible], thank you.

>> Stacy suits.

>> Mayor Adler: Mr. Suits. Karnes.

>> [Inaudible]

>> Mayor Adler: All right. So Mr. Suits, do you want to start? And then Mr. Susteren next.

>> Hi, I'm Stacy suits. Besides being constable precinct 3, I'm also with a trustee on the board of friends of the forest that runs eeore's birthday. I'm concerned the ace process has not been working for us for the last six years, it's cumbersome. We've been hit with arbitrary staff decisions and when you go to appeal it, we might win a short one and another part of city staff will come up with a new one. It's like we're getting hit with death by a thousand cuts. I really appreciate mayor pro tem's amendment about having the citizens task force to review these things.

[3:22:22 PM]

What's happening is nonprofits are getting choked out in this city. Travis county used to have a Cinco de mayo celebration and it got renovated. You know why it never came back? Because of fees and regulation and the trouble of doing it. That's why we have Cinco de mayo on Travis county property. Ms150 no longer comes to the capitol to race from Houston. Because of problems with permitting. This ordinance is a step in the right direction, but there's still too much staff direction and not enough attention paid to nonprofits. I'm going to get a little off subject, but it ties in. For next year, we get hit with a boiler plate project. We're not on auditorium shores or the park. We need a contract negotiated, not jammed down our throat that fits our circumstances and our neighborhood circumstances that we're trying to help -- work with the neighborhood. Specific to this event. It's been here 55 years. It's not going away. The road closure thing is just been going back and forth with us for years. You had to pay an engineering fee every year and we basically done the same thing for the last 25 years with some variations. We would like for the city of Austin to take over the road closures. The deputy constable still staff the barricades, but layout, equipment, design, city staff does it. They want to do it their way, they can do it their way. The other aspect with a budget impact is eeore's doesn't want something for nothing. What we do want is all city fees for all the departments piled on us a substantial amount that we pay that to Pease park to provide for renovations funds that there's dedicated funds to help maintain that park and provide stuff and equipment for our volunteers local.

[3:24:34 PM]

A lot of other volunteers work year round working in that park. The last thing is a public safety issue.

[Buzzer sounding] We need a hybrid beacon crosswalk in Pease park, year round use will justify it as a safety issue. The denser the city gets the more bicycle and foot traffic in that park and the heavier use of that park. It's a pedestrian and officer safety issue during our event not having that hybrid crosswalk.

>> Mayor Adler: Thank you very much.

>> Thank you very much.

>> Mayor Adler: Mr. Susteren.

>> Good afternoon, mayor and council. David Sunstrom. Today I'm going to share an example of a neighborhood running an event that no longer lists because of current rules. The type of event I hope can exist again. I was a organizer of the Travis county 5k race held for three years from 2015 through 2017. Our goal was to have a small neighborhood race to promote our community and healthy lifestyles. A race averaged around 423 runners. Today in Austin it will cost you \$26,000 to hold this type of community race. At \$61 for every runner, that puts it out of reach. A third of expenses were direct fixed costs levied by the special event ordinance. Our permit fee was the same as the permit fee for the Austin marathon. A quarter of our expenses were required for safety measures such as Austin police and traffic controls. Our barricade expenses increased 35% from year 1 to year 3. Increasingly stringent rule interpretations even though no change in course or traffic. 60% of our expenses were tied to the ordinance rules. You can charge about \$40 a runner. Ordinance rules and fees accounted for about \$38 of that. It's hard for a small event to be viable with that kind of overhead.

[3:26:36 PM]

The notification process also caused hardship. In 2015 with 99% of the affected residents approving and strong support from our hoa, our permit was clearly denied. A single homeowner on a short block to trigger a disapproval. While we convinced that homeowner to change their mind, please understand the financial risks that we undertake for this type of event. We have to be under contract more than 30 or 60 days out. We need approval much sooner to derisk the financial liabilities that we would be personally liable for. Both of these issues with these structure and notification rules are unspecified in the new ordinance. They will be decided by the rules adoption process. The tiers in the new ordinance don't sufficiently differentiate our small community race from high impact events. To be inclusive it will be critical the rules adopted -- such as number of participants, duration, location and the notification and approval rules that remove the risk to our financial commit? Public stakeholders input will be critical. With the right implementation, I think small community events can become viable once again. Thank you.

>> Mayor Adler: Thank you. Thank you. Mr. Karnes. Then Barbara Morgan, Debbie Russell.

>> Howdy, and thanks for giving us the opportunity to have some input. My name is Les Karnes. I've been a organizer of the ecore's birthday party since 1979, back when -- well, you were in law school, I believe. And many of your classmates are volunteers with us and have been for many years. I'm on the board of the friends of the forest and also of the Pease park conservancy. We have a very good working relationship with -- well, with the park because we work in the park.

[3:28:38 PM]



Many of our volunteers show up year round out there. I would not imagine that a new nonprofit would ever want to have an event in a city park unless they were just bank rolled by Dell or something else. You've got many more needs out there, and we have -- we do not have paid staff. We are a volunteer-run event, volunteer-staffed event, and if it wasn't for the fact that we've been around and doing this for so long, we would not -- you would not have an organized eeore's. You believe probably have a disorganized eeore's because we don't advertise. We haven't advertised since 1985. You know, this is a cultural event, yes, it's not for everybody, but I think I recognizes some of your faces.

[Laughter] You don't know me, but I know who you are. We're a free event. We are credited as being part of the soul of Austin and the hill country and Texas. I'm a long-time Texan and I would sure hate to see somebody kill eeore's with a fees and unreasonable staff. Yes, you do have unreasonable staff that deal with us. Not everything is a corporate event. Eeore's definitely is not. The original founder of eeore's was Lloyd Birdwell. Saw him a couple years before he died, and he came up and said you have kept the spirit and flavor of eeore's all these years. Hey, man, that was a pay raise for me. And, you know, I'm not paid.

[3:30:39 PM]

So it was a good pat on the back. I would encourage you to keep nonprofits in mind. This ordinance does not. You need to foster and develop your nonprofits that are small. Not everything is United Way and you don't want them to be United Way. We give away our nets, our net profit back into the community every year. So we pay our bills --

[buzzer sounding]

-- And we're here. Please do your best to keep us here. Thank you.

>> Mayor Adler: Thank you.

[Applause] Two people have donated time to Ms. Morgan. Is Robert Leslie here?

>> To me? Did they donate time?

>> Mayor Adler: That's what I'm showing.

>> Okay. I'll take it.

>> Mayor Adler: But he's not here so it doesn't help you. Xavier Aguilar? You just have three minutes. Three minutes.

>> Should I go ahead?

>> Mayor Adler: Go ahead.

>> Thank you, mayor Adler and councilmembers and city manager cronk. I want to thank ace as well because they worked tirelessly to support the myriad of events in this town. So many, it's hard to imagine. I'm executive director of Austin film festival, we bring in tens of millions of dollars. We support

local artists, employ them and bring significant tourism to the city. We've had substantial growth in our 25-year history. We too are nonprofit. I have serious concerns regarding our continued potential to grow under the current special events ordinance even with some of the amendments that were discussed. While having a considerable impact to us and similar organizations and events, the ordinance has the potential to create ill conceived consequences.

[3:32:41 PM]

For one, the tier system is wholly confusing. More problematic is -- is what is not in the ordinance, though, and it seems many of the new regulations don't address -- or actually it appears written to omit certain Austin events while taking a one size fits all towards the rest of us. The foundation for most of the rules seems to be permitting status, but permits are a small part of what we do in event planning. And using that foundation for categorizing events has extremely negative consequences. Another is the fact you can only get on the calendar of events a year in advance. We have contracts signed with sponsors, venues, hotels for at least three years out. And if somebody were to get on to the calendar prior to have drastic consequences with these contracts. And I sincerely hope that you all will take a step back and look at this ordinance and as it's currently written and -- and really consider that industry -- events are actually an industry in Austin. It's an industry which has been one of the catalysts of our growth. And I really would like it for people to take a look back and see how -- how that ordinance can actually support growth in the future by changing some of the policies in that ordinance. Thank you.

>> Mayor Adler: Thank you.

[Applause] Debbie Russell.

>> So Debbie Russell, speaking on behalf of the pecan street association. Hope you made it last weekend, it was our best.

[3:34:45 PM]

What she said earlier, that's not in the ordinance, I heard a lot of things at the community input meetings that didn't make it into the summaries and that is not reflected in the ordinance and one of them being the nonprofit aspect you heard Stacy suits talk about. And the tier system. Confusing. And I did this at several of the community meetings and I drew it out and we had it on there and you can't just have a one, two, three, four and that's it. Number of people at the lowest and what you spend at the highest. We're probably one of the most unique events in town. We just don't fit into any category. Like constable suits said, there's nonprofit, give back to the community, we do that, but we are large scale and street event. We're also twice a year and nobody else is in town. When you say \$100,000 in city services annually, well, yeah, that if you put two of them together we are, but not separates. So which tier should we be in? I drew this out a little bit ago. I don't think it will fit on the overhead, but you have to have tiers within the tiers. You have to have -- the profits at the top and the nonprofits and then the

other issue is the legacy. That's mentioned only in to permit and so it doesn't take into consideration what a legacy event means and how that plays into what consideration it gets. Also left out of this is that we don't still -- this is one of the biggest things I heard in the community meetings, we don't know what a city sponsored event is. We've been looking for that definition since day one. The -- the other piece of it is that -- fees.

[3:36:46 PM]

No fee schedule. Again, none of us know how much other people are paying to compare and contrast to say is this fair. There's been no transparency in fees. And so we pay full fees. We get a little bit of help from you guys if we do well, we give a bit of that back, but the rest goes into the community. And we've been getting some help from you guys, but it's been a stagnant amount from years and years and years and in that time APD alone has gone up two and a half times in cost. We can't grow our footprint. We can't make any more money to run this festival. We're at 41 years and we're trying desperately. We've cut everything we possibly can. The most grass roots in town. I'm going to hold this up for you to look at. I hope you will postpone to

[buzzer sounding] I appreciate mayor pro tem's amendments, but it does not address some of these very core items that I think need to be addressed. Thank you.

>> Mayor Adler: David king. Next speaker. Is anyone else signed up that still wishes to speak? Mr. King, you are our last speaker.

>> Thank you, mayor, mayor pro tem, councilmembers. I hope you will approve this resolution in addition to the amendments from mayor pro tem tovo. They address one of my main concerns and that is as was mentioned earlier about people who are affected, businesses or residential property owners that are affected from street closures. They need to have the opportunity to get their concerns addressed. And that apparently happened in this example that was mentioned just a few minutes ago. The event producers worked with the neighborhood, got the issue resolved and had the event. So I think it shows that that works. It keeps the balance of power where it needs to be. That's an important amendment that needs to be approved. Appreciate that APD is going to be the source for police services and if they feel like they need to augment those services that they have the opportunity to do that.

[3:38:54 PM]

Thank you for listening to my comments.

>> Mayor Adler: Thank you very much. We're now back up to the dais. Mayor pro tem has offered five amendments. Is there any objection to all five of those amendments being included?

>> [Inaudible]

>> Mayor Adler: I'm sorry. I guess we need a motion. Someone make a motion for the special events ordinance. Councilmember Garza makes a motion. Second? Mayor pro tem seconds it. Any objection to including the -- you have an objection?

>> Flannigan: Yeah.

>> Mayor Adler: To all of them or just one of them?

>> Flannigan: To -- two of them. 1 and 4.

>> Mayor Adler: 1 and 4. Any objection to adding 2, 3 and 5? I'm sorry? Any objection to adding 2, 3 and 5?

>> Garza: I don't object, but I have to -- I stated the change incorrectly on number 5. The task force is going to begin its work on April 1, 2019, when the ordinance goes into effect. And then it's going to end on 2020. So the first one should change from 2020 to 2019, but when I said it I explained it incorrectly.

>> Mayor Adler: Without objection, items 2 -- amendments 2, 3 and 5 are included. That gets us to amendments 1 and 4, which we're about to discuss. Ms. Houston, did you --

>> Houston: I wanted to ask everybody to see the purple constituent with the Republican of Texas biker rally sent their comments in and weren't able to come down. Some of the same things we've heard here, but some are pretty different. Just wanted people to know this came from constituents.

>> Mayor Adler: Thank you. Let's talk about items 1 and 4.

[3:40:57 PM]

Councilmember alter.

>> Alter: Her clarification prompted a question on 5. I wanted clarification. So the task force wouldn't be coming into existence until the ordinance went into effect, so it wouldn't be commenting on the rules making process at all?

>> Tovo: So the task force wouldn't, but the stakeholder process would. So there's a stakeholder -- there's continued stakeholder engagement, I've gotten my sheets out of order. 3. The stakeholder engagement in 3 is the body that discuss the rules and provide feedback on the rules. The formal task force would come into place as an ongoing body for which we each -- we have nominations and whatnot after the ordinance. They will be sort of the stewards of it going forward.

>> Alter: Your intention was not for the task force to have any role in the rules process.

>> Tovo: Right. We would set up the task force once the ordinance was in place.

>> Mayor Adler: Mr. Flannigan, objections to 1 and 3?

>> Flannigan: 1 and 4. There may be more questions but I wanted the conversation before it. On 4, I like the idea of scalability. I'm curious from staff or legal how this relates to the necessity of fees being tied

to cost of service. Is that a concern with scalability? If an event of different sizes of people takes the same land area, it might be the same cost of service and I might be okay wanting to charge a smaller fee, but I don't want to get crosswise with the cost of service element.

>> Patricia, assistant city attorney. Whatever fees were brought back to council would be based on the city's cost of service. That would be taken into consideration. The scalability is something we'll have to look at as staff develops the fees and looks at what the cost of service is.

[3:42:58 PM]

>> Flannigan: So this fee schedule changes, those all come back to council for approval anyway.

>> Correct.

>> Flannigan: I'm fine with number 4.

>> Mayor Adler: Objection to 4 being included? Hearing none, that's included. Number 1.

>> Flannigan: So my first question relates to the second part, B, where it talks about 20% or more of interested persons or a neighborhood association. The first question kind of relates to something that the speaker said, how -- what is the earliest that this date the notice is provided could be. Because if you are planning way out into the future and you put out the -- that's what I'm trying to make sure, that if you are being a good events organizer and coming to the city really early, which not all event organizers do, but the good ones do, I don't want them to get into a scenario where the notice comes out later and then there is objection and agreements have been made, that kind of thing.

>> The way we have instructed this, if you are a tier 3 or 4 event, you are going to get a preliminary recommendation from staff within ten days. After that ten days, you have as the event organizer ten days to send your notice out to the neighborhood association and to the abutting property owners for a road closure. And that -- those individuals will have 14 days to respond to staff. If staff receives a certain number of objections to the road closure, it will trigger direction -- the director to bring forward to council the issue. So where they are trying to move it closer to the beginning of the process rather than later.

>> Flannigan: Is there a limitation as I heard one speaker talk about, there's a year, only a year in advance can you come to get your preliminary?

>> So the way we have instructed it is we have -- structured it, defined legacy events, ones remained substantially similar for 20 years.

[3:45:05 PM]

They have an opportunity to reserve dates five years in advance. The actual application process will be a year from their event. The reason for that is we're making sure we're covering our costs for the work done in that year.

>> Flannigan: Which ties back to the fees we charge? Is that what you mean by recovering costs?

>> Correct.

>> Flannigan: I don't -- I'm okay with moving forward on the end. I don't want to do anything that further extends a process that has seemingly never ended, but I do think that we should consider ways to allow people to do earlier than a year out. Especially for the types of events that need to secure sponsorships or other types of contractual obligations, we don't want to get well intentioned folks into an area where the city has up ended thousands of dollars of agreements. I would like to fall a way to solve that problem hopefully in a rules process. Again, so this only applies to tiers 3 and 4, is that right, why the notice and objections and all that, is that only 3 and 4?

>> If you have a road closure, right-of-way closure, you will be subject to it. Tier 2s have a very small road closure area. But --

>> Flannigan: It applies --

>> Sorry, I apologize. It is a tier 3 or 4.

>> Flannigan: And how many of those, roughly, are there? I mean super ballpark.

>> Frances, office of essential events and transportation.

-- Special events. Ball park I would say we do around 180 events a year that close some portion of the right-of-way, and probably about 140 of those are -- would be considered tier 3, with a few of them tier 4.

>> Flannigan: It's not an insignificant number.

>> No.

>> Flannigan: This is more a question for the mayor pro tem.

[3:47:10 PM]

When I compare that section 1 and 2 where it talks 20% of interested persons or neighborhood associations, then flip over to third page where it defines interested person and neighborhood association, how many -- how will we know how many interested persons there are in total in order to calculate 20%?

>> Tovo: I'll just -- yeah, deflect those questions to staff because they've been -- this is a provision that's been in the code for years. So there's definitely a method.

>> So the process is right now we take the -- the street is closed or the route for the race or whatever it is, we actually draw that out and use gis to extract the addresses from the utility layer so all of the businesses and residents who pay utility bill, and those are the addresses that are provided to the event organizers to send out the notifications. And so the way the ordinance reads today is it's a neighborhood association or 20% per block. So any of the blocks along the route could have a 20% disapproval rating and then we would have to stop the process at that point because of the 20% disapproval.

>> Flannigan: That's 20% of the total number of utility accounts?

>> It's per block and so we take both sides of the street and we basically use from intersection to intersection.

>> Flannigan: Let me give you an example. If you have a block and it's all businesses and one apartment complex, could 20% of the tenants of that apartment complex, even though it's one property, be crossing the threshold of 20% or month?

>> So it would be for multi-family complexes, it is the property owner or the property manager is the one who would make the decision.

[3:49:14 PM]

>> Flannigan: So in definition it says or tenant of each property, that doesn't mean renters in a multi-family?

>> Currently it would not, no.

>> Flannigan: Seems like that it would mean that. I don't know that I want it to, but it just -- trying to read this in plain language, I find that to be a little confusing. I don't have a perspective on which way is better, but it doesn't seem to square with the way laid out to me. I'll put a pin in that one. And then on the neighborhood association, the way it's defined is a neighborhood association registered with the city whose boundaries include all or part. What is the neighborhood registration at the sites?

>> It's the community registering.

>> Flannigan: So there's -- my understanding the community registry is that there is no requirement about who could sign up as a neighborhood association, nor a limitation on the boundaries that they set. I know this because I've done one and I just created a neighborhood association in west Austin and got listed on the community registry. So I'm -- I don't know that there's a solution for this that isn't a Pandora's box of debate, but I have an objection to that that I just might vote no just to cite that part because it doesn't seem clear enough how we're determining who a neighborhood association is and who has the right to object. And it ties back to other things I've said about do you have to pay dues to participate and what does that means in terms of ability to voice objection at your governmental body. So there's that. And then on the back of part 2 -- on the back of that page where it talks about special events being held ten or more years and has not received a violation shall be approved. So how is that different from you said 20 years?

[3:51:15 PM]

>> 20%?

>> Flannigan: Sorry, I've moved on from that. We're talking about the ones that get approved under subsection a, that's part E under the mayor pro tem's amendment where it says a special event that's been held for ten or more years. Is this -- because you said 20 years was a long-term event.

>> Legacy.

>> Flannigan: Is this different than a legacy event?

>> The difference there would be the legacy definition was allowing some of these long-term events that we know are going to happen year after year to go ahead and put their dates on the calendar for five years in advance. This portion about the ten-year event is what is in our current ordinance and part of this motion is if they've been the same event for ten years, haven't changed significantly, haven't had any problems, then the signature requirement, that 20%, the neighborhood association part of it doesn't apply. They are still notified, but the signature requirement doesn't apply.

>> Flannigan: So they are still notified, but they can't stop it.

>> Correct.

>> Flannigan: Okay. And the determination of changed its character and -- is just a staff assessment?

>> Sometimes we have to change routes because of construction and we don't want to penalize people because of that, but it would be changing something very significant such as this year the marathon changed their route very significantly after being basically the same for ten years. This year they had to really go through the whole process.

>> Flannigan: What you laid out I like better because the word "Significant" is not included in this language. I don't know that the mayor pro tem would accept this or not, but if it was and has not received a violation or significantly changed its character, nature, location or route. Based on the way this is written, staff would not be authorized to determine whether or not a route change was significant or note.

[3:53:20 PM]

If it changed, it changed. I mean it's not hard to imagine legal scenarios where this type of parsing might be necessary. So we're in back of page 2, part E, special event held ten or more years and has not received a violation or significantly changed its character and nature, location or route, which is what staff I think was -- is how they interpreted it, but it would be nice to have it in the code if that's the intent.



>> Tovo: I am somewhat reluctant to make changes on the dais that our stakeholders have had an opportunity to vet and weigh in on. Some of this I believe is language that's currently in our ordinance and so I wonder if our staff could speak to why the language is the way it is without capturing the word "Significantly." Does our current ordinance have the word "Significant" before change?

>> It does not.

>> Tovo: But in practice you only -- you only require it if it's a very significant change. And so it seems to me character and change you view together.

>> I would agree. Like I said, we didn't want a route because of current construction or other factors that involve -- most of the time it's construction, so --

>> Tovo: Seems to me the language we have had in the ordinance has not created issues with that regard to change. It's allowed people to make small changes without having to go through a big rigmarole so I'm going to stick with the original.

>> Mayor Adler: My sense on this is you have pointed to the issue that many people in the community have with this generally, which is a lot of what this means and how it works is in the rules and not in the ordinance.

[3:55:29 PM]

And which is why we have a lengthy process here to come up with the rules. A lot of stakeholder involvement in that. And I -- on this one I fix -- give some measure of certainty and limitation as well when you do the rules, I think, is where I come down.

>> Flannigan: I'm fine with that. I think just having the conversation is sufficient it's been the practice and that's all I've got.

>> Mayor Adler: Any objection to including this number 1? Mr. Flannigan votes no.

>> Houston: I still have a question for mayor pro tem. As we were having this last conversation about significantly changing the routes, routes can be changed significantly without prior input from the community. So the community doesn't know that the route has been changed significant until they get that first notice. And by that time the special event is already planned that that's the route they are going to take. Is there any way that could be backed up, and maybe this is for the task force, so when the event is thinking about changing the route, they engage the community first before they go through all the other things they go through at special events. We're still --

>> I feel that is best practices. That you don't want to just drop a card in the mail and say this is what we're going to do. I think going out into the community and working with the interested party or the affected people or whatever the term is, that is the best way to approach and make sure that everybody feels like they've had a voice. But we still need to notify because you can't reach everybody.

>> Houston: Right, but again, we're still dealing with the fallout of that. And the last conversation I had, the route was changed. I mean that was -- that's very privileged to me to make those decisions without impacting the community.

[3:57:30 PM]

So we've asked that group to step back and have community conversations before they start planning for next year's route.

>> Yes.

>> Houston: If that's -- okay.

>> Mayor Adler: Let's take a voting on adding number 1. Those in favor? Those opposed. Mr. Flannigan voting no, others voting aye, troxclair off the dais, number 1 is added. Mr. Casar, you have an amendment to add?

>> Casar: I've handed out an amendment very similar to what I handed out at work session, but we've worked with law to ensure that it's really clear in our ordinance that spontaneous events like the political events occasioned by recent news or correct affairs don't require -- current affairs if they are on city right-of-way or parkland. We took the mayor pro tem's suggestion, aren't required but encouraged to notify APD.

>> Mayor Adler: Is there a second to this amendment? Mr. Flannigan seconds it. Discussion?

>> I need to ask a clarifying question. Right-of-way, is it the council's intention to include the street lanes in the city right-of-way definition?

>> Casar: Yeah, I think by right-of-way, I imagine that these events tend to happen on sidewalks, streets, parkways.

>> So I need actually the transportation and police department to speak to that. There's some concern because pedestrians are not allowed in the roadway as general practice under state law, so there's some concerns there, so my suggestion would be to remove the street lanes from your definition of city right-of-way.

>> Casar: Understood. But I guess I want to understand from the legal department, if there is a -- if there -- not getting a permit doesn't mean that you're not allowed to not comply with other city ordinances.

[3:59:35 PM]

Right?

>> Correct. You're not allowed to disregard the other portions of city code and state law. The concern would just -- would be to be very clear that this does not do anything to change that issue with streets.

>> Casar: So what if we were to add a line here that says the same? That says this does not allow people to violate other city ordinances?

>> Mayor Adler: Subject to the law, comma, a spontaneous event. Any objection to including that, subject to other law, comma? Hearing none, the amendment to amendment is added to Mr. Casar's amendment. Any further discussion on Mr. Casar's amendment? Any objection to including it as amended? Transportation okay with this change that we made? Transportation and police okay with it including that language? Subject to other law?

>> I'm from A.P.D. If you could explain again, I kind of got twisted up on when you added the amendment to the amendment.

>> Casar: Sure. You want to explain it, mayor?

>> Mayor Adler: So what it would say -- it would be Mr. Casar's amendment, but prior to the language, it would say subject to other law, which means the granting of the permit doesn't excuse or obviate or change other law such as pedestrians can't walk in right-of-way, to the degree that such a law exists.

>> Yeah. So the amendment to the amendment that says that they cannot violate other state law, we do support that.

>> Mayor Adler: Sounds good. Any objection to the inclusion of this as amended?

[4:01:38 PM]

Going in hearing none, Casar's amendment as amended is in thank you very much. We have a motion to approve the special events ordinance. Any -- councilmember alter.

>> Alter: This has been a process that's been going on for a long time, and our staff has invested a lot of their effort, and I'm not sure -- I think it would be staff has been leading this process, or -- can someone speak to what your thoughts are on these amendments? There's been a lot of involvement. This is coming to us now, I think it's generally in a positive direction, but I would invite you to give your thoughts.

>> Chief of staff, city manager's office. Yes, we are in full support of these amendments, the ones offered by the mayor pro tem and councilmember Casar.

>> Alter: Okay. Thank you.

>> Mayor Adler: While you're up here, ray, thank you to you and to the staff, and to everybody in the room that's been working on this. This has been a long process.

>> It has been.

>> Mayor Adler: The only thing that --

[laughter]

>> Mayor Adler: The only thing that seems to be sure about this is that the journey is not over.

>> That's correct. That's correct.

>> Mayor Adler: And my sense is that the next year is going to require everyone to stay engaged, and I like the processes that the mayor pro tem and her staff and obviously spent a considerable amount of time on this as well. And while we're thanking people, I also want to thank James Russell, who I think has also spent a lot of time and work on this between the parties as well, and is -- also owns part of the success and us being able to get to this place with people joining arms to move forward to next year. Any further discussion on this item? Those in favor, please raise your hand. Those opposed? It's unanimous on the dais with councilmembers troxclair and Houston off the dais.

[4:03:38 PM]

>> Thank you, mayor and council.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: All right. So, let's get to the next item. Let's call up the council committee item, item number 19. There's no one signed up to speak on this. I think there are two different ways that -- hey, guys -- hey, if I could have everybody's attention for just a second, if you all could move the conversations outside, sure would appreciate it. Thanks. Item number 19, it looks like there are two different ways to look at this, as I've seen it, from amendments that people have offered. I think that Mr. Flannigan is offering one way, mayor pro tem is offering a different way. You want to each lay out your approaches to these? Item number 19. Mr. Flannigan?

>> Flannigan: I'm happy to lay it out again. It's the same thing we discussed in work session on Tuesday. I don't know that there's -- I had not made any changes to the language that I've proposed, but allowing the council to fully debate and amend it, but that the mayor bring the original list, and then limiting the makeup of committees to five councilmembers. I think it's -- I mean, I went through this whole thing on Tuesday so I don't think I need to repeat myself.

>> Okay. Mayor pro tem?

>> Tovo: Thanks. So I understand the concerns about -- about the size, and what I have tried to do is to adopt language that would -- that would say if more than five want to serve, then we would approve it by adoption of a resolution.

[4:05:40 PM]

So it doesn't have to go back through -- it provides for that opportunity without having to go back through an ordinance change. But my -- my amendments veer from councilmember Flannigan's and veer back, really, to what the staff had. The staff had brought us forward, some ordinance changes that would adopt a less -- a council committee selection process that was less directed by the mayor. And, again, every time we have this conversation, I must say it is not personal about our current mayor, it is really about crafting what I would see as a solution that is -- that is just more in keeping with how I view our work together on this council. And so, again, my amendments go back to what the staff had provided us with, about the council coming up with -- then, talking about this in a meeting. It does make one different change change, having the staff elect the chair and vice chair. Much of the language about how the committee selection would happen harkens back to the staff version. I think councilmember Flannigan's is closer to what we currently have -- actually, it's not. It's just different, and he laid it out on Tuesday.

>> I'm curious, manager, or from staff, what is the mayor pro tem is citing a staff recommendation, or was it just drafted by staff at her direction? I think there's a difference between a staff recommendation and something that's drafted by staff.

>> Tovo: Yeah. I don't -- if I said staff recommendation -- okay. Whatever -- let me -- I don't know the answer to that question. Whatever the staff prepared in our backup is what we based our amendments on.

[4:07:40 PM]

So if it's more accurate to say -- if I said staff recommendation and it's more accurate to say what the staff drafted, then that's what I'll say. This is based on what the staff drafted.

>> Sure. Catie powers, agenda manager. I would just say this is what we drafted because we don't necessarily have an opinion on how you appoint yourselves. It's just a place to get you started.

>> Mayor Adler: Okay. Discussion on the dais? I've talked about this before. I mean, my sense is that we're still evolving on committees. I don't think we've got them to where we want to go. You know, in a perfect world, I think we delegate more to committees and they operate as committees and they're smaller bodies. The council has the ability to appoint an ad hoc entity anytime it wants to by resolution. If there's an important issue that needs a lot of people on. I'm going to support councilmember Flannigan's because it increases the number to five, which adds greater flexibility. It maintains those committees, and then again, I would suggest that, you know, who's ever mayor, when you're appointing positions at the beginning of the year, there are multiple positions on committees and on task force, on regional things, and just to have something to work off of that tries to ensure regional and geographic distribution and participation I think is a good starting point, and I'm willing to vote, together with change that Mr. Flannigan added, which was to just let the council make any changes to that that they want to. Ms. Houston.

>> Houston: Thank you, mayor. I guess this is maybe for councilmember Flannigan and for you. The language in the -- councilmember Flannigan's, we talk about nominations, which is like an elective kind of position rather than a recommendation?

[4:09:49 PM]

Which I would accept a recommendation from the mayor, but not a nomination. That --

>> Mayor Adler: For me, those -- I'm fine with "Recommendation."

>> Flannigan: Yeah.

>> Mayor Adler: Any problem changing "Nominated" to "Recommended"?

>> Houston: Wherever it says nomination list, it should be recommendation, just to make sure you're not nominating people for us to vote on you're just making a recommendation to -- I still may not vote for it, but --

>> Mayor Adler: Yeah, I understand.

>> Houston: But it's just the issue of that, that makes it really more of you're just offering up names rather than saying these are the names you all have to choose from.

>> Mayor Adler: That's correct. Without objection, that's changed to recommended. Further discussion from the dais? Mr. Flannigan.

>> Flannigan: Mayor, I'm not sure that we have a motion to be amending.

>> Mayor Adler: Why don't you make a motion.

>> Flannigan: I will move with the motion to change nomination to recommendation, wherever it appears.

>> Mayor Adler: Is there a second to that? Mr. Casar seconds that. Discussion? Mayor pro tem.

>> Tovo: Yeah, it doesn't appear that there's probably going to be support for it, but I will move approval of mine instead. Again, I think it is critical to the work we do that we be able to craft our committees together, and it is -- and I'm just not in support of a system where one member of the dais comes up with those -- whether we call them nominations or recommendations, I think we can handle this collaboratively. I've seen it happen, and that would be my preference moving forward so that's my motion.

>> Mayor Adler: Okay. Amendment has been made. Is there a second to that? Councilmember pool seconds that.

>> Flannigan: Is it amendment or substitute?

>> Mayor Adler: It really is a substitute motion.

>> Flannigan: Yeah.

>> Mayor Adler: Substitute motion, seconded by councilmember pool.

[4:11:50 PM]

Okay. So now are there any further amendments to be made to either the initial motion or the substitute motion? Councilmember kitchen.

>> Kitchen: I just wanted to say to the mayor pro tem that I appreciate her bringing this forward, and I'm going to support her amendment.

>> Mayor Adler: Okay. If there's no further discussion, let's take a vote then on the mayor pro tem's suggestion that we consider hers instead of the other. Those in favor of the substitution, please raise your hand. Councilmember pool, the mayor pro tem, Garza, Houston, and kitchen. Those opposed, please raise your hand. It's -- what? Then there's not a majority to adopt the substitution.

>> I have a question on the point of order, which is why I'm not vote. Are we voting on which one we are taking up, as we did earlier today? Or are we voting on whether we want this one versus that one? I'm confused what we were voting on so I decided to abstain. But I apparently am decisive at least in one direction so I'd like to get an answer.

>> Mayor Adler: It is the motion to substitute, which is the -- to consider the mayor pro tem's, as opposed to Mr. Flannigan's. That's the motion. So those that would prefer to consider the mayor pro tem's, as opposed to councilmember Flannigan's. It's a motion to substitute. Okay?

>> Alter: And what happens if we have neither?

>> Mayor Adler: Well, if -- it takes a majority of the vote to be able to do that. We could table -- why don't we hold this off until councilmember Renteria is back.

[4:13:52 PM]

That's what I would propose to do. Any objection to holding this till councilmember Renteria is back?

>> Pool: Do we know when that is? Is it like two minutes or two hours?

>> Mayor Adler: I don't know, because he walked off the dais. My guess is, he's still here. His drink is still here. So we're going to hold this until councilmember Renteria is back, as I voted on any other issue that we've done when it looks like there's a deciding vote, one way or another, that could change things or unable something to get passed.

>> Pool: We just have a question on this end.

>> Houston: I'm sorry, I didn't hear the vote count when we took the vote. Five to three.

>> Mayor Adler: Five to three.

>> Alter: And I abstained because I was trying to get clarification.

>> Mayor Adler: If -- a majority -- so what would the vote be? If there are ten people here --

>> It's a majority of the body.

>> Mayor Adler: It's a majority of the body. Okay.

>> Alter: So if I just vote for it, then we're done? Okay. So I'm going to vote for it because -- unless -- I'm going to vote for it then so that we can at least get moving on our council procedures. I don't see a huge difference. I did not have a problem with -- I didn't have a problem with the mayor's having that responsibility, but I do have a problem with us not having forward with our council committee process. So...

>> Pool: So if we retake the vote --

>> Mayor Adler: Let's take another vote. Let's retake the vote. I think there are two things happening. There's the enlargement of the committees and then there's the change in who nominates things.

[4:15:54 PM]

My sense is that whatever we decide, we're going to move quickly on this. Let's take a vote. The motion is to substitute to consider councilmember tovo's change instead of councilmember Flannigan's. Those in favor of the mayor pro tem's motion, please raise your hand. Pool, alter, mayor pro tem, that's six people, Garza, Houston, and kitchen, it passes. So the vote now on the mayor pro tem's change to the committee structure. Any further discussion on that? Mr. Casar.

>> Casar: Mayor, can I amend this motion to still leave us -- still expand the committees but only to five? So much of the discussion on the last one had to do with who does the recommendation or the nomination. My concern has more to do with expanding the committees, but not past five people. Because at that point we might as well just all be on it.

>> Mayor Adler: Well, what it says is that the committees are limited to three to five, I guess. It's limited to three to five, and it says that there -- in order to go above five, it will require an additional resolution adopted by the council. Is that correct?

>> Tovo: So just one clarification. We changed the language from three to five to at least three. I'm happy to change it back to three to five. The main thing I was interested in is just making a faster process, if we wanted to have more than five. And so as long as we keep the language of if we want to do more than five, we can do it by order of a resolution, I'm happy to change "At least three" back to "Three to five."

>> Casar: That sounds good. I would prefer that.



>> Mayor Adler: Any objection having three to five? Where is that, in this? Got it. Three to five. All right. So it would say three to five. Any objection to that change being made? Hearing none, that change is made. Further discussion? Councilmember alter.

>> Pool: I thought we just passed this.

>> Mayor Adler: No, we were deciding which one --

[4:17:55 PM]

>> Pool: Oh, okay, we voted on the amendment. Got you.

>> Mayor Adler: We voted on the motion to substitute.

>> Alter: At the risk of opening a Pandora's box, I just want to say this is an ordinance with respect to internal committees and not process for external appointments, which would still be nominated by the mayor, as I understand the process currently. We are posted for this and I just want to clarify that this is applying --

>> Mayor Adler: That's how I would understand it. Further discussion on the substitute motion? Those in favor of the substitute motion, please raise your hand. Pool, Flannigan, alter. I'm sorry? This is now the vote on the substitute motion. This is the motion as substituted, is now on the floor in front of us. Those in favor of the motion as substituted, please raise your hand. Those opposed? I vote no. Two voting no, Mr. Renteria and me, the others voting aye. Passes, troxclair off the dais.

>> Casar: I substituted with the consent amendment of three to five.

>> Mayor Adler: I'm sorry?

>> Casar: I substituted with the consent amendment, three to five.

>> Mayor Adler: With the change making it three to five. Okay. It is 4:19, which means we can call some of the 4 o'clock items .

[4:19:56 PM]

I think we have historic district item 79, is that the next thing on the agenda that we can call? Mayor, item 78 is the smoot/terrace, that's been set --

>> Mayor Adler: We're going to hold that one. 79 I think advertise next one to call.

>> 79? I believe that was approved on consent.

>> Mayor Adler: Oh, that was. I was looking at the 4 o'clock. I'm sorry.

>> I think we could maybe knock off two real quick. One would be the --

>> Mayor Adler: 3 and 90?

>> Yes. 83 is contra14 -- I haven't spoken to them but the applicant would like a postponement to may 24th. The applicant, I believe, is requesting a postponement of this item to may 24th.

>> Tovo: We should probably confirm that I think Mr. Suttle just came in. It was -- my understanding, they might want to have it just go after dinner.

>> Changing plans, mayor.

>> Mayor Adler: I'm sorry?

>> Change in plans. The applicant is now asking that we table this item till after dinner. So both 83 and 90 we'll have to take up together after dinner if you'd like.

>> Mayor Adler: Okay.

>> Can we take the floodplain variance? I believe staff recommended to approve the variance.

>> Mayor Adler: 83 and 90.

[4:21:59 PM]

We'll get through, I think, a lot of these. Let's take up item number 86, which is the Atmos energy reduction.

>> Good afternoon, mayor and councilmembers, I'm Rhonda Hawkins, telecommunications and regulatory affairs officer. On March the 9th, 2018, as Alamo city energy corporation, midtex division, notified the city of its intents to reduce gas utility rates by approximately 29.6 million, due to the reduction in the corporate tax rate on income, which was reduced from 35% to 21%, as a result of the 2017 tax cut and jobs act. Atmos serves about 1.2 million customers, in Austin they serve about 8200 customers in northeast Austin, background boundedty pflugerville and Harris branch subdivision. We coordinated review with similar situated municipalities through a coalition, which represents about 55 other cities with 150,000 customers. And working with outside counsel and rate consultants, reviewed the rate reduction request and found that it was correctly accounted for. The proposed agreement would decrease current average monthly rates, excluding the cost of gas, by -- for residential customers, by \$1.25 or 6.224%, for commercial customers, \$2.57 or 6.2% reduction, and industrial and transport customers by \$48 or 6%. We recommended approval of the proposed rate ordinance and accompanying tariffs which became effective retroactively for bills rendered on or after April 1st, 2018. This concludes my presentation.

>> Mayor Adler: Okay. Is there a motion to approve the Atmos energy rate reduction? Councilmember alter makes the motion, councilmember pool seconds it. Any discussion? Those in favor, please raise your hand.

[4:24:01 PM]

Those opposed? Passes. Thank you very much.

>> Thank you.

>> Mayor Adler: Okay. Item 87 is a floodplain variance. You want to come up and talk to us about that?

>> Thank you, Mr. Mayor, mayor pro tem and council members, Kevin shook from the watershed protection department. Get cued up here. The item before you is a floodplain variance at an address called 7906 south first street. It is in the south boggy creek watershed.

>> Mayor Adler: Okay.

>> There is an overall map of the area with the property there highlighted in yellow. Top -- you can see the floodplain highlighted in blue on the outside, at the southwest corner ditmar and south first. It was built in 1951, it was annexed by the city in 1979. It has been in FEMA floodplain since our initial floodplain maps in 1978. As you can see, there are some flooded structures downstream there, on the top right side, Luna drive and ditmar, the watershed protection department and engineering division is aware there are flooding problems in this area, and we have identified about 11 buildings that are -- that could be flooded by a 100-year floodplain -- 100-year flood. We do have some drainage complaints on file that do indicate that this house at 7906 south first street has been flooded before, back November 2001, we have some reports from the November 15th storm, which is a pretty major form for Austin, that this house did receive about 18 inches of water, and we have some reports of some flooding in 1999, but there's not detailed confirmation on those details about that.

[4:26:19 PM]

There's a closer-up view of the property. You can see that the house sits on the back side of the property, and the channel kind of splits the property in two. The current house is about 1.4 feet below the hundred-year floodplain, and the depth of water on the property itself at the house for the hundred-year flood is about four feet. And water at the right-of-way is about three feet for the hundred-year flood. There's a picture of the house as it stands today -- actually, yesterday. It is currently not being lived in and is anticipating the result of this hearing to decide its -- what the owner is to do with the house next. So, the proposed development is to elevate the existing home by three and a half feet. And that would then put the house one foot above the 500-year floodplain. That's two feet above the hundred-year floodplain, one foot above the 500-year floodplain. The space they're adding onto the house is minimal compared to the existing house. I believe -- actually, I can't remember what the existing square footage is, but they're adding 215 square feet to the house itself. In addition to the housework, they're proposing some work on the property itself to minimize future risk, as far as accessing the property and the right-of-way. So they're going to build an elevated access path. While it's not above the hundred-year floodplain, it does increase risks to get to the house or to the right-of-way. And they

have shown through some engineering calculations that all of that work, the house and the berm itself, will not cause adverse flooding on other properties.

[4:28:20 PM]

The variances requested are listed here. This is mainly a safe access variance. So while the finished floor elevation of the house will be above the 500-year floodplain, they don't meet the same access rule to get off the property, which means you have to be an elevation -- the entire elevation all has to be one foot above the hundred-year floodplain, which they don't meet. However, they do make it improve the site by trying to elevate the berm as high as possible. So the summary of our findings is that this development is basically a

[indiscernible] Project. They are reducing risks by elevating this home three and a half feet, one foot above the 500-year floodplain. The proposed floor elevation, like I told you, will be 2 feet above the hundred-year floodplain, one foot above the 500-year floodplain, so that exceeds our minimum requirement, which is one foot above the hundred-year floodplain. However, it still does not meet the safe access rule. It's improved but still doesn't meet the rule in its entirety. And I have down there the hardship condition partially exists. And the reason for that is, there is an existing use on this property. There is a house that can be used. So not granting this variance doesn't necessarily grant the hardship because there is an existing use on the property as it stands today. Our staff recommendation is for approval of this variance, and I wanted to go over a couple -- a couple items that we considered to come up with that approval recommendation. As far as the building goes, like I said, this is essentially a funded flood reduction project. Elevate properties is a viable option when you're talking about bringing -- reducing flood risk. It's considered by our department in some cases. We've never done it as a city project, but it has been considered, and many other communities across the nation do elevate homes.

[4:30:22 PM]

So this is basically a flood risk reduction project. Like I said, it's one foot above, not just the hundred-year, but one foot above the 500-year floodplain. That access that we just discussed again does not meet one foot above the floodplain, but it does minimize the risk that exists today. We talked about this a couple weeks ago -- actually more than that -- about another variance, and I wanted to bring it up in this case. The average increase in area, over the past 20 years, with residential properties that we develop, not new -- new residential development, but ones that redevelop, the average increase in conditioned area is 64%. This one, as I said, is a modest increase of only 11%, and they're not adding a bedroom, adding more -- they are adding more condition space, but they're just expanding the bedroom and expanding the utility closet area, utility area. So based on the density alone, we don't feel that the proposed development is going to increase flood risk significantly. There is a draft ordinance in your packet for you to consider, and I wanted to go over the four conditions in that ordinance. It's to issue a drainage easement to the extent of the hundred-year floodplain, save and except the house itself so

that's essentially the entire lot. They will be required to submit an elevation significant, which will certify the elevation of the house meets the requirement, which is one foot above the 500-year floodplain. Structural certification is basically, they have done this for one step, but they needed to go a step further, basically saying that what they're appropriating to develop can withstand the portion of the flood water. And then the certification for the access path. We have it in there because during the inspection process for residential development, the inspectors are inspecting the home, the building itself.

[4:32:24 PM]

We don't have typically an inspector that can inspect site work. So since the access path is a significant part of this variance, we wanted to have in there something separate that they would certify that that access path was built as proposed. And that's all I have. The applicant is here if you'd like to speak with them, and I'm happy to answer questions for you.

>> Mayor Adler: Thank you.

>> Houston: Mayor?

>> Mayor Adler: I want to give the applicant a chance to speak, if the applicant wants to take that opportunity.

>> Didn't have any, mayor and city council members. Thank you for listening to my case. I've been a south Austin for 40 years. I have my master's degree from the university of Texas and I currently teach there as well. I'm also an army veteran, a recipient of the purple heart. I've been awarded the bronze star and the army commendation medal with valor. You can say that the military and first responders are on the same page when it comes to safety. This is a textbook case for a flood variance. Our home was built in 1951, outside of the Austin city limits. There was a time where it flooded this one time, out of 67 years. Our plans allow flood water to flow underneath the home instead of blocking it. Our engineer has run the flood models, and that has actually improved the flood models based off of the design. We are raising our home one foot above the 500-year floodplain, which is well above what is recommended, as we anticipate changes in the flood maps. Obviously, this would increase safety for everyone. We are using our own money to flood-proof our home to the best of our ability. Who benefits from our investment?

[4:34:26 PM]

Taxpayers will not have to bail us out. My family will be safer. Flood insurance rates will drop. First responders will have more time. And the city of Austin will benefit for generations due to our hard work. In my opinion, a project like this should be fast-tracked. When the homeowner wants to take responsibility and foot the bill to raise that home above the floodplain. The city of Houston is playing catch-up. Many homeowners are doing what I've been trying to do here for the last year and a half. Our

home has never been on the buyout list. We are not adding occupancy more density. My plans have no adverse effect on this property or the surrounding properties. We researched city records, and there has never been a flood on boggy creek. The city of Austin does not have any plans to shut down south first in order to raise the street up and out of the floodplain. So what choice do we have but to take on the responsibility ourselves and raise our home ourselves? We aren't looking for a handout from taxpayers or FEMA. We aren't asking for city funding. In fact, the variance is the least amount of effort on behalf of the city to make our home as safe as possible. Without the variance, I argue that it would be a full hardship to live in a home below the floodplain, when we are capable of doing something about it. Imagine the city of Austin stopping us from flood-proofing our home when we -- in the name of safety. That wouldn't make any sense, and I'm here today on record, willing to take on the financial cost before a flood happens. There will be no video of us from our living room or front porch watching raging water go by. You might be tempted to say floods happen mostly at night, and to that, I would say show me a war veteran who sleeps lightly.

[4:36:31 PM]

[Buzzer sounds]

>> Mayor Adler: You can finish your thought.

>> Thank you. For some incredible reason, we ignored all logic. We ignored all warnings from the television, radio, text messages and family. We would still have a rooftop deck to wait out a storm. You don't have to be an engineer to look at our plan to determine it is the safest option compared to living below the floodplain. I can understand your reluctance to approve if we were trying to build a mansion, but this is a modest three-bedroom home that is staying a modest three-bedroom home. I thank you for your consideration and I welcome your questions.

>> Mayor Adler: Mr. Perez, thank you. Any discussion on the dais? Councilmember pool?

>> Pool: I wanted to thank the applicant for showing us the changes that y'all plan to make on your property to make it safe for you to live there, and that is, frankly, our concern on the dais is -- and don't you have to come back. Thank you. When we take up these floodplain cases, is whether people in the structure will be able to get out safely. So you thank you for the changes that you're making and your willing tons make them. I also will note a couple of things. One is that our flood office is in support of this. I believe Mr. Strong as indicated that this is something that we should approve, and that our watershed protection department has approved, and that also is an unusual situation. We mostly get suggestions, recommendations for denial. So your case is, as you have pointed out, significant and unique, and especially with the support from our watershed protection department and an early release time for Mr. Shunk, who it is true, tends to have to be here at the very end of the night.

[4:38:33 PM]

I will be supporting -- I will be supporting this, and I'd even like to make the motion to approve it once we get around to that.

>> Mayor Adler: Further discussion on the dais? I'm going to let councilmember make the motion. It's her district. Councilmember Garza, you want to make the motion?

>> Garza: Move approval of the variances staff has recommended.

>> Mayor Adler: Is there a second to this motion?

>> Pool: I'll second.

>> Mayor Adler: Councilmember pool. Any further discussion? Councilmember Renteria, then councilmember alter.

>> Renteria: I'm going to approve this project, and I'm really glad that staff is working with people that can elevate their house. You know, when we're going to the buyouts there at Williamson creek, we have residents down there that are proposing the same thing so that they can stay in their neighborhood, and I hope that in the future that we'll be able to work with these people that don't want to move. They're in the same situation where they're just like a half a foot or a foot over the 100-year flood, and they're willing to -- and maybe we can look at using some of that buyout money that we have, I'm sure it's a lot cheaper to raise these homes up higher than buying them out and keeping families in that neighborhood, so I want to thank the staff for being real flexible on that.

>> Mayor Adler: Okay. Any further discussion on this? Councilmember alter?

>> Alter: I'm not going to repeat councilmember pool's comments. I share them. I had one question for stuff. I just wanted to understand, if we approve this variance, it doesn't create any additional liabilities for the city because we approved the variance and loud them allowed them to build in the floodplain? It doesn't create any additional liability?

>> It's my understanding it does not, and Chad can speak to that.

[4:40:37 PM]

>> Chad, city law department. I'll just say, no, it does not create any additional liabilities.

>> Alter: Thank you.

>> Mayor Adler: Ready to take a vote? Councilmember Houston?

>> Houston: I have a quick question for staff. Can you explain to me about the access path? Is that for people to get out or for first responders to get in?

>> Both.

>> Houston: Both. Okay.

>> Yes.

>> Houston: And that's going to be elevated to a level where --

>> It will be elevated -- it's almost to the hundred-year floodplain. It's less than a foot along the entire path from the front door of the house to the right-of-way. So it's a little bit to the -- actually, as we were looking at the property, to the left of the driveway, you'll have an elevated path along that way.

>> Houston: And I just want to say to the family that this will be the first time that I've voted for a variance in the floodplain, but I understand what you're trying to do, and I think by elevating the house, that you all will be safe, and I will be secure that you'll be safe, so I'll be supporting it.

>> Mayor Adler: Ready to take a vote? Councilmember Garza.

>> Garza: I wanted to thank our watershed for working with the perezes. Being a firefighter, I'm concerned about public safety with all the flooding that's happened in my district, I'm concerned about possibly putting families at risk, but these improvements actually make the place safer for whoever -- for the perezes that will be living there. So I thank the staff for working with them and I thank the perezes for the commitment you've made to make your home safer.

>> Mayor Adler: Let's take avows. Those in favor, please raise your hand. Those opposed? It's unanimous on the dais with the mayor pro tem and councilmember troxclair gone. You're done. Thank you. Council, I think that those are all the things that we're allowed to take action on, with the timing, because everything else has been set for after 7:00.

[4:42:39 PM]

But I want to give anybody who is here and wants to speak on any of these the opportunity to do that. Is there anybody here to speak on anything else on our agenda? No? We're going to come back at 5:30 for music and then proclamations, and then 7 o'clock we'll pick up the -- the agenda. With that, it is 4:42, and we will stand in recess.

>> Mr. Mayor, I'm sorry, I didn't hear what time you said to come back.

>> Mayor Adler: [Off mic]

>> Okay. Thank you.

[Reces

[5:32:55 PM]

S] Test .

>> All right. Well, this is -- this is obviously one of the hottest tickets in town here. Right? You know, there are -- there are no other city councils that we know of that stop at every city council meeting to be



able to bring in live music. But we are the live music capital of the world, so it's only -- only fitting that we do that. This council has been going at this since a little after 10:00 this morning. We still have lots of things on our agenda, so we'll be going a little bit later tonight and when you see that and understand that and know that a lot of these things involve close votes on the dais, issues and views passionately held, you understand why it is that stopping for us to have some of our artists come in and play in this space is -- is just so incredibly important. On so many levels. So tonight, we have with us, Hai Zheng. She recorded with the English chamber orchestra and has six cds. She performed as a soloist at the Carnegie recital hall. She has also been soloist in Lincoln center and widmore hall in London, at bozendor in Vienna. Her works were highly acclaimed by "The New York Times," by the oxford daily mail, and stradden magazine. First female Chinese cellist to be cited to the competition and a winner of the Ferman international competition.

[5:35:01 PM]

She teaches at St. Stevens school and at southwestern university. She is the artistic director for the young musicians competition at the Asian American cultural center since its inception in 2000. This is just an incredible honor and treat and gift for us. Please join me in welcoming Hai Zheng.

[ Applause ]

>> Thank you all for coming. Thank you, mayor Steve Adler and thank you councilmembers. I want to say a very few words about the suite I'm going play. It's a suite I put together within the time limit. The first part is the "Bumblebee." The middle part is the Chinese folk song from hunan province. It's the sister city of Austin. And I performed this tune when the governor visited Austin. And at the last part without further ado, I'm sure you know this melody. ♪♪

[5:39:26 PM]

♪♪

[ applause ]

[ Applause ]

>> Mayor Adler: So, tell me if someone were -- were in the room tonight or watching this on TV and they wanted to be able to follow you, to see what you're doing, do you have a website?

>> Yes. I have a website, cellist haizheng.com and they can find me at the southwestern university website. I'm on the faculty website there as well as the Stevens school

>> Mayor Adler: And if they wanted to be able to find your music.

>> Yes. It's on the cdbaby.com in Amazon.

>> Mayor Adler: Okay. They could get all of the six cds by going there?

>> Yes. Yes.

>> Mayor Adler: And then if -- if someone wanted to see you -- do you still perform?

>> Yes, yes. I teach and perform. Our next two concerts coming up in Georgetown -- at the Georgetown festival of arts on the 19th on Saturday night. And on the following Tuesday, the 22nd. The Georgetown library.

>> Well, great. Thank you so much. On behalf of the Austin city council, I have a proclamation.

[5:41:27 PM]

Be it known that whereas we are honored to show case the talents of internationally acclaimed artiss and internationally acclaimed cellist, Hai Zheng who's a graduate at the university of Texas at Austin and has lived in this city since 1985. And whereas Hai Zheng has won numerous prestigious awards and scholarships across the globe and was the first woman from China to be invited to the competition in Moscow. And whereas as the founder of the biannual young musician festival competition, Hai Zheng is dedicated to give back to the community and create an opportunity for young and budding artists to shine. I, therefore, Steve Adler, mayor of the city of Austin, Texas do hereby proclaim may 10, 2018 as Hai Zheng day. Congratulations.

[5:44:37 PM]

>> Good evening. I'm councilmember Huston. I'm here to read a proclamation. Be it known that whereas the Austin parks and recreation department's Asian American resource center has served thousands of visitors since its grand opening in 2013, and whereas its mission is to provide spaces, services, programs, and resources to an Asian American pacific islander perspective and its vision is to empower Austin's diverse communities through cultural understanding and life-enriching opportunities. And whereas may is federally designated as Asian pacific American heritage month and Asian American pacific islanders are the fastest growing demographic in Austin. And whereas the Asian American resource center will host the fifth annual festival to honor the contribution of Asian American pacific islanders, now, therefore, on behalf of mayor Steve Adler, mayor of the city of Austin, Texas, we proclaim may 12, 2018 as celebrasia Austin, Asian pacific American food and heritage festival day in Austin, Texas. And I'm so proud that the cultural district is in district I. So please tell me about parking too.

>> Thank you, councilmember Houston. Thank you, mayor. And other councilmembers as well for this proclamation. We are very excited to be celebrating our fifth anniversary of celebrasia, Austin and Asian pacific American food and heritage festival day. The festival will be Saturday, may 12 from 11:00 A.M. To

4:00 P.M. At 8401 Cameron, road, Austin, Texas at the Asian American resource center, the city of Austin's newest cultural facility.

[5:46:41 PM]

For parking, please do come early. We will have parking available south of our facility at Rutherford lane campus, which is within walking distance of Cameron road. We also have a shuttle option from kip academy located on Cameron road as well as a free park and ride option through our partner cap metro at doby middle school. We hope to see you all there. There will be lots of cultural performances as well as food. Thank you so much again.

[ Applause ]

>> Houston: It is a privilege to do yet another proclamation. And I'm still from district I. Be it known that whereas community mental health is essential to overhaul health and well being for all, and whereas we live in a community where one in five individuals of all ethnicities, cultures, and religious backgrounds is affected by mental illness, half of all lifetime cases of mental illness emerge in childhood.

[5:48:46 PM]

And whereas we visualize our community coming together to help children, youth, and individuals who live with mental illness lead full and productive lives, positively impacting our community and whereas the city of Austin can continue to support the development and implementation of our community system of care, to ensure children, youth, and families have access to services and supports that build upon their strengths and best meet their individualized needs. And whereas we dedicate the month of may each year to raise awareness about mental health, reduce stigma, and celebrate resilience and recovery for children, youth, individuals, and their family. Now, therefore, on behalf of mayor Steve Adler, mayor of the city of Austin we proclaim may, 2018 as national mental health month in Austin, Texas.

[ Applause ]

>> Thank you, mayor Adler, councilmembers and community for your support of mental health in austin/travis county. I'm the co-chair of kids living well, formerly the child and youth mental health planning partnership. Since 2005, the children's partnership in collaboration with kids living well, has been promoting mental health awareness on behalf of Travis county children, youth, individuals, and their families. Each year, we celebrate may as mental health month. And today we are celebrating national children's mental health awareness day of 2018.

>> Thank you, Cory. I'm Christie keen. And we are highlighting the importance of children's mental health to reenforce that positive mental health is essential to a child's healthy development. We're celebrating the resiliency and the recovery of our children, our youth, and their families.

[5:50:51 PM]

Along with the transformation of mental health services and supports. Please join us in our efforts to decrease stigma around mental health. And to increase access as well as awareness of services and supports in our community. Thank you, Austin.

[ Applause ]

>> Tovo: Good evening, I'm Kathie tovo, I serve as mayor pro tem and I have the honor of representing city council district 9 and tonight I have the privilege of presenting a proclamation to one of our fabulous student leaders at the university of Texas.

[5:53:09 PM]

So on behalf of the entire city council, I would like to read the following proclamation. Be it know whereas Alejandrina Guzman was elected student council president in 2017 becoming the first Latina in the university of Texas at Austin to be el elected as student body president as well as the first differently physically able individual out of all of the universities in the big 12 conference and where as she worked with UT Austin to establish the inaugural first generation symposium and fall kickoff event to advance the university's efforts to further opportunities for first generation students. This work has gained national recognition and has inspired other universities to implement similar initiatives. And whereas in her tenure, she advocated for greater accessibility both on and off campus, enhanced inclusivity, expanded tenant rights, affordable student housing opportunities and the empowerment of student voices and whereas our community is grateful for her service and leadership, her legacy as a trailblazer and advocacy for justice is enduring and worthy of recognition. Therefore, I Katie tovo along with Steve Adler and our city council hereby proclaim may 10, 2018 as Alejandrina Guzman day in Austin, Texas.

[ Applause ]

>> Thank you. Thank you so much. I'm trying -- can you lift it up a little bit, please. Thank you so much. Okay, I think this works. Thank you.

[5:55:11 PM]

Wow, what a -- what an honor. I feel this is really cool taking it all in right now. But thank you so much. Mayor pro tem Kathie tovo and mayor Steve Adler for this and the entire city council. This is really amazing. I just wanted to say that it's really fascinating to me to be in front of all of you today before I wasn't supposed to be at UT Austin. I'm the oldest of four kids. I'm the first generation student, and my parents were really nervous about me even going outside of the home. To -- to a college. My mom had

aard time letting me go. And venture out to other universities. And I found UT Austin because of how accessible the city -- the city of Austin, of course, how inclusive it's been. And there -- you know, of course there have been some experiences, ups and downs. One particularly last year, this past year, at my apartment. There are two elevators and I went to my apartment and it was late at night and both of them did not work. And I live on the second floor. And I ended up spending the night at the student government office as a student government executive board member, we have offices on campus. And I was able to sleep there and study and write my essay that night. And so -- it's just been such an honor and privilege to be up here and talk to you all and share a bit of my story and I know that, you know, city councilmembers have worked extremely hard on continuing to make Austin more inclusive and more accessible and it makes a difference as it did to me. So thank you all.

[5:57:11 PM]

I really appreciate it.

[ Applause ]

>> Mayor Adler: So, city manager, we have proclamation here for public service recognition day. Before we get into this, I just want to, as an aside, you know, there's public service at so many different elements and so many different things happening in this city all the time, and most of the things that happen in this city are things that you don't see. Everything just seems to work. You turn on the lights and the power comes on and you don't think about it. Well, here in the council chambers, our life is kind of like that, too, internally, especially with the city clerk's office and the things that we deal with, including proclamations and the boards and commissions work that happen.

[5:59:22 PM]

So before we get into this, I just want to take a second to recognize Deana Estrada, who I think is like leaving us --

>> No, no, no!

>> Mayor Adler: No, no, no, is right. For all the work that you have done with the city. Obviously, I have a personal connection to you and your family, and I just want you to know how grateful we are for everything you have done for us and for the seamlessness that you have added to lives that are altogether too hectic and disrupted, so, Deana. Thank you so much.

[Cheers and applause] And with that said, we have a proclamation. Let me read the proclamation, manager, and then you can say some words. Be it known that whereas hard-working city of Austin employees provide a number of valuable services to the residents of our city in essential areas such as health and recreation and utilities, transportation, libraries, planning, zoning, public safety, and our municipal courts; and where's they are a credit to their peers who work in the public sector to promote

the diverse services demanded by the American people at the local, state, and federal levels; and whereas it is important to express our appreciation to city employees who often go unrecognized for their service and their contribution to our quality of life in this great city, now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim May 10th of the year 2018 as public service recognition day in Austin, Texas.

[6:01:41 PM]

[Cheers and applause]

>> Good evening. I'm Spencer Cronk, the city manager of Austin. Before I say a few words, I'm going to have Katie introduce and you'll honor honorees today so if they could please step forward and we'll give you your certificate.

>> From the animal services office, Joseph Ramirez. .[Cheers and applause]

>> Austin code department, Justin Brummer.

[Applause]

>> Austin convention center, Carla Nickerson.

[Cheers and applause]

>> Austin energy, Jeff Bradford. Austin fire department, Amy Mancher.

[Cheers and applause] From A.P.D., the bomb squad, being accepted by lieutenant Courtney Renfro.

[Applause]

>> Austin public health, Dwight Chavez.

[Cheers and applause]

>> From the Austin public library, the moving squad, accepted by Ann Bramlett.

[Cheers and applause]

>> From Austin transportation, Paloma Amadio Ryan.

[Cheers and applause]

>> Austin water utility, Alice Flora.

[Cheers and applause]

>> Mayor Adler: One more.

[6:03:48 PM]

>> Aviation, Nick Ramirez.

[Applause]

>> From the budget office, Chris chistoe.

[Cheers and applause]

>> Building services, Dakota young.

[Cheers and applause]

>> From capital contracting, Matt Zamarripa.

[Cheers and applause]

>> The controller's office, Jennifer Marguerite Houston.

[Cheers and applause]

>> From ctm, the gis team, accepted by Cathy winfee.

[Cheers and applause]

>> From the corporate public information office, the atxn team accepted by Robert heath.

[Cheers and applause]

>> The corridor program office, Zachry Ashburn.

[Cheers and applause]

>> Development services department, Donna galate.

[Cheers and applause]

>> Downtown Austin community court, the community service restitution crew unit, accepted by Andy schluester.

[6:05:52 PM]

[Cheers and applause]

>> Economic development department, joy Miller.

[Cheers and applause]

>> Ems, the explorer post team, accepted by Amanda baker.

[Cheers and applause]

>> Fleet, irsha Dunbar cresbow.

[Cheers and applause]

>> All right. Get together the best you can.

>> Crowded.

>> From human resources department, Sylvia Everett.

[Cheers and applause]

>> From homeland security and emergency magnet, Jacob, on active duty right now, being accepted by his director.

[Cheers and applause]

>> The innovation office, Sarah Rodriguez.

[Cheers and applause]

>> The law department, Mike henessey.

[Cheers and applause]

>> Municipal court, gabby serray.

[Cheers and applause]

[6:07:52 PM]

>> Neighborhood housing and community development, the client services and construction division, accepted by Leticia brown.

[Cheers and applause]

>> Office of the city auditor, Mia Sharber.

[Cheers and applause]

>> Office of the city clerk, grace -- grace [indiscernible].

[Cheers and applause]

>> I hesitated and that threw me off. Office of performance management, Allison Folts.

[Applause]

>> Office of real estate services, Steven Gonzalez.

[Cheers and applause]



>> Planning and zoning, Jeff ingstrom.

[Applause]

>> Purchasing office, Marty James.

[Applause]

>> Telecommunications and regulatory affairs, Lydia Castillo.

[Applause]

>> Treasury office, Gail ray.

[Applause]

>> Sustainability office, Paula Camacho.

[6:09:58 PM]

[Applause]

>> Watershed protection department, field operations division, accepted by Curtis Carter.

[Cheers and applause]

>> As we get ready for a group picture --

>> [Off mic]

>> Just reading those names was so remarkable, to be able to see the diversity of departments and services that the mayor was saying that we do on a day-to-day basis for our residents, and even though I've only been here for a short three months, it has been so remarkable to see the dedication and commitment and professionalism of our employees on a day-to-day basis. I want to thank each of you for what you do for our city. It's an honor to serve with you for our residents, and I also want to thank the families and friends because without you, we could not do our jobs. So thank you very much. Let's give everyone a round of applause.

[Cheers and applause]

[7:10:14 PM]

>> Mayor Adler: So I think we have a quorum in the room. So I'm going to call -- I'm going to call the meeting to order. 7:10. We're back. So, council, we have before us set to be called the smoot land use case which seems to be contested. 36 people have signed up for that. We have some other things that we thought might go quick and if something was going to go quick we would take it before smoot, but

what we're trying to avoid is taking the contested one up last so that we're having the more challenging case at 10:00 or 11:00, 12:00. So there's some things that I think might go fast. One of them is -- I think there's something we could have handled on acquaint -- on consent, Riverside P.U.D. The mayor pro tem will read in a couple amendments. I don't think anyone needs to speak on it so we ought to be able to move quickly on it. Ahfc items, 22, 23, 24, and housing finance corporation, items 5 and 6 and 88 and 89. We don't have anybody that's signed up against those, so it looks like if we limit the -- and I think we can limit the testimony on those to ten minutes total so we'll take that up next. We'll take up that bunch right after Riverside P.U.D., we'll take up that. Limit testimony to ten minutes on all seven of those, and we'll run the ahfc hearing concurrently with that to take up items number 5 and six.

[7:12:16 PM]

And then we'll try to close out the rest of the ahfc item. Then the next thing we have are the tenant protection issues, 50, 51, 52, we have some people to speak against those and people to speak neutrally on those. I don't know if -- and it seems as if it's the same -- generally the same people that have signed up on 50, 51, 52 so we might be able to call those concurrently but we have a half dozen people to speak on those issues. Then we have the sanctuary issue. I think councilmember pool was able to get a group of people to all agree to speak in ten minutes, but then it there are I understand nine people that are not in the group, including one against. Is that right?

>> Pool: I don't have any information -- I believe that is correct. I do not know who those folks are but I did speak with the folks who had worked with my staff and then amenable.

>> Mayor Adler: Okay. They're all yes, and we'll give those people who are all yes the chance to join that group. If they don't we'll take that up after smoot. So let's go ahead and get started on that process. Okay? We'll call up first 83 and 90. You want to lay those out for us?

>> Case 83, ch -- the 425 west Riverside P.U.D., ready for third reading. In addition to the amendment that mayor pro tem dove is about to offer, staff would like to make one more request for another amendment, that is that we allow the traffic to be posted with the site plan. Instead of it being required posted with third reading staff is oak with it being posted with the site plan.

[7:14:17 PM]

>> Mayor Adler: He laid it out. So we have laid out for us right now items number 83 and 90. Did you make your amendments, mayor pro tem? Or did you just -- I think I think we have a motion --

>> Mayor Adler: Why don't you make the motion?

>> Tovo: I'll move approval of 83 and I have three -- with the three amendments that I distributed earlier.

>> Mayor Adler: Okay. So we have a motion for 83, with the three amendments. I think they're in agreement with folks. Is there a second to that? Councilmember pool seconds that. Discussion on this item? Mr. Flannigan.

>> Flannigan: So I have an issue with number 2 on the amendment list.

>> Mayor Adler: Okay.

>> Flannigan: So my concern is that we are predetermining the award of a contract to a specific vendor in the in terms of of this. I have no problem with part three, necessarily, that would restrict the area in which the money could be used, but I don't know that it -- I can't recall doing this in the past, where we predetermine the group that's going to use the money when they don't even have a project ready to go. And I think as a matter of process it makes a lot more sense to allocate the funds and then let a actual procurement process or nhc process move forward.

>> Mayor Adler: Are you talking about 2, the monetary contribution, 50,000.

>> Flannigan: The part that says it has to be used by the south central Austin community development corporation. I don't know who that is and it seems weird we'd be making that decision from the dais.

>> Mayor Adler: Do you want to explain the basis for the 50,000 in that institution mayor pro tem, why don't you go ahead and do that.

>> Tovo: First of all I'll explain the additional 50,000. First and second reading we talked about the affordable housing contribution, which I don't have my sheet in front of me, somewhere in the neighborhood of \$1.1 million, little more than that.

[7:16:19 PM]

In looking -- on first reading or second reading I've forgotten which I pointed out that the south central plan actually calls water front to be affordable, which got allocated to each property at about a 12% rate. So I made the motion to change the 10% to 12% since they are paying a fee-in-lieu working with staff, the calculation for that additional 2% from the original staff calculations equates to about \$226,000. They already had a credit for 176,000 so that's how we came up with this additional 50,000 that's available beyond what we had talked about in the first two readings. We had testimony I think at the first, possibly the second, hearing as well from the community development corporation about the work that they are trying to do in this area. One important goal of the south central plan was to try to get affordable housing units and promote affordability within the plan area, and so it's actually very consistent -- I mean, the number 3 I would just point out is exactly what is in the south Val -- is in principle the same as what is in the south central water front vision, that the money, any of the affordable housing money is to be spent within that overlay. The change that we all agreed to on one of the earlier readings was to extend the boundaries of it so it wasn't just in the water front but it was in immediate adjacent areas. But number 2, the money would go to nhcd and it would be, as I said, we did hear from the community development corporation about the work that they are trying to do in this area. Their geographic boundaries are very similar to the ones believe it's appropriate to empower this

grass roots organization that is working on just exactly the kind of work in exactly the same area that we have already agreed when we pass the south central water front plan to do.

[7:18:38 PM]

So that's the -- it would have to be an eligible project. You know, they could apply through the regular nhcd program and get an allocation of funds that way. This is additional money if -- beyond what we had talked about in the first two readings, and so reserving this for a project that they could come up with is in my mind appropriate. And, yes, have we done exactly this before? No. But this is also the project to come through in this area since we adopted the water front plan and all of it is new and a P.U.D. Allows us some flexibility in how we move forward on certain issues. But their mission is aligned. They were set up to promote affordability and affordable housing in this area. They've expanded their boundaries and now their boundaries are very similar to the water front overlay mile radius.

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: So I appreciate that explanation, mayor pro tem, and I don't have issue with most of what you described because my primary concern, really my only concern here, is the designation of a specific entity that will be the only eligible vendor for the use of those funds. That's the part that I find unusual and that I'm not comfortable with. The 50 grand is great. The geographic boundaries in three is great. All that stuff is great. But it just seems odd that an organization I haven't been able to Google them, they don't seem to be a registered corporation with the state of Texas or the irs. Like, I just don't know who they are and it seems odd we would predetermine the awardee of a contract in advance when we have a process that determines the awardee of affordable housing grants. So it is a very, very specific objection, which is just that part. So the rest of it I have no objection to.

>> Mayor Adler: So why would we be giving it to one group as opposed to giving it to nhcd to award?

>> Mature, that would be a question for mayor pro tem.

[7:20:38 PM]

>> Tovo: Just to be clear the other 1.19 million -- the other 1,130,874 would be available to any organizations that want to apply to do affordable housing or programs that fit within that -- in the same geographic boundaries. We have several very successful community development corporations in this city. This is a newer one. It is registered in the state of Texas. They are also in the process of getting their 501(c)(3). They would need to go through nhcd to get approval of any projects they come forward with. But in my mind, one of the goals of -- you know, this was number 1 a controversial project in these areas. The affordable housing component is extremely important to the residents of the adjacent areas who had concerns about this project, and to me, you know, there are some concerns about the rate of development in the water front and how quickly those residential units will come on and whether that affordable housing will actually get built or whether this will be affordable housing initiatives within that

area in the time period we're setting aside the funds. This is a nonprofit organization that is focused entirely on that goal, and so, you know, to me it's a very -- taking a very small portion that have one -- more than 1 million but almost \$1.2 million and reserving it for the purposes of an organization that is focused on this goal seemed to me appropriate but it's certainly something that we'll vote on and move forward one way or the other. I know they'll apply for the think it would be consistent.

>> Mayor Adler: The paragraph 3, doesn't that ensure that it's going to be spent in that area, regardless of who gets the award some.

[7:22:43 PM]

>> Tovo: Paragraph 3 ensures that all of the affordable housing money will be spent within that area.

>> Mayor Adler: Including the 50,000.

>> Tovo: Including the 50,000.

>> Mayor Adler: Okay.

>> Tovo: But it has to be spent within ten years. And I think initially it was five years. In one of the previous readings I extended it to ten years. You know, because it will take some time to happen, and so, yes, if the housing gets built within ten years, it will have to be in those areas.

>> Mayor Adler: Okay. Further discussion? Mr. Flannigan.

>> Flannigan: So I'm even more passionate about this now because if they haven't even obtained their 501(c)(3) Status, if they're that new of an organization I'm even more uncomfortable prederth that they're going to get these funds -- predetermining they'll get these funds. I think having them in the regular nhcd process is the best way to do this without it looking like as a dais we have told the community or the community create an organization just to do this thing or some other type of very weird circumstance where we have allocated a \$50,000 grant to an organization that hasn't even finished their 501(c)(3) Paperwork. That's very problematic to me. So if we can -- I'm -- I mean, I would support this just by stripping out that part and letting nhcd take this additional 50 and put it into the regular process as it would be governed by that part three.

>> Mayor Adler: Yes, councilmember pool.

>> Pool: I just have a point of clarification,.

>> Tovo: If I could, I appreciate the concern you've raised but as a matter of information, I just want to point out that is not a new community development corporation. Community development corporations aren't required to be 501(c)(3) So they applicant applied in the past. They were set up at the time shortly after the high -- or maybe right before when the Hyatt redevelopment was happening down south. I was involved in it. In fact I helped found an earlier version of this. It's recently expanded to -- I mean, it was formed before I would say maybe 2006, 2007.

[7:24:49 PM]

I'm not sure when. So it has been on file. The golden creek community development corporation was a creation that dates back to -- again, I'll need to double-check but maybe 2008, something like that. I filed the incorporation papers so I'm quite certain they're on file with the state of Texas. I haven't been on the board since 2011, but it gives you a sense of how long it's been there. They have recently expanded I think in part because of the south central water front planning recently expanded their boundaries and I think I listed the boundaries in the previous session. So they have an expanded territory and a reconstitute board. That's a point of information about how long they've been in existence. It doesn't -- the concern sufficient still, again, a valid one. But I don't want people to think it's a new creation that's responding to this.

>> Mayor Adler: Councilmember pool.

>> Pool: Well, it says in your second paragraph that the monies would be used by the south central Austin community development corporation when that community development corporation has developed an eligible program as determined by neighborhood housing and community development under that department's established guidelines. It sounds like there's really good guardrails on whether that money would be expended. So the money as this says here, the landowner shall contribute \$50,000 to nhcd. That money would be we should in a fund to be used by the community development corporation when that community development corporation has developed an eligible program. It sounds like you have covered all of the bases. So I don't see what the objections might be.

>> Mayor Adler: Mr. Flannigan, if you were going to make an amendment that said something like landowner shall contribute 50,000 to nhcd to be reserved in a fund to be used as provided below, just because I'm trying to be consistent, we're trying to move away from individual vendors and putting it into buckets, it makes sense to me that the south central Austin community development corporation would be a prime candidate for this.

[7:27:02 PM]

But they should probably have to go apply to nhcd the way everybody else does. I would think they'd be a logical person for it and the money is being reserved in this area pursuant to number 3. So to be consistent with the position that's I'll take during the budget hearing, I would just have it go to nhcd.

>> Flannigan: Is it appropriate to make that amendment? So moved.

>> Mayor Adler: 50,000 to nhcd to be reserved in a fund to be used as provided below. But it doesn't designate to while. Is there a second to that amendment? I second that amendment. Any discussion? Councilmember pool.

>> Pool: How long nhcd know who the money is supposed to go to, and how does -- so how does nhcd know who the money would be -- would go to? If you lose the fact that it should go to the community development corporation.

>> Mayor Adler: Well, they would use it for their mission, restricted to the use of the south central water front regulating district and within a two-mile radius of the southern most boundary of the south central --

>> Pool: So nhcd would take the role of the community development corporation? Is that a common occurrence?

>> Rosie truelove, no, we would not be taking the role of the community development corporation. What we would be doing is what we typically do for projects of this nature or funds of this nature. We would have an application process and this funding would be restricted, like the 1.1 million that's coming as part of the fee-in-lieu to be used within the boundaries described by the mayor and they would have to go through an application process and meet certain thresholds and we would fund them like we do other projects of this nature.

>> Pool: So you would have to do an rfp?

[7:29:03 PM]

>> We have an ongoing funding process where folks can turn in applications to request funding at any point.

>> Pool: Is that process -- would that -- okay. So it sounds like the process for that would be a little more involved than if you had a designated target who -- which entity would be receiving those funds once the eligible program had been developed based on your established guidelines. So when we take out all of that information out of this in the amendment that's been offered, then no one knows what that \$50,000 is for. And no one knows what program it is supposed to be developed for.

>> It would be used for -- for affordable housing within our program guidelines. It would be actually probably held in the same funding line, so to speak, in our system as the fee-in-lieu funding.

>> Pool: Are you saying that's a better approach than the one that mayor pro tem has put in her motion sheet?

>> It's consistent with how we apply our funds currently.

>> Pool: Is that a preferred approach to what the mayor pro tem has put in her motion sheet?

>> For me? I would say, yes, it's a preferred approach because it allows us to have the process be more open for folks to apply for funding.

>> Pool: Mayor pro tem, is that something that had been part of this conversation?

>> Tovo: I guess if the question is did we reach out to nhcd and see if they had reservations, I thought we had. You know, again, if there's discomfort on the dais we can just vote it up or down.

>> And we did have a conversation and I expressed that I hadn't -- I had some reservations about specifically noting a certain organization.

[7:31:06 PM]

However, we phrased the language in the amendment to speak to going through our application process and complying with all of the requirements we have so that gave me a certain level of comfort. But as a general process I prefer to have an open transparent solicitation or application process. That's part of my public contracting background.

>> Mayor Adler: Want to take a vote on this? Mr. Flannigan has moved an amendment. Let's take a vote. It's been moved and seconded. Those in favor of the amendment please raise your hand, Flannigan, Casar, me, kitchen. Those opposed please raise your hand. The otherwise on the dais. The amendment is defeated. Back to the tovo amendment. Further discussion? Take a vote. Those in favor of the tovo amendment -- I'm sorry?

>> [Off mic]

>> Mayor Adler: There were no objections to -- just adding one, two, three, those in favor please raise your hand. Those opposed. Flannigan voting no, others voting aye, proximate off the dais. That gets us to motion 83. Without objection I'll add 90 to it as well.

>> Mayor, I believe it would be best if we do 90 separately.

>> Mayor Adler: Okay. Those in favor of item 83 please raise your hand.

>> I'm sorry. I just noticed there is an error in the --

>> Pool: We can't hear you.

>> There's an error in the ordinance in backup so I wanted to make a motion to change that. As much as it pains me because it's the 8b where it's the 12% and it says 60%, and I believe what passed on second reading was 12% at 50% mfi so we'd need to change that to 50%. I believe it's second -- at second reading you changed that to 50% and the ordinance missed that.

>> Tovo: That's right.

[7:33:06 PM]

Thank you.

>> Houston: I'm sorry, could you say again where you're looking shall contribute?

>> I'm looking on part eight on page 6 of the ordinance. B, 8b as in boy. And at second reading you changed it to 12% at 50% mfi.

>> Houston: Okay.



>> And the ordinance says 12% at 60% mfi.

>> Houston: Okay.

>> Mayor Adler: Okay. Any objection to that change being made? Hearing none, that change is made. Vote on 83. Those in favor of 83 please raise your hand. Those opposed. Flannigan votes no, others voting aye. Passes on the dais. Someone want to move passage of 90.

>> It's to conduct a public hearing, to expand the Austin downtown parcel improvement district, as requested by the property owner I'd like to clarify in the backup the resolution would be removing the part talking about the community amenity fees being spent only within the council-approved south central water front vision plan so this would be just adding it to the daa.

>> Mayor Adler: Okay. Mayor pro tem makes that motion. Is there a second to that? Second. Councilmember pool. Any further discussion? Those in favor of 90 please raise your hand. Those opposed. Unanimous on the dais with troxclair off.

>> Thank you. That concludes zoning.

>> Mayor Adler: Thank you. Okay. So let's now look at the 23 -- 22, 23, 24, and ahfc five and six that relate to that and 88 and 98. Those all relate to one another?

>> Casar: Mayor, I think you could take 50, 51, 52. That's ten items, 22, 196024, 50, 51, 52, 88, 9859. My understanding is you've got a list of six speakers across all those items willing to contain themselves to ten minutes as far as the four.

[7:35:10 PM]

I think someone may have signed up against and I wouldn't govern his time within the ten-minute thing because what I laid out at work session was to get the people for within ten minutes for ten items.

>> Mayor Adler: If all the same speakers have signed up on all those things I think we're going to do that.

>> Casar: That's right. We'll run those concurrently the same way planning commission runs a meeting concurrently with zap or any of those other things so that we don't have to do multiple public hearings. Yes.

>> Mayor, I think to take action, I just want to remind you we'll have to take all of the ahfc I'm sorry under the Austin housing finance corporation, but the speakers I think could be considered -- we'll have to adjourn the meeting take action under that.

>> Mayor Adler: We'll take the votes that way.

>> Okay.

>> Mayor Adler: Okay? Without recessing the city council meeting, I'm going to convene, running concurrently, the meeting of the Austin housing finance corporation. Today is May 10, 2018, it is 7:36. We're in the city council chambers. Before we take up the other items, I'm going to call now those

collective I'm sorry, 22, 23, 24 from the city council agenda, also items 88 and 89, and you're saying 50, 51, 52 have the same people on them as well. For the purpose of the ahfc meeting I'm just going to call testimony for items 88 and 89. I think that's the same universe of people. Is that right? Testimony on items 5 and 6 in the ahfc. Okay? Mr. Casar, do you want to call your people?

>> Casar: Yep, Mike Gerber is first if Mike is here.

>> Mayor Adler: Collectively how many people?

>> Casar: Six.

>> Mayor Adler: Six people will take ten minutes.

>> Casar: If Mike isn't here then next is

[7:37:12 PM]

[indiscernible].

>> Mayor Adler: Mike Gerber, is he here?

>> He's not.

>> Casar: Then five people. Dalvo.

>> Mayor Adler: I'm sorry?

>> Casar: Dalvo.

>> Mayor Adler: Is this one of the remaining five or the collective five?

>> Casar: We've got dalvo, then [indiscernible]

[ Saying names ]

>> Mayor Adler: We're running these at basically two minutes each. All right. Two minutes. Can you pull the microphone down? Thank you.

>> My name is dalvo, and I have been a resident of Santa Maria for over 19 years. I am here as a member of the Santa Maria association steering subcommittee speaking on behalf of the residents of Santa Maria village. Santa Maria village is a large diverse community of 176 households. Residents speak English, Spanish, and Vietnamese and our meetings are conducted in all three languages. Our diversity is what makes us strong. With the help of

[indiscernible] We first came together as an attendant association in February 2018 in order to make our voices heard. For the past three months we listened to the consensus of our community and shared them in a petition to the potential new owner of the property. Over 110 tenants signed the petition and Texas housing foundation has committed to doing many of the things that we asked for. The tenant association is looking for work to seeing that the tenants requested changes are made.

[7:39:17 PM]

We would keep working to improve our community and are excited to build an open and productive relationship with the new owner. The tenants association asks the city council to approve Texas housing foundation as the new property owner.

>> Casar: Thank you.

>> Mayor Adler: Thank you. Next speaker, linell he's pay knows Saturday.

>> Good evening, members of the Austin city council. My name is [ saying name ] And I'm on the steering committee of the tenants association. I've been a tenant at the Santa Maria village for over four years. I want to thank mayor, councilmember Casar and Basta for their support ph. I have seen negligence in repairs. I have witnessed a change in tenants over the years and a higher crime rate. For these reasons we look forward to Texas housing buying the apartments and making improvements for a safe and beautiful home for our families. I urge the city council to please vote in favor of Texas housing foundation to become the new property owner. Thank you.

>> Mayor Adler: Thank you. Jose Rojas.

>> Thank you, my name is Jose and I'll read this for Nikki. She says [indiscernible] 2001, living in fairway village we have had constant issues, managers losing paperwork and files, not processing information on time. We always get owners the promise they were going to make changes in time and we get owners that don't. With the help of Basta we were able to form a tenant association and get organized and put pressures on the current owners. I believe that this is what led to their decision to sell the property so when Texas housing foundation came in as a potential buyer we sat down and had a meeting with them and discussed plans to come up with a certain agreement for both fairway village and Santa Maria.

[7:41:32 PM]

We deserve a lot better. We would like the city to make sure that Texas housing foundation complies with the agreement that we have made with them. Thank you.

>> Mayor Adler: Thank you very much. Cindy [indiscernible].

>> Hi. I'd like to say that the shift towards tenant rights that are embodied in these I'm sorry as well as the items in 50, 51, 52 are commendable. That expanding the scope of tenants rights is something that is sorely missing in Austin, Texas, and that I fully support the tenants organization and their desire to have just ownership and have a position of power. Further, the expansion center rights under the just-cause options under these later items are incredibly commendable and the -- in particular the items around 50 with regards to source of income discrimination, I think that tonight if all these items pass we are making substantial progress towards a more just and tenant-focused city that gives real rights and power to the people who are most disadvantaged.

>> Mayor Adler: Thank you very much. You can all sit down, please. Thank you. Is Gus Pena here? He had signed up for a couple of these items.

>> Casar: Mayor, I had the

[indiscernible]

>> Mayor Adler: I'm sorry.

>> Casar: I had Victoria

[indiscernible] Written down.

>> Mayor Adler: I'm sorry. I missed that. Victor yeah I'm sorry, come on back, please. I missed that. I'm sorry. I apologize.

>> Thank you. Good evening. I'm Victoria Hada and I'm going to be speaking on items 50, 51, 52 that talks about extending rhda protections to properties receiving city support and properties on the offender program.

[7:43:36 PM]

I work with Basta and we are a project primarily funded through the city of Austin to help outreach to properties that are in substandard conditions otherwise known as slum housing. I work with renters who live at these properties to help them work in their community to demand safe and healthy housing from their property managers and landlords. We do this by forming tenant associations, and these associations are really important because they serve as platforms from which tenants with voice their concerns in the community with the support of other neighbors in order to protect from landlord retaliation and to have a stronger voice. At the properties I've worked at some of which are on the repeat, oh, phonedder list, I've -- oh, fender list I've seen conditions I never imagined could exist here in Austin. A city that prides itself in environmentalism and equality. I've seen caved in refuses inside of apartments, leaks that go on for months, mold spreading across bedrooms and walls, rat, roach infestation, staircases falling apart, broken acs and sewage backup inside apartments. Tenants do their own repairs because most contracts prohibit them from doing so so this leaves them at the mercy of their landlords. Landlords do not like when tenants ask for repairs. Sometimes repair requests are ignored and, worse off, tenants are retaliated against for asking for repairs. There was actually one situation where a tenant I worked with was cornered in the laundry room by a manager for repeatedly asking to get pest control for roaches. The manager was threatening to evict her for consistently asking for this repair. And for being a nuance?

>> Mayor Adler: You can finish your thought.

>> This -- should I go quicker? Because I have lot more to say.

>> Mayor Adler: You've run out of time so you can close.

>> Okay. So anyways the properties where we've seen the most improvements and where tenants have an opportunity to develop a community voice have eviction protections.

[7:45:42 PM]

Tenant protections are the difference between tenants living in safe and healthy housing. As you can see the tenants who spoke from fairway village and Santa Maria village have extensive eviction protections.

>> Mayor Adler: Thank you.

>> Thanks.

>> Mayor Adler: Thank you very much. Okay. Speaking on these items, last speaker, Paul cadoro. You have three minutes.

>> Thank you, mayor, members of council. Paul cadoro, I'm speaking on items 50 and 52. With regards to -- first I guess let me get my thoughts straight. On 52 on the tenant protections for repeat, oh, oh -- repeat offender programs we don't understand the spirit and intent of the issue. Yeah, there's lots of stakeholder participation or stakeholder involvement in the city on a wide variety of issues, but I dare to say I don't think anybody on council has met with anybody on the repeat offender program to talk about this issue. And I just don't share -- I'm not sure the city has the regulatory authority to supersede the Texas property code and enact lease provisions that will go into a private contract. Those are some of our concerns. Not only does the city lack justification to enact lease changes not related to voluntary agreements because that's what I guess the intent is to have the agreements that are in the rental assistance development program kind of inserted into the repeat offender program, but I just don't see how the city did do that. I mean, that's kind of a pay for play program, and this is not.

[7:47:43 PM]

So in the big picture the tenant protection resolution is to prevent ownership from displacing residents. Wasn't that what the tenant displacement ordinance was intended to do when passed about a year and a half ago? You know, in the repeat offender snapshot issued last June there was only two properties that were sold that were on the repeat offender program, and I just have to ask, is that what the issue is? I mean, I don't understand what the issue is, and no one has reached out to us or anybody on the repeat offender program to ask. And I guess on -- you know, there's -- if this is enacted how are these addendums going to be implemented, and once they're enacted and someone gets off the repeat offender program are they rescinded? How does this all work? There's no administrative guidance. And we just don't understand what this is all about. With regard to the ordinance itself, it does say that evictions are being, you know, taken for insignificant reasons and for minor disputes, and we challenge that very strongly. If you have proof of that, please provide it. I mean, justice of the peaces do not enact eviction proceedings because of minor disputes. And if that's in the resolution, you know, we challenge

that on its very face. You know, this is a -- evictions are very costly and protracted process and no one takes it lightly. Not the justice of the peace for sure.

[ Buzzer sounding ] Lastly, on item 50, on the enacting of source of income protections for all -- I guess all units in a project that takes advantage of the density bonus program, if you want to dampen or I guess yank the emergency brake on people taking advantage that have density bonus program, go ahead and enact that because I think a lot of projects would just say, you know, we're just not going to undergo those burdens and strings attached to that program and will just figure out a way to do the project without the affordability set-asides.

[7:49:59 PM]

Thank you.

>> Mayor Adler: Thank you very much. I think those are all the public testimony on these items. We're going to go ahead and start moving through and taking some votes. Do you need the ahfc vote to come before or after anything else?

>> Ahfc can be handled after the regular agenda items.

>> Mayor Adler: Okay. So let's start, then, with items 22, 23, and 24. Is there a motion to approve those items? Mr. Casar makes a motion. Is there a second to that? Mr. Renteria seconds that. Any discussion? Mr. Casar.

>> Casar: Mayor, I'd just like to briefly thank the tenants, both from councilmember Renteria's district and from mine, fairway and Santa Maria village, I'd like to thank Basta and also the Texas housing foundation for coming together. When this whole process got started out, I think there were a lot of tenants that were nervous about what new ownership could mean. But I think because of your organizing and your hard work, you know, you've come together to an agreement that's here in backup signed by people from both the tenants association and Mr. Mayfield. They're really important commitments to make sure these remain affordable places for people to live, get repairs, get safety, improve common spaces and that's really a credit to the work the tenants did themselves. Thank you, Mr. Mayfield for being able to move and get to a place where you could put your signature on that piece of paper as well. That's appreciated. I know I don't speak just for myself on that front. And I do want to recognize Basta at this time because, you know, it's something that's largely funded through Orion budgets and own work, recognizing that we could be spending lots of city money relentlessly on code complaints and sending code officers but instead by proactively making sure tenants are empowered to work with landlords to get properties fixed that's ultimately much more

[7:52:04 PM]

[indiscernible] I'd like to thank Basta for that work as well as the tenants and it connects directly to the other items we'll be voting on which are important to make sure we have more acceptance of section 8 vouchers so there are more places that will accept tenants -- or places beyond places like Santa Maria and fairway to accept section 8 vouchers and if through the codenext process we expanding our density bonus units we can expand more fair housing opportunities for people having vouchers. I'd like to thank councilmember Renteria for working on this in his district and mayor pro tem for sponsoring some of today's tenant protection items. As well as I think we have still a pretty long way to go on tenants rights in the city but hopefully some of these policy changes and organizing you're doing we can be a better place to live for renters.

>> Mayor Adler: Let's take a vote on items 22, 1960 and 24. Those in favor please raise your hand. Todd. Those opposed. It's unanimous on the dais, councilmember troxclair off.

[ Applause ] Then let's go ahead and move to items 88 and 89, which support those. Is there a motion to approve those? Mr. Casar makes that motion. Administrator seconds that. Mr. Renteria seconds that. Take a vote. Those in favor please raise your hand. Those opposed. Unanimous on the dais with troxclair off. Let's go ahead and move to items 50, 51, 52, take those up individually. Item number 50, Mr. Casar, you want to make a motion? Mr. Casar moves passage of item 50. Is there a second to that? Councilmember Garza. Any discussion of this item number 50? Let's take a vote. Those in favor of 50 please raise your hand. Those opposed. Unanimous on the dais with councilmember troxclair off. Mayor pro tem, do you want to move passage of 51, 52?

[7:54:07 PM]

>> Tovo: I do. Thank you. I do want to thank Mr. Cadoro for coming out. I appreciate your continuing to participate in these discussions and I appreciate the apartment association's work with, for example, our student commission and the work you're doing with students on the source of income so thank you, and I look forward to continuing to partner on this even if we disagree on these items. I would like to move passage of 50 and 51.

>> Mayor Adler: Is there a second to that motion? Councilmember alter seconds those motions. Discussion? Councilmember Casar.

>> Casar: 51 and 52.

>> Mayor Adler: Items 51 and 52. Seconded by councilmember alter. Discussion? Councilmember alter.

>> Alter: I just wanted to thank mayor pro tem in particular on item 51 for her leadership and putting this forward. This grows in part out of a situation that we had in my district in the shadows of Austin oaks, and I'm happy to see us being able to work together to move this forward so that situation won't happen again.

>> Mayor Adler: Further discussion on these items? Those in favor of 51, 52, please raise your hand. Those opposed. Unanimous on the dais with troxclair gone. Okay.

**[AHFC meeting occurred. See separate meeting page for transcript]**

>> Mayor Adler: We are still in the Austin city council meeting. I'm looking at the sanctuary city item. It looks like there was some adjustment in speakers. Let me see. This is item number 48. We're down now just to three -- no, we have multiple speakers. So I'm going to call the smoot case. Let's move to item number -- is it 78? Item number 78.

>> Pool: Just trying to follow, mayor, you mentioned the sanctuary case and said it was over three speakers --

>> Mayor Adler: I have over a half hour's worth of time on that.

>> Pool: With the three speakers?

>> Mayor Adler: Four speakers.

[8:00:25 PM]

>> Pool: All right.

>> Mayor Adler: All right.

>> Casar: Do we want to ask them to condense to it ten minutes for this case?

>> Mayor Adler: I have three speakers signed up for this Vincent Harding, is he here? This could be easy then. What about Mr. Rig by, is Jim Rigby here? Is reverend Margaret beenhouse here? Is there anybody else here that wants to speak on that issue? Are you each willing to speak for, like, five minutes each, no more? In which case, we'll take those now. Is that okay? Is that okay?

>> Mayor?

>> Mayor Adler: Let's go ahead and do that. Councilmember pool, do you want to lay it out?

>> Pool: I would be happy to but they also have a short video, so I don't think the two of them were planning to speak for ten minutes. It was a total of ten minutes, which includes the video.

>> Mayor Adler: Okay.

>> Pool: Includes the video. But I'd be happy to have both reverend Rigby and Barnhouse come out, and while you're getting the video ready to go, I'll just say a few words about this resolution. I said it before, and I will continue to say it, sanctuary is not a bad word. Fortunately, we have houses of worship here that understand the word "Sanctuary" for what it is, and they are providing safe havens for people who have fled violent situations in their home countries. Hopefully there will come a day when Hilda Ramirez and her son and Ms. Gamez can be here without fear of being deported back to violent situations in their home countries. With that, I want to thank the Austin sanctuary network for all their work in this community, and then ask the reverends to come forward, and you have the floor.

[8:02:31 PM]



Thank you.

[Applause]

>> Good evening. I'm reverend meg Barnhouse, the senior minister of the first unitarian universalist church of Austin. Imagine the church you go to where the synagogue or mosque, if you don't go anywhere, imagine this building and think about its sounds and its smells and its rooms. If you had to spend the night here, how would that be? If you had to spend a month in your church, how would that be? Somebody else comes in and does your laundry. You have to make a laundry grocery list, someone else has to get it for you, no impulse purchases at all. Your family has to come visit you if they can. If you live in that place for two years, what would that be like? Alevio needs to get out of a sanctuary. It is not an arrangement anyone who is not desperate would make, so you know what these folks have left, if living in a building and being unable to go outside is better. I thank you so much for considering this resolution. It would mean the world to us if you would stand in solidarity with the leaders of the sanctuary network. I feel blessed, so I would like to give you a blessing.

[ ♪ Singing ♪ ] Remember the way of the wind and breathe and blow. Remember the way of the fire, and sparkle and glitter and glow.

[8:04:33 PM]

Remember the way of the water and ebb and flow. Remember the way of the Earth and grow. Be blessed and be a blessing.

>> Mayor Adler: Thank you. Reverend Rigby?

>> My name is Jim Rigby, pastor of saint Andrews church. If meg and I were better looking, they wouldn't block us out with the materials there. Do you have the picture -- I want to introduce you to the two people who are living in our church. Ilda evan, is the picture posted? Okay. They're working on that. I want to show you the two people who live at our church. These are the people that our political leaders say you are to be afraid of. But particularly we here in Texas remember the home of the brave and that these are our neighbors and our human family. This brave family fled the violence of Guatemala. Their nation has been disstabilized by the covert wars other nation released on them. They came here. This young man, when he came to our church had never had a birthday party before he had spent a tenth of his life in a for-profit prison. We love them there. We try to take care of them. But it's still prison. This mother cannot go to her school and visit her child. She cannot leave our property to go to the doctor with him. She can't see him play soccer. So for us there's a sense of tremendous urgency that this oppressive sword be lifted from over their heads. We are the Austin sanctuary network.

[8:06:33 PM]

We are a fragment of a movement that's sweeping the nation, and this city, it began with the quakers. People who -- it wasn't so much about disobeying local law, it was obeying the universal conventions after World War II of human rights, of people whose nations had been devastated, who flee for safety, you take them in you simply take them in. If houses of worship won't do that, I feel that we've renounced all of our teaching. So we come in gratitude for this brave body of leaders, and we thank you for considering this. When your words go out, they will be heard by the undocumented people of Austin, and they will understand that they are part of the beloved community of Austin, and that we love them and we want them here. Thank you so much for considering this.

>> Mayor Adler: Thank you.

[Applause] Thank you very much. You all can be seated now. Thank you. Councilmember pool, did you want to make a motion?

>> Pool: Was -- did you have a video you wanted to show, or are we moving beyond that? Reverend Rigby? The video, did you want to show that, or were we complete?

>> [Off mic]

>> The video is just about to play if that's okay. Sorry.

>> Pool: Oh, great. Thank you. Okay. So while that's teeing up, I'll go ahead and make a motion to approve a resolution supporting sanctuary for three individuals living at houses of worship in Austin and urging federal officials to prevent their deportation.

>> Mayor Adler: Okay.

[Video playing.]

[8:09:07 PM]

[Video playing.]

[8:11:43 PM]

>> Mayor Adler: Great. Thank you very much. All right, back to the dais, councilmember pool has made a motion. Is there a second to that motion? Councilmember Casar seconds that motion. Any discussion? Take a vote. Those in favor, please raise your hand. Those opposed? Unanimous on the dais, troxclair gone, passes.

[Cheers and applause]

>> Mayor Adler: We're going to go ahead and start the next one. If you could leave as quietly as possible, we'd appreciate that. We're now to the last item on our agenda. Staff want to take us to this one? This is item number 78.

>> Mayor and council, planning and zoning. Local historic districts are the means by which council has provided direction for managed growth in older neighborhoods. They emphasize a collection of buildings --

[buzzer sounds]

>> Mayor Adler: Sorry.

>> They emphasize a collection of buildings that tell the stories of ordinary people, whether smoot park, Hyde park, or other neighborhoods in east Austin. Districts allow the holistic preservation of neighborhood character that cannot be achieved by preserving buildings one by one. There's a community-driven application process that recognizes an underlying fact, which is that property owners within historic districts are not just individuals, they're part of a community and that it is both individuals and the community that benefit from historic district designation. A proposed smoot/terrace park district covers 17 and a half acres along highland, Oakland, and Pressler between west 6th and west 9th streets.

[8:13:47 PM]

It is part of the west line national register historic district. As you may know, national register designation is honorary. The historic landmark commission has only advisory review in these national register districts. And constantly, many changes have been made within national register districts, including the demolition of contributing properties. There's no protection for contributing properties in national registry districts unless they're designated as landmarks. That's substantially different than local historic districts, which have enforceable design standards and protections. Smoot/terrace park is not a cookie cutter neighborhood. It has changed through time with new buildings alongside old and older buildings that tell a continuing story of middle class housing in Austin. Development began with five homestead houses constructed between 1877 and 1894, mostly in the Italian 8 styles. Early 20th century some of those homestead properties were subdivided and for people who commuted to downtown jobs. Slightly later in the 20th century, but still early, period homes were built in the colonial and classical revival styles for the same type of middle class homeowner, and still later, newer homes were built as infill in already developed areas and on Pressler street after the smoot estate was subdivided. This represents waves of development that parallel the city's growth. There have been changes in the district, and the district will continue to change if designated as proposed design standards allow changes that are compatible with the historic character. They don't aim to freeze it in time. Here's a quick map showing when subdivisions happened over time, as with the rest of much of Austin.

[8:15:48 PM]

There are many goals with designating local historic districts. This is not a complete list. I think you'll hear a lot more during the hearing tonight but here are three. To preserve the historic character, to keep buildings liveable, to provide ways to adapt the historic buildings to meet modern needs, and support property owners who want to invest in their homes via design standards and tax abatement for eligible work. The design standards were developed by residents within the district based on national preservation standards. It was an inclusive process, including three community workshops within the neighborhood. The applicant collected additional feedback via email and one-on-one conversations and posted drafts online, kept her neighbors up to date with email communication. As I mentioned, design standards seek to ensure that work is compatible with neighborhood character, whether it's a change to a contributing house or construction of a new building. They do not prevent new development, they do not prevent densification. They do not prevent changes to existing buildings. They do prioritize repair over replacement, which is a fundamental preservation tenet, and also one that recognizes the substantial environmental benefits of preservation including embodied energy, of buildings and materials, and also importance of minimizing demolition waste. Staff, throughout the process of design standards, are available to meet with property owners concerned about the impact of proposed standards on their property. Finally, the design standards recognize that not every property is the same, and that there may be extenuating factors, and, therefore, they grant the historic landmark commission the ability to make exemptions as long as historic character is maintained. These are the requirements for designation of local historic district as set forth in the land development code. At least 51% principal structures must contribute to the historic character of the district and supported by 51% of property owners or owners of at least 51% of the land area.

[8:17:55 PM]

Smoot/terrace park historic district meets both of those requirements. It has 66% contributing buildings and is supported by the owners of 56% of the land area. Sorry, I wanted to make one more note. On the outreach for the district, the applicant did a very thorough and inclusive job of outreach throughout the entire application process, reaching out to everyone no matter what their position on the district was, and making sure that everyone had ample opportunity to discuss the district. As I mentioned, she maintained an email list where drafts of notifications were posted. There is a valid petition that's been submitted that represents 35% of the land area of the district, so historic -- the historic zoning will require a super majority vote at the third reading. Tonight is the first reading only. The historic landmark commission recommended historic zoning along with some corrections to the survey which was prepared by a professional preservation consultant. Those changes have been made. They're included in your backup. The planning commission did not make a recommendation. The staff recommendation is to grant historic district zoning. We believe the application meets the requirements as set forth in code. I'm available for questions if you have any.

>> Mayor Adler: Council, we have some folks that have signed up to speak on this. Do we want to go ahead and just hear from them at this point? Okay. Let's do that. So we have just under 10 people speaking against. We have a list of more than 10 people speaking in favor. I've been given a list of the

preferred order of the folks speaking in favor. I'm going to call them in order. The first 10 people speaking in favor will get three minutes. The people after the first 10 get one minute each.

>> We have donated time also.

>> Mayor Adler: And a donated time counts as a speaker.

[8:19:57 PM]

So if someone speaks and they get donated time, than counts as two people. The first ten people get three minutes each. Donated time is two minutes. Once we have ten of those contributing elements, it goes to one minute per person.

>> Okay.

>> Mayor Adler: Okay? I'm going to go back and forth between for and against.

>> Oh, you are? Okay.

>> Mayor Adler: Okay? Unless -- you know -- just do that we'll do that then.

>> You want to do that?

>> Mayor Adler: Okay. So the first speaker I have in favor is Denise younger. And you have three minutes.

>> I also have people that donated -- so -- yeah, I apologize. When I created the list of order, I thought that -- I didn't -- I don't know how the -- the donation --

>> Mayor Adler: They can donate your time, if they're in the first ten, then they would donate two minutes. If they're not in the first ten they would donate one minute.

>> These are all people that signed up to speak. The people that donated time are not on that list.

>> Mayor Adler: Are they here?

>> Yes.

>> Mayor Adler: So we'll call them and they get one minute to donate.

>> Okay.

>> Mayor Adler: So who's donating you time?

>> The kiosk, we signed over the kiosk this morning. Do you all not have that record?

>> Mayor Adler: Let me see. Allison Ryan is here? Okay. Todd cannon. Okay. So I'm looking at the list of - so they're not on that list so they would each donate one minute.

>> Yes.

>> Mayor Adler: So you have three minutes plus one minute plus one minute, you have five minutes.

>> I have a video, if you could queue the video.

>> You also have

[indiscernible]

>> Yeah, that comes right after it.

[Video playing]

>> It's located in Austin's mixed use neighborhood, the national register district.

[8:21:59 PM]

It began in 1877 with James Raymond, the former treasurer of [indiscernible] Sold portions of this land to the Smith family to build a homestead at 1316 west 6th street and the Johnson family [indiscernible] 1412 west 6 and a half street. The district is comprised of 17.4 acres and is bounded by west 6th street on the south, west 9th street on the north, Pressler street to the east and highland avenue to the west. Those two homesteads

[indiscernible] Was subdivided over the years to create a variety of homes for Austin cities and families. Any proposed district has to meet designation criteria. The boundaries at this proposed district were drawn directly according to city code and guidelines issued by the city's historic preservation office. All land in this proposed district emerged out of the original [indiscernible] Of the two earlier mentioned homesteads. This is the evolution of the district. You can see how the lands were subdivided and

[indiscernible] Evident over the years. The city also requires boundaries to include changes that occur throughout the injury. Smoot park is a mix of housing types. It provides four base design standards to [indiscernible] Encourage sensitive infill development. City code requires us to have a district that at least 51% of the structures are contributing to the historic fabric and at least 51% of the landowners are in favor of creating the district. Surveys of every property were performed by preservation professionals according to national standards. [Inaudible] Because too many contributing structures have major changes. But city code says all structures can be deemed contributing. The city's own guidance says that the assessment of the integrity of those structures has to be done both individually and in the context of the district as a whole. [Inaudible] They did not know about this application, and that the process was secretive and compromised. But nothing can be further from the truth. This process has been open and transparent from the beginning.

[8:24:00 PM]

It began months ago with outreach to all property owners. Presentations to the neighborhood association, creation of a website for all information pertaining to the application. Meetings were held last fall with city staff and were open to all owners in the district, as well as members of the public. The applicant team met with everybody in the district, including those who were opposed to it. Voting for the district was done by a ballot but was also validated by the city of Austin. This chart shows the support of the district relative to owner type. Owner-occupied properties overwhelmingly support the creation of the district. The smoot/terrace park district is about providing balance to assure protection of historic character which supported the growth and enhancement of this community for decades.

[Inaudible] Can be a win-win for the owners. [Inaudible] Touts this is benefits on the website and assure that all housing types, historic, multifamily and

[indiscernible] Properties can compatibly coexist. We call on the city of Austin to support this applicant.

>> My name is Denise younger and I'm the applicant for the smoot/terrace park historic district. I've lived in my house for 20 years. I chose because I loved the homes and stayed because of the historic neighborhood. I feel blessed that my son has been able to benefit from the nearby muse elementary school and the community. I've been active in my community and parent volunteer at Matthews. We want to preserve our neighborhood at the time of application, we had 57% by acreage, and the number of respondents, we had five to one in favor.

[8:26:04 PM]

In terms of the voter support by acreage, we had -- we had 9-point -- votes and support by acreage, you can see that we had two to one in favor. There had been in discussion in previous meetings that we had one large landowner that was skewing things, but if you look at the petition, there is a large landowner that is almost equal weighted in terms of the impact to the vote. In terms of the opposition, there are several multiproperty owners, there's about five owners that have a great deal of impact to the neighborhood and that signed the petition. In terms of -- if you look at the signers of the petition, it lines -- aligns very strongly with non-resident owners. We have a very mixed neighborhood, and if you look at the votes in favor, it is very heavily aligned with those who live in the neighborhood and in the community and send their kids to Matthews and such. Opposition isn't unusual. We looked at prior local historic district applications, and in terms of the percent of contributing buildings, the number of owners who, in terms of support, we are very much in alignment with what has occurred in past districts that have passed within the city of Austin. So in the ten years since the lhd has been implemented, there's only four that have passed into implementation. So one thing that -- consensus requires clarity on the facts and as I've communicated to everyone, my mail list and my communications go to everyone, regardless of their position. And so the things that have come back to me is there's concern about my property. And so although my main house is intact, it's deemed my house non-contributing in this survey, but my renovation was completed prior to any national historic designation that we had in our neighborhood at them renovation was completed prior to the city of Austin implementing the local historic code so there were no design standards available for me at the time --

[8:28:15 PM]

[buzzer sounds]

-- To guide me and my builder and my architect in the standards. I would love to comply with them, you know, I would love to have these standards in place so that anybody renovating their home -- because we're all here and because we love the old homes, I would love to have had those at the time.

>> Mayor Adler: Thank you.

>> One last slide?

>> Mayor Adler: That's your time. Is there someone else here that wants to donate a minute?

>> I will.

>> Mayor Adler: What's your name, please?

>> [Off mic]

>> Mayor Adler: Singleton? Thank you. Go ahead.

>> So I think it's critical to remember that these are a necessary tool to provide balance to a community's growth and preservation. The lhds don't restrict base zoning in any way. Density is not impacted. If you look at my map there, the little things in blue say sf-3. All of the gray is mf-4, so there's plenty of opportunity to add ads. We have apartment plexus, adjacent to the district we have apartment complexes so the design standards were created with community input, and we had a professional preservationist guiding us. And there's significant support for the owners living in this community and I'd like to ask all the supporters here tonight to stand up as a show of support, if you would now. Not all of them are speakers but they came out as a show of support for us, so this is important to our community. Thank you.

>> Mayor Adler: Thank Yo U very much. Is Linda gandulosi here? Why don't you come down and speak. Come down. You have some time donated from Benjamin Blackburn. Is he here? Okay. You'll have five minutes.

>> Good evening.

[8:30:16 PM]

I'm Linda can dulosi. I asked my friend to help me with this presentation. I get very nervous and he volunteered to help as long as I would keep it short so we can all go home at a decent hour.

[Video playing] This so-called district is made up by the applicant to include [indiscernible] And the smoot subdivision. There really noise such a thing as smoot and terrace park. When Oakland and highland avenues were being built out



[indiscernible] The old smoot estate. [Inaudible] To bring us here today. A historic district should be strongly supported by those who live in it. This one is not. Fewer than half the property owners support the application. It only moved forward because it got 56% by land area, and then only because of one foundation which controlled the biggest

[indiscernible]. The smoot house is worth 13 times my vote. Without that ballot, the land support would fall to

[indiscernible]. The plan cited by the plan department report, west 6th street commercial properties should be in an lhd if they desire. These properties do not desire it. All eight of them have signed the petition in opposition joining other signers totaling more than 36% of the district by land. The properties of the petition against are shown in yellow. Historic districts should strongly reflect a common significant architectural and historical heritage. This one does not. This map shows the proposed district, contributing structures are in green, non-contributing in red. The contributing portion of the district has been revised downward to 64% and should fall further. Pressler street is non-contributing red. Virtually all of them voted for the district, these design requirements will not apply to them but will apply to others.

[8:32:18 PM]

On Oakland avenue, which has farmore contributing houses, only [indiscernible] That's not support. A historic district should present a unified

[indiscernible]. This one does not. It's amiss. Modern houses are all over the that I understand, mixed in with the old. Here's a house, 606

[indiscernible] Which I purchased in 1979. Here's the asphalt covered backyards with property next to me. Here's [indiscernible] Supposedly we are one of the gateways to the district. Much of the historical survey by hhm is incorrect. They call my house two-story. It is not, and never was. Right next-door to me, this is 608 Oakland avenue. It was a one story bungalow. Here it is today, an obvious second story was added on top. Side windows, totally different. [Inaudible] The survey claims all this was original [indiscernible]. They simply did not do the research. Here it is, seen from 6 and a half street, a different huge two-story addition from what used to be a backyard. By all the surveys' definitions this should be non-contributing. This is [indiscernible], non-contributing in the historic district survey, deemed contributed by hhm. It seems clear to me that west line got it right. The original windows are gone, the [indiscernible] Completely changed

[indiscernible]. Many of those who voted for this historic district have already enlarged and modernized their homes with changes that would not be allowed by the new requirements. Large lots some located on alleys, they can do what they want. For them, it is easy. This photo shows a new modern house built entirely behind the old original one.

[8:34:18 PM]

For owners of small lots, this is impossible. I'd like to renovate and add onto my house, which is on a small lot. In the current zoning, I can. Under these Ihd requirements, I cannot. There are civil and criminal penalties [indiscernible] In an Ihd fail to maintain the home to a certain standard. This is zoning we cannot afford. We get none of the tax benefits that automatically compensate a landmark home, but we get all of the restrictions. It's unfair to make us live as second class citizens in our own neighborhood. Compare these with

[indiscernible]. 75% of the owners is a single subdivision

[indiscernible] Has a consistent look and feel, and there are three architects of note. You'll find none of that with this application.

[Inaudible] --

[buzzer sounds]

>> Can I answer any questions or --

>> Mayor Adler: Thank you.

>> Thank you.

>> Mayor Adler: Next speaker, Donna Cortez, or Donna Carter, I'm sorry. Donna Carter. You have time donated to you from Gregory Thompson. Mr. Thompson here? Okay. It's a one-minute donation so you'll have four minutes.

>> Four minutes. Okay. Quickly. I'm a resident of the proposed district. I purchased my house in 1979 and moved in in 1980. I'm an architect, and a third of my practice is preservation, a third is planning, a third is new construction. So I feel I have an appreciation of both the challenges and rewards of adaptive use and preservation as a foundation for future growth and viability.

[8:36:23 PM]

I'm also a supporter of the new development code to implement imagine Austin and the Ihd worked seamlessly with all of these development tools. It does not change our base zoning but can modify existing requirements that are onerous to owners of older properties. Our opponents do not understand this and spread misinformation that is not based in fact. We do have a lot of leeway in how we get to develop, quite frankly, a lot of mf-4 within our district. Between 2012 and 2017, we had four houses on east -- on west 9th street alone that changed hands. Fortunately, those owners chose to restore their houses, but they could have easily torn them down and other streets, and we actually saw pictures from Linda where very modern houses have been built, but didn't necessarily respect the setback, the landscape, the features that go into making a community. Not just landmark gems but the fabric of the community. And this is why our neighbors, myself included, have moved in. We've moved to a neighborhood, we've built a community, and we've remained because of the historic character. Austin will grow. We do have -- but we don't really have a lot of historic neighborhoods of quality and of -- very

large. You have little remnants, like the [indiscernible] Block that really has no context around it. A local historic district allows us to create context, allows us to have unique areas within our community as our community grows. We need a combination of both of these things. We also have a community that has been mixed use from the beginning. I have lived there almost 40 years. We have a supermarket, we have dry cleaners, we have all kinds of commercial things that now that I am elderly, I can walk to, I can age in place, I can even move to some of our rental properties.

[8:38:37 PM]

We have children that live in rental properties that are affordable for families. They have yards. They go to our local school. They ride their bikes. They are a part of who I deal with on a daily basis as an elderly person living in this community. And that is what is important about this community. We all have examples of things we have loved to death. And we are about to do that with Austin. It's like a t-shirt or pair of sweat pants, we love it so much, and then it's totally gone. And when we buy the new thing, it's just not the same. It never breaks in the same way. This local historic district allows us to keep landscaping the way we work with our setbacks, the way that houses sit on the street, that I can sit on the porch, I can engage or I cannot engage. Our newer development, we saw the modern houses. I build modern houses. We saw them. They don't engage in the street. They don't provide that community in the same way. We have lost much of east Austin. I feel -- I feel responsible for that. I feel that's a terrible thing. But we have a chance to have some communities --

[buzzer sounds]

-- As we go forward, to actually continue the unique aspects we have of Austin and give us --

>> Mayor Adler: Thank you.

>> -- A base from which to work.

>> Tovo: Mayor, may I ask Ms. Carter just to elaborate on one of the points she raised? Thank you for your testimony. You talked about -- I think you addressed one of the comments calling this a down zoning, and you said that actually this provides some additional flexibility for development.

>> Yes. . >> Tovo: And I wondered if you could just elaborate on that briefly.

>> Very briefly. If we have something like mcmansion, even within the mcmansion subchapter F that says that it can defer to and does not supersede historic.

[8:40:47 PM]

In this situation, we may have setbacks that are smaller than would be allowed now. We may have yards that are smaller than are allowed. Your definition within mcmansion for gross floor area is not a standard definition of floor area. So in this case, if we go back to a standard, it means that those one and

a half story houses can get a little larger, even if they do have areas that are seven feet and seven feet and seven feet. So this allows those types of development that still retain the character, look, and feel in the street to go forward without having to go through the board of adjustment, without having to prove they're unique. They are, in fact, not unique. They're part of this community of fabric, this community of -- that's a walkable, bikable, age-in-place community.

>> Tovo: Thank you.

>> Casar: Mayor?

>> Mayor Adler: Yes, Mr. Casar.

>> Casar: I don't know if you got a chance -- it's so nice to meet you. I ask you this question because of your background in architecture, I wanted to understand, if there's mf-4 zoning under some of these homes, but given -- and what I've heard from the staff and also from some folks with -- that testified, is that you could actually get to -- close to some of those levels of densities under this district. How would that fit? When I think of mf-4, I usually think of --

>> Right. We will not achieve the density of your four over concrete south Lamar development. But -- I actually live on a lot that originally was zoned mf-4. It is 60 by 200 and some, so it's larger, it's a large enough lot that I could develop it as mf-4.

[8:42:47 PM]

The densities that we could achieve are not going to be as great, but they are -- that does two things for us. It makes the land, on one hand, there's value added, but on the other hand, it's not so valuable that someone would buy it and cram a bunch of units in that still may be more expensive. It's only affordable the first time. When that still becomes a desirable area, 300-foot Adu can still go for \$500 a square foot. So I think what we actually get is, my house is 2400 square feet. That is two units. I could immediately add on, but if I look the duplex add-on and have to do that zipper thing, it isn't going to work. But if I can put several units and actually use my alley, then I may have six units on that house, that doesn't really impact the people around me in that way.

>> Casar: Yeah. I anticipate it would be really hard to get to mf-4 density in a neighborhood as built out as yours. I just wanted to get a sense of your opinion on how much this would limit getting to something like what you described.

>> Right. And I don't have a number, and I would sort of like to do --

>> Casar: I understand.

>> But we do have a situation down the street on 9th street, we have a developer who's written a letter about what -- the properties he wants to retain when he develops it. It will have many units on that, in excess of 20. But that's because that land is aggregated. But the lhd would give us some say into the buildings that are contributing to be retained, and then he does the rest of his development around that. It appears at this point to be viable for that purpose. And so I think it's a situation where, no, it's

not going to look as dense as mf-4 in suburbia, but I would respectfully comment and probably disagree with you, in a sense, that it should not be.

[8:44:58 PM]

We need to have different types of multifamily, different types of density within our community.

>> Casar: And there, I don't even know if you're disagreeing with me. I'm actually just trying to understand how many -- how you think it would.

>> Right.

>> Casar: How you think it would fit in and I'm trying to understand how it would fit within the historic district versus not. So that is all.

>> And I will try to work out some of those numbers for you. I can't do them in my head. It's a little late and I'm a little jet-lagged.

>> Casar: That's okay.

>> Any other questions?

>> Mayor Adler: Thank you. Next speaker is rangini Chander Acoff. Did I come close?

>> Hi. I left a packet for you, if you received it. I'm [indiscernible], I live oppress already street in a home incorrectly classified as contributing, on a street with modern homes. As a result, if this hld is passed, my home will have unfair and expensive restrictions that my neighbors won't have. I'm an experienced historic homeowner. Unlike the proponents, I have lived in a contributing home in a well developed local historic district. My prior home was in a city that had a single preservation plan and solid historic resources for homeowners. I closed down my Pressler street home in December and learned of this proposed lhd January 21 from my neighbors. Had I known of this lhd initiative, I would not have purchased the home. I did not receive any notice from the applicant or the city until the hlc hearing. I have never received any of the applicant emails. Which there were, after I had known about it, and she has my email address. We never received the amended application we received. There is no record of the changes made to the application, and more errors were added to a flawed application.

[8:47:03 PM]

With the ongoing errors and changes, how can anyone assess what you're being asked to vote on today? I'm going to focus on the areas on my house because it is what I know best. Since January 21, I have spent significant time and money trying to correct the survey on my home, but city staff will not listen. On page 2 of the packet, you will see that the application defines non-contributing as having materials replaced, like exterior wall materials and porch features. My house fits that definition. On page 3, you

will see my house, my home. I know what some of are you thinking. My home is ugly, and it's not historic. I don't think tourists will be flocking to Austin to see my home. It is obvious to me city staff who visited my house and restoration experts that nearly 100% of the exterior materials have been replaced, including exterior wall materials and porch features. How can my home be contributing? Why won't city staff record all the alterations on my home like they have for other homes? The house next-door to mine should also be non-contributing. When the record is corrected, there are only two of 22 homes oppress already street that are on on Pressler street contributing. That is a survey added on April 30th to the nomination form. I was shocked to find it. Nobody told me about it. That's my garage. It's non-contributing. It was rebuilt in 2000. Look, we all know that old homes are very expensive to maintain. I do not understand why my neighbors in modern homes want to add to the cost of my home. The front and 15 feet back restriction is a rich man's solution to restoration. My home is two stories with 28 feet back. Over half my house --

[buzzer sounds]

-- Would be restricted by this lhd. Please vote no on this lhd today.

[8:49:06 PM]

Thank you.

>> Mayor Adler: Thank you. Thank you. Next speaker is Scott Marx. You have time donated from Nick Deever. Is Nick Deever here? You have four minutes, Mr. Marx.

>> Great. I'm not sure I know how to -- okay of the great. Thank you. Mr. Mayor, I'd just like to give our city manager a small --

>> Mayor Adler: Give it to it clerk.

>> -- Gift, you might want to enjoy [indiscernible] With all the hard issues that the city of Austin, but welcome, sir. Councilmember Casar, I'd really like to follow up on what you asked. Our neighborhood has a lot of diversity. A lot of us will stand up today and tell that that's why we moved to this neighborhood. And really, to me, the reason that this -- that this is important, this hld, is to preserve that diversity and to preserve density that exists. That picture to the upper right is right on my house. That's a house that was built in 1930 that's a triplex. The units went for \$1,100 a month. There's a single mom there with her child, who is a high schooler at Austin high. He's lived there since he went to Matthews. That's the kind of density that we can get in our neighborhood, and that is consistent with the local historic district. And as Donna pointed out, it provides additional flexibility actually to allow greater density in our neighborhood. This fourplex right here to the upper left is an existing affordable property that appears to be potentially slated for demolition, and that is an old fourplex that's existing affordable housing in our neighborhood and density that could be replaced by -- we don't know what, but probably not as affordable as that fourplex.

[8:51:14 PM]

I'd just like to point out, there are apartment complexes in our neighborhood. We love this. We love having a mix of people who go to Matthews elementary school. If you and city manager, I'd like to address this to you as well, if you get a little overwhelmed by some of the conflict in this town, come to the international festival at Matthews elementary sometime, and watch more than 50 -- the kids from more than 50 countries celebrate their cultural heritage and their nationality to see the best of what Austin has to offer. And that's why we moved into this neighborhood. We've loved the density, we love the diversity, and we want to preserve that, as change sweeps over our neighborhood. It will. A church has just closed in our neighborhood a flower shop closed. We hear from a family with children that may have their home demolished and they may have to leave. This is the kind of thing we're living with in our neighborhood, and we just want some balance as that change sweeps over our neighborhood. That's all we're asking for, the local historic district gives us that kind of tool to get that type of balance and to prevent the kind of loss of housing for families with children that we've seen in so many other neighborhoods. You know, Rainey street is an example of what happens when you don't have an lhd. I walked Rainey street in the '90s. I saw families with children. I saw kids playing on Rainey street. And now as we walk or perhaps stumble through Rainey street, we don't see a whole lot of kids. And that's not -- that's not the kind of neighborhood that we want to be. We want some tools to manage the growth. And this is the best tool we can think of, and we hope you'll support it. Thank you.

>> Mayor Adler: Thank you. Is Greg Jacobson here? You have three minutes, Mr. Jacobson.

>> Good evening. First of all, I just want to say that I own that property in the upper left, and it's not slated for demolition.

[8:53:19 PM]

That's just a fallacy. I've actually mentioned that to Scott a couple of times, but at some point he'll believe me. I think what you're seeing is that the supporters are here to try to convince you that there's broad support for this lhd, and in fact there's not. You've seen already tonight that petition has been signed by 36% of the landowners in the area. And despite what you hear about how this broad support might have been gathered, only 48% of the neighbors voted for it. And if the truth be told, only 48% voted for it by acreage as well. There's really not a majority. Supporters are going to claim -- and I think you saw an update today that there was a 53% majority by acreage. Some of the material says 56%. That's probably timing and updating, but there's 8% of the land area that is the old smoot house. So a charitable foundation has got 8% of the land area, and their vote is what's causing the lhd proponents to have a majority. Without it, they wouldn't even have one. Now, if that vote was legally cast, I would just argue that that's not really the way to create a majority with one person that doesn't -- isn't even a person. But the problem here is that the vote is not legally cast. That's right, you heard me. The trustee was never authorized to vote that vote should be set aside. The city may tell you they verified the vote. We asked them how, and they verified the person casting the ballot was the trustee for the trust and that the trust owned the property. But in the state of Texas, trustees have to specifically be authorized to vote. This trustee was never authorized. I passed out materials for you. The first is the will and trust. If

you look at the first tab that's marked, I think it's the yellow flag, you'll see that the trust authorized more than 20 different activities for the trustee.

[8:55:25 PM]

It's very comprehensive trust. No voting authorized. The second thing that you have is the state of Texas statutes on property trusts. And you'll see that, while it also grants tremendous amounts of authority, and it grants things like voting on stocks, bonds, proxy fights, all sort of things, it doesn't give voting power to a trustee on matters revolving around land use. It just doesn't. And it goes on to say that in the state of Texas, we can't infer those voting powers. So it would not be legal to infer that just because this might have been something that Mrs. Smoot would have wanted -- that's the settler of the trust -- or that it's consistent with what the trust does now, can't do it.

[Buzzer sounds]

>> Mayor Adler: You can finish your thought and conclude.

>> My point is really simple, is that to support something like this and to vote for it when there's no majority would be an absolute travesty. It would open up other neighborhoods to a situation where people that need affordable housing or others in the minority could be pushed around by people that claim to have a majority, get a measure before the city council --

>> Mayor Adler: Thank you.

>> And then all of a sudden, hope for the best.

>> Mayor Adler: Thank you very much.

>> Thanks. Next speaker is Matt Thompson. You have time donated from Erin Thompson. Is Erin here?

>> Yes, sir.

>> Mayor Adler: So you have four minutes.

>> Okay. Thank you.

>> Mayor Adler: No. Four because only the first ten people get the full-time. Everyone below that only has one minute.

[8:57:26 PM]

So there will be ten speakers that get recognized and get three minutes. You get to donate one minute. Under our normal rules it would be two if we weren't getting into so many speakers. Please proceed.



>> Okay. Thank you. Mr. Mayor and councilmembers, thank you for your time tonight. First of all, my name is Matthew Thompson, 1412 west ninth street in the proposed district. I have a lot of things I'd like to say. I know we're limited so let me pair this down. If this lhd should pass, this will be my and my wife's second Austin historic district to live in. We also -- our first home was on blanco street, became the castle hill local historic district while we lived there, and we were there through the voting and through the passage of that. I think it should say something to you that here I am tonight asking for an lhd after having lived through it and lived there six years. Also my wife and I were the first family to undergo a major renovation in the castle hill district. I also was gc for that so we had a very hands-on experience. For those that might think or have said an lhd would place an undo burden on a property owner both to maintain their property or go through a process to make changes, I can tell you, having gone through the process, that really the city permitting, you know, mcmansion, the setbacks, impervious cover, that was difficult. I admit that. But the time we got to the historic commission, it was more instructional and educational, I felt. Most of us don't know innately how to preserve a historic home. That's just not something you're born knowing how to do. When my wife and I got to that process they actually instructed us and we had a better project because of it. Something else I want to say, I've lived in the neighborhood about 15 years. I came to this neighborhood because I was hired by the Austin fire department and was stationed at fire station number 4 on blanco street.

[8:59:37 PM]

As councilmember Garza probably remembers about as fondly as I do, one of your duties as a new firefighter is to memorize your neighborhood, memorize your territory. And I remember walking around the street memorizing that territory, and I made the assumption at the time, I thought, wow, what an incredible neighborhood, I'm so glad things like this are protected. Little did I know, you know, seven years later I'd become an owner in that neighborhood and have the realization that those neighborhoods are not protected. I know that's been covered tonight, but, again, just want to reiterate that the lhd really is the tool that we have to protect what's there. And, you know, Linda gave a slide show and one of the things she said was -- and I agree with her wholeheartedly, that an lhd should be supported by the people that live there. And Dennis showed a slide that showed the overwhelming majority of people that live in the neighborhood, the people that stood up or there to show support, we live in the neighborhood. Our kids go to the school. Not all of the opposition, but a large portion of the opposition, they do not live in the neighborhood and frankly it upsets me. A lot of them have a profit motive. I don't have anything wrong with a profit motive but I think a family and a community motive comes first. Like also was illustrated I think a vote against the lhd is going to remove affordable housing in our neighborhood for -- it may not be as affordable as some other places, but we have places in our neighborhood that families of low-income, single parents can live. We like that. We like to have those neighbors. We love the diversity that we have. And just in closing I think an lhd is good, not just for our neighborhood, for Austin. It preserves our history. If we can't teach the next generation what life used to be like, what our city, what our nation, the things it's been through, then they're not going to be good stewards when they've become the owners and the adults leading this world.

[9:01:44 PM]

So thank you for your time and consideration.

>> Mayor Adler: Thank you. Thank you.

[ Applause ] Sorry. The next speaker is Benjamin Serata. You have three minutes, Mr. Serata.

>> Okay.

>> Mayor Adler: At the podium.

>> Okay, great. Thanks. Hi, my name is Benjamin Serata and I live with my family on Pressler I bought 21 years ago. I served on a zoning committee and learned a lot about the neighborhood and one of the things I learned about my own street it's probably the least historic street in. As you can see from the map, which has been updated by the way. The previous maps shown were not. The district is hardly an integrated cohesive historic district but a hodgepodge of neighborhoods that were built in different eras, styles, massings, and but what I really want to focus on is what makes a good Ihd and my street Pressler. As you can see on the left side of the talking thing is over it a little bit . 100% of the houses on the west side of Pressler are noncontributing houses. Thank you. On the east side, four of the houses are contributing, four are noncontributing. Two as you heard from a previous speaker are being contested right now so it's possible it could go 75% on one side. We'll see how that goes. But regardless 100% on one side, 50% on the other. Regardless of what happens on the status on the contributing housings on Pressler, all four of the owners are against being included in this Ihd. We're a different area from the whole other part of the district. And we don't feel like we should be Clyde. What do these numbers mean for Pressler as a whole?

[9:03:46 PM]

It means at least 82% of the houses on Pressler are noncontributing. That could go up to 90, depending on the status of those two other contributing housings -- houses. As importantly to me almost half of the noncontributing houses on Pressler were built since I lived there, in the last 20 years. What I'm saying is this is a street of fairly new construction, especially for central Austin. Hardly the stuff of a local historic district. Some of you may be asking just like some of the planning commissioners did with when she voted against this why is Pressler included? It's such an obvious outlier. I think the short answer is the applicant lives on Pressler and it stretches the imagination to think if the applicant lived anywhere necessarily the district that they would have looked at Pressler and said there's a street worthy of inclusion for local historic district. I want to finish by saying I was at the planning commission and saw Mary street present for the Ihd and what the contrast could not be more pronounced. They had a high concentration of very historic homes built of a certain era and had overwhelming support. Most importantly by the historic homeowners themselves. And this is very different. I ask you tonight to look hard at this map and say is this a legitimate thing? Does it lower the threshold of what a real Ihd should be and vote against it. Thank you for your time. Is.

>> Mayor Adler: Thank you. Is Orlando Castillo here? George [indiscernible] Is on deck.

>> Good evening.

>> Mayor Adler: Three minutes, sir.

>> So thank you, mayor, thank you, councilmembers, for being here. Thanks for the opportunity to us to present our thoughts and share our ideas.

[9:05:48 PM]

I support the lhd. I've lived in Austin since 1988. Mostly in west Austin, around the university, central Austin, and Westlake. Moved to this neighborhood in 2006 so it's now 12, going into my 13th year. My wife and I moved there. We -- I guess about six years ago had our first son. We now have a 6-year-old and 2-year-old. We love this neighborhood. We are outside the district. However we're very familiar with the district. I think I shared last time I was up here that we -- I'm involved in the steering committee and plan lots of events for our neighborhood. So I've gotten to know all the different districts within our old west Austin neighborhood really well and I think these three streets are as well represented in activities, involvement with any district -- as any district within our neighborhood. So I really appreciate their feedback and input. We love the diversity in our neighborhood. I represent part of that diversity in our neighborhood. We have our music teacher lives on Pressler. Which is part of the proposal. And we see a lot of not just cultural diversity but socioeconomic diversity and I think that brings a lot to the character and flavor of our neighborhood. Rather than hitting on other points I might have, which I don't know that I'm going to make any points any better than people before me, I'm curious is there anybody who feels conflicted or sitting on the fence that has questions they'd want to ask me or the group and I'll do my best to answer those questions?

>> Mayor Adler: Your point at this time is to be able to talk to us?

>> Fair enough. When I think of our school, Matthews, where I have a 6-year-old and can't wait for a 2-year-old to attend.

[9:07:49 PM]

I don't know the statistics are the absolute fact but I know I read them in our community impact. I believe one out of three are socioeconomically disadvantaged or below the poverty level. That's one out of three students in our 400 student school that belong to that range. It's more diverse when you compare it to a bryker wood orca cease. Briningerwood is one out of 25, Casis is one out of 50. I think it's amazing diversity and socioeconomic diversity, not just cultural, religious, I believe it was Scott who mentioned international fair that we had a few weeks back, we had over 50 flags represented by the community at Matthews, 50 out of 400 students, one out of eight, multiple students per playing, probably one out of four having some kind of cultural diversity.

[ Buzzer sounding ] I don't think you have that anywhere else in Austin with that dense of an area with the interesting landscape we've created and I'd love to see that preserved.

>> Mayor Adler: Thank you very much.

[ Applause ] Mr. Borian. And on deck is Maureen meter. Sir, three minutes.

>> I'm George borian. My wife and I own two small houses on Oakland street, 612 and 614. We bought those in the early '80s. We've operated them as rental property and we've had long-term tenants this whole time. We keep the rents low. They're affordable. We've been able to maintain the properties to where they're quite desirable for a small family. They're two bedroom, one badge houses on 4,000 square foot lots. As such, they are -- do provide very affordable housing for people who are looking for something close in but can't afford sky high rents.

[9:09:54 PM]

We're able to do that because we're able to maintain the property with current building materials. Every time we have to repaint the house, you have to repaint wood, you have to replace wood, and replacing some of the siding would be a major problem if we had to get it milled because it's simply not made anymore. It hasn't been made for a long time. So the ability to use -- and just normal maintenance, quality building materials that are available and not have to do everything with custom-made products like windows and doors and even simple siding is a major factor for anyone who is trying to maintain a property there at an affordable price. I share some of the other feelings you've heard today about how the people on Pressler street who are least affected by the lhd are overwhelmingly in favor of it and the people who will have to bear the brunt of that are much less enthusiastic about it. So in summary, I'd urge that you not vote for this. The planning commission heard our problems with this, and we hope you would concur with them is and not pass this forward. Thank you.

>> Mayor Adler: Thank you very much.

>> Any questions?

>> Mayor Adler: Thank you. Maureen meter. Is David king here? You have donated time. So you have four minutes.

>> Great. Thank you, council. Mayor, mayor pro tem tovo. My name is Maureen meter and I'm a niche neighborhood. I do not live in the neighborhood but am here to show support. I think this is such an important issue. You've heard about the diversity. I'd like to reiterate a point raised about imposing requirements on people to maintain their property at a certain standard, the design standards were developed in consultation with people with the same concern, and so there's a lot of flexibility in those design standards to use different materials, including newer materials, hardie board, things that can withstand wear and tear to address some of those concerns and they were taken into account and put into design standards.

[9:12:14 PM]

The other thing I wanted to raise with y'all, I served as co-chair a few years ago on the school and family work group, which was convened by the joint subcommittee of the city of Austin, aisd, and Travis county. The focus of that task force which we met for a year was to talk about how to retain families in the central core of Austin. Aisd is losing children all over the place, and they're all moving to the periphery. And why is that? Because they can't find compatible places to raise a family. We have that in our neighborhood. And we're losing it. We're losing it very quickly. And one of the recommendations in that work group, as well as the children and families task force that was convened ten years ago, which I'm not quite sure how many of those recommendations were implemented yet, was to provide some flexibility in design and child-friendly design. We have emphasizing that with developers that comments our neighborhood to stop building studio and one building apartments but please think about the kids that go to Matthews elementary. We don't want to lose them. It's a tough haul to get that. Those local historic districts help soften that impact to the families. Not everybody is gonna want to live in a one bedroom apartment. We cannot -- people change. People grow up, get married, they have kids. They age. So we want to look at housing and be thinking about all stages of life. Donna Carter raised that beautifully. It is a community that lasts, that we all know each other and we're there for a very long time and our neighborhood has so many of the owners that have lived there have been there for decades. Their kids went to Matthews. They've grown up, they've left. The parents are still there. You know, it's a community that we have gotten because of the historic character and that is what we are trying to preserve. So I thank you very much and really hope you will support it.

>> Mayor Adler: Thank you.

[ Applause ]

[9:14:16 PM]

Ryan berzer.

>> Mayor Adler: On the way? Okay. Then let's go to rosemary. On deck is going to be Perry Hartman. You have some donated time from Ellen justice. Is Ellen justice here? What about Jessica Deever. Okay. So you have five minutes.

>> Thank you. Thank you, mayor, and councilmembers. My name is rosemary

[indiscernible], I've lived there since 1986. I'm one of those old people. This to me is not an issue about preservation and neighborhood character but it is about community. This is about protecting community. So much of what's discussed in Austin about community

[indiscernible] In all types of residents and all parts of the city, government, civic groups, schools, many more institutions. We have a long history of valuing this. Mayor Adler, you recently emphasized this notion with an email asking austinites to know their neighbors during the wake of the terrible bombings this spring. Having lived in my neighborhood for 31 years, I am fortunate and I know my neighbors. I

submit to you that this application is about preserving that community, preserving the characteristics that contribute to and build up our community. The historic setbacks and streetscape described in this lhd application has created a platform through which neighbors get to know each other. When dog walkers walk -- stop in front of porches to greet their neighbors and chat or kids running through the neighborhood, biking and using their scooters, the streets together, this is the physical structure of these streets and the buildings have laid the foundation for our community. Some argue that this isn't worthy of protection because we reach the tipping point.

[9:16:20 PM]

There's too much been torn down and it is limiting future growth. That is utter nonsense. This is not an either/or process. The lhd application before you provides a mechanism to save what is -- to allow for future development while balancing the characteristics that have turned neighbors into friends and supported local businesses and local schools. You, the council, have repeatedly said over the years that you want to move away from zoning that applies historic designation to single homes. To move away from the model that has a tax cost. And yet when an lhd application comes before you, you -- to allow this goal for preserving the neighborhood character with very little impact on tax revenue, some of you balk. No lhd application to date in this city has ever been unanimously supported by residents. There's always some opposition. Much is do to the several individuals who have purchased property solely to monetize it, and that's their right. However, their desire to monetize also impacts the value of neighboring properties. The people who live in the neighborhood, the people who created the community, a community that values all types of people and families and all that connects us. Lhd does not for bid development or monetization of property. It just sets out genes on how best to do that for the benefit of everyone. Property rights are important, but whose right is more important? The right of the residents who have lived in this neighborhood, some for decades and are now finding themselves victims of Austin's success with ever-higher property taxes? Or the rights of landlords who don't want to lose the ability to easily demolish buildings?

[9:18:21 PM]

Whose right should prevail? It is a hard question. Legal precedence could be provided for each side, but at the end of the day, you need to ask yourselves, what you imagine Austin to be like in 50 years. Many of the homes in the smoot terrace park local historic districts have been there a century or more but in the last few years an increasing number of them have been demolished. Many of the structures being demolished are the smaller units, the cottages, the duplexes and small apartment buildings, killing off any affordable housing in the area. Opponents may stand here and tell you this is an either/or proposition. By approving this local historic district you are trampling their rights. I think that's bull. Why can't we have both? Why can't we have the growth afforded by underlying zoning and some guidance to ensure sympathetic development? There are numerous examples of this all over, and many of them in existing local historic districts. Lhds really are one of the monikers of foreign-based development that

can be a win-win for all residents. You all have the opportunity to drive responsible development, both residential and commercial, in one of the city's oldest neighbors. You have the chance to set the tone. Please don't pick one set of property rights -- pit one set of property rights against another. Please support and vote for the smoot terrace park local historic district. Thank you.

[ Applause ]

>> Mayor Adler: Is Susan Ogden here? Susan Ogden? And you have three minutes. Take your time. Take your time.

>> Hi, I'm Susan Ogden and I have 14 drafts of this with no charts. I'd like to start out by saying that my parents started sight in the Clarks D started buying in the Clarksville neighborhood in about 1960s and they didn't buy into a neighborhood where they would be forced to have all certain types of things.

[9:20:39 PM]

Beside the point. The other thing I wanted to say is that people are leaving Clarksville not -- because property values are astronomical. I can sell something in Clarksville and go buy three other things in Austin's colony or another outlying subdivision and if I want to trip -- if I want to triple my money. People cannot afford to buy in here if they have lower incomes, however they can rent. Which brings me to my point. A LAN lord in the area affected by the local historic district, I disagree that landlords should not have as much input into the neighborhood as people who live there. I pay over \$400,000 into this city and county in 2017, \$88,000 that have went into the city. I will pay substantially more in 2018. This doesn't begin to

[indiscernible] Paid for the last 30ish years. I hope you have give my words some consideration. I believe I probably speak for a few landlords. Currently I own numerous properties in east district of councilpersons Garza, tovo and evaluator. I work very hard to take care of my properties. I keep rents as low as possible in order to keep my wonderful tenants. It's difficult enough to pay taxes in high-ed neighborhoods as well as keep ac systems working roofs working and foundations without the added restrictions of the proposed local historic district. For example, last year I replaced eight air conditioning systems, three foundations, and four or five roofs. These are old houses. They're hard to maintain. I also make every effort to keep my properties and yards clean, drug-free, and lacking of loud parties and other nuances.

[9:22:44 PM]

I do not need the additional cosmetic requirement of the proposed local historic district to contribute to the neighborhood. I'd like to be able to continue to keep my rents affordable. I hope I'll help me and vote against the proposed smoot terrace park local historic district. Thank you.

>> Mayor Adler: Thank you. Is Percy heightman here? Perry? Sorry.

>> My husband, Todd cannon, and I, moved to Austin about seven years ago. And we moved here from Portland, Oregon, where we owned a historic home in a historic district. And contrary to what you've heard, we found it easy to comply with the rules and regulations. And that doesn't mean we got to do anything we wanted, but we got to do what we needed to do and that's one of -- that's what it means to live in a community. And sometimes decisions are made for the greater good of everybody in the neighborhood. And that's a decision y'all have to make. In the interest of full disclosure, we live in one of the new homes on Pressler. We didn't find a historic home, although we would have liked to have. But we found a little house on Pressler street, we decided that that was the next best alternative. And so being a prudent buyer, we researched and discovered that Austin had a historic preservation office. The old west Austin neighborhood had a plan. And there was a survey that was conducted to designate contributing and noncontributing structures. Because of that we believed the city would prevent demolition of homes and possibly the one that we bought. So we sought approval from historic preservation. I met with Mr. Sadowsky myself.

[9:24:47 PM]

Although we weren't seeking a variance we met with the zoning committee for their approval. Both didn't hesitate. Neither hesitated to give us approval and they welcomed our development. Our home that we were -- that we were asking to demolish was noncontributing and the neighbors we talked to were excited about having us remove what they considered an eyesore. Since then, we've learned that the city, without the local historic district, can't prevent demolitions and we've learned this because we've seen house after house be demolished. So y'all have an important decision tonight. And it sounds like after two more readings, but it starts tonight. You have -- you can decide to protect and preserve our neighborhood or you can decide to maintain the status quo and see more homes demolished. The opposition's chief argument is because not everything in the district is contributing, not everything is old, then you shouldn't protect any of it. I think that's a failed argument and is built on a false premise. If that was true, then you as councilmembers would never take any action because good is always the enemy of perfect -- or perfect is always the enemy of good.

[ Laughter ]

[Buzzer sounding] So I encourage you to support the local historic district before it's too late. Thank you.

>> Mayor Adler: Thank you.

[ Applause ]

>> Mayor Adler: Keyes edelberg? On deck is Chad utles.

>> I'm Sandra

[indiscernible]'s wife.

>> Mayor Adler: What's your name?



[9:26:48 PM]

>> My name is Sandra

[indiscernible].

>> Mayor Adler: Okay. Go ahead.

>> Okay.

>> Mayor Adler: Have you signed up? I see you, number 31.

>> Thank you, mayor Adler, and mayor pro tem tovo and the rest of the councilmembers. I'm here tonight to urge you to vote for the creation of the smoot terrace park historic district. The district is vital to the preservation of the historic character of our neighborhood. The application has met all the code requirements that city council has established specifically to protect neighborhoods like smoot/terrace park. The application process began last summer. It's been conducted in a very professional, inclusive, accommodating, and honest way. The district has had the strong support of people living in the neighborhood at every hearing, and I think I've been to, if not all, most of them. Supporters have significantly outnumbered those opposed. Despite all the support, there's been a small minority which has attempted to bring into question at each step of the process they've spread information to attempt to bring into question the validity of the application and we've seen that here tonight. At the historic hearing they misrepresented the guidelines, they questioned the status of some of the contributing properties. They added their doubts about the voting eligibility of the smoot trustee. The [indiscernible] The issue probably cost us full support of the planning commission members. We hope that you can focus on the code requirements met by our application and join news supporting the creation of our historic district. Thank you for your consideration and for your service to our community.

>> Mayor Adler: Thank you.

[9:28:48 PM]

[ Applause ] Chad rutles here? You're the last of the three minute speakers speaking in favor of the project.

>> Great. Thank you. Good evening, my name is Chad Reynolds, live at 604 island, a contributing structure. I bought my house 15 years ago due largely to the walkability. I love the fact that it was an old house. I loved the massive live owning tree in the backyard. I'm here today to speak in favor, but I did not start that way. We have not done a full remodel of our home, and old houses are expensive. We've done quite a bit of work over the years in terms of foundation and electrical, and my initial response to this was negative at first. I was not excited about the initial restrictions. The first draft felt overly restrictive in many ways. I do want to call out in speaking with Dennis and -- excuse me, Ms. Younger, and going to the sessions that were held, I did feel as if my voice was heard. Changes were made based on the responses that -- excuse me, on the statements I made in those meetings. Changes were made in

the subsequent drafts. And in the end, I was very happy with where things landed. I have two children. We go to Matthews. I love our community. And I am 100% in support of this now based on the fact that I do feel like it has been a very community-driven process. So that's all I have. Thank you for your consideration.

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

[ Applause ] All right. What about Dennis younger? Is Denise younger here?

[9:30:51 PM]

You already talked? Sorry. Got that. Just wasn't showing up here.

>> [Off mic]

>> Mayor Adler: No no. There were. What about Brian bardorfer? And on deck is David Smith. And you have one minute.

>> All right. My name is Brian bardorfer. I've lived in the district 23 years and my kids go to Matthews elementary, and I'm currently on the pta board. As you've Harvard, we're losing lots of family housing in our neighborhood and eventually this is going to mean a lot less support, community support, for our school. As pta treasurer, I can tell you definitively it means less financial support for our school. The majority of pta funding comes from maintained families and businesses. And the businesses fund us because their support is advertised to neighborhood families. From these funds we pay the entire salaries of special program teachers that serve kids from all over the city. Matthews is a very attractive school for transfers, largely because it's -- of its reputation as a diverse and welcoming place. And so if you care about preserving neighborhood schools, then the way to preserve this neighborhood school is to preserve the neighborhood. And that's all I had to say on -- on that subject.

[Buzzer sounding]

>> Mayor Adler: Thank you. Is David Smith here? On deck is Tom Bentley. You have one minute, sir.

>> My name is David Smith. And I live at 611 Oakland. I bought that house in 1980. And I've lived there ever since. So 38 years. But I lived in the neighborhood before that. I wrote y'all a long -- tried to send it to everybody. Couple of them bounced.

[9:32:52 PM]

, Of the emails that I sent. A whole a long email this morning and I hope I'll take the chance to read that. I'll try to -- not to get into the stuff that I put in the email. But I would like to kind of focus on Jane smoot and the smoot property. Jane smoot lived one street over from me and she was a friend of mine. And I talked to her fairly often. And she told me the history of how her family built that house. And that house

has always been only in her family. And show told me how her dad had filled in the pond that consisted of --

[ buzzer sounding ] Pressler and sold off the lots. And her fondest wish was that that property would be a historic --

>> Mayor Adler: Thank you.

>> -- Trust and continue as a house museum, and that is what she really, really wanted.

>> Mayor Adler: Thank you very much.

>> Thank you.

[ Applause ]

>> Mayor, we have one more speaker, Kim Reese, and I think all the unique points have been made if we want to stop with the speakers.

>> Mayor Adler: Okay.

>> Although we do have --

>> Mayor Adler: What's the next speaker you'd have me call.

>> Kim Reese would be the last one and after that we can --

>> Mayor Adler: Okay. I'll ask -- thank you. Is Kim Reese here? I'll ask that. Let me know if Brian berzer arrives.

>> [Off mic]

>> Mayor Adler: Let me know.

>> I have one minute?

>> Mayor Adler: Yes, one minute.

>> I live at 702 highland and Mr. Jacobson has referred to not tearing down the historic fourplex. However there's been a plan filed with the city to build a condo building spanning the three spaces across from me, the vacant lot, the fourplex, and the other house, with a rooftop pool, which is wildly incompatible with highland avenue.

[9:35:07 PM]

It's a very quiet street. It's got a lot of kids. And there's no parking for something of that nature. Also, I'm concerned that these two houses across from me are currently being rented out as short-term rentals. There's a lot of bachelor/bachelorette parties, bringing a very negative aspect to our neighborhood. There's a lot of rowdiness, a lot of drinking, a lot of cussing. I don't feel as safe in my own neighborhood because as we know alcohol fuels violence against women.

[ Buzzer sounding ] And I'm very concerned that these people are not concerned about the neighborhood and the community. They are concerned with making a quick buck.

>> Mayor Adler: Thank you very much.

>> Thank you.

>> Mayor Adler: Thank you.

[ Applause ] Is there anyone else who has signed up that wishes to speak? Come on down. I'm sorry? Okay. What's your name, sir.

>> Shaun shillington. I thought I was signed up.

>> Mayor Adler: You are signed up.

>> Great. You have one minute.

>> Thank you. My name is Shaun shillington, president of the old west Austin neighborhood association. Wanted to come here as a representative of the neighborhood association and say we considered this at our general membership meeting, voted very strongly in favor, in support of implementing the local historic district. I know you guys have heard a lot about density and diversity and mix of housing and affordability. Having housing that engages the street and really has that historic character, I hope you guys continue to work to promote those ideals and both within this district and throughout the city. So certainly appreciate all your efforts there. I wanted to mention that we worked with the developer on the ninth street property to come up with a plan that meets the local historic district requirements even before those were implemented.

[9:37:10 PM]

He wrote a letter in support saying he agreed to do to do that so I think that there are a lot of opportunities to implement these ideals.

[Buzzer sounding]

>> -- In this context?

>> Mayor Adler: Thank you.

>> Thank you.

>> Mayor Adler: State your name for the record sir.

>> Hi, everyone. Tom Bentley.

>> Mayor Adler: Mr. Bentley, go ahead. You have one minute.

>> I moved here 25 years ago. I was a design manager at apple to be the first -- first design manager at Dell. And raised my kids in Westlake, and I found myself in the unusual position of spending three years

of my life as Donna's neighbor, restoring a house built by the guy that ran the streetcar between the capitol Hyde park and one of the best projects I've ever done. What I wanted to just -- my one point I want to leave with you I've been in two neighbors in my high-tech career, Sunnyvale, California, and beaverton Oregon that were overcome by decades of 30% growth and there's nothing left in those communities from the 1900s like Gust Noren's bungalow I currently live in from 1910. This is one of the few things I think you have the ability to do, which is you can't control change. It's gonna steam roll you.

[ Buzzer sounding ] It's too late for mass transit and those kinds of things. But what you can do is preserve some of these little goofy islands of wonderful neighbors like the one I live in.

>> Mayor Adler: Thank you very much.

[ Applause ] Mal, what was your name?

>> Varian Thompson.

>> Mayor Adler: Thank you. You have one minute.

>> Good evening. My husband and I have lived on Oakland avenue since 1980 and chose to live there because of the older, modest homes, walkability. Over 37 years we've witnessed peace meal destruction of many homes.

[9:39:10 PM]

The replacement

[indiscernible] Not fitting in with the adjoining houses. Now there were several developers, most of whom do not live in the neighborhood who bought adjacent homes in hopes of demolishing in your homes largely incompatible with their neighbors. Absentee landlords don't have to suffer the effects of what they build but residents do. We personally know a young family with limited income who will have to move out of the neighborhood as they will no longer be able to afford the higher rent -- that will be charged -- describing it as a rich tapestry of natural and architectural beauty. This description describes while we wish to

[indiscernible] While allowing for growth. Thank you.

[ Applause ]

>> Mayor Adler: Thank you very much.

>> I am Richard Ryan. I should be on the list too.

>> Mayor Adler: Go ahead.

>> If -- show just my three slides I want to show that all right. Okay. The -- if you look over by mopac and north of west sixth on this slide, the dark purple, these are the areas in the city that supply downtown workers. And you'll see that the Ihd is in that area. So one of the ideas of density is to cut down on transportation, you know? So density downtown. Okay. Now here we have -- this is cap metro

population density and I'll see from west of downtown over to mopac it's over 20 people per acre. So we are dense. And let me remind you, density is population. It's not square footage. It's people per acre.

[9:41:12 PM]

Greg asked earlier about what would happen -- I have mf-4. My wife and I live in a structure --

[ buzzer sounding ]

-- Zoned mf-4. Four apartments. If it gets torn down it will be two big thousands -- two big townhouses. Thank you.

>> Mayor Adler: Thank you.

[ Applause ] Anybody else signed up that wishes to speak? Okay. Then we'll end the public hearing and come up to the dais. Council? Mayor pro tem?

>> Tovo: Mayor, I'd like to move approval of the local historic district on first reading.

>> Mayor Adler: Okay. Moved approval on first reading. Seconded by Ms. Houston. Discussion on the dais? Mr. Flannigan.

>> Flannigan: Thanks. I want to thank everyone who came out tonight and my colleagues for such a great meeting that may look like ends before 10:00. What an exciting time. I'm gonna vote no, as I often do, on these local historic districts. I have some more work to do exploring the details on this. I want to better understand some of the comments I heard tonight about the ability to still add housing under these lhd rules. I have often voted no on these in the past and so there's nothing unusual about that, but there's more work to do before I can support this tonight, but it's just first reading so there's time for that.

>> Mayor Adler: Further discussion? Mr. Renteria?

>> Renteria: Yes, mayor. I have a lot of concern about the Prescott -- Pressler street. It just doesn't seem like it fits into that district so I'm not gonna be able to support it unless somehow that street got delete you had out of there and that's going to be one of the reasons I'm not going to be able to vote for it tonight.

[9:43:25 PM]

>> Mayor Adler: Okay. Ms. Garza.

>> Garza: I'm -- I know this is first reading. I'm still trying to understand. I know each side needs to be a zealous advocate for their sides but both sides made pretty reasonable arguments or points about affordable housing. I'm just curious, and I know I can -- I can get this as we move to second reading,

what is considered affordable? I just looked on zillow and there's -- the cheapest I saw was a thousand dollars a month for a 400 square foot apartment. So I know everyone has different ideas of what affordable is but that definitely wouldn't be affordable in my district. And I've heard -- and I'm hearing that we have a very diverse community. We have this great school and support system and we love our community. And all of that is under a situation where we don't have a historic preservation district. So I can't support this now. If I -- I'll do my research in the interim to try to see the two different sides of what is affordable. I appreciate the comment about it's a fourplex now and it could be a two -- two condos, that would be a big concern. But, I mean, an additional -- adding an additional layer to people wanting to do something to their home, I -- that's tough for me to support.

>> Mayor Adler: Councilmember Casar.

>> Casar: Mayor, I think this is a hard one, too. And I think actually for similar reasons to councilmember Flannigan and councilmember Garza I want to learn more. I'll vote yes to keep it moving along to second reading. Yeah, in looking at the prices of homes in this area they're largely 800,000, \$900,000 homes, and above.

[9:45:31 PM]

Largely. But there were some folks that testified tonight whose property values were in 2017 the 300,000, \$400,000 range, and looking at the lot sizes it's, like, a 2500 square foot lot, which is much smaller than what we allow under our current rules. And so I think those small lot sizes and the fourplexes and some of the things that we used to allow to be built is really interesting and potentially something that if -- with the current zoning, I think some of the folks that spoke said, well, this historic district might be able to allow more of that to continue as opposed to going back to our current code and basically demolishing a fourplex for a bigger house. If that is indeed the case and something that can be proven and shown to me I might be able to continue voting yes through later readings. I think it's a really clear case of how the way we used to be able to do things where you might be able to have a house on 2500 square feet as opposed to our almost 6,000 square feet today can give you sort of a more diverse set of housing types so that in a neighborhood where most of the -- in a neighborhood where most of the lots are 700,000 without a house you can have a 300,000 or \$400,000 property.

>> Mayor Adler: Further discussion on the dais? Mayor pro tem.

>> Tovo: Real briefly because I know we've been here a long time, but I just wanted to thank the community members, all the community members for participating in this discussion. For those of you who worked on developing the application and the design guidelines, those of you who came to the meetings and helped refine those design guidelines and provided feedback coming up, getting to this point with a local historic district takes an extraordinary amount of community effort. The city does not initiate these. As all of you gathered here know this has to be driven by the community. As my motion demonstrates I'm very supportive of the local historic district.

[9:47:34 PM]

This is a tool that as our historic preservation officer articulated is a important piece of how we preserve the integrity of a community and it allows us to do so in a way and preserve the historical character and historic nature of a community and it affords us opportunities that are beyond what we can achieve through individual designations. And so that's all. Thanks.

>> Mayor Adler: These cases are all hard and there will be a series of these as we lead into the debate and discussion that we watch on the development, development code. I'm going to vote in favor of the historic district. As we go through the city and look at development, we make these choices. It's going to require balancing, and I'm -- there's no totally right answer or totally wrong answer I don't think in many of these questions. But this fits with my general thought that at this time we should be trying to make changes along corridors and its centers and as I look at going into neighborhoods, you know, at this point I'm falling on the side of being able to preserve what it is that exists, that measure of character. So I'm going to support this. I do have some questions that I need to get answered as we go from first reading further about some of the limitations or not limitations on development. There seem to be -- that's something that I think is susceptible of a more factual determination, objective determination than the discussion that we had on both sides. And I need to better understand a little better the Pressler situation.

[9:49:38 PM]

But generally I'm in favor of this and voting yes. Any further discussion? Mayor pro tem.

>> Tovo: Mayor, I just want to clarify that my motion is to also leave the public hearing open I think since we have concerns on the dais and questions and things that the community should be able to address I'd like to leave the public hearing open.

>> Mayor Adler: Okay. The motion is to keep the public hearing open. Any further discussion on the dais?

>> Casar: Mayor.

>> Mayor Adler: Yes, Mr. Casar.

>> Casar: I'd like to amend that to close the public hearing. I think it's standard that we usually take first reading as a public hearing and then close it unless there's a whole other thing to be debated. If we have questions I'm sure we can call members of the public to speak to us.

>> Mayor Adler: There's a motion to amend. Is there a second to that? Mr. Flannigan seconds that. To close the public hearing. Mayor pro tem.

>> Tovo: Yeah. I need to speak to that. Often do close the public hearing, we don't always. And in contested zoning cases where there's going to be ongoing deliberation, ongoing contact with councilmembers, and with a process like this where you have community members who have worked for nine months or longer in developing their application and there are several councilmembers who



expressed significant reservations about it I think we need to afford them an opportunity to come and address us further on, you this meets the requirements of the local historic district. Because that is really our charge. We had a tool that we've made available. We have a zoning category that we've made available as a city, and, you know, in my mind if it meets those criteria we should be approving it. A lot of the discussion has been very interesting and useful, but not directly related to that. And so, you know, again, I think it's just fairness to the people who have been involved in this on all sides to afford them the opportunity to come back and continue this conversation.

[9:51:39 PM]

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: I support closing the public hearing. I think in this case what seems different to me than a typical zoning case is I don't see how this is a thing that gets amended that then requires further public hearing conversation from the community. This seems like the kind of thing that it is what it is, and the hearing has been had, and so we can get more information, bring up speakers, but I don't believe this is the type of thing we're making amendments or negotiating with the developer or doing those other things we do in a zoning case that can dramatically shift where that thing goes at the end as opposed to where it started. I think it's perfectly appropriate to close the public hearing at this time.

>> Mayor Adler: Councilmember Garza.

>> Garza: Since I was one of the ones that expressed reservations, I will be asking my questions of staff, which we always can do regardless of the public hearing open or not. Because like I said, you know, I'm - - we're going to hear the same things on either side regardless. And I believe it was the woman who filed the application that said you've heard all the unique arguments. And volunteered to cut off speakers. So that is why -- I don't know what's -- I don't know what points would be add. I know my staff has met with many of the neighbors and probably will be meeting with neighbors again if we have any additional questions. But any other questions I have would be directed to staff.

>> Mayor Adler: Further discussion on the dais on the amendment to close the public hearing? Let's take a vote. Those in favor of the amendment to close the public hearing please raise your hand. Garza, Renteria, me, Casar, and Flannigan. Those opposed raise your hand. 5-5. Does not pass. Motion is first reading. Keep the hearing, public hearing, open.

[9:53:40 PM]

Any further discussion on the motion? Take a vote. Those in favor please raise your hand. Those opposed. Renteria, Garza, Mr. Flannigan voting no, others voting aye. This moves forward. Mayor pro tem.

>> Tovo: Mayor. Thank you. I'm moving to a new topic now. I know that we've concluded our agenda but I need to take us backwards unfortunately to the Riverside P.U.D. In the time since we voted on that, one of my colleagues, councilmember Flannigan, has gotten on to Twitter and posted a tweet suggesting that there was some impropriety in my amendment, allocating or reserving those funds for the community development corporation, the exact tweet was let me get this straight, an elected official created a community group and later directs funds to it without a transparent process nor defining what they will be doing with the funds. How is this okay? It is initiated a discussion on Twitter that is in my opinion unfortunate. I'm getting calls from the media so I wanted to do a couple things. One, to have -- just have a transparent conversation and afford you, my colleagues, the opportunity to reconsider that amendment if that's your will and I will abstain from it so as not to encounter that allegation of impropriety again. As I explained in today's hearing and in previous hearings, it is a community development corporation that has as the neighborhood president of Bouldin creek at the time I had set up.

[Indiscernible] Who wanted a zoning change that was controversial will. We came to a successful resolution. They agreed to an affordable housing contribution if they triggered certain measures so we needed to set up some entity to receive those.

[9:55:42 PM]

We set up the bowled creek community development corporation and I'm very proud of that work. As I mentioned also in our previous discussion as well as tonight I stepped off the board in 2011 when I became a councilmember. I have no formal relationship with the CDC other than to be a champion of that and other CDCs in the city. I just returned from an equity conference the mayor attended as well, community development corporations have been extremely successful. Clarksville, right adjacent to the area we were just discussing is an example in my district, blackland community, Guadalupe neighborhood corporation. These are very successful entities in the city of Austin and I hope the newly broadened and CDC that we discuss today will be among those that is leading these kind of community-based geographically based affordable housing entities. And so I would, again, you know, just reiterate, as we discussed earlier, neighborhood community -- nhcd will be involved. They will be making sure that any project that comes forward from the CDC meets eligibility requirements. We crafted that language with nhcd. As I mentioned in our debate, I said you bring up a valid point of disagreement. I acknowledged it as a valid point of disagreement. And I would ask that we continue to have civil discourse about valid points of disagreement and not result to attacks in other forums. Again as I promised I wanted to raise this and for -- I believe the amendment received eight votes in favor the first time through, but I would certainly support a reconsideration if anyone feels that they didn't have the information they need or feel that there was something improper in that previous action.

[9:57:48 PM]

>> Mayor Adler: Mayor pro tem,

>> Mayor Adler: Mayor pro tem, as I recall that, you disclosed that relationship before we took the vote. I don't -- I don't feel a need to reconsider and have that vote, even though I lost that vote. But I don't want to deny you the opportunity to reconsider and vote if that's something that you wanted to do. So I would need further direction from you, but -- from where I sat, you made that disclosure and we took a vote. Further discussion on the dais? Mr. Renteria.

>> Renteria: [Off mic]

>> Mayor Adler: You need to press the mic --

>> Renteria: Sorry. In the past, I -- you know, working with all the housing advocates and all that, we were asked one time to form a non-profit corporation, and I said, why should I want to do that? I have a perfectly good working non-profit corporation with Guadalupe. He said, you don't have one in your district. I said, well, I trust people that have done excellent work in my community, and mark Rogers and the Guadalupe neighborhood corporation is one of the best corporations. And I think that people that have worked in my community should deserve to be able to -- you know, be able to do these kind of projects because I'm not an expert on forming corporations and building houses. I'm just an advocate. And I support policies that create affordable housing, especially supporting non-profit. And I would hate to just -- you know, and that's why I supported it. I just hope that we don't have to rescind this vote because I think it's the right thing to do.

>> Mayor Adler: Further discussion on the dais? Councilmember pool.

>> Pool: I'd just like to say that many of us on this dais and many councilmembers before this council have had significant leadership positions in our community, and they probably, primarily, all volunteer.

[10:00:02 PM]

I served on three or four different city of Austin boards and commissions over the years and a couple of bond committees and volunteered for campaigns and worked on community issues, including the bull creek road coalition. And there were attempts which were entirely volunteer. I've never -- I've never received a penny for any of that work. But I have sure learned a lot about this community, and I learned a lot, and it made me eligible to run for city council because I knew my community pretty intimately. My service on the bull creek road coalition was -- some people who were opposed to what the folks with that coalition were attempting to do, people who opposed that tried to use that against me. And I, like the mayor pro tem, had resigned from that position even though it was not paid, but it was a community effort, and I -- everybody knew that I was running from a place where I supported what the neighborhoods were trying to build on that site. So I feel really -- I find the comments that councilmember Flannigan put on social media, which is really a misnomer, it is not social media, it's unsocial media, and an attempt probably to be funny, I suppose, but it was a blind attack on the mayor pro tem. And I stand in solidarity with the mayor pro tem. We all have had volunteers with different groups and we bring that information and experience and insight with us to our efforts here on the dais. And we are stronger for having those insights and those experiences.

[10:02:06 PM]

And when the mayor pro tem said that she stepped away from the CDC -- was it about eight years ago? Seven or eight years ago, well, that's a really long time, so I -- I hope that Mr. Flannigan will offer an apology.

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: As I made clear during the debate, my concerns were about allocating funds outside of a predefined procurement process and staff said that their preference would be for the funds to be spent through the predefined process. I lost the vote on that. I expressed my concerns on social media, and that's the end of it.

>> Mayor Adler: Okay. If there's nothing else, I'm going to adjourn the meeting. Is Deana still here? Deana is gone. I want to point out to everybody that Deana Estrada has been our clerk, is moving on from the city. I think next week. So this would be the last meeting that we had. I had a chance to recognize her during the proclamation period, but she is here for another week in case you see her, but she's leaving as she did just wonderful work for us, and what I talked about earlier was part of the seamless operation that we have here, is due to the clerk's office, and certainly her work. So thank you, Deana, wherever you are.

>> She went home.

>> Mayor Adler: She went home. She has a baby. As 9:59, I'm adjourning this meeting. We're done.