

City Council Regular Meeting Transcript – 6/14/2018

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[10:13:05 AM]

>> Mayor Adler: All right. I think we're ready to begin. So before we begin the council meeting, I have invocation noted, but I don't have -- ah, thank you. Would we have general kessling Norton. Would everyone please rise.

>> Good morning. Thank you for the honor of the opening prayer. Thank you for your public service to the people of Austin. As we rely upon and benefit from your wise intentions. Thank you very much. With this in mind I would like to read a short buddhist prayer which is a sincere prayer to develop love, compassion and wisdom for the benefit of all living beings. With the intention to attain the ultimate supreme goal that surpasses even the wish-granting jewel, may I constantly cherish all living beings. Whenever I associate with others, may I view myself as the lowest of all, and with the pure intention may I cherish others as sue premium.

[10:15:05 AM]

Examining my mental continuum throughout all my actions, as soon as a dilution of self-cherishing develops, whereas I and others may act inappropriately, may I face it and divert it. Whenever I see unfortunate beings oppressed by evil and violent suffering, may I chair issue them as if I had found a rare treasure. Even some of have helped and whom I have great hopes nonetheless harms me, may I see him or her as my spiritual guide. When others out of jealousy or anger harm me or insult me, may I take defeat upon myself and offer them the victory. In short, may I directly and indirectly offer help and happiness to all my mothers and secretly take upon myself all their harm and suffering. Furthermore through all the above practices, together with the mind underfiled by exceptions of the eight extremes and that sees all phenomena and illusory, may I and others be freed from the bondage of mistaken appearance and conception. Thank you.

>> Mayor Adler: Thank you. Mr. Flannigan, councilmember Flannigan?

>> Flannigan: Thank you. I want to acknowledge two community leaders who passed away over the weekend in a car crash on highway 71 near spicewood. Preben and Alice hammer, both district 6 residents and my appointments to the bond oversight commission in the building and fire code board of

appeals. It's a tragic situation for them and their families and the 17-year-old high school student who were all involved and passed away on Saturday.

[10:17:12 AM]

I want to have just a brief moment of silence for them and their families, some of whom live in district 6, live in the city and there are family members that live all across the country.

>> Mayor Adler: Thank you. With that I'm going to call -- actually, before we do that, I think that there are some new members of the Austin youth council that are here with us today. Are they in the building with us, in the room? Thank you.

[Applause]. You are about to have the most rivetting and exciting morning of your life!

[Laughter]. Let's make it so. Thursday, June 14th, 2018, calling this meeting to order. It's 10:18. We have a quorum present. Actually, we have a full dais here this morning. Let's take a look at the changes and corrections. Item number 1, the date of the special called meeting is may 29th, not may 2nd. Item number 21 is withdrawn. Item 23 is postponed to June 28th. Item number 49, on June 12th it was approved unanimously by the airport advisory commission 9-0 with commission members Hendrix and wuloski absent. Items 51 and 52 were recommended unanimously by the water and wastewater commission on June 13th with commissioners Maya, Partman, Schmidt absent.

[10:19:15 AM]

On item number 65, I've been named as an additional sponsor. Item 66 the mayor pro tem named as an additional sponsor. Also she's named additional sponsor on item 69. Item 73, Mr. Flannigan is named as an additional sponsor. I'm showing as an additional sponsor on 111. Item number 71 is withdrawn. Let's take a look at the consent agenda to see what's been pulled. It looks like item number 10 has been pulled by Ms. Houston. Item number 16 and 17 have been pulled by Ms. Houston. Item number 21 -- and item number 17, by the way, is the bond package. Just so the community knows, we're not going to take a vote on the bond package today. We will take testimony from that. We encourage everyone to get here before dinner who wants to speak on it because there are no guarantees that we'll take any bond testimony after dinner tonight, although we might, but no guarantees. And we will take testimony next week on the bond item before the council takes any action. In two weeks, rather N two weeks on the 28th. Item number 56 has been pulled by councilmember pool. Items 63 and 64 have been pulled by Mr. Flannigan. 65 pulled by councilmember pool. And that's the stipend issue. We won't be taking a vote on the stipend issue until after dinner.

[10:21:16 AM]

Item number 67 has been pulled by Mr. Flannigan. We hope to consider that, though, before dinner. Item 68 councilmembers troxclair and pool have both pulled those and request that we try to take that up when we can this morning, but we've all agreed we would do that before dinner. Item number 73 has been pulled by councilmembers Casar and kitchen. And we won't take any action on that until after dinner. Item number 74 pulled by councilmember Casar and mayor pro tem tovo. And we will not take any action on that item until after dinner. We also have item number 111 that has been pulled by speakers, and we have several people here to speak on that. I'm going to try to call that up this morning. If everybody doesn't take their full three minutes, since it looks like almost everyone speaking in favor of this we can handle it quickly and let everyone go home. I have some speakers to speak on the consent agenda, but before we do that I think we have to do a lottery or drawing of --

>> Renteria: Mayor? Can I also be listed as a sponsor on the 73 and 74?

>> Mayor Adler: Okay. So noted.

>> Houston: Mayor?

>> Mayor Adler: We have lots that need to be taken on item number 44. So at this time there's going to be a casting of lots to make the determination of which contractor gets the award for each line item. Do you want to lie that out for us and explain to the public why we're doing this?

>> Yes, sir. Mayor and councilmembers, James Scarborough, purchasing office.

[10:23:19 AM]

Purchasing office has item 44 before you on the consent agenda that requires a casting of lots. Item 44 is for the purchase of polly vinyl chloride --

>> Mayor Adler: We can barely hear you.

>> It's the microphone distance, I'm sorry. Item 44 is for the purchase of poly vinyl chloride conduit or accessories pvc. There were identical bids among the contractors. Because it is occurring at the line item level and we're making awards, according to Texas statute we have to draw lights on two of the line items. Line 13 with Texas electrical cooperatives and tech line incorporated. And item number 15 also with Texas electric cooperative and tech line incorporated. In accordance with statute section 271.901 of Texas local government code requires that casting of lots occur in a manner prescribed by the mayor in front of the governing body to determine the awardee. So at this time, mayor, you can proceed with requesting it.

>> Mayor Adler: At this time there will be a casting of lots to determine which contractor will be determined for award of each line item. Without objection, the item will be left on the consent agenda and the costing of lots will be made prior to the motion to approve consent agenda. The purchasing officer has to envelopes for the casting of lots. Would you please provide those to the clerk? Which the clerk has, great. The clerk will now open the first envelope for line 13. Why don't you go ahead and pull one of the cards out of the envelope. Okay. So award for line item 13 goes to tech line inc. Can I see the other card?

[10:25:26 AM]

The other card not selected is Texas electric cooperatives. Now let's go to the other envelope randomly pull one of those out of there. And the award for item 15 goes to tech line inc. Can I see the other card, please? The other card in the envelope is Texas electric cooperatives. Are there any comments on the casting of lots? Hearing none we're going to then make that item in the record. We have two people to speak on the consent agenda. Let's hear from them. Mr. Pena, do you want to speak.

>> Pool: And mayor, while Mr. Pena is coming up, on item 16, which councilmember Houston has already pulled, I also have something that I wanted to offer on that one as well.

>> Mayor Adler: Okay. When 16 comes up it's been pulled. I also want to note that item number 57, the taxicab issue, staff is postponing that for two weeks until June 28th. So 57 is going to be postponed. Mr. Pena, you have three minutes in.

>> Mayor, can you give me the consent items, please.

>> 1, 9, 23.

>> 24 and 23?

>> Mayor Adler: Yes, sir.

>> Well, first and foremost, I want to say this to councilmember Houston, it's a very sad for me to hear that you're not running again. I worked hard in your campaign on the buses, taking signs, et cetera. I'd gladly do it right now. You have a chance to say I'm going to run again I'll give you all my veterans votes.

[Laughter]

[10:27:26 AM]

Okay. Beautiful. Thank you for what you've done. I love you very much. Anyway, on the -- you can clap if you want to.

[Applause]. Yes, yes, yes. Yes, you are my precious lady.

[Laughter]. Okay, Mrs. Pena, so about that. I love you, honey. 30 years of being married. I'm sorry, give me those numbers again?

>> Mayor Adler: And you're down to two minutes.

>> That's all right. I only need one.

>> 1, 9, 24 and 33.

>> 33. You didn't say 33 first. Okay. Anyway, the quality of life foundation is a very important foundation and I know \$67,500 in grant funds for quality of life foundation for the emerging leader summer internship program, that's a little bit, but you know this organization has done great, great work with the public and the community, and I wish -- and I don't know the wherewithals and how much they requested and how much the city can afford or give. But this is a quality of life for youth to show them leadership skills or whatever it's used for. It's positive. But they will graduate maybe to be a mayor or councilmember or county commissioner, just a leader. I'll leave it at that, mayor. And again, I mean no disrespect, but you're my sister. I love you very much. And councilmember troxclair, congratulations on the baby and welcome back. Thank you very much.

>> Mayor Adler: Thank you. Is Cynthia Wilcox here? You can speak on item 20. You have three minutes.

>> Thank you. I'm the vice-president of the Travis country community service association, and item number 20 it seems to be different from the resolution that was passed on may 24th. The resolution on may 24th was regarding temporary fire stations that would be in operation within a year to 18 months, and that is what our community association voted in support of.

[10:29:42 AM]

And so I'm expressing concern because this seems to indicate in the backup that permanent fire stations are what's under consideration today and the backup also states that staff believes that it would be impossible to have them installed within 12 to 18 months. So I'd like to express those concerns. And also there has been absolutely no community engagement about this, and this is a very big deal for both neighborhoods, I know. So I would like to request -- and I know my councilmember wasn't here on may 24th, but I'd like to again request that our community be involved on the front end right now regarding anything to do with whether it's a temporary or a permanent station going forward. We request that we be involved, and I'm sure that birdall farms neighborhood association would also request to be involved, so I will just speak for them too if they don't mind. So that's what I'm here to ask for from council and from the city manager today. Thank you. And thank you for sponsoring this, councilmember troxclair.

>> Mayor Adler: Thank you. Bob batlin. Is Mr. Batlin here to speak on item 15?

>> Casar: Mayor, I think we're going to pull 15 potentially, not for speakers, but I think there's a consensus amendment that we're going to have.

>> Mayor Adler: So we're going to pull that for the consensus amendment, so 15 is also being pulled. So the items that I see --

>> Flannigan: Mayor, councilmembers, I wanted to speak to two of the items. One was the fire station. There was a memo sent yesterday, a revised memo from our staff so I wanted to put it on the record that that is our intention to move forward in that direction so I just wanted to make that clear.

[10:31:50 AM]

And then for item number 18 I was hoping to just -- if I could, call chief dos up to the podium, even though this is remaining on consent, today is a unique privilege as I get to recognize two extraordinary people dedicated to public service and the safety of our community. I'm proud to bring this item to you to confirm my appointment of Tom Dodds as the interim chief of the Austin fire department. As you know, he's been a firefighter for more than three decades and served as chief of staff and we have the ability to put him forward as my appointment for the interim fire chief. I know that he will be serving in that capacity and do an extraordinary job. So thank you in advance for your service. Appreciate that.

>> Thank you. I appreciate it.

[Applause].

>> Mayor Adler: Thank you. Councilmember Garza.

>> Garza: I wanted to speak briefly to the fire station items. I didn't think they were going to remain on consent, but if they are, the goal was to get as quick relief to these communities that are deeply in need of fire stations as quickly as possible and that's why the temporary fire stations option was put out there. But if the timeline seems to suggest that we would be the only difference in the temporary station and a permanent station would essentially be six months, I'm very grateful that our staff has committed to this aggressive timeline to get permanent stations to these communities within two years. I firmly hope that that is two years from today, but we will be monitoring this. And if it seems that it's not on that track, I hope that our staff continues to have the discussions about the use of the possible toll road that the state might be able to let us use to get some quicker relief to southeast Austin. But again, thank you to staff, thank you to the city manager for proposing this aggressive timeline because many of you weren't here the other council meeting, but some of these families are facing higher insurance deductibles because we haven't been able to build fire stations as quickly as we should have.

[10:34:05 AM]

Thank you again for this aggressive timeline.

>> Mayor Adler: Okay. Ms. Houston?

>> Houston: Thank you, mayor. Around if you could show me adding \$150 to item 66, I would appreciate that.

>> Garza: Also on that item, thank you, councilmember Houston, that leaves the balance, I believe, at 550 if I can do my math, and I'm adding 400 to that.

>> Mayor Adler: Did you have the 200 that our office put in?

>> Garza: Yes. Thank you to the mayor and the mayor pro tem for adding in the additional. I think the balance is about -- I'm an attorney, not a -- 300? I don't know. It's about \$300 left.

>> Kitchen: Councilmember Garza, how much do you show from my office.

>> Garza: I don't, but I can get with my office and bring it back up. Can we just pull it so I have figure out the remaining balance.

>> Renteria: I would like to contribute \$100 to it.

>> Mayor Adler: \$100 more from councilmember Renteria and councilmember pool were you wanting to say something.

>> Pool: I was going to offer to get to the 100%. So if you need additional funds, let my staff know.

>> Garza: Okay. I think councilmember pool and I can -- 150 from councilmember Renteria, 150 from councilmember Houston and me and councilmember pool split the balance if that's okay. The three of us, councilmember pool, myself and councilmember kitchen split the balance. Thank you.

>> Mayor Adler: Then I think we can keep it on consent with that. Cool. This is what I'm showing as being pulled. I'm showing item 10 as being pulled, 15 pulled, 16, 17. 21 was withdrawn. 23 postponed. 56 has been pulled. 57 postponed, 63, 64, 65 all pulled.

[10:36:10 AM]

67, 68 pulled. 73 and 74 are pulled. 110 is pulled. 71 was withdrawn. Anybody see anything else? Any other comments? Mr. Flannigan?

>> Flannigan: I just want to confirm on item 72 there's three backup draft resolutions and I just want to make sure that it's the second revision and the one posted most recently is the one we're approving. I want to thank councilmember pool for accommodating those changes. And I want to be shown as voting no on 28.

>> Casar: Mayor, can you show me as voting no on 2.

>> Mayor Adler: Voting no on 2. Councilmember troxclair be shown as voting no on number two, 11, 22 and 66. Councilmember alter?

>> Alter: I would like to be shown as abstaining on 22, voting no on 28. And 69 I would like to abstain urban roots is a great organization, but I'm uncomfortable with the process where we've identified properties to be our top sites for affordable housing and we're proceeding in this manner.

>> Mayor Adler: Yes, Ms. Troxclair?

>> Troxclair: I'm going to join councilmember Casar as voting no on number 2 as well. Is there a motion to approve the consent agenda? Ms. Houston, did you want to say something?

>> Houston: I was going to just ask urban roots about something, but if it's going to go on consent -- because they already have a piece of property in my district and I'm not sure I understand what -- maybe we just pull it and then I won't ask my question.

[10:38:20 AM]

>> Mayor Adler: Pull it? Item number 69 is pulled. Is there a motion to approve the consent agenda? I need a motion to approve the consent agenda? Mayor pro tem makes it. Mr. Casar seconds that motion. Those in favor of the consent agenda raise your hand? Those opposed? It's unanimous on the dais with the notations that were made.

>> Tovo: Mayor, may I ask that we take up item 79? It's the item referred from the council committee. I believe we may have some people here who are waiting for its passage and maybe the chair -- this is the recommendation for example the council of -- from the council of public health committee that we approved the board of directors for the sobering center.

>> Mayor Adler: We can do that. I guess we have no speakers that have signed up for that. Okay. There's been -- the mayor pro tem moves passage of item number 79, which is appointing the board of directors to sobriety center. Is there a second to that motion? Councilmember Houston seconds that. Any discussion? Those in favor please raise your hand? Those opposed? It passes unanimously. I'm now going to call up the appointment of chief Manley, which is item number 110, I think. I'm going to recognize the manager.

>> Thank you, mayor and council. I'm proud to bring this item to you today to confirm my appointment of Brian Manley as permanent chief of the Austin police department. I've appreciated the discussions that I've had with all of you and the public since I arrived. Also the more focused discussions we've had over the past month about chief Manley and policing in this community have been extremely informative to me. As I said last Friday, I think we all recognize that there's a lot more work to be done to make our police department the agency we want it to be. Chief Manley and I have agreed on five areas of immediate improvement for the department.

[10:40:23 AM]

They include safety, community policing and transparency, staffing, training and equity inclusion. These are the themes that I heard from the city council, the public and police officers that need our immediate attention. I'm thankful for the input I received from the public on these topics and the feedback that they provided on who they want to lead the Austin police department. Taking into account all I've heard from the council, public safety stakeholders and the public, I believe that Brian Manley is the best candidate to lead our police force. He has been an extraordinary public servant dedicating 20 years of his life to Austin and protecting its residents and more personally I have enjoyed getting to know him and working with him in my first few months in Austin. I believe that the community appreciated his leadership during one of the most trying times in recent memory for this city. So mayor and council, I am pleased to present for your consideration as the chief of the Austin police department, Brian Manley.

[Applause].

>> Thank you, manager. We have some speakers that have signed up to speak on this. I'm going to give them that chance to do that. Each of you have three minutes, but don't feel compelled to take it all.

[Laughter]. Pete Winstead. Kerry Roberts will be on deck.

>> Mayor, thank you. Mayor and councilmembers, I don't need three minutes. I'm Pete Winstead, I'm the newly elected president of the greater Austin crime commission. I've been in Austin 30 days and I'm cared is of what's going to happen next. Let me say on behalf of the board of directors I want to thank the city manager for a very deliberate and respectful process in vetting Brian Manley as the chief of police here in Austin. He has the experience and vision to lead the Austin police department, his exemplary performance during the last year and we all know what that meant, has showed a commitment to public safety and the city.

[10:42:26 AM]

Chief Manley listens to problems decisively. I ask the city council to confirm Brian Manley and give him the ours he needs to keep our neighborhoods safe and honoring the resolution you passed in March to implement the matrix report on community policing. Thank you very much.

>> Mayor Adler: Thank you, sir. Kerry Roberts has passed. Gus Pena, you have the chance to speak. And our district attorney, Margaret Moore is on deck.

>> Good morning. My name is Gus staviy Pena. I'm a native austinite, 2753 east fifth street. I am pro Manley. I'm not for the process or lack of process. I was involved in chief knee's interviewing. I met him before and after. I went to California just to see what comments I got from him. They were good. Bruce was the interim chief at that time and I cried when I had to -- when I supported chief knee. I was not involved too much with Acevedo's vetting. Here's what comes from my organization. I am co-founder of veterans for progress. We're now 8,555 strong. We're very disappointed. We had to do a national search for a police chief, from the newspaper, vetting public input, but do you know what, Mr. City manager, you didn't have complete input from the community. A lot of the community did not want to be involved because of the process. And I say this respectfully for the Manley family, I mean no disrespect to anybody. It's the process or lack of process. You have shamed us nationally. I was interviewed by fox 7 and channel 24. I love fox 7. I love all of them, but fox 7 has done me good.

[10:44:29 AM]

What you did was wrong to the public. You did not allow the public to vet and interview him. This is not a good process. I support Brian for chief. He's a good guy. I've known him for many years. But there are some issues that I have with him that I will discuss with him and not in front of y'all and the TV. This process is tainted. I'll be honest with you, I remember back in 1959, chief Bob miles said wetback, you will not cross east Austin, that's what they used to call it before I-35. I crossed it and was arrested by chief Bob miles. Dad came over here, and the mayor at that time, I'm going to leave it to you to see who

the mayor was at that time. He unarrested me, so that left a bad, tainted smell and taste on me. The issue of this is I want a chief that's for everybody, not for somebody. You support your troopers, chief Manley. That's great. I support them too. I have friends on the force. I have cousin sins. But what has happened here and what has transpired here is the process was flawed. There was no process. You need to look at this, young man. Let me tell you something, and I'm not threatening you. I've been here more and I can say longer than some of y'all, okay? I am a former IRS investigator, went to the sheriff's academy class of '93. The judges over there paid my stipend. So what I'm saying is this and I'm going to keep it very clear and be very abundant. I'm going to take my three minutes. I am very ashamed of that. I support Brian as chief, but not the process.

>> Mayor Adler: Thank you.

>> You slapped us in the face.

>> Mayor Adler: Thank you. District attorney, you have time donated. You also have five minutes if you would like it.

>> You people are very gracious to allow me to come before you, Mr. Mayor, councilmembers, city manager chronic.

[10:46:32 AM]

Madam city attorney it's a pleasure to be here. I come to you today in support of your confirming the appointment of chief Manley. I want to give you the perspective that I have formed over 19 months working with him. I didn't know him until I was elected district attorney but we've come to know each other well through thick and thin as we've addressed issues in this community together. I want to thank the city manager. I do believe that -- I love Gus Pena, known him many, many years, but I do believe this community has had an opportunity to vet Brian Manley. But I think personally taking more time to know who the police chief is was harmful to the initiatives that we've begun and need to continue and need to bear fruit. I've personally witnessed Brian Manley in a range of stressful and tough situations. And we have developed a relationship over this time that has allowed us to regularly and meaningfully address issues great and small regarding law enforcement in Austin, Texas, in Travis county. The challenges that those of us in law enforcement face are great, as you well know. But I can assure you that our aspirations to meet those challenges are even greater. I often tell people that I believe we have a moment here, a special moment. And we have that moment because we communicate and we collaborate. And we do that at a level that I frankly have not seen in decades.

[10:48:35 AM]

And I've got decades of time observing this. I want you to know that sheriff Sally Hernandez and David Escamilla join me in telling you that we all know that we can't achieve the safe, healthy and most of all just community that we all aspire to have unless we all work together. And we are working together. All

of us, you included. I know Brian Manley to be a very sound decision maker. He's an astute listener and communicator. I know him to be open to innovation and to be a very willing collaborator. He's a servant leader. He's homegrown and that gives him a depth of knowledge about this community and his police department that can't be matched. He has been a trusted and and matched. Winston Churchill once said criticism is easy, achievement is difficult. He might well have added those who strive to achieve have to endure criticism. Brian Manley has done that. He has achieved and stood and taken the criticism with grace and openness. I believe him to be the best choice. I thank you, manager cronk, for listening to my views and those of the sheriff and county attorney. We are very hopeful today to learn that Brian Manley will continue to be our colleague and partner in criminal justice leadership.

[10:50:42 AM]

Thank you. I want to add one thing. Ora, I'm going to miss you, but I bet I'll be hearing from you. I'm counting on that. Okay? Thank you.

[Applause]

>> Mayor Adler: Next speaker is Carlos Leon and miss Mann is up next.

>> Carlos Leon in Austin, June 14, 2018, to speak what's right.

[Speaking in foreign language] First and foremost.

[Speaking in foreign language] For letting me speak truth to power. Representing a cross-section of community stakeholders, three panel interviewed interim chief Manley per the executive summary report. The chambers of commerce crime commission panel says Manley sees the department's challenges and does not goes over them. The quality of life panel cited Manley's willingness to hold him and the department accountable. The community panel sees Manley as a man of conviction and honor who will stand by his word. In response city manager cronk's June 8 memo to the mayor and council said that Manley agreed to enhance police oversight and officer accountability and is confident Manley will meet cronk's performance expectations in these areas. May 7th I handed Manley written evidence, testimony and legal analysis documenting officer Monica Mccoy and administrative supervisor of record Renee Moore's professional and/or criminal misconduct against me, the department, Austin and constitutional law.

[10:52:49 AM]

R. Citation 1498442 which should never have been issued. Though neither public servant employee has yet been officially issued a disciplinary memo per the public online data base, Manley told me today that he has seen a lengthy response from his team addressing what Mccoy and Moore said, wrote and did. Therefore, I respectfully suggest Manley's team coordinate with city attorney Ann Morgan if they haven't already because I handed her all that evidence and more June 11, 2018, showing how Mccoy's

and Moore's words and actions are allegedly part of a larger criminal conspiracy including assistant city attorney Chase Reed, good gamil limit on and whoever tampered with the Austin municipal court online records data base. May justice be done under permanent police chief Manley, under God. In Jesus' name I pray, amen. Thank you, Lord. God bless Texas, the United States of America, constitutional law and truth and congratulations police chief Manley.

[Buzzer sounding]

>> Mayor Adler: Congratulations on law school.

>> Thank you. I appreciate that. Good morning, everyone. I hope everyone is drinking water. I hope everyone is taking care of themselves today. Good morning. So I am not -- I am co-founder of Austin coalition and counter violence. I appreciate interim chief Brian Manley. I appreciate him, honor him and respect him as a being and the hard work he's done for the Austin police department. I too have some concerns on the process and the ability to say that he's the best candidate for the job because I don't know.

[10:54:57 AM]

There wasn't other candidates we could have put against him to see if there was somebody better for the job. Not saying that he isn't the one, but I want to make sure that's clear. I'm not saying he isn't the best person to lead the Austin police department. I'm saying that I can't say that emphatically because there wasn't other people held up against him to see if they would lead us to the place we possibly want to go. For example, having someone who knows how to deal with APA and some of the things happening between APA and the community members and knowing maybe somebody new come in dealing -- I'm not saying Brian isn't the one, do that, saying how do we know he's the best candidate when there was no one else put against him to see not even if they could parallel the same or similar experience or someone else that could bring the department and community together. Do we know that that existed? No. And because of that we have to take Manley as the best, and once again I'm not saying he isn't, I'm not saying he's not going to work with the community because he already has. He's listened, taken feedback really well and that's why I can say I honor him as a person, but to be able to say as chief of police I can't say I can do that because there was no one else considered. If that's Progressive and liberalism, I don't want to be a part of it. If we're not going to have multiple people come up and have candidates and actual process, then how are we liberal and Progressive? Where are we going in this liberalism? Where are we progressing to? Are we progressing to say you know best for everyone and everyone being one person? Even in baseball there's three strikes, three opportunities to make something happen. There was no opportunity. Yes, do I think he's going to do an amazing job and make an amazing chief, absolutely, there's no questions for that. My concern is we don't know if he's the best one because we didn't get an opportunity to see that he was the best one. He didn't have to prove himself to everybody against other candidates to make sure he was the best one. And every other part of the city, whether they are internal people going against each other, there's a process and there's candidates.

[10:57:03 AM]

There was none. There was no recruitment, nothing. For me if this is what liberal and Progressive means if terms of who is going to be the next something it's not okay at all. Brian, I know you are going to be awesome. I look forward to working with you and know we're going to be great together. Have a great day.

>> Mayor Adler: Sara black.

>> Thank you, city council. I also in regards to the selection of Brian Manley, I feel that the city council had 18 months to find -- do a broad search of the united States and that wasn't done so we're here right now. The other concern is on one of the answers that he gave to a question, it was do you have a plan for reducing racial disparities in arrest and jail sentencing. That's page 21 of that 604 executive feedback thing. He responded that APD doesn't control jails or sentencing. Well, when a group of people walk across sixth street and APD officers only pick up the blacks and arrest them, then that is controlling jails and sentencing, if you say that person resisted arrest or blah, blah, blah, you're coming up with some sort of charge of that person cherry picked out of that group. And so that -- I just wanted to bring that up to him that that is controlling jails and sentencing. Also when you do a police report, when an officer does a police report or doesn't do a police report, then that controls the sentencing because the officer can corroborate what was happening when he arrived.

[10:59:17 AM]

If he doesn't write that down or APD says we don't have any video, blah, blah, blah, there goes your case when there was corroboration that could have been from the police. That's the due process protection that all of us want. I want to bring that up. And then one last thing about his responses in that large document. It would be that he said he didn't feel there was any corruption at APD and maybe he should be chief so that he can do an investigation because if he hasn't seen any corruption, if he doesn't think that the constant cherry picking of blacks in this community which brings up our arrest rates is not a problem, it appears to me to be a pattern and a practice of APD to do that. So if he needs to be chief under the meet and confer whenever you sign that resolution to do that, then he can investigate and find out that that is a pattern and practice. Because I did meet with him, have conversation about an issue, and I was referred to one officer on that issue. But when I was looking at the April 26 meeting of city council --

[buzzer sounding]

-- APD had a name for it. That's not one officer, that's the department he have with a name for. When you name it, that's all the officers. Thank you.

>> Mayor Adler: Thank you. Those are all the speakers that I have. We're now back up -- Sara, I'm sorry. Chris?

>> Good morning, everyone. Thank you for this opportunity to speak.

[11:01:19 AM]

While I appreciate the opportunities -- I am here to highlight issues with the hiring process that seriously considered no other candidates. No hired position in our city with the possible exception of city manager holds more power within our city. And so our city leaders have a responsibility to engage in a hiring process for this position that befits a city of our size. Like it or not, our weird little college town is now a bustling metropolis of almost one million people, the 191st largest city in this country by population in the entire country. For comparison, Seattle, which is now the 18th largest city in the country with a population of about 750,000 people, is now also undertaking a police chief hiring process. Austin's own assistant chief Eli Reyes is one of three finalists culled from a national search which they conducted. And these three finalists are going to replace an extremely possible I want rhyme police chief Seattle currently has. A black woman I must mention. Why wouldn't our city undertake this hiring process with the same level of diligence and seriousness. I'll close saying the last two police chiefs served about ten years each so given the tenure of city managers, this is likely the only police chief hire you will make. Your hire over another former austinite was supposed to mark decisive split from a history and reputation of our city as honestly as a good old boy city. And I have real concerns that this hiring process indicates a continuation of that and we really hope that that's not the case and that we can expect that things will be done in a more diligent way. Again, that befits a city of our size in the future. Thank you so much.

>> Mayor Adler: Thank you. That I think are all the speakers I see that are signed up. That gets us to the dais.

[11:03:25 AM]

Manager, I would say that I welcome this nomination and appointment. I think that chief Manley is a good man and deserving of this appointment. Not only because of the leadership that he's demonstrated because of his emphasis on community engagement and making himself personally available in the community, but also because of a demonstrated priority to listening to all the voices in our community. An ability to recognize the existing challenges that we have in our city as articulated by folks in the community as well as his resolve to act on those challenges. So I support the recommendation. Councilmember Garza.

>> Garza: Mayor, I would like to move approval of the appointment of Brian Manley as our permanent chief.

>> Mayor Adler: Councilmember Garza moves approval of the appointment. Is there a second? Councilmember troxclair seconds.

>> Garza: Can I speak to the motion? I appreciate the community concerns. These are never easy decisions. There's always a variety of dynamics that come into a decision like this. One that -- that I've

heard from several community members that support Brian Manley, and even ones that didn't support this process admitted that if chief Manley was a candidate, we weren't going to get a level of other candidates. If other candidates knew that chief Manley was in the running and knowing his professionalism, his record of what he's done for our community, they probably wouldn't have entered it. And I think -- so there's a lot of dynamics in play. It's not just about opening it up to a nationwide search. There's other things that can change the caliber of applicants that we would have gotten. So I respectfully disagree that this process was bad.

[11:05:25 AM]

I want to thank the city manager. I think that this process was thoughtful, inclusive and fair and I believe those same things about chief Manley. I think he's thoughtful, I think he's in clues itch, -- inclusive. I've sat on panel with chief Manley and when we're talking about extremely tough subject matter like use of force and police shootings, I've seen how he handles it with this amazing level of professionalism and grace. When there's criticism. And I think he's the right person for this community and and I thank the city manager for this process and glad to support this.

>> Mayor Adler: Further discussion before we vote? Councilmember Casar.

>> Casar: Mayor, I also support the vote to confirm chief Manley. I let the chief know I did want to have him highlight a couple of the issues that were in the memo to the manager. If we could, with the indulgence of council, I want to highlight two questions for the chief to focus on. So thank you, chief, for your decades of service to the city and to the community. I appreciate getting the chance to work with you while interim chief and there have been issues you've changed my mind and I've managed to change yours and that's the most I could ask for. There is a long list of issues that came out of the community engage.

-- Engagement process. Two of them that I think are really important that I would like to just briefly hear your thoughts on so that community members who may not have read that memo can hear about them because I have heard about them extensively through this process. I just want to highlight two of them. One of the of the areas is focus on deescalation training and create a more effective response to individuals with mental health crises. You and I talked about how this is good for the community but also really important and good for our officers.

[11:07:28 AM]

Tell us how you plan on working on that area in this first year as chief.

>> Certainly, councilmember. I think as we've talked many times, the intersection between the mental health community and law enforcement is fraught with bad outcomes. And we have got to find solutions to that. In the area of deescalation, we've done work already in this past year in drafting and implementing a new deescalation policy, one written in conjunction and really most of it was written by

the Austin justice coalition and we worked with them to ensure that we had a policy that reflected the community's values but also best practices in policing. But a policy is only as good as the level that we stay to it, that we hold ourselves accountable to it. To that end we're implementing additional training in the Austin police department towards deescalation. We have done some of our own internal training. We have looked at a model that the DOJ has on deescalation and we are currently working with per to have instructors of a program called I-cat which focuses on critical incident and individuals armed with weapons other than firearms and other potential outcomes. Based on all of the findings of our review of these programs, we will be implementing additional deescalation training at the Austin police department once we identify what that best training will be to suit our needs.

>> Casar: Thank you. On the mental health side, I imagine that would be helpful. Is there anything else you want to add?

>> Mental health we're fortunate what we have but there's more we need. Being home to the state school we have a large population of mental health consumers within our community and we are fortunate to have the partnership we have with integral care and to have some of the programs that we have in place, but as I've talked about many times, oftentimes the calls police officers are dispatched to, we may not be the people that are the best trained or the best equipped, we're simply the only people available at that time.

[11:09:37 AM]

So to that end, we will continue to train our officers to the best that we can to have positive communication with individuals that may be in a crisis moment, but we're also committed to identifying other solutions, other resources that can be brought to bear when there are individuals experiencing mental health crisis and maybe we can find a service provider that is better suited in that moment other than law enforcement.

>> Casar: Thank you very much, chief. Then my second question was around another area that was highlighted in the memo, around working together with the police monitors to be supportive of efforts to have a better police oversight system inside or outside of any negotiated agreement. Can you tell us your thoughts on how we can best get to that goal?

>> Sure. I think that there's a lot of work being done right now both within the negotiations but also the work that our interim police monitor is doing at this time. A lot of research on national best practices. We need to identify what is most important to the Austin community. I think that our department stands ready to continue to have oversight both within the city system itself and the police monitor's office, but also outside as similar to what we had with the civilian oversight panel. I am committed to working with Fara. She is doing an exceptional job of not only researching national best practices, but she is very engaged in the Austin police department in the learning about police practices, police culture and training so that we can ensure that we're all coming from the most informed place when we design oversight for Austin. The only way we're going to maintain and gain in the area of public trust is that we have a system that the community believes in and that we hold ourselves accountable to our policies and our standards and that we have an oversight mechanism that validates the work that we're doing.

[11:11:37 AM]

So I stand committed to working with all those that are part of this process to make sure we identify and bring forward something that meets the needs of our community.

>> Casar: Thank you very much, chief.

>> Thank you.

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: I want to concur with councilmember Garza, similar to the things I was thinking and offer appreciates to chief Manley and everything I've heard from the community from my own district and other folks and your willingness to engage and listen and collaborate I think is very powerful tool to have in our chief. And I want to thank the manager for your thoughtful approach to this. I know it was difficult to try and balance what would have been a lengthy and expensive process and likely would have concluded in the same way, but still reached out and did community engagement. I think what we're finding is the community is in support of this decision as am I.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: Chief Manley, congratulations, and I'm very pleased to be able to -- to have you at our new permanent chief. I wanted to thank you for your response to councilmember Garza -- Casar, excuse me, questions related to mental health. As we all know that is a critical issue for our community. I've really appreciated the incredible work that your officers do in the caring they've exhibited with regard to the work I've done with them on people experiencing homelessness. So -- so I look forward to continuing that work. I did want to ask you to speak for a moment to community policing. That is something we've talked with you about over the years and I know you are committed to that. But if you could talk to us for just a few minutes about your approach to moving that ball forward.

>> Certainly. You know, the Austin police department has been a community policing department for some time now, but as with all things, we need to make sure that we're practicing the appropriate style, the appropriate method and again all these evolve.

[11:13:48 AM]

What we have been working on really the past six to eight months now is getting more focused information from specific neighborhoods within Austin so that when we have time, when the officers are not responding from call to call, that we know what is of importance to the specific neighborhoods around Austin. In some parts of Austin we know that traffic concerns, traffic safety is going to be predominantly their concern. In other parts it's going to be violent crime or property crime. Austin is the fifth safest major city when it comes to violent crime but not all parts of Austin are as safe as others. To me community policing number one starts with the community engagement process. We cannot be

seen as a department that practices a method of policing as something that's done to a community. It has to be something done with our community. So to that end, the engagement we have started on will continue. I think an example is the work that we did towards designing a new vision statement for the Austin police department. We didn't create that within the walls of police headquarters or our substations and just within our own profession, but instead during these community stakeholder meetings we asked the community what values are important to you in your police department. And based on that we crafted our new vision statement. I am committed to maintaining the training in the area of community policing, looking for areas to actually involve community members when we talk about race relations, I know the manager and I talked specifically about some of the ways in which we can improve cultural diversity training. That did come up through the vetting process. There were specific programs that were talked about such as undoing racism, but there are also other programs and I'm committed to making sure we find, again, a program that we can roll out not only during cadet class for our cadets that may be structured with professionals, but we find a way for community input and look for opportunities as we did last year with fair and impartial police training to train the officers that are currently in service in this area that is so important.

[11:15:57 AM]

And I think, again, community policing is built on trust and legitimacy. We can only have trust and legitimacy if year practicing procedurally just practices, and so to that end we are going to undergo an audit this year by the city's equity office and they are going to come in and look at the Austin police department's policies, practices and procedures at our request to ensure that they are reflective of not only best practices but that they are equitable.

>> Mayor Adler: Ms. Houston.

>> Houston: Thank you. Thank you, chief Manley. I will be supporting his appointment as permanent chief. He's a Johnson ram and knows all about the eastern part of the town. I have -- I've lived through many police chiefs and you have been one of the most engaged in my community, even when things are very difficult and when we have officer-involved shootings, you've been very honest and open and treated everybody with respect and integrity. I would like to say to your family, thank you for sharing your husband and your dad and your son. I can only see so many people back there. With the city of Austin, because we need someone that has his qualities and his abilities. And I think most important of those is the ability to listen and to empathize and then to act in a way that is appropriate for the situation. So thank you for sharing him.

>> Mayor Adler: There's been a motion and second. Councilmember alter.

>> Alter: I'll be brief. Chief Manley, I wanted to thank you for your diligence with the public and the council during this process and your willingness to truly listen and to learn and act when necessary. I look forward to working with you in partnership as you take on this leadership role in a more formal manner and to work with you on our joint vision of equity and safety for all of us in the city.

[11:18:03 AM]

Thank you.

>> Thank you.

>> Mayor Adler: Yes. Mr. Renteria.

>> Renteria: I also want to congratulate you. I'm a big supporter of community policing and I know you have seen positive outcome that have come from there because we there in east Austin, Cesar Chavez neighborhood, we were the first to implement community policing under police chief Watson at that time, and you could see what a positive outcome that had happened. We're a very safe neighborhood now. We are not worried about drugs, drive-bys, you know, those are the kind of things that had [inaudible] My community and with community policing we were able to, you know, do away with all this crime. And I know that you had experience, I want to welcome you and I really truly believe that you will be out there doing the outreach and the community policing and I'm going to be supporting you.

>> Thank you.

>> Mayor Adler: Councilmember troxclair.

>> Troxclair: I just want to add my congratulations. I'm really excited to be working with you. And just wanted to remark that we are so appreciative of the service that you've already given to the city of Austin. I mean, as someone who was born and raised here and came up through the ranks at APD, I think that it's wonderful that we're going to have someone who really understands our city and has a deep love for it and is widely respected by the officers and everyone that you have worked with over the years. So thank you.

>> Thank you, councilmember.

>> Mayor Adler: Okay. Further discussion? Councilmember pool.

>> Pool: Chief Manley, congratulations and best wishes and good luck going forward and the same to your family. Thank you for being here today. I just wanted to tag on a little bit to everything my colleagues have said.

[11:20:04 AM]

I think you've actually been vetted for this job from the very first day you came and joined the Austin police force. You've put your heart and soul in this job. It's clear you are a man of integrity. I appreciate you. I wish you all the best going in order and know that I and my office continue to stand to support you and call on us at any time. Best wishes come from the residents of district 7 who are really, really pleased with your official appointment. Thank you.

>> Thank you, councilmember.

>> Mayor Adler: Mayor pro tem.

>> Tovo: Chief Manley, I just wanted to also add my great thanks. I don't think I could have said it better than our district attorney did. You are a servant leader and you have my complete confidence and -- or I have complete confidence in you and I'll be delighted to cast my vote for your confirmation.

>> Thank you, mayor pro tem.

>> Mayor Adler: Speaking of which, there's been a motion and second. Nice segue. Those in favor raise your hand. Those opposed? Unanimous on the dais. Congratulations, chief.

>> Thank you very much.

[Applause] Certainly not required, but if you would like to say something, I want to give you that opportunity.

>> And I won't take my three minutes. In all due seriousness, I know we have a long night ahead of us.

>> Mayor Adler: Take your time.

>> Comments will come at a later time. First of all, mayor, mayor pro tem, council, I want to thank you not only for your words today, the work that we've already done together, but putting your faith in me. I recognize the importance of this selection.

[11:22:05 AM]

I don't disagree with some of the comments that were made earlier about the responsibility that this position has, ultimately for the safety of our entire community along with the city manager that the key roles that we both play. And I respect the process that we went through. I understand maybe there were others that would have liked to have seen something, but I appreciated having the opportunity to hear again directly from the community on concerns that they have and really they were shared concerns and I think these are reflected in the memo that lay out the expectations of me in this role. And really I think identify what our best practices in policing and I look forward to working with you all as we implement those. But I want to take a moment to thank you for putting your confidence in me. It's not lost on me also that this is the first time as a community that we have appointed a police chief from within the department in almost four decades. And that too adds a sense of responsibility on top of everything else. The community trust. I want the community to know that these have not just been words over this past month and a half vetting process. I would hope that we can look back on what we've accomplished as a department and then what we've gone through. I think we get a lot of it right, but not always. As a department we learn from that. And I am committed. I cannot promise I'll always get it right, but when we come up short, we will identify it and work to find a solution and to make sure that it doesn't happen again. So my commitment to you is that I am going to do everything I can to show you that your trust in me was to thank you as well. You came into a tough situation. A new manager into a very large city with big city issues and with an interim police chief that had been in place for a long time, and I appreciate you not rushing the decision.

[11:24:09 AM]

I think it was important that you and I got to know each other to make sure we have a shared vision and that we will work product I feel, which I know we will, towards solving the issues that face Austin. And I'm appreciative of the process that we went through and I look forward to what we're going to do as a city to make this the most livable city, an equitable city, a procedurally just city. As I wrap up my comments, there's a few others I would say. My partners in the cringed cringed -- criminal justice system, to try and reduce and I know we're going to talk about later today. That work has been ongoing and will be ongoing as we again ensure that we're doing everything we can do to have the best criminal justice system for our community in place. And so I appreciate that. Real briefly, the men and women of the Austin police department, I wouldn't be standing here today with this opportunity and appointment if it weren't for the excellent work the men and women of the Austin police department do on a day in and day out basis. We don't always get it right, but we are served, our community, by a group of men and women who are committed to keeping this community safe and that they really put themselves out there, and I'm confident that we're going to continue that and that we're going to improve upon that. And lastly, I thank you all for recognizing my family because we're all in positions I think that we recognize we could not do what we do if we didn't have the support at home with our family that allows us to dedicate both the time at work as well as the time when you are at home to ensure that we're carrying out these important responsibilities that have been placed upon us. So mom, I want to -- I don't want to get choked up, I know dad is here with us today, and thank you for instilling in me the values that you did, the drive that you did so that I'm here today.

[11:26:18 AM]

I've got a wife Tina who has supported me for 25 years now. She's been with me since my first days on patrol and she's weathered the storm with me. My son Mitchell, our daughter is away at college and she's doing what she needs to do right now. She too is driven and I appreciate that. You all know what this places on the family so the kids give up a little bit as well. So I want to again thank my family and really the department and just everybody that's here to support me today, and my commitment to each and every one of you is that I will attack each and every day with my driving forks being sure we're practicing the best policing for this community to ensure not only safety but fair and equitable practices. So thank you again for your vote of confidence today and I look forward to continuing to serve this great city.

[Applause]

>> Mayor Adler: Council, if everyone could leave the room quietly so we can continue working, we appreciate that. We have a half an hour before we go to citizen communication. When we get to citizen communication, I'm going to excuse myself. Mayor pro tem and I -- I have a funeral. We have 30

minutes. Let's take some things in the meantime. I understand that we might be able to move forward on the urban roots issue.

>> Houston: I would like to move adoption. Councilmember Garza would like to move adoption.

>> Mayor Adler: Councilmember Garza moves adoption of item number. Is there a second?

>> Houston: Yes.

>> Mayor Adler: Ms. Houston seconds that. Any discussion?

[11:28:18 AM]

So councilmember Garza has moved adoption of item number 69, the urban roots matter. It's been seconded by Ms. Houston who had her question answered. Is there any discussion on this item? Your motion.

>> Garza: I want to recognize the mayor pro tem for her long work on this tract. I hope that this --

>> Mayor Adler: Hang on a second. Could people in the back please keep it down and move the conversations outside? Sure would appreciate it.

>> Garza: This tract was up for sale a couple of times and previous councils have done an amazing job of making sure we try to get the best out of this. While this was shown as a possible place for affordable housing, there is no transit that goes to this area. And so I think this is a great opportunity to add a communal benefit.

-- Community benefit. The neighborhoods, the contact team, everybody is in support of seeing if we can have an agreement with urban roots and so that they can continue the amazing work they do for our community. These youth programs, they just recently celebrated their 10-year birthday. Thank you to the mayor pro tem for your hard work on this and I hope we can finally get some great community benefit for this piece of land.

>> Mayor Adler: It's been moved and seconded. Any further discussion? Those in favor of this item, 69, raise your hand. Councilmember Alter abstains, the others voting aye. That passes. We had another one that had consent amendments, item number 15.

>> Casar: That's right, mayor, I want to move item number 15 with amendment as it's just -- I know there's been a ton of work by the community, this has been passed by multiple bodies, some community groups brought this forward just to clarify how we as a city will participate and essentially it's just to really highlight the fact we want to bring folks up from 200% of the federal poverty level including those families that might be single-parent households, and that we want to make sure we get diverse folks into these jobs, that we really want these workforce plans to lift up everyone and we specially want to support those institutions that provide lots of access and opportunities to those folks that most often are stuck at 200% under the federal poverty level.

[11:30:58 AM]

>> Mayor Adler: Okay. Is there something -- this is something the county judge and I originally -- I'll make that motion with the amendment in place. Is there a second to that? Councilmember Garza seconding that. Is there any discussion? Any discussion?

>> Kitchen: Yeah, uh-huh.

>> Mayor Adler: Councilmember kitchen seconds that. Take a vote. Those in favor please raise your hand. This is the item with the amendment. We have two speakers to speak. Do the speakers want to speak on this or should we just pass it? One is Bob batlin. Not here. The other David king. Do you want to speak?

>> Thank you, mayor. Mayor pro tem and councilmembers, I just want to make a point that this is I think a good workforce plan. I support it. But I think we need to look at it in the context of other policies. This looking at this stand alone, it needs other policies, correlary policies to make it effective. That's really my message today is these other policies need to go hand in hand to leverage this workforce plan. To that end I think we need to look back at some of our economic development policies that we've implemented over the past 20 to 30 years and see what they resulted in. We've implemented creative class policies that encourage high paying, high tech companies to come here and I believe that's been the root cause of our economic segregation in our city. So we have to be careful and we have to prioritize policies that help these low-income and middle income families this plan is supposed to target, help them stay here in our city. When they are gone, this plan is not going to help them one bit. So we need these other policies to be put into effect immediately. And not wait and hope that this plan will somehow make a difference on its own.

[11:33:03 AM]

And this goes hand in hand with our decision -- land development decisions. In codenext, for example, looking at the economic policies and 2 future there. The consultant with codenext and demographer said every five, six years 50 high-income families move to Austin. That's great, I'm glad they love our city. That has unintended consequences. It's forcing housing prices to go up. It's forcing low and middle income families out of our city. It's forcing property taxes to go up. So codenext is a part of this equation as well and we have to be careful as we try to do the right thing in codenext to help these families that we don't unwittingly create a problem that worseness the situation for them. So we have to be careful. And I think be deliberate and slow and careful about how we implement codenext and make sure it's done hand in hand with this workforce plan. So that as we redevelop and these families move to Austin, that we take care of those who have been here and those who invested in our community and we don't inadvertently or unwittingly push them out of our city. And I think we need to make sure that our economic development incentives are produced in-house so there is public review. When we outsource economic development proposals like the one for Amazon, how do we as the public know those policies are going to benefit us? How do you know what those economic development plans are based on?

Those plans should be done in-house so we the public can see them and ensure that we understand what they are intended to do and who they are going to help. And I do think we should rescind the economic development agreement with domain and with Samsung to free up millions of dollars every year in property taxes --

[buzzer sounding]

-- That go to those considerations that are doing just find -- corporations and really don't benefit our community that much.

>> Mayor Adler: Thank you.

[11:35:04 AM]

Moved and seconded. Further discussion? Those in favor please raise your hand? Those opposed? Troxclair no, others voting aye. The item passes. I think that I've heard --

>> Mayor, I'll say quickly in light of the audits we've seen recently that have to do with workforce development, I have concerns about our ability to manage programs in a cost efficient and effective way. That was the reason for my no vote but appreciate all the work that's gone into this.

>> Mayor Adler: I understand. Thank you. Item number 10 might be able to move quickly? Ms. Houston, you pulled this one.

>> Houston: Yes, please, item number 10. Once again, we have -- put it on the -- put it on the screen. Once again we have a contractor who has used racial slurs to talk about employers and we continue to do business with people, and I just want to point out, I'm sure this will pass but I will be voting no because of the racial slurs yet again that are being used about workers in our community.

>> Mayor Adler: Mr. Renteria.

>> Renteria: I'm also going to be voting no. You know, I have been subject to that kind of language and really it was very hurtful and disrespectful. And I don't want to see our funding supporting a business that has that kind of attitude. So I'm going to be voting no.

[11:37:05 AM]

>> Mayor Adler: Councilmember Garza.

>> Garza: Thank you, councilmember Houston, for pulling this. I too will not support this measure. For a business to insult the very people that they likely employ to make a living, I can't support the city providing any funding to them.

>> Mayor Adler: Councilmember troxclair.

>> Troxclair: Can we understand from staff what our other options are if this doesn't pass? Because I too am uncomfortable with this information.

>> In terms of options, if council does not award the contract to the recommended contractor, we would work with the department to determine the need of the project. My understanding so far is that it is a needed project so we put it out for bid again. There is something we can do to prohibit the same contractor that we recommended today as not being -- if they come in at the lowest price, complying with all the requirements, that they will be our recommended firm just because of the fact we're basing our decision on state requirements, city requirements for contracting. If they are complying with all those, then the lowest bidder.

>> Mayor Adler: Councilmember Flannigan and councilmember pool.

>> Flannigan: In other procurement decisions we've been presented with a matrix of responders and different scores. Am I missing that on this?

>> Councilmember, this is a different methodology where we're talking about a traditional design bid build. Invitation for bid, looking for the lowest responsible bidder. You are researching when we're looking at qualifications based for architectural and engineering where we look at qualifications and experience levels.

[11:39:14 AM]

State statute is clear focuses on are they the lowest bidder number one and did they comply with city requirements in terms of our contractor requirements, you know, mbe, WBE program, provided the insurance requirements, and then are they experienced, do they have the capacity to the bonding, in terms of staffing to do the work. So in this case our recommendation -- recommended contractor did meet all those requirements.

>> Flannigan: Let me understand that better but I also am not comfortable in moving forward with this. But I don't want to just be in a loop on this or forget that this is what happened if it just comes back and we're in the same place. So is this something that a different procurement process that the city could implement might provide a different path or is there a state requirement you have to choose the lowest bidder or the state requirement staff has to recommend the lowest bidder. As briefly as possible.

>> Sure. In terms of this methodology, state requires lowest responsive bidder. Alternative delivery methods, we can do that. Those are -- I don't know if we can look at, you know -- I don't know how we can consider the root cause of the issue based on what they said, based on -- I don't know how we can look at that as part of the reason for why we don't recommend that contractor. Then also the other not oddologist are more complex, bigger projects, more requirements for those. When we look at this project, it's an important project, we have to get it done absolutely, but in terms of looking at an additional method, we try to align those in terms of project needs versus best delivery and in in case we chose a traditional design bid build.

[11:41:15 AM]

We're looking for the lowest response bidder.

>> Flannigan: I want to thank councilmember Houston for pulling this and highlighting this because it wasn't something I caught when reviewing the agenda. Thank you for doing that.

>> I'm assistant director of public works. I just want to point out some things. This project is the seventh street project. We had issues with the project, filed a claim, received some funds. These funds are going to be used to do repairs on two intersections. It is set up for doing the work in the summer. We're trying to get the work done as quickly as possible. Currently it is set for 35 calendar days to complete this work of these two intersections. We are -- it will affect capital metro because seventh street has quite a bit of work. Our goal and objective was to complete this work during the summertime to minimize impact on the school and the traffic there.

>> Mayor Adler: Councilmember pool.

>> Pool: So this was the only bid on this contract; is that right?

>> We had two bidders, ma'am, on this one, but we have to go based on the lowest responsive bidder.

>> Pool: And if we were to reject this, does that expose us to some -- does it make us vulnerable to litigation for denying this for a reason that may not be --

>> Mayor Adler: Attorney.

>> If you don't want to give this award, you can deny the award, reject all bids and they can start the process over. The timing is the issue involved with the public works department. With this kind of procurement, it's a low bid, we are required by state law to take the low bid. It is sort of a loop situation, if they were to bid again and be the low bidder. That's why it's awkward for obviously the city employees in this situation.

>> Pool: That's great and that's the key concern that's in front of me. I had voted when we had a situation like this a couple meetings ago, I had abstained from the vote for the same reason that some of my colleagues here are voting against it.

[11:43:22 AM]

Did the contract -- has the contractor responded to the concerns that have been raised?

>> Aside from what we've seen in the the statesman and the monitor, I've not heard from the contractor.

>> Pool: Okay. Thank you.

>> Mayor Adler: Councilmember alter.

>> Alter: I appreciate councilmember Houston raising this issue. I'm wondering if our city attorney or city manager might have an option for us to table this at least for now to see if there's other options or to go to an executive session? I'm a little bit uncomfortable and wondering if there is -- another option here.

>> Councilmember, I'm not seeing a lot of other options right now. I don't know if an executive session would change that. I have offered to the mayor and offer publicly I'm happy to write a letter on the city's behalf expressing our dissatisfaction with the comments that were made and so we can at least put that publicly out there. As a potential alternative as well.

>> Mayor Adler: Councilmember kitchen. Kitchen.

>> Kitchen: And I'm sorry if I am not understanding this, but I was -- I understand that the staff has to recommend the highest -- the lowest bidder, excuse me, and that's what we just said. But the council can -- doesn't have to approve and can suggest the second bidder, right?

>> Not for this methodology.

>> Under state law under this type of methodology, you are required to take the low bid. You can reject all officers and staff would have to redo this process.

>> Kitchen: That's what I wanted to -- I'm sorry, I wasn't articulating well.

[11:45:24 AM]

Is that because this process is different from other processes? Because I know in the past --

>> This is a different process. This is a low bid process. State law requires this under this type of procurement.

>> Kitchen: I'm sorry. Tell me what this type of procurement is called.

>> There's basically two state statutes that we follow. This is 252, this is the low bid, you know, traditional is the design bid, we hire a design firm, they do the design, put it out for competition. Lowest responsive bidder gets it. Seeking for hiring of engineer or architectural firm. We're doing 2254 state statute, which is looking at best value. We don't look at price until after council awards a contract with that firm. Then we'll start negotiating price. We're only looking at qualifications and experience level.

>> Kitchen: So it's in the state statute, if I'm understanding correctly.

>> Yes, ma'am.

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

>> Garza: I understand the time line, but I can't in good conscience vote for some company to get a city contract after making such a racial slur like that. So is it -- so can there be a different process that doesn't require us to go with the lower bid? I understand that process could take longer, but could there be a different process?

>> As I said earlier, we can look at different alternatives for this project. If I'm understanding the concern council has in terms of why we're not awarding the contract to them, I don't know how I can put in place a process that looks at that specific concern, try to address that concern. If we're looking at their qualifications in terms of experience level, right person for the job, if they were to respond to the solicitation whether it's this methodology or different one, you know, it would be hard for me to look at. Right now how to avoid them not being the recommended -- if they meet everything else, do everything else in terms of complying with requirements.

[11:47:32 AM]

>> Garza: I understand if we bid it again with the same process, they will likely be the lowest bidder again and we would have to -- we would have to consider this again. But I'm saying if there is another process, I know we have other processes where the lowest bidder is not the recommended firm because of different criteria. If there's a way to have a different process, if they become the selected one again, then I'm -- we would have to revisit it. But I think -- I don't know where the votes are, but I don't think you have support to support this one.

>> Mayor Adler: The question is can you bid it out under a different chapter?

>> We can look at a different delivery method and look at that and try to work with the responsive -- take into consideration the council has voiced this morning.

>> Mayor Adler: I have a question for -- go ahead.

>> Veronica, assistant city attorney with the law department. There is a process under chapter 2269 of the government code that permits us to do a competitive sealed proposal or ifb procurement invitation for bid that allows us to consider certain policies that the city has and whether or not the bidder is compliance with those policies. So that is an option for procuring this under a different methodology.

>> Mayor Adler: Public works, you said that it's scheduled for this summer. And I understand that. Is there a safety issue or a timing issue?

>> So -- it's scheduled to start in July so we can accomplish the work in the summertime. Safety related to traffic control and just coordinating with the school schedule.

>> Mayor Adler: So there's not a safety issue. If we were to delay this, we're not creating a safety issue by delaying the work.

>> No, we would have to reevaluate the conditions when we're bidding it and adjust our contract.

>> Mayor Adler: Further discussion? Mayor pro tem.

>> Tovo: I'm>> Tovo: I'm not going to support this for the reasons my colleagues have articulated.

[11:49:38 AM]

It seems like a variety of outcomes and I understand the timing concerns and appreciate your interest in moving the project forward, however I feel pretty confident that there are various other outcomes that wouldn't land us in this loop. One of the bidders who bid it for this could for example put in a lower bid if we used exactly the same kind of bidding process or as we talked the staff may have some other processes to use. So I'm hopeful we'll get to a good outcome along the way if this proposal gets voted down.

>> Mayor Adler: Is there a motion to reject the proposal.

>> Houston: That's my motion.

>> Mayor Adler: Councilmember Houston moves to reject the proposal S there a second to that? Councilmember Garza seconds that. Any further discussion? Those in favor of the motion please raise your hand? Those opposed? It's unanimous on the dais. Thank you.

[Applause]. Okay. We're down to 10 minutes. Item number 16, does that look like something we could handle. Oh, there are five people wanting to speak on that.

>> [Inaudible - no mic].

>> Mayor Adler: There are five people to speak. I don't think that works. What about -- that was number 16. 56 has four people on it. That's the anti-lobbying ordinance. Probably is going to be a discussion too, not a 10-minute item.

>> [Inaudible - no mic].

>> Mayor Adler: Let's see if we can do 63, parking. Let's pull up 63. This was pulled by Mr. Flannigan.

>> Flannigan: Yes, mayor. I think my motion sheets are probably on their way.

>> Houston: Mayor, while he's looking, there were just some questions on 16, so --

[11:51:42 AM]

>> Mayor Adler: We're going to have to pull that back. We have lots of people signed up to speak. Let's say here on this one. This will probably be the last one we do before lunch. 63. Do you want to hear why he pulled it first?

>> Tovo: Sure. I was going to suggest I heard my colleague mention motion sheets F he's suggesting making amendments I will probably need some time to review them, so I don't know if it will be fast or not.

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: I have one amendment. It's simple, to one of the whereas clauses. Right now the second whereas talks about -- it uses the phrase a chronic shortage of available parking. And I just wanted to

replace that phrase with a quote from the downtown Austin parking strategy that says there are many situations depending on the time of day, location and user group in which parking is very difficult to find. That's in quotes. And it pulls right from the study. That's the only amendment I was looking to make.

>> Mayor Adler: Which whereas clause was that?

>> Flannigan: The second whereas clause. Here it comes, here come my motion sheets. My staff jumped. Never know what's going to happen before or after lunch lunch.

>> Mayor Adler: By the way, clerk, we have no executive session items so if you could strike those from the list.

>> Flannigan: We have the wrong number on it. 63.

>> Mayor Adler: Mayor pro tem?

>> Tovo: Mayor, I do think we have a speaker, but I'm fine with this change and happy to move forward my resolution with that change incorporated.

>> Mayor Adler: Okay.

>> Flannigan: Thank you.

>> Mayor Adler: Mayor pro tem moves item number 63. Is there a second to item 63? Councilmember alter seconds it. Mr. Flannigan offers an amendment. Any objection to that amendment being included? Hearing none, that amendment is included. We do have one speaker signed up.

[11:53:44 AM]

Josiah Stephenson? Is Mr. Stephenson here? Mr. Stephenson? The speaker is not here. It's been moved and seconded. The amendment has been incorporated. Any discussion on the dais? Those in favor please raise your hand? Those opposed? It's unanimous on the dais, item number 63 passes. Yes?

>> Tovo: Mayor, while you're moving on to the next, there was one comment I wanted to make and I thought about adding some additional language to provide direction to staff, but I can continue ticket-to-work on this with them. I think -- to continue to work on this with them? I think part of the frustrations downtown having to do with parking have to do with the city's shifting of some of its signage from block to block depending on the circumstance. I can provide more specifics, but just as a general comment on that front, I think the more information we as a city can provide about why certain spots are blocked off one day, but maybe not the next day and what people's expectations might be of the days to follow the better. And so that's just a side comment I would provide regarding -- related to the issue that I brought forward with the resolution.

>> Mayor Adler: I'm looking at the calendar for the rest of the day. I've heard that the staff is going to recommend postponing item 107, is that correct? Is staff here? Can anybody confirm that? It was a public hearing on the north shoal creek neighborhood plan.

>> Pool: Yes, that's correct.

>> Mayor Adler: That's going to be postponed?

>> Pool: It will be postponed to August 9. Am I getting the date right, Mr. Guernsey?

>> That's my understanding.

>> Mayor Adler: We can't do that until we do the 4:00 call, but I wanted it to say that so that the public would know that that public hearing will probably be postponed.

>> Pool: Thank you.

[11:55:46 AM]

>> Mayor Adler: So the other items are going to take a long time. It looks like -- it also looks like a lot of the items on the zoning are going to be postponed by request. It looks like maybe there's just one discussion item would be my guess on item number 96. Three discussion items? What numbers do you anticipate they're going to be. I mention this because it looks like we might be able to work pretty rapidly this afternoon and take care of a lot of things.

>> I believe councilmember Flannigan would like to discuss two additional items items.

>> Mayor Adler: But those would be -- you're raising the co discussion on those?

>> Flannigan: It's a question about the zoning decision that we're making and the simplicity and clarity of what we're making, yes.

>> Mayor Adler: So we have three items that look like they will be discussion, 96, 97 and 102?

>> Kitchen: 97 did you say?

>> Mayor Adler: 96, 97 and 102 look like the items that will be discussed. The others look like they will be consent or postponement. We only have one or two people signed up for the public hearings. The two that remain, 108 and 10 the 9, assuming we postpone 107, it looks like we'll be able to do a lot in the afternoon. Ms. Kitchen?

>> Kitchen: We have a commitment to take up tourism before 5:00.

>> Mayor Adler: I think we'll be able to take up all those items of in 5:00.

>> Kitchen: I just wanted to be sure --

>> Mayor Adler: We have an amendment to that one and we have two minutes left.

>> Kitchen: We could take it up right after lunch then.

>> Mayor Adler: I think so. So let's move to citizens communication.

[11:57:48 AM]

>> Garza: Mayor, 76 is still showing up and I believe that's the one we disposed of.

>> Mayor Adler: 76 we voted to add money to it. Did we vote to approve it? It was included back on the consent agenda, so 76 is taken care of as well.

>> Houston: So did I miss something on zoning while I was again?

>> Mayor Adler: No. We were just saying that it looks like all the items are going to be postponed or offered on consent with the exception of 96, 97 and 102. But they're not being called until 2:00. Mayor pro tem, would you call citizens communication?

>> [Inaudible - no mic].

>> Mayor Adler: Time coming back from lunch. You will be done about 12:30. What time do you want to come back for lunch?

>> Tovo: Did you say 1:15?

>> Mayor Adler: Okay. We'll try to come back at 1:15.

>> Tovo: Our first speaker today for citizens is Melissa little, speaking about the volunteer situation at the Austin animal center. And next up will be lovely Washington speaking about employment. After Ms. Washington it will be Bob Spragins. So Melissa you you are up first and have three minutes. Is Melissa little here?

>> Yes. Good afternoon. I'm here as a member of a group of Austin animal center volunteers. My name is Melissa and I live in the district. We're here today to request a meeting with the city manager so we can share concerns about the volunteer agreement that all volunteers are forced to sign.

[11:59:56 AM]

The volunteer agreement contains extremely vague language that says all managers may terminate a volunteer, and I quote, at any time. Or for any reason without prior notice. This language, because it is so vague and so broad, has allowed all managers to suspend or terminate a number of volunteers simply for asking questions about the policies and the practices of all. As well as for raising concerns about well-being of the sheltered pets. You may be aware of recent news stories about the volunteers at all being suspended by management after they raised concerns about two dogs named Wilma and Bettie. The recent suspensions raised important issues about freedom of speech for shelter volunteers. Shelter volunteers have a first amendment right to speak out about shelter conditions and practices. And the city is prohibited by federal law for infringing -- from infringing that free speech right. Yet it seems that the city has done exactly that by punishing volunteers after they spoke out about Wilma and Bettie. And this isn't the first time all has acted against volunteers in this manner. All has suspended or terminated volunteers in the past who have been critical of shelter management, but suspending or

terminating volunteers for speaking out is unconstitutional retaliation. It is understandable and appropriate for shelter managers to require volunteers to follow certain rules and guidelines in the volunteer work. Aac managers cited violations of the vague volunteer agreement as a basis of recent suspensions. Volunteers at aac play a critical role in walking dogs, socializing them and ensuring dogs remain healthy and adoptable while they are at the shelter.

[12:01:59 PM]

They are a huge part of Austin's no-kill accomplishments. I therefore respectfully ask the city council to ask the city manager to meet with us to discuss our concerns about the volunteer agreement and discuss the damage that is done to the volunteer program by management when they intimidate our very valuable volunteers. Thank you for your time. Please, guys, let's do something with this. Thank you.

>> Tovo: Thank you. Next up is lovely Washington Washington. And our speaker after lovely Washington will be Bob Spragins, also speaking about the Austin animal shelter. Welcome.

>> Good afternoon. About three weeks ago I was walking down west second street near Colorado. Orange theory, a new business, a fitness center downtown, is opening up. Three weeks before that a pop-up shop has opened where you can buy glasses and purses and different accessories. So I want to thank everyone here at the councilmember meeting for your support in stimulating economic development in Austin, Texas. Thank you so much for that. Secondly, I have been accepted to attend criss Cole rehabilitation center, and although I do not have a graduation date, I'll keep you posted because I want to invite everyone here to my graduation. I'm sure the staff at criss Cole and the chairman would welcome you with open arms.

[12:04:02 PM]

Help me celebrate my re-entry back into the workforce, equipped with technological, up to date skills. Remember, people with disabilities are capable of working and want to work. I stand here as a symbol of that. A lovely hire, after my first name, lovely, because hiring a person with a disability is not only great, it's lovely, it's wonderful, it's beautiful. So please as you interact with business developers, current and new business owners, put in a good word for us. We want to work, we will work, a lovely hire. Thank you very much and have a wonderful day.

>> Tovo: Thank you. And you do the same. Thanks for being with us today.

[Applause]. Bob Spragins speaking about the Austin animal center and next up will be Robert Troxell speaking about the economics of homelessness. Mr. Troxell? Oh, there you are. Welcome. You have three minutes.

>> Thank you. My name is Bob Spragins and I'm a resident of Austin in district, I believe, 10. Here to speak about kennel breaks at the Austin animal center. Austin's chief animal services officer should

ensure kennel breaks at least twice daily for all dogs in the Austin animal center. We are here to request that the city council provide for funded dog walkers in the 2018-2019 services budget and remain a performance measure that addresses the average number of sheltered dogs not getting at least one kennel break per day. It is well established fact that the walking shelter dogs and positive interaction can prevent dogs' behavior from deteriorating due to boredom, stress or frustration.

[12:06:13 PM]

Currently there are between 30 and 100 dogs at aac who are not getting out of their kennels on a daily basis. For example, in may we have had days where there are as many as 63 dogs were not given a break. On other days in may there were 54, 52, 40 dogs that did not get out of their kennels during that day: Solutions have been presented to aac staff, to the animal advisory commission and the city council in 2015. City council passed a resolution directing the city manager to address this issue. In other words, this problem has been known for over three years and yet it continues. Unfortunately, at the expense of well-being dogs in the shelter. The solutions that we have suggested in the past were: Hire two full-time dog walkers, and their sole task at the shelter. And reinstate the requirement that each staff member walk one dog per day. It appears that the current shelter management is only interested in the live outcome rate and not interested in solving the issues of dogs not getting daily walks or kennel breaks. Again, we ask the -- we ask that the chief animal services officer ensure the shelter dogs get daily kennel breaks and we ask the city council to include funding for paid dog walkers for the 2018 and '19 animal services budget. Thank you for your time.

>> Tovo: Many thanks. Mr. Troxell, speaking about the economics of homelessness, to be followed by Erin van Landingham, also speaking about the Austin animal center. Mr. Troxell, you have three minutes.

>> Hello, I'm Richard R Troxell, president of house the homelessness and I'm here with my incredible wife Sylvia.

[12:08:21 PM]

First I would like to say thank you to the council for working collaboratively --

[buzzer sounds]

-- On some very hard issues this year. Today's topic is economic homelessness and liveable incomes. According to the national coalition for the homelessness, again this year about 3.5 million people will fall into homelessness. Many will regain they're footing, many will not. Who are the homeless? They are single men, single women, women with children, some single dads, senior citizens, people with alcohol and drug problems, many with mental health problems, but none of them can afford housing, and for them homelessness is simply an economic problem. For 17 years house the homeless has conducted annual surveys. We found that half the homeless population is so disabled that they can't work and the other half can work. Affected workers include dry cleaner operators, hotel workers, receptionists,

landscape workers, home care AIDS, security guards, childcare workers, fast food workers all over American, McDonald's, retail sales all over America, Walmart. We immediately recognize that these jobs are the last on-site American jobs. In fact, this is our nation's socioeconomic base. They cannot be outsourced. You must be on-site to do the work. Question must protect and help these workers get off the dole by restoring work opportunity that pays living wages. We realize that the United States federal government sets two controlling monetary factors for these people. For those who can work it is the federal minimum wage at 7.25 per hour. For those who cannot work it is a supplemental security income, S.S.I., at about four dollars per hour. No one can get housing with that. And now that we realize the U.S. Government is the single greatest cause of economic homelessness, we set out to fix the federal minimum wage and devised a formula that indexes the wage to the single most expensive item in the budget of every American, housing.

[12:10:21 PM]

But in so doing anyone working 40 hours in a week will be able to afford the basic food, clothing, shelter, and public transportation wherever that work is done throughout the United States. Similarly, if the S.S.I. Amount is indexed to the local cost of housing we can also get our disabled homeless folks off the streets. In so doing no matter what the rental housing cost rises to be, if you work 40 hours in a week or if you get an S.S.I. Check, you will be able to afford a roof over your head other than a bridge. Today we salute Austin city council as the nation's first city to embrace the universal living wage and urge the city council to finish aligning with the universal living wage formula at 16.54 per hour. When we get there we can simply index the Wayne to our local cost of housing here. Then the only thing to do is to urge the business community to do the ethical thing and follow suit. Thank you.

>> Tovo: Thank you very much, Mr. Troxell. Appreciate you being here. Councilmember Renteria.

>> Renteria: I want you to know that even though Homer did pass away, we did get him stuffed so we still have him so we would love to have you -- if you ever want the opportunity to take him and promote him during an event, he's there for you.

>> You're so kind. Thank you, councilmember. Pio, we did hold a memorial and the mayor attended, as you know, so we do pay homage for all of our supporters.

[Laughter]. Thank you.

>> Tovo: And I think Homer was up on the second floor for a brief period, right? Okay. Thank you. Erin van Landingham, Austin animal center. To be followed by Gavino Fernandez, junior.

>> Good afternoon members of the city council. My name is Erin van Landingham and I am an Austin animal center adopter, foster and volunteer.

[12:12:24 PM]

I am a resident of district 7. Today I am speaking in support of strengthening the adoption process at aac. While many of the adoptions at aac are successful, there are documented cases of animals being neglected or abused by their adopters and many more pets may suffer for a lifetime of a unfit adoptions that could have been prevented. Aac must go beyond the current application process and implement additional screening of potential adopters in order to protect all of the animals in its care. Presently adopter's provide legal identification, information on their current residence and if they already have pets and contact information for their veterinarian. Unfortunately, none of this information is verified by the shelter before an adopter is allowed to walk out with an animal, but is requested for the sole purpose of locating an owner if the adopted animal returns to aac as a stray. Very little is done to ensure an adopter is fit to adopt. In addition, no follow-up is done to ensure the animal is safe and receiving adequate care in his or her new home. One no-cost solution to the issue of animal welfare that would not entail hiring additional staff would be to ask adopters to agree to allow volunteers to make follow-up phone calls. Volunteers would make contact with the adopter to see how the new pet is adjusting to the home and answer any questions the adopter may have. This is a method used by resource groups and shelters and is proven highly successful in protecting animals and preventing owner surrenders. The adopter would grant consent by signing an addendum to the pet agreement document that is already in use by aac. An aac adopter's name, address and phone number is a matter of open record and is available through a public information request so there would be no violation of confidence for aac to provide this information to designated volunteers for this purpose.

[12:14:28 PM]

Having high live outcome rates is meaningless if the animals saved from euthanasia go on to live miserable lives of abuse and neglect. Please direct the chief animal services officer to mandate verification of information provided by adopters and to allow volunteers to do follow-up calls to check on an adopted animal's welfare. Thank you for your time.

>> Tovo: Thank you. Mr. Fernandez. Next up will be John torres and then Rick Lund.

>> Good afternoon, council, I'm gavino Fernandez and I am here speaking to you for el Concilio, the mexican-american landowners of east Austin. And also of lulac district 12. I wanted to speak to you about an program we've had in our community for over 28 years and that is out cry in the bearrio program that has been in the neighborhood for over 28 years and basically one of the main functions is to assist persons that are wanting to address their issues regarding getting back into the community and becoming positive citizens in our community. This program is very notable in the Barrios as many of the customers go around our small restaurant around Cesar Chavez selling banana bread and other things to raise funds for this program. This program is pretty much self-sufficient and relies on private donations as well. And we just want to recognize the program. It is not only a local program, but it also is an international program in regards to reaching out and helping citizens wanting to come back and be productive citizens, and many of them return back to their families. I also want to take the opportunity to speak to you about an effort that we are engaged in right now as we look at -- we're facing the closure of three elementary schools downtown, Sanchez, metz and Zavala.

[12:16:32 PM]

We're asking government entities, state, city and the county and the private sector that have employees downtown, and we've talked to Dr. Gustav engaging in an aggressive campaign to recruit students or employers that work here to have their students attend any of these three elementary schools with the assistance of aid transportation. I think that today in 2018 it is very important that we as a community not allow schools in these areas be -- to be -- to be closed. Many of these are recipients of our lulac national scholarship fund that were just awarded. Many of these students have siblings that attend these schools. New numbers have come out from the Chalmers redevelopment and many other projects that are coming around that give Zavala 99 more students. And so we're not giving up as landowners. We know the effects of when the schools are close to neighborhoods, the impacts that it has. We don't want to create a Detroit. So we're asking all of you to encourage employers and even -- we do this for peace right now, so what's good for west Austin obviously is good for east Austin. And again, we want to make sure that we continue to invest in these youth as they progress on to college through scholarships and whatnot. We will be engaging in a voter --

[buzzer sounds] Thank you for your time.

>> Tovo: Thank you very much for being here.

[Applause]. Mr. Torres. And then next up is Rick Lund.

>> Good afternoon, city council. My name is John torres. I am a product of the out cry in the barrio program. I want to give a short testimony of my experience here at the out cry home on the east side. I started following bad people at an early age and soon after that resulted in drug addiction, alcoholism and crime, which resulted of me going to prison six times.

[12:18:36 PM]

I did over 20 years in prison and upon my past release a little over four years ago, I had no sense of direction, no vision, I had nowhere to turn to, nowhere to go. Somebody told me about this home, out cry in the barrio and they received me with open arms. They shoed me, clothed me, feted me and lead me to Christ and let me know that Jesus has a plan in my life. And I finished the program. When I finished the program they also had a transition home I could go to. I was there in the transition home and have become a responsible and productive citizen. I also work with my co-pastor, I work for the community and I work also at the church. And the way that I work with the community, I myself now, after my transformation, that's where my whole transformation took place at out cry in the barrio, it transformed from the inside out, completely renew and restored my life, amen. So how I work for the community is I go out and reach to other drug addicts and alcoholics and gang members and ex-felons and let them know that Jesus is the answer and not crime and drugs and alcohol. Since then after finishing the program and the transitional home I also work with my pastor. I reach out to the

community. I let them know that this is a place they can reestablish themselves. With a strong, spiritual and faith-based foundation, amen. So I work for my pastor, and I've also been married since then, amen. I wanted to let the community know that there is a place that they can go to reestablish themselves with a strong, spiritual and christ-like foundation, amen. Thank you.

[Applause].

>> Tovo: We appreciate you being here. Mr. Lund.

>> I like that last name. My last name is Luna. My name is Rick Luna, councilmembers. I'm also a product of victory outreach. I myself had a drug and alcoholic problem, and I should have known the way I was how Jesus came into my life and changed me and made me a productive person.

[12:20:46 PM]

I'm married, I have four kids. I don't work anymore. I'm a disabled veteran. I help pastor in the community, in politics, and I work out and let people know that Jesus is the way, the truth and the life. And that if y'all ever need -- if y'all know or need anyone who wants to change and wants to have a place, we're open and y'all are welcome to come visit us if y'all want to. The doors are always open. And y'all can come. We have Wednesdays bible study at 7:00 and we have Sundays at 10:00. So y'all are welcome. Also we go out to the -- to Braker out there and witness to a lot of people that are -- at night. Not days, but night, when people are out there in the streets. We tell them that there's a better place and they don't need to live under the bridge, they don't need to live in the streets. Only they have to do is just to -- just a little -- we have regulations and stuff like that, you know, no smoking, no drinking. It's a six-month program. I myself went and I stayed eight months and they had to run me off, but I've shown the community that I've been here many years helping Pio, helping the community. So here I am asking y'all if you know -- like I said, we sell banana bread to pick up funds and if y'all ever want to donate, it's victory ministries. God bless y'all. Thank you.

>> Tovo: Thank you. Apologies that we had your name wrong in our agenda. Charlie Sanchez to be followed by the last speaker of the day, David Perez.

>> Hi there. My name is Johnnie Sanchez. For about 15 years of my life I struggled with heroin addiction. And then one day they told me about a place that I could go and if I wanted to change my life.

[12:22:47 PM]

And that was back in 1999 I came into the doors of our cry in the barrio in '99. I was going in there, and Jesus Christ broke the chains and he broke the chains of addiction and he helped finish my life. I met my wife and I got married there. So I've been there 19 years. I've been married 18 years. I'm helping my pastor there in the ministry with men. We go out and encourage men that feel that they're hopeless and they're helpless and that there's nothing for them. And we go out and let them know that there is hope

and that the hope is Jesus Christ. Jesus, like I said, Jesus changed my life. And it's a blessing to go out there and reach out to people that were in the same condition that I was in. And the best thing about it is that it's free. We have a little place there on the east side that if they're tired and they want to change their lives, all we ask is to give Jesus Christ an opportunity. Open your heart to Jesus and let him do something in your life. That's all we ask. Everything is free. We work with men, we have a transitional home. When they finish the program they go there and we work with them, we train them, disciple them. A lot of these guys, now I have my own business, I work for myself, so illustrate a of these guys, they come and work with me. We keep it all spiritual, faith-based, encouraging them. There is hope and the hope is Jesus. First of all, I want to thank you for your time and I encourage you if you know anybody out there, you know a lot of people, and a lot of times wherever we're at we're buying dinner, buying lunch and especially here in Austin you always see people out there with signs, you know what I'm talking about. Let them know that there's a place on the east side that they can go to, out cry in the barrio. Like I said, it's free and you can't beat it. Thank you.

[Applause].

>> Tovo: Thank you.

[12:24:57 PM]

>> My named is David Perez and I have a church, outcry in the barrio. We see a lot of need here this our city, the community. We open up to the people, to the public, because there are a lot of mothers that need help for their sons and others for their marriage, their husbands. And we have the answer for the drug addiction, alcohol and people that need help. And we notice that there's a lot of homeless out on the street so we go out there and minister to them. Sometimes we take plates of food for everybody. And then we let them know that there is a place for them. They don't have to be like that. And our lord Jesus Christ has done a great thing in our ministry, he's transforming a lot of people. And we let them know that there is a way out. We learned that if you change your ways of thinking you change your ways of living. And we use the bible, different teachings to let them know that they're somebody because god created them. And god can help them get back to society, get back to their families. And we've done a lot of work for 28 years in the ministry there. And the reason I answer for their problems, which is Jesus Christ, and there have been a lot of families and being broken and everything because of other drug habits and everything, but we have a church for the families that go to the ministry, and we work with the families, with the wives and the kids and the husband that stays in the home. So everything is free because Jesus Christ gave us salvation, it's free. He paid the price for us and now we have the answer, which is Jesus Christ. That's what I use with the people that -- the problem was not addiction. The problem is not alcohol. The problem is sin. Once they get to know Jesus Christ, god can work from the inside going out.

[12:26:59 PM]

A lot of people don't understand this, but it's true. I have so many families that have been restored and from the streets and now they have their own responsibility as a husband, and I really am blessed because I can see families that were broken and our lord Jesus Christ put them back together. And they are somebody in the eyes of god. And there is hope and the hope is in Jesus Christ. And our program is centered on the lord Jesus. And I thank you all for listening to us because there's people out there who need help and sometimes they don't know. Everything that we do is free, you know, because we open up the doors for them. Any time at my house they come in the morning, at 3:00 in the morning, any time they come we open the door for them because they've got people working there with me.

[Buzzer sounds] And I thank you for giving me this time. Thank you.

>> Tovo: Thank you, pastor.

>> Renteria: Mayor pro tem? David, David Perez? You know, I'm real familiar with your church because it saved my older brother, Tony Calderon. That's what saved him. He was addicted to drugs and he knew that he couldn't get out of prison without following his faith with Jesus Christ. And so I really want to thank you for all the work that you've done in the community. You've done a lot. Thank you.

>> Thank you, sir, thank you.

>> Tovo: Councilmember Houston?

>> Houston: Yes. I would also like to thank you all for the work that you do. And if you all go to visit, you get great breakfast tacos as well on Sunday morning.

>> Thank you.

>> Tovo: Thank you all for being here today. So that concludes our citizens communications. And we stand in recess until about 1:15.

[1:32:49 PM]

>> Mayor Adler: All right, council, I think enough of us are here to get started. It's 1:32 and we're back in session. All right, so I think my plan here is to call up the bond. People are interested in testifying about the bond, as the last thing we do before we go to music and to dinner. The items that I see that we would be bringing up are items 16, which is medical transfer, item 56, which is the lobby ordinance. We have 64, which is historic preservation, 67, tourism, 68, which is the homestead. It's my plan to call up the homestead and the tourism first. Those two items, then to do the consent planning agenda so we can let a lot of those things go, and then to double back with 16 and 56, medical transfer and the lobby ordinance, and then to hit the three discussion items on zoning. And then to start bond testimony if we have that at 4:00, we can obviously move into the -- into public hearings that we are set for. But high level, that's how I'm planning on moving forward. Okay? So let's call up the homestead exemption, item number 168 -- item number 68. >>

>> Troxclair: I move to pass item 68.

>> Mayor Adler: Is there a second in Ms. Houston seconds that. Discussion on the homestead exemption, we have some people here to testify on that.

[1:34:50 PM]

I'll call the people interested in testifying. This is item number 68. Is chas Moore here? What about mark Mccartney? What about Madelyn dedelich? What about ashkin jahondre. Is Seneca Savoy here? You'll be on deck at the other podium. Sir.

>> I think that this increase in the homestead exemption is essentially a precursor for posterity. We are supposedly a big, prosperous city, we have a lot of needs, we don't have equitable access to transportation options, short on homes because we have codified exclusion, our pools are a wreck, it goes on. This is self-crippling. Trying to dismantle self-government is a goal and consequence of further homestead exemptions move us in that direction. I wanted to help inform your vote on this. Thanks you and I hope for the councilmembers vote for this remove their vote when they bring up upcoming budget discussions. Thank you.

>> Mayor Adler: Thank you. Is David king here? You want to come on down. Introduce yourself, three minutes.

>> I'm Seneca, I live in district 4. I am here to speak against this. Pretty simply, I do take the needs of affordability and anti-displacement extremely seriously. I believe this measure fails on both of those accounts while at the same time significantly defunding city government. And distributing the benefits that it puts out in an uneven, ultimately racially biased way. The amount of benefit that would be gotten per home -- per household in district 10 vastly outstrips what you would see in districts 1 and 4, both in the size per person and the number of people receiving those benefits.

[1:37:03 PM]

And would disproportionately benefit districts that have large homeowner populations of renters. It does absolutely nothing to aid anti-displacement or affordability for those majority renter districts. Furthermore, homeownership is distributed overwhelmingly to white people in Austin. So if we want to target dollars, about \$4.8 million per annum towards anti-displacement or affordability, we should focus on the most vulnerable as opposed to to the least which is literally what this does. It would be relatively easy to craft policies that would aid in a targeted way anti-displacement or affordability for people who are in immediate danger of losing their homes. I have seen no credible evidence that the \$27 per annum average would have significant effect particularly since we know that the median amount given out in the most vulnerable Dings, 1 and 4, would be much smaller -- districts. I ask that we take that money, which is a large portion of the annual budget, and instead use it directly instead of spreading it one in the most dispersed possible way and two in a way that deliberately targets getting the most money to upper class white people. I think it's a simple demand. If I had six weeks, I could come back with that

exact same budget, a laundry list of ideas that of evidence for aiding anti-displacement. This is not the measure that does that. Thank you.

[Applause]

>> Mayor Adler: Thank you. As Mr. King is coming up, is Josiah Stevens here? Ryan Pollack? Anna Defrates? Kevin McLaughlin? Emily shenabear.

[1:39:06 PM]

Andre lagumidra. If these people come in late, they have to let me know. Let the clerk know. Dave pinkam. Heidi Sloan. Allen freedman. , You'll be at this podium next. Mr. King.

>> Thank you, mayor, councilmembers. I understand that there are concerns about this 2% increase, but there's no doubt that this will help thousands of low and middle income families that do own homes. Yes, it's going to help wealthier families too but we can't really stop that part of it. The state doesn't give us the tool to do that. I know if we had that tool, that's probably what you would do, say yes, let's target this homestead exemption to the low and middle income families, not to the high income families. But they don't give us, the state does not give us that tool. So here we're going to say we're not going to use the tool whatsoever to help low and middle income families. I think that's a mistake. And I think when we talk about increase in this budget coming up there will probably be increases in utility bills. Every dollar increase disproportionately impacts low-income families. If we can off set that by having a property tax reduction for those families, every dollar that they get tax breaks on, that proportionately helps them more. Because now they have more money to help pay for these expenses. So I think that we need to be looking at it from that perspective. And if we did have other tools to limit this impact on high-income families, we would use them. And I heard councilmember after councilmember saying are not perfect. I'm paraphrasing. This is not a perfect solution, but it will help, as I said, thousands of low-income and middle-income families that own their homes, still own their homes today.

[1:41:09 PM]

And it will also reduce the barrier going forward if we can get to 20% for those who want to become homeowners. That will reduce the property taxes they will be faced with as hurdle to becoming homeowners. I hope we'll look at the positive benefit of this and focus on that. And there are other strategies to help make the high-income, the affluent people in our society and city pay their fair share and we should be pulling on all of those levers. Make development pay for itself and that way look at all these policies come up with a package that's fair and equitable for all citizens. Thank you.

>> Mayor Adler: As the rabbi is getting ready to speak, the last speaker that we have signed up for this that hasn't been called is bill Morris. Is bill Morris here?

>> Yes.

>> Mayor Adler: Come on down to this podium. So I've called some other speakers who are not in the room. If you just give your name to the clerk, she will let me know and I'll make sure I call you as well. Rabbi.

>> Good afternoon and thank you for the opportunity to speak to you on behalf of the 37 congregations and other organizations that comprise Austin interfaith. The combined leadership of Austin interfaith has issued the following statement on this matter. I would like to share that with you know -- share that with you know. Now. The statement reads our sing and recommending us traditions teach us to measure any economic policy by how it treats the most vulnerable. Austin interfaith supports services for children and families including capital idea, job training, parks, library hours and services. Prime time after school programs, summer youth employment, parent support specialists, affordable housing investments, fair wages and services for the homeless.

[1:43:10 PM]

The proposed homestead exemption increase would cost an estimated \$5 million and therefore position of the home set exemption is guided by the same principle as in years past. Austin interfaith calls on the mayor and council to support a homestead exemption increase only if it will not negatively impact the most vulnerable of our citizens. I understand the laudible intentions behind iniesing the homestead exemption in terms of making a statement, affordability. But just personally relief to my family maybe will be \$200, and that will have no impact whatsoever on us in terms of being able to afford to live in Austin. On the other hand, I cannot help but think about those of my neighbors who will receive little to no relief, those whose own property is worth a lot less than mine and particularly those who rent. What will they be able to afford if the city denies itself the funds necessary to properly fund the social services our statement just addressed? If the issue is affordability, then please keep in mind those people who will benefit the least from this increase can't afford to arrange their own after-school programs or their own job training so that they might be contributing more to the tax base in our future. Their lives and the lives of their families will be totally affected while mine will be all but untouched. The couple of months I suspect I will be back here in front of you again advocating for interfaith Austin's priorities. If this is last past years, the issue will essentially be council's ability to balance the various needs of the city given limited resource. Everyone on this council will want to do the right thing and will bemoan the city's ability to meet every need. I don't know how that discussion is going to turn out, but I do know this, the estimated \$5 million that will not flow into the city's coffers because of this increase in the homestead exemption would go a long way to affording our most needy and hard working citizens --

[1:45:24 PM]

[buzzer sounding]

-- A decent life in this setting. I appreciate your consideration for all of our citizens in this matter.

>> Mayor Adler: Thank you. Bill Morris coming up, Andre liboomadrof. You will be at this podium. Sir.

>> Mayor, mayor pro tem, councilmembers, what a real pleasure it is to speak with you at a truly decent hour.

[Laughter] This is a rare experience. I spoke with many of you, most of you on a very late night in 2015, the night that we approved this homestead exemption to begin with and we supported then, realtors supported and still support the full 20% homestead exemption the state allows. There are arguments that this is not the solution to housing affordability in Austin, that's true, but a critical component to moving this forward and we still encourage you to chase that 20% number as quickly as possible. Over the last five years, the median price of an average home or of a home in Austin has increased by \$100,000. At that pace the median will reach \$450,000 by 2020. By no means can we argue that's affordable housing for anyone and that's just median, by the way. Property appraisals obviously follow that trajectory of increasing home prices, and you have an opportunity to provide at least some relief to austinites at all levels. We recognize that you do have competing budget priorities and we encourage you to keep this one at the forefront, that this is a downpayment on affordability that is badly needed. We thank you for your consideration.

[1:47:24 PM]

>> Mayor Adler: Thank you.

>> Thank you. Here? You will be at this podium. Sir.

>> Thank you, mayor, mayor pro tem and council. Andre liboomadrof with the Austin board of realtors and we represent 13,000 members in central Texas who connect people with homes. We support the proposed increase to the homestead exemption to 10%. This is consistent with our previous support of gradually phasing in the exemption to the full extent allowed under state law. We supported this on the basis that a homestead exemption is one tool you have to help provide affordability relief that our community needs. Increasing the exemption would be a statement from this council that it is serious about pursuing all of the options to achieve affordability relief. As you know this relief is more important now in light of rapid increase in appraisals that drive property taxes. Abor remains committed to supporting movement toward the full exemption. While we understand that council has to weigh many competing budgetary priorities, we are asking you to increase the exemption incrementally this year. This increase should go along with a close look at the city's overall budget to weigh opportunities for greater efficiency in operations and to minimize the impact on key services. Abor asks you to do what is possible now to provide relief and prepare a budget into the next cycle that will allow for increase in exemption while creating minimal disruption to core services. And I just would add that we recognize that the exemption is really not make it or break it, but it's part of a whole ecosystem of affordability measures, and we support -- we're currently supporting keep Austin affordable for the 2018 housing bond.

[1:49:33 PM]

We supported the 2013 housing bond. We supported the family homestead initiative, preservation districts, incentivized -affordability through density bonus, increasing dedicated revenue to the housing trust fund, addressing school finance at the state level, and then, of course, codenext as a key vehicle for the affordability we need in our community. Thank you for your consideration.

>> Mayor Adler: Sir?

>> First of all, I would like to thank all city councilmember and all of people around here. Today. I'm here is to ask, you know, for help. My name is men Tu speak dawn. And I do have completion smart money matter and approved by fdic. First of all I would like to thank everyone in here, president, my dear friend around the world, my loved one. I currently live in 10005 prairie trail, Austin, Texas, 78758. Today I've informed to you that we do have a solution. And I would like your help. My life -- I'm just a normal kid. Would like to make everything better and I will be the one caring the American flag and the Vietnamese flag until the day I die. My mission is to make everything better for all people, my loved one, working very hard, sir, it is to explain to you that how hard our people work. We need help. With your help, it will make everything better.

[1:51:35 PM]

As today we are facing a very critical crisis, climate changes, sickness, hunger, homelessness, and much more. I believe united we will stand and united, divided we will fall. At this point I don't have anything, no job, no degree, no car, I just got my driver's license about last week. However, I am reluctant to say I do own and due to the property tax increase dramatic each year along with utility bill and mortgage payment to the bank, I find myself friend and family member struggling more each year. Please help me. Today I have the equation to inform to you and hope to gain your attention and also prove to you that I am the one lone star of Texas, bright in the night. Eye like the tiger. I am the way, the truth and the life, and I will follow him sir. With a little bit of your help, it will make everything better. First of all, to understand the equation, I believe this is the most powerful equation in the world is that $ABC + cba = 8cb$. $ABC - cba = acb$.

[Buzzer sounding]

>> Mayor Adler: You can finish your thought because your time is up. Finish your thought.

>> Can I continue?

>> Mayor Adler: You can conclude.

>> Okay. Basically that I'm working very hard, sir, that, you know, to collect all the old material that people throw away and would like to build a self-sustainable unit where it help the sickness people and also provide food and needs -- Austin will produce on its own.

[1:53:42 PM]

>> Mayor Adler: Thank you very much.

>> As for all my poor people, I would like your help and with the message I will send. Thank you, Mr. Mayor.

>> Mayor Adler: Thank you for coming down today. Is there anybody else that has signed up to speak who is not in the room when I called their name? Anybody signed up not had a chance to speak? That brings us up to the dais. Councilmember troxclair.

>> Troxclair: Thank you to everybody who came and spoke on this item. This is something that is incredibly important to me and my district and a vast majority I guess of homeowners across the city. I wasn't even really familiar with the homestead exemption until the mayor brought it up in his campaign a few years ago, and the more I learned about it, the more I realized that cities across Texas already offer homeowners a full 20% homestead exemption and that Travis county also offers a full 20% homestead exemption, and I didn't realize the city of Austin had never done that. As a realtor, that's one thing my clients ask about at closing, what do I need to do to get my homestead exemption, what's the homestead exemption and even many of them didn't realize they were getting that benefit from Travis county but not the city of Austin. I am so glad that we have been able to get to the place we are today at 8% and hope we can make good on the promise that many of us made to get to the full 20% over the next four years. There was a poll in 2015 that found that 79% of austinites support a full 20% homestead exemption, which is a pretty overwhelming majority. And I think that it is so popular because it's one thing that we can do to show the middle class, the average taxpayer, the average homeowner that we care about them and are listening to their pleas when they are telling us that they can't afford to live in the city anymore.

[1:55:51 PM]

It's not a magic bullet, but people every day, it's like they feel so nickel and died. Five dollars more a month for this, three dollars more for this. This transportation user fee going up, putting a new composting program where we passed a bond. That is -- they constantly see increases in their property taxes and their city fees from a variety of sources. And that's true that this isn't a magic bullet, it's not going to help everybody, but that I guess as the Austin american-statesman said, editorial board, those limitations should not become an excuse for doing nothing. Affordability is a complex problem and various tools tackle the problem in different ways. Increasing the homestead exemption is a concrete step that would help a great many homeowners especially if council resumes its March towards a 20% exemption. So I -- I am excited to understand from our budget office that we can -- we have a little bit more flexibility in the budget this year than in previous years and it can be done in a revenue neutral way if council so chooses. And I -- I guess I just, you know, I think that there are a lot of things, there are a lot of programs that he have with in place for renters and there are some programs that we have in place for homeowners, and I hope this doesn't become a division between the two. Because there are renters and homeowners across the city at a variety of different income levels who are all struggling. So this is, again, just one tool in the toolbox that we can use to help -- to help people stay in their homes.

You know, when we talk about the amount, a full 20% homestead exemption does come out to about \$25 a month, which -- and that's for the median home value of \$281,000. Somebody who owns a home that's worth \$281,000 in Austin today, that's not what they bought their home for. They bought their home for \$100,000 several years ago.

[1:57:57 PM]

And yet they are paying property taxes on a \$281,000 home. So as we have continued to go back to them and say it's just a few dollars more a month, a few dollars more a month, this is one way we can say we're going to give you a few dollars break in your property taxes this year. So I appreciate your listening and I appreciate the community support especially for the council's time in considering this today.

>> Mayor Adler: On the dais. Mr. Flannigan.

>> Flannigan: So I -- I appreciate your perspective, councilmember troxclair. I have a lot of issues with the homestead exemption. I don't think other jurisdictions doing it is automatically evidence that it's a good thing. As I've said many times, I'm the only renter on the city council, and this action would literally ask me to subsidize all of your, those tax increases get passed down to renters. I don't think it makes a strong statement to give somebody a \$20 tax cut when you consider that it is very likely, although staff said that the analysis was complicated, but it is very likely that \$20 tax cut to an average homeowner represents a \$10 tax increase to two renters. We are majority renters in the city. Homeowners already get benefits. The appraisal increase on the improvements is capped at 10% a year. That doesn't apply to the properties renters are in. They get federal tax credits. That doesn't apply to the rents that renters pay.

[1:59:59 PM]

When we talk about polling, as we've also seen when we've been presented our own city community survey, which is a scientific survey, not all polls are scientific surveys, as we know, polls overrepresent homeowners, and despite my insistence our own survey not do that they still do. So polling is a difficult thing when we're talking about the difference in impact or difference in opinion between a majority of our city that rents and minority of our city that owns. Even the 20-dollar number assumes that we're not raising taxes and we know that we will. We know that when we get to our budget cycle we will not do a zero increase. In fact, many of the people who have argued for homestead exemptions say, it actually doesn't cost anything because you just raised the tax rate which further shifts that burden to renters. And I don't think it's controversial to say that homeowners are more likely to be affluent than renters so we are on average to be shifting a tax burden from affluent homeowners to less affluent renters. And when we talk about what someone bought their home for and what it is valued now and the value upon which it is taxed now, what you're saying is every much you're building an asset. Renters don't get to build an asset. I have been vocal about this on the campaign trail. I was elected with a pretty strong

mandate to follow these principles. It would be unfortunate in the context of all of the other conversations we've had about affordable housing that we would take an action that would necessarily and I think inarguably shift a tax burden from homeowners to renters in a city where a majority of the population are renters.

[2:02:09 PM]

So I will not support this.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: I'll be brief, but the point that strikes home to me and the reason that I'm supporting the homestead exemption is because I don't subscribe to thinking that we shouldn't do anything because we can't help everyone with one single tool. We have to -- affordability -- there is no one single bullet that affects affordability in town. 2015 have a combination of tools.

-- With of to have a combination of tools in order to consider everyone in the city. And it is not -- it is not a necessary conclusion from helping homeowners that we will hurt rental. I mean, I disagree. There are other decisions that go into that calculus. And I would say the same about our lower income community. I hear what Austin interfaith is saying and I have been a person and will continue to be a person that supports the kinds of programs and changes in policy that we put in place to support our lower income folks in this community. Sometimes it's changes in policy that help us even more than just putting dollars into things, as much as. So in a climate right now where we're talking about affordability and people's ability to own a home and to continue to live in the community, property tax is a component of that. It is certainly not a silver bullet, but it is a component. And I don't think citing -- I just don't agree with saying \$20 a month doesn't make any difference to anybody.

[2:04:11 PM]

First off, it's cumulative, it's not just that. And second off, everything helps to hold the line. And so as I've always said before in supporting the homestead exemption, I don't think this is an either/or. I don't think we have to pit different parts of our community against each other when we make these decisions. To my mind it's more about using all the tools that are available to us to help everyone in the city.

>> Mayor Adler: I'm going to speak on this too. And I'll try to be brief. We've had this conversation for multiple years. And my position on this has been consistent since I first ran for mayor. I will tell you when your rabbi comes in to testify against your position it does give you a little bit of pause before you start.

[Laughter]. Please forgive me. I am supporting an extension of the homestead exception because this year, consistent with what I said four years ago, it can be done in a revenue neutral way and because it is the only tool available to cities to shift the fixed tax burden from residential properties to commercial

properties. Most of the commercial properties' value in this city is not residential rental properties for the less affluent or for folks who are building equity. It's retail, it's industrial, it's office. Some cities have a bifurcated property tax structure and they can raise the rates on residences or they can raise the rates on commercial property. We don't have that in this state. So this is the only tool available for us to shift that tax burden. The impact of a two percent increase in the property tax exemption when it's applied to the multi-family component and divided on a per unit basis is so small that I have never seen data that would suggest that it would result in increase in rental rates.

[2:06:13 PM]

The affordability challenge in this city is hitting lots of people. It's hitting people at the lowest end because they are the most in need, but it is also hitting people in the middle as well. We need to do everything that we can to help those at the lowest end because they're the most in need, but it is important that this council, I believe, demonstrate that we hear everyone in our community because when we demonstrate that wider concern, we wield allies across the community for the work that we do in prioritizing the community benefits that we prioritize. When I went around the city in 2016 trying to increase support for the largest mobility bond that this city had ever passed, I would go and I would tell people that it would result in only about a two-cent increase in property tax rates. I would say that would translate into less than five dollars a month. But I can also tell people that our city had extended the property tax exemption. And when I would talk to people across the the community I would say this is a council that's concerned with everyone, that's been reflected for property owners with the property tax exemption. And now we all have to put our shoulder to the same wheel for common purpose with the bond. I want so say the same message this year when I'm out trying to support a bond package which will be among the largest that this region has had, and hopefully with an affordable housing component that's between 250 and \$300 million. I think it is important for us when we message support for wide community benefits that we demonstrate the community that we hear broadly.

[2:08:16 PM]

And as a postscript to this, only because I don't think that enough people know this, the reason that we feel like there's a property tax crisis in this city is not the result of city taxes or county taxes. It's because the state property tax has gone up 288% in the last five years. It's gone up over \$1,000 of the 1,400-dollar increase that the median home pays. But the message that we send in the property tax exemption by two percent is an important message for us to send. Someone else want to speak? Councilmember pool and then councilmember Renteria.

>> Pool: Thanks and thanks to councilmember troxclair for bringing this this year. I just wanted to make - one of our speakers pointed out that the homestead exemption helps all homeowners. It has the virtue of not selecting among them. So as the mayor and some of the other of my colleagues have pointed out, it is one tool. It is just one tool that helps our homeowners. We have many programs that help others be

they homeowners or renters and that are based on the needs that they may have. And we work really hard every budget cycle to address those needs and to provide resources into the reaches of our community that are desperately in need. I want you to know that my residents who own homes don't ever complain about that, nor do they begrudge our assistance with the many other programs that we have across the city budget. So I support this homeowner's exemption for fiscal 19. I've reviewed our fiscal profile and decided that I can vote for this.

[2:10:20 PM]

I think that we can do this. That wasn't the case last year. My promise to residents has always been that I would decide each year after careful review of our financial posture and then make a decision. I never actually promised to do 20% in five years. My promise was that I would instead look each year at where our budget forecast was and make a decision at that time. Last year I didn't see a way forward for us to increase the homestead exemption, and because there wasn't support to bring it up we didn't actually discuss it last year. But true to my promise I have reviewed our budget forecast and thought long and hard about this again this year, and I -- so I have done that now and now for the fourth city budget that I've been involved in, I believe I can vote to approve. So thank you again, councilmember troxclair.

>> Renteria: Mayor, I would like to ask our financial officer to come down here and explain exactly the amount because I heard 4.5 and then I heard five million dollars. I just want to make sure that we get the right information of the cost, how much are we really -- are the amounts going to be.

>> Ed van eenoo, deputy chief financial officer. When you look at the fiscal implications of this it's kind of hard to tell. I need a crystal ball and know what you guys are going to do with the tax rate and expenditures come September 11th. One thing I can tell you is looking back at our financial forecast in April we were projecting a pretty strong financial picture. We were projecting over \$14 million of funds beyond what we needed to balance our budget at the maximum tax rate. We also learned later that afternoon on April 4th that council said you don't want to be at the maximum tax rate this year. If you could avoid doing that you wanted to be more in the neighborhood of a six percent increase.

[2:12:23 PM]

I think when you put those two things together we're certainly projecting that if we were to bring forward a budget that adhered to that six percent increase level, we could recoup the lost revenue by increasing that tax rate like we did when we first brought forward the homestead exemption or you could choose not to do that. Depending upon the action you take that really determines what the benefit to homeowners will be and what the costs or not cost to the city will be. But you certainly have the flexibility based upon our financial projections, to do this this year without impacting your other fiscal priorities. >>

>> Renteria: So what happens if we offer the two percent homestead exemption?

>> So we kind of gave you three scenarios in a memo that I put out that said look, if we stay at our current projected tax rate, which is 46.33 cents per \$100 of taxable value. If we run the numbers at that tax rate it's \$4.8 million less revenue with a two percent exemption. But again we could choose not to stay at that tax rate, get that revenue back. In which case it's a shift from one group of taxpayers to another.

>> And how would something like that have -- that amount affect the fire stations that we need out in the -- we're five stations behind. We need to build five stations in the future. Are we going to have enough funding to do the two that we already owe we have been having discussions to do?

>> I don't think if you look two years down the road when we'll have to be staffing those fire stations, I don't think the decision today on a homestead exemption is the decision that will impact whether or not how those fire stations fit into the budget. Really when you look at your future tax projections they're based on the tax revenue that your previous budget had.

[2:14:25 PM]

So again, we could certainly bring forward a budget with a two percent exemption that still generates as much tax revenue as it otherwise would have without an exception. You're just shifting from one group of taxpayers to another.

>> Renteria: Thank you. This is a very difficult decision to make because I bought my house in a very low income neighborhood, 21,000, 38 years ago, and now they're saying it's worth \$520,000. And I'm not a very wealthy person. My appraised value right now that I pay taxes on is \$285,000. So once I leave city council I'm going to be back down to \$250,000 a year -- to a 50,000-dollar a year wage so it's a very difficult situation because I know there's a big need out there. And as long as -- would it affect any of our housing projects that we have? I guess where -- I guess if we can keep the tax rate -- there's a commitment to reverse it to commercial where -- and take -- to relieve just the homeowners, I'd be willing to support that. But I just need to be reassured that it's not going to hurt the community.

>> Casar: Mayor, I have a question for Ed?

>> Mayor Adler: You have questions?

>> Houston: I thought I was next to speak.

[2:16:28 PM]

>> Casar: Ed, how much is the saving per month for the median homeowner at two percent increase?

>> It depends, but it really does depend, so in that scenario where we do a two percent exemption and we don't change the tax rate at all from what it otherwise would be then it results in less revenue for the city, then in the case of somebody who doesn't receive the exemption or commercial businesses,

there's no change in the tax rate for them, but for that person that owns a home and getting a two percent exception it would be \$28.59 a year. And then if we decide well, don't really want to have a 4.8-million-dollar hole in our budget. We want to get that revenue back so we'll increase the tax rate some to recoup that revenue, then it results in the shift I was talking about and your savings to a typical homeowner would call to \$18.79 per year. Because you're increasing the tax rate, you still get the exemption, but at a higher tax rate.

>> Houston: Thank you. I'm going to be supporting the two percent, but I just have something I need to share with people. I want to address for just a minute the false narrative that property owners who own property in parts of the historic communities who now have homesteads that are equal to or more than in value of houses on the high opportunity areas. Property taxes have -- assessments have gone up so high that some of my friends who live over off of exposition, my property taxes are higher than theirs. So anything that we can do as a council to reduce that burden on the property owners would be a benefit for them. So we need to start saying that it's going to help the wealthy and not the poor, whatever poor means in your eyes.

[2:18:32 PM]

Because when I write my check for \$6,000, I don't feel that I'm being -- I'm being misclassified as being poor because I have to do that every year. So please stop using that false narrative because anything that can be done to help the people in those historic communities who used to be low value, they're not anymore and they need the help just as well as everybody else.

[Applause].

>> Mayor Adler: We have someone whose name I called and was not here to speak. I would give that person a chance to speak because it was the first item I called up. And there was the least amount of notice. So is Anna defretis here? Please.

>> Thank you for making this exception. My name is Anna defretis and I'm here to testify in my capacity as an individual member of the Austin commission for women. And really appreciate the opportunity to do so. I'm here to testify against this homestead exemption. I want to use this as an opportunity to remind this body of a priority that has come up for several years now for the Austin commission for women relating to survivors of sexual assault. I want to first thank y'all for your resources that you have dedicated to helping to clear the backlog. We are on our way to having those rape kits tested and analyzed. However, we can't stop there and must not because the next step is for victim services counselors to contact those survivors. Many of whom have not heard a peep about their results in sometimes months, years and in few cases decades. Victim services counselors are necessary to make that outreach to survivors, explain the process, what options are available to them.

[2:20:34 PM]

Currently we only have three victim services counselors at the Austin police department dedicated to this purpose despite the fact that on average 30 or more sexual assaults are reported through APD per month. And the addition of these victim services counselors are necessary and frankly costly. So it's a priority that we have asked for through the budget public testimony. We've been to town halls to ask for the appropriation that would allow for five additional civilian positions at victim services counselors within APD to serve in this important function. And my heart hurts when I think about the ability to save three dollars a month when I know that y'all will be grappling with the decision to prioritize these decisions within APD. This is a lot of money we would be leaving on the table that could go to continuing to solve the problem we have today. Thank you for your time.

>> Mayor Adler: Thank you. Back up to the dais. Any further discussion on the dais? Councilmember Garza.

>> Garza: As often as this comes up, the narrative is that the 10-1 council agreed to an increase in the 20% exemption. Keep your promise. I want to be clear that I never campaigned on any homestead exemption. I knew because I knew of the homestead exemption, I knew what it was and I fully understood that it was not real property tax relief. Property tax relief is important, but I think it's important to know the facts of our tax structure. If I can ask you to put up that slide, sir. This is a property tax bill from one of my constituents, my husband, us. You will see that the great majority of your property tax bill goes to the school district, goes to the state.

[2:22:44 PM]

And a fraction of what is supposed to go to aisd goes to the general fund. Many people don't know that. Every time I bring this up people are just amazed. They talk about -- when I keep hearing people talk about property tax relief, it's a city, the city. The city is about 20% of your entire property tax. So if we're having these discussions and talking about facts and trying to be genuine about them, facts are important. That the city's portion of your tax bill is a fraction of what the entire tax bill is. I want to apologize to my constituents who could have been here if this had been heard after 5:00, but it's not. So they couldn't be here if they had tried to be here, when they are the constituents that will be mostly affected by any decrease in revenue for the general fund. The number is 4.8 million so basically we can reduce the revenue we bring into our general fund or we can raise the property tax rate for everyone. Yes, these aren't easy decisions but I'm not prepared to support something that could potentially take five million dollars out of our general fund. We had a presentation by integral care yesterday and I asked what could five million dollars do for you? You know, they have a list of things that five million dollars could do, the city's funding could do to help with the homelessness situation. Austin parks foundation should have presented all of our offices and has presented a statement saying they're asking for \$4.7 million for things from our general fund. I'm glad to hear that councilmembers, councilmember pool, have done an analysis to make them feel comfortable that we can take this hit of five million dollars less to our general fund. I want to be able to explain that to Austin parks foundation that we could have had five million dollars to fund the many needs in our parks and our tools pools, but with he don't have that.

[2:24:45 PM]

We don't have that anymore. Fire stations, as councilmember Renteria brought up -- and speaking of fire stations, the first time we voted on this homestead exemption, and I have voted no every single time. And I also voted in an editorial about tools. And as a firefighter you have so many different tools. You have so many tools to different things, but you don't use every tool. I do not think that this is the right tool. I think \$2.38 a month is disingenuous to say that this is a statement, a strong statement from this council about property tax relief for austinites. And lastly, I sympathize, I understand that people bought their homes for 99,000 and now they're valued at 300. I'm one of those. Bought my house for 99,000 as an Austin firefighter. Now it's valued at over 300. But we also need to see that that's wealth. Equity is wealth. So to say that this isn't just about helping wealthy people, those people, that equity in your home, if you now own, if you bought your house for 20,000 and now it's worth half a million, that equity is wealth and that's where most families build their wealth and that's how the next generation is able to do better because of the equity the previous generation built. So with a tax policy that greatly benefits those who have more wealth, I can and I will never support an increase to our homestead exemption.

>> Mayor Adler: Mayor pro tem and [indiscernible].

>> Tovo: Thank you, mayor. I appreciate the discussion on this. This is a really challenging issue and has been really every time it's come before the council. I actually sponsored the resolution that created the first ever homestead exemption here in Austin, but we did it at that time with a real fractional percentage that equated to in essence a 5,000-dollar flat rate for every homeowner.

[2:27:00 PM]

And I haven't been able to support any of the homestead increases since then for many of the reasons that my colleagues have already mentioned. Until we get the ability from the state to do a flat rate homestead exemption it does in my mind result in several things that are -- that I can't support. One is it benefits those who have the most expensive homes in Austin and it also requires a big hit to our general fund where we desperately need that money and more of it to help fund the programs that benefit all austinites, homeowners and renters. I represent a district that is more than 70% renters. It's also the - - renters. It's also the district with the highest percentage of people experiencing homelessness, almost 40%. It is challenging when I knock on doors and talk to homeowners, they are struggling like homeowners in most other districts in the city of Austin, they're struggling to stay in their homes because of the rising values. But I also have to be mindful of the other constituents that I represent here. And I would say, you know, the answer, as some of my colleagues have said, is we need tax reform and I've been successful in 'passing pressures to push the central appraisal district to right the balance between commercial tax appraisals and our residential tax appraisals. We need to continue to keep an eye on that here in the city of Austin. But we need fundamental changes in our property tax system and in our schools are funded here in the city of Austin and in the state of Texas. And so I'm committed to

continue to push for those changes at the state level and I would encourage my colleagues and those in the community to help us, help us achieve some bipartisan support for meaningful property tax reform.

[2:29:10 PM]

>> Casar: Mayor, from the conversation on the dais, it seems like if this is to be implemented, it would be implemented with the tax increase in the homestead that tax shift strategy which the numbers that I hadn't fully heard until just now from Mr. Van eenoo says that is \$18.29 a month for the average. We've heard lots of numbers, \$20, \$28. Actually, if you divide 18.79 by 12 months that's about 1.50 a year. So sometimes my cap metro pass expires so we have a big jar of change in my office for those of us when our things expire. So what we're debating today are essentially six quarters a month. I bring that up because that's for the median family homeowner, it's a six-quarter a month savings in my own district of course it's much lower average home values so you will have less than six quarters a month of savings. And again, I hear the conversation about six quarters. Every quarter helps, every bit of savings helps and I recognize that. And I'm not suggesting that we do nothing, but if we're going to do nothing as opposed to saving the six quarters, I would rather invest those six quarters to generate several million dollars in revenue to address homelessness in our community. I'd rather take instead of trying to save the six dollars, this is what we're debating today is the six quarters, invest that in some of the other things we've heard testified to today, addressing the continued issues we face with the sexual assault kit backlog and the staffing around that issue. And what I've also heard is that symbolically this is important for many folks and so I'm going to urge before we take a vote to consider allowing folks to save three of the quarters and three of the quarters being invested into these sorts of things, addressing homelessness, addressing the senior exemption, addressing other things we need to address in the budget because even if it's going to be better than last year, I don't think it's going to be easy because it's never been easy as far as I've been on council as long as I've watched it.

[2:31:32 PM]

So I won't be able to support an increase in the homestead exemption, but I will ask for the indulgence of an amendment to see if we can do nine percent, investing three of the quarters and investing three of them into something better.

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: I just wanted to thank councilmember Garza for her comments. They very much align with my thoughts on it as well. I wanted to just butt button on the thing that councilmember Garza said about the senior exemption. And applying rfp exemption will reduce our ability to increase the senior exemption. If we were to apply this four million, four and a half-million-dollar revenue change instead to a flat rate senior exemption my understanding when I ask staff is that would result in \$130 a year in savings and to seniors, instead of the 20 to -- 18 to 27-dollar a year savings to the average homeowner. To the mayor pro tem's point, the flat exemption is much preferable tool and I can certainly understand

the concerns that councilmember Houston laid out with respect to the home value not being connected to your income. It's especially true for seniors on fixed incomes. So I would be supportive of supporting the senior exemption, but I don't know that we're going to have the ability to do as much of that if we expand the homestead exemption in this way.

>> Mayor Adler: Alison?

>> Alter: Thank you. Sorry, I'm losing my voice today. When I ran I didn't make any promises about homestead exemption because it's an imperfect tool. We do, however, have very limited options to provide tax relief because of what our state government has decided.

[2:33:36 PM]

And today will not be the first time that I required we operated in an environment that was more conducive to rational policy making. As I do on every vote I have looked at this very carefully and I have tried to figure out if there was a better way that we could use the money that I would support such as putting it in reserves that we could do in a credible way to support tax relief. And I don't see a credible way to get there, or viable path that's going to get us to some general tax relief without doing this. So I'm going to support the homestead exemption today. And I do so fully recognizing that it's an imperfect tool and will continue to work as I have to try to advocate to change the school financing system and to work on these other items and to push for efficiencies within our city government so that we can find funding within our means to be able to provide programs that we need to support.

>> Mayor Adler: Just to add, I agree with everyone up here that's said that we should have a flat tax exemption tool, and that's up to the state legislature and we should all join in trying to get that. I think it's wrong that cities are not given that tool. Second the state legislature is also responsible for the school finance system which we've already indicated has resulted in over 70% of the property tax increase that's been felt here in Austin over the last five years. I do want to address the question of whether doing this today takes money away from other programs and I don't think that it does or that it needs to going to Mr. Casar's observation. When we met and gave instructions from the dais to the manager about what we wanted to do this year, there was a consensus of the council that said we did not want to be at eight percent over the effective rate.

[2:35:42 PM]

We wanted to be something longhorn than that -- something lower than that, we talked about five to six. That was a very reasonable position for the city to take because we shouldn't be at eight percent when we don't need to, especially in a situation where we're looking at a state legislature that's potentially capping the revenue that we can achieve. So it wasn't something that I think this council was going to go toward. So it means if we vote to raise the tax rate in order to be able to fund this exemption the way that many of us have talked about it, we do it in a revenue neutral way and it

doesn't take a penny away from what otherwise would have funded, but it just serves -- it doesn't raise any more money for the city by doing this, it just results in a different allocation of the taxes. We're not deciding that question here. We can put that to a vote, but that's how I will vote when we are together as a group. Further discussion on the dais.

>> Casar: Mayor, I would like to amend to move it to nine percent.

>> Mayor Adler: Is there a second to the amendment? Mr. Flannigan seconds that. Is there any discussion before we vote on the amendment? >>

>> Casar: Mayor, just speaking to the amendment, although I want to make it clear, that often times folks amend something so that they can support it. I won't support it at the nine percent, but I want to see if there's the will to instead consider a nine percent exemption instead of 10 percent, that way we can -- that way we can have some money from this potentially invested to other things, be it the senior exemption, homelessness or what have you.

>> Mayor Adler: Motion is to move it to nine percent. Councilmember pool?

>> Pool: I think I'm going to stick with the two percent and see how the votes play out.

>> Mayor Adler: Okay. Any further discussion before we vote?

>> Troxclair: So if we want to support the two percent we vote against the amendment?

>> Mayor Adler: Yes.

[2:37:43 PM]

Mr. Casar has moved to reduce the increase from two percent to one percent. Councilmember Garza in.

>> Garza: I have a question about your comments, mayor. There is a revenue neutral way do that. The way to do that is to raise the tax rate, isn't that right? The way to make it revenue neutral is to raise the tax rate.

>> Mayor Adler: That's correct.

>> Garza: So you could make it revenue neutral, but everyone ends up paying more. Because the tax rate goes up.

>> Mayor Adler: Commercial properties end up paying more and that means since most of the commercial property, property value in the city is retail and office and industrial, that's where the increased burden falls.

>> Garza: But commercial property also includes multi-family, which are apartment complexes.

>> Mayor Adler: It does include multi-family and I sought to address that earlier.

>> Garza: So it shifted to renters.

>> Mayor Adler: I don't believe it does. Further discussion? Those in favor raise your hand? Mr. Flannigan, councilmember Casar, the mayor pro tem. Those opposed raise your hand? Those abstaining. Councilmember Garza abstains, the others voting no. The amendment is not passed. Ready to take a vote on the exemption? Those in favor please raise your hand? Councilmember pool, alter, Renteria, Houston, kitchen, troxclair and me. That's seven. Those opposed? It's the other four on the dais. It passes 7-4. So that is the final vote on this matter. That gets us then -- thank you for everyone who came to speak on this. That takes us to the tourist issue. This is yours, councilmember pool. Do you want to lay this out?

>> Kitchen: No, this is mine.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I'll just say a few things and then I don't know if we have any speakers or not.

[2:39:47 PM]

I know people signed up one way or the other, but I'm not sure if we have speakers.

>> Mayor Adler: This is pulled by councilmember Flannigan. I'll economic on speakers.

>> Kitchen: Shall I go ahead?

>> Mayor Adler: Why don't you lay it out and I'll look for speakers.

>> Kitchen: So this item creates a tourism commission and I wanted to say a few things about the thinking behind it. Basically it establishes a tourism commission to provide expertise and recommendations to the city council concerning issues related to tourism and hotel occupancy tax revenue collected by the city. So this is line with what we do as a matter of practice with the city in creating opportunities for transparency and public input and public participation in our decision-making process. I believe that it is actually past time that we had a permanent tourism commission. You know, we are a place that is internationally recognized destination for music, special events, parks, culture, food and history. Without going into the details, we have many tourist attractions all the way from Barton springs pool to the broken spoke in my district. And we make decisions every year on a whole range of issues related to tourism. You know, most recently we've talked mostly about the hot tax, but that's not the only thing. There are many things that we do as a city to promote tourism, to work with and recognize the people in our community who are involved in things like the arts or music or other things that impact tourism and make this the kind of city that people want to visit and spend time in.

[2:41:50 PM]

So I think it's time that we had a citizen commission and that's what this does. I'm bringing this forward.

>> Mayor Adler: Okay. We have five people who have signed up to speak. First, is there a second to councilmember kitchen's motion? Councilmember pool. Let's go to the public and see who wants to speak on it. Rebecca mill sent? And is bill bunch here? You will be on deck. Bill bunch has time donated to him by Roy Whaley who is also here so Mr. Bunch you will have five minutes when you are called.

>> Thank you, mayor and city council. I urge you to approve this. This is something that the city does in so many areas, this community oversight, the community involvement is incredibly important. Tourism affects so many segments of our community that really aren't addressed right now. I'm the executive director of the Austin independent business alliance and local business is a huge segment that drives tourism, tourism affects them and yet there's no say in anything that's done. I think for the citizens to be involved is always a better option. Shine some sunshine on that and let it be transparent. Thank you.

>> Mayor Adler: Thank you. Mr. Bunch, you have five minutes. Is Bobby levinski here? You have donated time from Monica Guzman. Is Monica here? Is Ms. Guzman here? No? You will have three minutes at this next podium. Mr. Bunch, you have five minutes.

>> Thank you, mayor. I don't think I will need that much time. Bill bunch with save our springs alliance. I just wanted to speak in favor of this item and thank you, councilmember kitchen, mayor pro tem tovo and the other sponsors for bringing this forward.

[2:43:57 PM]

I do think it's important to have this commission created and to provide oversight and also promotion. And to really also think about tourists as loving the things that those of us who are lucky enough to live here love also. I think so far we've not gotten the attention to the kinds of cultural tourism, eco tourism, agritourism, even sustainability tourism. There's a whole range of things out there that make Austin special that could be promoted and are often overlooked and certainly underfunded. The unique, homegrown Austin businesses that are the core membership of Austin independent business alliance are at the top of that list. We talk about supporting those folks but we do almost very little. And of course, Barton springs is at the very top of the list of our tourism draw. It's incredibly important to the community. Basic survival in the summer when we have hot Summers like this. We had record attendance over the holiday weekend. It was unbelievable. And we have to protect those places as well as to promote them. I want to encourage you also to stick with the proposal that is on the table and to appoint this commission the same way that you appoint your other commissioners. And that's directly by each of the councilmembers. And not create some chain of distance between you and the community. If there's some interest group that you think needs to be represented on the tourism community, appoint somebody from that. But I really think that this commission should be staffed with people who are interested in community tourism that's not downtown within two blocks of the convention center.

[2:46:09 PM]

So please keep that in mind as well. And again, thank you so much for this effort.

>> Mayor and councilmembers, my name is Bobby levinski. I'm here on behalf of myself and not any particular work. I do appreciate the work that councilmember kitchen and councilmember troxclair and other sponsors of the resolution have done in this area. This is definitely one of those imperfect solutions to a problem that probably needs a lot more work. There have been a number of task forces over the years and I think that is telling to the situation where we don't really have an opportunity for the public to engage in this -- these type of discussions, at least in a consolidated way. This -- I agree with Mr. Mr. Bunch that just treating this as a normal commission makes a lot of sense. So the tent that there needs to be other collaboration with other commissions we have the possibility for subcommittees to be created. I think that's a fair way to do it if that need raises in the future. I appreciate your work. Thank you.

>> Mayor Adler: Mr. Sorrell, you have three minutes. David king, you're on deck. Why don't you come down to this podium.

>> I'm taking a page from David king and bringing my laptop up here. Hey, council. Thanks for your time I'm not going to take three minutes, but want to hit a couple of points. Given recent things surrounding hotel tax, I think the need for transparency is obvious. We do it for every other issue -- we do it for every other issue from electric utility, transportation, women's rights -- women's issues, early childhood issues.

[2:48:11 PM]

We have a public oversight commission to oversee those issues. It's common practice in the city. In terms of an issue that was raised at the work session, limiting it in scope, I'd ask you to look at the scopes of our other commissions. The electric utility commission reviews, quote, all policies surrounding the electric utility. Our arts commission reviews all policies related to arts. If you limit the scope it hinders our ability to address issues as they come up. I want to echo what some other folks said. If you believe a certain expertise needs to be on the commission, it's each councilmember's prerogative to appoint someone that has that point of view. And the last thing I want to address is the urgency, the question -- the reason that we're urgently bringing this forward is because we wanted to review this budget -- this year's budget proposal. That's the only reason for urgency and going outside the typical process. And then my last thing, and sorry this is my first public testimony so I'm a little nervous, but change is hard, folks. Like the change to -- this is a symptom of the change to 10-1. Before 10-1 we had a center focused council, a convention center focused tourism discussion. That's changing. The council wants it to change, the public wants it to change. And it's hard and I get that there are people in the community that want to keep it the same way. But moving a ship that's been going the same direction for a very long time is difficult. That and this will help us have open, honest discussions about tourism. Thanks.

>> Troxclair: Mayor? Can I just tell Michael congratulations on your first public testimony before the council?

[Laughter]. Great job.

[Applause].

[2:50:19 PM]

>> Thank you, mayor. Mayor pro tem and councilmembers, and I also want to thank Michael for his service. I know he was your policy -- senior policy analyst and I appreciate the good work that he did for you and for our city. So thank you, Michael. And good luck to you in your future job. And I'm here to support this item. I think it's a good item, an important item. And I just wanted to -- I think a broad scope to give you input and advice on different policies associated with tourism in general is important. And I would just encourage that you ensure that all the members of the commission are laypersons, not directly tied to the tourism industry. If you want that expertise then they can be non-voting members on the commission to provide that expertise on an ongoing basis or be called in as expert witnesses. I think it needs to be seen as fair and equitable for all of our communities in our city. So I think it's important that we have laypersons on the commission, and that this commission be bound to the state and city open meetings laws and ordinances so that they're open to the public and documented properly and they follow Robert's rules of order in their deliberation. And again, I thank you for this. One of the concerns that I've heard about the -- maybe it's misinformation, I don't know, but is that this might create like an office with employees, city employees, and might cost half a million dollars to get initiated. And that's not what I'm reading in this proposal at all. That would certainly be of concern if we were going to have to use some of our hot tax money to fund half a-million-dollar office here in our city. I think that money should go directly to benefiting, you know, our arts and different other organizations like that. So again, thank you for this item and thank you for -- I hope you support it. Thank you.

>> Flannigan: Mayor?

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

>> Flannigan: I wanted to let Mr. King know there may be confusion.

[2:52:19 PM]

There was a separate discussion in work session about heritage grants that had a 500,000-dollar expense to the hotel occupancy grant and I support your conclusion with that.

>> Mayor Adler: Anything else from the dais?

>> Kitchen: I would reiterate what I said before and the high points of our speakers and that is that this is -- this is a common practice that we put in place. I think it's one that's past due for a major portion of our community. I think we should think of it as being focused on public engagement and promotion. I think that -- I like the way that some of our speakers spoke to the broad nature of tourism in our community. And this is an opportunity and a recognition of a way to engage the public on that. And

about what makes Austin special. So I also would like to say that I don't know if -- I don't want to get ahead of councilmember Flannigan, but I know that he has suggested perhaps other approaches to how we appoint, and I would just say that I think that the best way to proceed, the most flexible way to proceed is with a council appointed commission as we do with other commissions, and that there are other mechanisms for a commission like that to engage members of other commissions for particular topics. So I would just like to move forward with the -- with the resolution as proposed.

>> Mayor Adler: Okay. Further discussion on the dais? Mr. Flannigan.

>> Flannigan: So I appreciate that, councilmember kitchen, not wanting to get ahead of me, although you did.

[Laughter].

[2:54:24 PM]

So my -- my original reaction to this was concern because when I created the -- as a council we created the lgbt commission in 2017, there was a much longer process, a stakeholder process. We did it as a resolution that initiated a Cota ordinance amendments that included the lgbt commission and that included a lot of heavy lifting from my office and I think you remember me begging and pleading with you to get your appointments in as soon as responsible. And that took six months. I'm concerned with the speed at which this is occurring. I understand from our testimony that they wanted this to talk about the budget. There's a budget every year, so I don't think we're going to miss an opportunity to talk about budget. I'm also concerned about the ordinance language that talks about -- let's see, this is part D where it says the commission shall convene no later than August 28th. So in the event that there are not sufficient commissioners, I'm not sure what that means. And as we all know, we can make a recommendation, the council can approve it, they still have to be trained and I certainly found many of my commissioners, although very well intended, to assume their roles very quickly logistically had challenges getting their training completed before their first commission meeting. So I don't want to set up a situation where we've mandated a commission and mandated its meeting before there's a quorum for it to convene business. So those are my concerns that I have in general. You can see under the sign-up there is a sufficient, a long list of people who signed up as neutral. Many of those folks are also concerned about the speed of this. And I'm not one who likes to have councilmembers speak for people who didn't speak on their own so I'm not going to continue to do that.

[2:56:26 PM]

But I think it is telling that there is a long list, much more than the four, that are signed up as neutral, which to me signifies that there is more work to be done before we proceed. That being said, I'm always want that's willing to do the work right now. So I have also prepared an amendment that I've handed out, which would add 10 members to this commission that cover different areas of expertise. As we

know, if we tried to just say we need people with this expertise, but we left it up to the 11 there's no enforcement mechanism to do that, so I went and looked at how the visitor impact task force had been formed and it follows this exact same process where the impact task force had almost exactly this list of one member with a certain background from this commission. So it's one with public finance from the airport, one from the arts commission, one from a hospitality labor, from economic prosperity and hotel management, from economic prosperity convention center, from downtown preservation, music industry, music commission, event planning, experience from the parks board, public safety from the public safety commission, and one member from the field of transportation from the urban transportation commission. And I think to the speakers' points, tourism is one of those really complicated areas that touches a lot of areas of our city, a lot of different policy challenges that can arise, but a lot of policy opportunity. But we want to make sure that we're affording that level of cross-cutting conversation as we have on a number of other commissions. And we all can probably cite or two three off the tops of our heads that the commission has 11 and then there's this, that or the other. I can think of some of my own commissioners that seven in multiple roles because they came the person representing a commission.

[2:58:34 PM]

So there's nothing particularly unusual about doing this. But more importantly it does mirror the visitor impact task force which was my you intent behind this motion. I also have a slight language change I want to proceed -- propose, and I'm not doing a walking amendment, mayor, I'm just laying it out. In part a where it says recommendations to the city council concerning issues eliminate areed to tourism to change that to recommendations of the city council that promote tourism and hotel occupancy tax revenue collected by the city because that is more in line with the hot funds and their state mandated purpose even one of the speakers talked about promotion being a key element of what we want to make sure this does. Maybe start with the text one because I think that's the simplest. With your permission, I would like to make an amendment, mayor.

>> Mayor Adler: That was pretty much a walking thing there.

>> Flannigan: That's why I'm asking for permission.

>> Mayor Adler: I'm going to give him a chance to make the amendment, but he spoke first so I'm going to give other people a chance to talk first if they want to speak. You will get a chance to make your amendment momentarily. Councilmember troxclair.

>> Troxclair: I'll just say generally on an amendment that you already laid out previously, you know, I do think that it's important that we -- this has been such a big issue on council and I think has become a big issue in the community as well. I think it's really important that we get something in place during this budget cycle. It could be really helpful to us in our decision making so I don't see any reason for us to postpone.

[3:00:37 PM]

I want to get this in place as quickly as possible. You know, and as far as adding members, I think it made sense with the visitors impact -- whatever we called that thing-

[laughter]

-- I think it made sense at that time to have all these different members involved because we really didn't know much -- we didn't know what direction the conversation was going to head, I mean we just kind of threw everything out there not knowing -- not knowing what a complicated issue it was going to become and how dedicated somebody who is going to be on this commission really needs to be in order to understand the issue thoroughly and give us good suggestions. I think that 21 people is going to be too big and too unruly and I think it's going to be -- I mean, I think it's going to be very difficult for people who are already serving in our capacities to also dedicate the time they are going to need to serve on this one as well. So I'm going to respectfully oppose your amendment and support councilmember kitchen's motion as is.

>> Mayor Adler: Further discussion before we get the amendment? Ms. Houston.

>> Houston: Thank you, mayor. I want to admit that before visit Austin came along, nobody had paid any attention to any historic and cultural properties or places outside of downtown. And every time I only hear about Barton springs, it just drives me crazy because we've got so many other places that we're not representing through the city that I think this commission will be able to tackle. I've got historic cemeteries that are not being advertised that would bring heads to the beds and people would be able to go and tour them.

[3:02:45 PM]

I've got Walter E long park is just gorgeous, but people have to be intentional about saying what's available, what's out there, where peek can go, where they can get their own bus transit and visit Austin has done a great job and I want to acknowledge that. They've been listening to and all kinds of communities those cultural spaces where we can invite tourists or go and visiting. I'm going to be supporting the ordinance as is. Councilmember Flannigan, I appreciate all these various people, but it seems unwieldy to me to have a task force of 21 people. I know how hard it is with 11, so 21 would be kind of overwhelming.

>> Mayor Adler: Further discussion? Councilmember pool.

>> Pool: Thanks, and thanks to councilmember kitchen for bringing this amendment to this new ordinance and to my fell Lowe co-sponsors, based on my assessment and experience with the city activity and knowing the large amounts of money that flow in through the visitor -- the hotel occupancy tax through visitors, it's really important we tie the work that is done with the convention center and visitors bureau much more closely to this dais, and we have lacked that level of oversight and connection for a really long time, and I'm really grateful we are making the changes. And I think Mr. Sorrell has pointed a really salient fact. In the three and a half years this 10-1 council has been on the

dais, we have made some pretty significant shifts to how the city is governed, and change can be hard, but in many instances it's also refreshing and a good thing to do.

[3:04:53 PM]

So I support the changes. It will provide additional oversight and governance and connect this activity with the hundreds of millions of dollars that flow in annually closer to the council. And then I would just like to say that I think that one of our first appointees, assuming the timing is appropriate, should be Ms. Houston. She should be a member of the tourism commission. She's going to give me --

[laughter]

-- The side eye and I don't blame her because she has a list of a, B, C and I think now D of plans. Anyway, I appreciate the comments of things she plans to do when she walks away from this really important assignment that she has acquitted herself so beautifully at. But I want to point to and underline and emphasize the points she was making. We have significant cultural assets throughout the city of Austin. East, west, north and south. And I will be looking for my appointee to appoint somebody who really has a strong and broad appreciation for what that means to the city of Austin, to its residents and its visitors.

>> Houston: So mayor, just quickly, it's not a side eye, it's a stink eye.

[Laughter]

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: I'm going to learn that stink eye move. So first the language change, so I would move to amend part a, change the language that says concerning issues related to to the phrase that promote. So part a would read, the tourism commission is established to provide expertise and recommendations to city council that promote tourism and hotel occupancy tax collected by the city. Are you seconding my amendment?

>> Kitchen: No, I have a comment on it.

>> Flannigan: That was my stink eye.

[3:06:54 PM]

>> Kitchen: May I comment?

>> Mayor Adler: Is there a second? I'll second the amendment. Do you want to speak to it?

>> Flannigan: Yeah, so this is simple because the tax revenues are collected to promote tourism. That is the premise under which is tax revenues are collected by the visitors who are staying in the hotels.

>> Kitchen: May I comment on that?

>> Mayor Adler: Yes, you may.

>> Kitchen: I would suggest and I would accept as friendly related to and that promote. I'm assuming you were just pointing out promote as -- as a -- you know, as a --

>> Mayor Adler: Any objection to the inclusion related to and that promote? Okay. No objection, that's in. Okay. Further amendments?

>> Alter: I just want to clarify I would be related to and that promote.

>> Is it and then promote?

>> Mayor Adler: And that promote. I heard a then. Issues related to and that promote tourism. And hotel occupancy tax revenue collected. Mr. Renteria.

>> Renteria: I support this, but I'm very concerned that we're not giving -- on the convene date, on August 28, 2018, I don't know if we're going to be able to meet that date. I don't know if it's realistic, but I would like to hear from the city clerk's office about would this be a realistic date that we can -- that it will be formed or -- I don't want to create a commission that -- given a date where they are not going to be able to meet that date and I would like to plan that out.

[3:09:03 PM]

>> Jeanette Goodall, I think the August 28 date is pretty aggressive, but it all depends if you get your nominations in by August 9th, which is your last -- probably your last scheduled meeting before then that would allow us to give two things would have to occur. The city manager would have to appoint and identify somebody on staff to support the commission, and then the clerk's office would have to train the staff or the members and the staff, and so we could do that in small batches to kind of accommodate this one commission, which is not what we normally do, but we could do smaller batches that would accommodate their schedules during that two to three-week time period. So that they could meet on August 28th or by August 28th. So maybe August 27th.

>> Kitchen: Mr. Mayor?

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: What I'm hearing is it's possible to do. And did I -- and subject to the things that you said and the subject to is really up to us. You know, we could -- you know, we've got two meetings that we could appoint at so it's up to us. Of course, none of us could force each other to appoint so we'll see what happened, but it's certainly doable assuming we do that. Let me ask you another question. You know, in terms of training folks, my understanding is that there's a window during which people can obtain their training. That they could -- I mean we would want them to obtain training before the first meeting, but it's not an absolute deadline that they have to obtain it before they can even appear at a meeting. Is that right?

>> Right. So there would be a window after you appoint them that they would have to complete their training.

[3:11:07 PM]

>> Kitchen: Okay.

>> And so it probably goes beyond that August 28th date.

>> Kitchen: Okay.

>> But there are some things that they would have to do in advance of the meeting before they could sit on the dais. Things like their oath of office and different things like that. So we can work around that. In a perfect world they get their training done so that they have training on Robert's rules as well as Toma and ethics training before they actually sit and meet, but we could do it -- and we may even be able to work where that first meeting we do some of their training to accommodate that. So I think we could be flexible and figure out a way to accommodate that, but it really is dependent on how long it takes you all to make those appointments.

>> Kitchen: And councilmember Renteria, thank you for bringing that up.

>> Renteria: My big concern was, you know, we're going into the July vacation and we're just going to give ourselves maybe -- it's going to be very difficult to get someone, you know, while we're on vacation and trying to locate someone. I'm going to try my best, but I would hope that we could just maybe move that to September 28th or --

>> Kitchen: If I could respond, the -- could I speak to that?

>> Mayor Adler: Go ahead.

>> Kitchen: I understand what you are saying, councilmember Renteria. I think at this point I would like to provide the opportunity to meet August 28th. Of course, that's subject to all of us -- and I know we will always all do our best and we may or some of us may or may not be able to do that for various reasons. But if we put a different date in there, it won't even be possible. That's why I would like to keep the August 28th.

>> Renteria: Okay.

>> Mayor Adler: I have just two issues with this and I think it's good for us to have a commission on tourism, so I appreciate you bringing that forward.

[3:13:14 PM]

My two issues are that there's been a couple of our colleagues have asked the auditor's office to do an audit of visit Austin. It also asks for recommendations I guess by doing an analysis of relationship -- oversight structures of peer cities so that we can see what the appropriate oversight should be. We haven't gotten that yet. We're going to get it next week. It looks as if this commission by the charge might be doing some -- some oversight of visit Austin, and I feel I'm comfortable making that joys before we get the audit report. But I'm ready to vote for this to let it move forward with the caveat that if there are indications of or practices related to oversight, that it would be appropriate for this commission to do we can add it, or if what comes back indicates to us there is a different form or different way we should be doing oversight, if that's what the audit indicates, that it's still something that we can discuss as a council after we've gotten that information. But I'm happy moving forward with kind of the default scenario at this point that has that issue. Then I have a second issue.

>> Kitchen: So I hear what you're saying. I think that's within what happens with the normal way in which commissions work. And I also just want to caution us to not think about this as a commission that's only looking at oversight of visit Austin. That's just a small part of what we're talking about. So -- so -- and, of course, as we do with all commissions as over the life of a commission we ask commissions to look at things in particular, depending on what's happening. So there's certainly -- always the opportunity for the council to be more specific in terms of from time to time asking commissions to look at different things.

[3:15:21 PM]

>> Mayor Adler: And it's only because I think it's a small part that I think it's appropriate just to move forward because it's so many other things. But I just want to make sure that if something comes back from the audit that indicates to us as a body that we should be doing something, there's not going to be an objection by saying wait a second, we just took up this topic a week early. I appreciate that.

>> Pool: Mayor, if I could --

>> Mayor Adler: Let me finish.

>> Pool: I'll want to speak to the audit.

>> Mayor Adler: And you can. The second thing I raise is that I note that one of the purposes of the commission is to bring expertise to the area, it's in the charge section, and I think that's really important because I think that expertise is really important in this. There are so many organizations that are dependent on money from the H.O.T. Tax that are raised directly, and this is such a big part of the economy of the city. I think two things are true. First is it's appropriate for us to have a commission oversight because it's such an important part of the economic development and well-being of the city, but second that it's -- the commission is to provide expertise on that because some of these questions that have come up to our dais, we haven't had the expertise on the dais to be able to handle these questions. So I am -- I guess that becomes, you know, with each of us and our appointments pointing people that have expertise, but there certainly are a lot of financial issues and this is just a really

important part of our economy. We need to make sure that we have real expertise on this commission to help us.

>> Kitchen: Could I speak to that?

>> Mayor Adler: Then I'll go to miss pool.

>> Kitchen: I wouldn't disagree, and I think that each of us as we think of our appointee should be thinking in terms of the kind of expertise that would be helpful to have on the commission.

[3:17:25 PM]

So --

>> Mayor Adler: Okay. Yes. Councilmember pool and then councilmember alter.

>> Pool: Thanks for bringing up the audit. I was the one who requested that and I can't remember if it was councilmember kitchen or alter that requested that.

>> Mayor Adler: The mayor pro tem.

>> Pool: There you go. I did talk with our auditor last time she and I met and it does look like we'll get that report as you were saying sometime next week. I'll have a chance to look at that I think before it's submitted to the rest of the dais. I'm really looking forward to seeing what the governance piece looks like and if it needs to be -- if anything that we do here needs to be adjusted, I'm sure we would all be intent on making those adjustments, but I don't know that's the case because what I had asked with regard to governance and oversight is what is happening now. And so when I signed on to this ordinance change, in thinking about how it aligned with the rest of the work we've been doing with regard to the convention center and visitors bureau, it didn't strike me as anything that would be divergent.

>> Mayor Adler: You also asked for the comparison of what other cities do and I don't know what other cities do so I don't know what kind of structure or oversight that they have. Councilmember Flannigan.

>> Flannigan: Councilmember pool, did you say you were going to get the audit before the rest of us?

>> Pool: Usually the requester has an opportunity to review it before it's directed to everybody else. That seems to be the standard protocol. If,

>> Flannigan: Well, I don't like that protocol for future notation. Not a fan of that protocol.

>> Pool: It doesn't mean there are changes on it, it just means the person requested it sees it first.

>> Mayor Adler: Go ahead. Councilmember alter and then we can -- I'll recognize you for an amendment.

>> Alter: This is a small picky thing that mayor pro tem and I were just thinking about the language as we have just massaged it and I wanted to just suggest that we maybe change the order because we think it would make more sense if we said the tourism commission is established to provide expertise and

recommendations to the city council concerning hotel occupancy Texas and -- it's really switching the order so that we're not -- no, we had it -- the hotel occupancy tax revenue was the second part of the phrase.

[3:19:57 PM]

And so it would be concerning hotel occupancy tax related and issues that relate to tourism.

>> Mayor Adler: I've lost you. Tell me the order.

>> Alter: I'm switching the order so it says to the city council concerning hotel occupancy tax revenue collected by the city and issues related to and that promote tourism.

>> Mayor Adler: If you could go more slowly. I've found where you are --

>> Alter: 21173a. The tourism is established to provide expertise and recommendations to the city council concerning hotel occupancy tax revenue collected by the city and issues related to and that promote tourism.

>> Mayor Adler: Did you get that change? Do it once again slowly. So the city council concerning --

>> Alter: Hotel occupancy tax revenue collected by the city.

>> Mayor Adler: Hotel occupancy tax --

>> Alter: The last part of the phrase, just reordererrring it.

>> Mayor Adler: Got it.

>> Alter: Concerning hotel occupancy tax revenue collected by the city and issues related to and that promote tourism.

>> Mayor Adler: Okay. Did you get it? Any objection to that change? Hearing none that is correct change is made. Mr. Flannigan.

>> Flannigan: I want to reference a couple -- I think it's important and I think we all agree that visit Austin is a smart part of what the tourism commission would be looking at, precisely why we need to broaden the expertise that serve on that commission because it's going to be much broader than that. My staff has done the research on what many of our peer cities do and we couldn't find a single example of a tourism commission that contained no industry representation.

[3:22:05 PM]

In fact --

>> Mayor Adler: Do you want to make an amendment and I'll let you speak on it as soon as it gets seconded.

>> Flannigan: I'll move my amendment that adds the ten members by expertise and commission.

>> Mayor Adler: The amendment has been made. Is there a second to the amendment? I'll second the amendment.

>> Flannigan: Thank you. Many of the cities don't have those commissions so they are not super comparable, but the ones that do actually are -- have representation from the staff of the convention center or specific seats for hoteliers or have a majority of seats representing folks in the tourism industry. Doing a commission that didn't have specific seats with expertise related to tourism would make our commission a pretty big outlier, at least to the research my staff has done.

>> Kitchen: Mr. Mayor, may I speak to this?

>> Mayor Adler: Let me ask a question. There was a comment made by one of the speakers that was raising an issue with respect to having 21 people in a voting -- all had the vote. Would you take amendment that had these ten people were nonvoting members of the commission?

>> Flannigan: No, I'm not willing to make them nonvoting. I might be willing to cut a few of them if that was the will of the dais, 17 better than 21 as example, but no, I don't think ex-officio is what I'm looking for.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I can't support the amendment. I think -- I understand the sentiment that you are expressing, councilmember Flannigan, and again I think there's a way to address that through our appointees. Out of 11 being appointed by other commissions just completely dilutes the impact of the city -- of the council having a direct connection to this commission.

[3:24:10 PM]

It's also just totally unwieldy in terms of the commission's ability to meet and have a quorum and those kinds of things, and it's not necessary. That's what I would really like to emphasize. This approach is not necessary and unwieldy. We have mechanisms to -- to reach out for this type of expertise that we've already talked about. We also have mechanisms, the tourism commission has the ability as do other commissions to create work groups if needed, to reach out to other commissions as needed, to -- to have joint committees with other commissions if needed. That's how our commissions operate right now. So the other thing is this list of ten is not even exhaustive in terms -- so if you were really going to include everyone that -- that spans the breadth of tourism it would have to be larger than this. Then you are just negating having a tourism commission. So I appreciate the sentiment, I think that we can address it, as I said before, through the appointments that each of us chooses to make, and through the ability of this commission to work in concert with other commissions which our commissions do all the time. I can give you many examples of that. So I am not going to be able to support this amendment.

>> Mayor Adler: Councilmember alter.

>> Alter: Thank you. Tourism is a big deal for our city. We have to both respect and preserve our unique tourism ecosystem, and I think this item helps us do that by providing oversight and normal recommendation to council which is why I'm a co-sponsor. I think it's really important this body be able to move efficiently and for that reason I can't support adding all these additional members. I believe we can get additional collaboration among commissions through the normal process as needed through working groups and other mechanisms.

[3:26:15 PM]

There's a broad set of issues that this commission is going to be addressing. They are not going to be able to address every one of them at once. They are going to have to set out a strategic plan for themselves in terms of what they are tackling through that process and bring in expertise as they need it.

>> Houston: Thank you, mayor. I'm looking down the list, councilmember Flannigan, of the suggested people, and I have come up with several people that I could nominate that fit these from my one position, Jimmy Earl over the Erwin center, Harold Mcmillan, who is a musician in town. Mr. Watson over at the Hilton. It's not that I won't be able to look at this list you provided and be able to make one of mine somebody that represents an industry.

>> Mayor Adler: Further discussion? Mayor pro tem.

>> Tovo: Yeah, I'm going to support the resolution as it was constructed by councilmember kitchen. I think we want this group to be nimble in the same way our other boards and commissions are and certainly many others will come and provide feedback on the issues of importance, but I believe this commission will function best if it is functioning as our other commissions do, as a group of 11 appointed by the council and mayor.

>> Mayor Adler: I'm going to support the amendment because I'm concerned about the expertise on this body given its impact on the economy of the city. The breadth of the work that's being done. Any further discussion? Those in favor please raise your hand. Flannigan, Casar, Renteria, Garza and me. Those opposed? It's the other six on the dais.

[3:28:17 PM]

The amendment does not pass. We have the main motion in front of us. It's been moved and seconded. Further discussion? Mr. Flannigan.

>> Flannigan: Just because I'm still very frustrated at the pace the council seems to be willing to take on this but was not as willing to take on the LGBT commission, I'm -- it's little upsetting to me, but so I want to move to strike part D where it has the mandated shall date. I think every commission meets at the

first opportunity that a quorum is appointed and trained. I don't know that this actually accomplishes anything more than just pouring salt in the wound on the commissions that followed the normal process and had to be appointed and got to meet once their commissioners were appointed. And I understand that the speed at which a commission can meet depends on our ability to appoint, but it doesn't just depend on ability to appoint because I have appointed many commissioners who took a month to get trained. It's not because they were avoiding the training, it's just because life gets in the way with our volunteers. It's just -- that's how I feel.

>> Kitchen: Mr. Mayor, may I speak to that?

>> Mayor Adler: No, first I'll ask if there is a second to that. Is there a second to the striking of section D? Mr. Casar seconds that. Councilmember kitchen.

>> Kitchen: Mr. Flannigan, councilmember Flannigan, I'm not going to be able to accept this amendment either, but it really kind of disturbs me that this is being compared to what happened to previous commissions. This is certainly not a statement at all on the importance of other commissions, it's simply recognition of the time line we're at right now. It doesn't indicate that the council did not feel that the commission that you are referring to was important. And so I'm sorry that you feel that way and I hope that none of my actions contributed to that, but I -- I don't think that we should be -- I think the decision we're making about this commission is a totally independent one and I don't think that what we're wanting to do moving forward is uncommon.

[3:30:25 PM]

And again, as always, it depends on our ability to get someone appointed. I think we should at least try. So I'm not going to be able to support this amendment.

>> Mayor Adler: Okay. Any further discussion of the amendment to strike section D? Take a vote. Those in favor please raise your hand. Mr. Flannigan, Mr. Casar, Mr. Renteria and me and councilmember Garza. That's five. Those opposed please raise your hand. The other six on the dais. The amendment does not pass. We're back to the main motion. Any further discussion on this item 67? Mr. Renteria.

>> Renteria: I'm not comfortable with the time schedule that we're giving ourselves so I'm going to abstain on this even though I support the tourism commission, but I'm going to abstain.

>> Mayor Adler: Okay. Ready to take the vote? Those in favor of the resolution please raise your hand. The ordinance. Please raise your hand. Those opposed? Flannigan. Those abstaining, Garza and Renteria abstain, Flannigan no, the others rye -- aye. The ordinance passes. The next thing is the consent agenda and mayor pro tem, if you would take the chair for a moment. I'll be back.

>> For zoning items, item 85, staff is requesting postponement of this item to your June 28th agenda.

>> Houston: Mayor pro tem, he's going too fast and I can't hear what you are saying. You are going way too fast.

>> Tovo: Mr. Rusthoven, welcome and please slow down.

>> Item 85, case c14-2017-0149. Staff is quick postponement of this item to June 28 meeting.

[3:32:29 PM]

Item 86, c14-2016-0021, this case is ready for consent approval on second and third readings. Item 87, ready for consent. I'm going to skip 88 because that needs to be considered with a different case. For the items the public hearing still open. 89, c14-2018-0036, this is ready for consent approval on all three readings. Case 90, npa-2017-0016.05, staff is requesting postponement of this item to your August 9th agenda. Number 91, c14-2017-0106. Staff requesting postponement to August 9. Item 92, c14-2016-0090, this is recommended for approval on all three readings. Item 93, npa-2017-0016.02, related case item number 9, c14-2017-094. Both of these items councilmember Renteria would like postponement to your next meeting of June 28th item 95, c14-2018-0046.02, the baker school, recommended for approval on second and third reading. We have one person signed up to speak but I have not seen that person in the lobby nor in the chambers today. Item 96, npa-2017-0105, related to item 88, case c14 -- I'm sorry. These are the two four east properties. My understanding I can offer those for consent but I believe there would be an amendment from the dais to change the height.

[3:34:32 PM]

Is that correct? Okay.

>> Renteria: Correct.

>> You would like to amend the height to 74 feet; is that correct? For both item 88 and number 96? Okay. So with that we can do on all three readings and the zoning case on second and third readings. Item 97, c14-2018-0047. Sh, ready for consent approval on all three readings. We do have one person signed up to speak. I've spoken with her and she does not wish to speak anymore and supports the case. Item number 98, c14-2018-0041, this is ready for approval on all three readings. Item 99, c14-2018-0031, this is also ready for approval on all three readings item 100 is ready for consent approval. 101, npa-2018-0007.01, ready for consent approval on all three readings. Item 102, c14-2018-0023, ready for approval on all three readings. Item 103, c14-2017-0066 and related item 104,, both items staff is requesting postponement to August 9. 105, c14-2018-0002, my understanding is requesting postponement to August 9th agenda. Item 106, c14-2018-0055, recommended for approval on all three readings. And the case from addendum, 004, this is recommended for approval on all three readings.

>> Tovo: Okay. I missed the first couple.

[3:36:40 PM]

So backing up to 85.

>> Postponement request to June 28 by staff.

>> Tovo: 87 and 87 consent?

>> Second and third, yes.

>> Tovo: Okay. So we are -- the consent agenda with consist of postponement of 85 to June 28th, consent approval of 86 and 87 on second and third readings -- I'm sorry, 86 on second and third reading, 87 on third reading. 88 with the amendment to 74 feet.

>> All three readings.

>> Tovo: Second and third reading. Consent approval. 89, consent on all three readings. 90 postponement to August 8th. The same with 91, a postponement, staff postponement to August 9th consent on all three reading for 92, and then there is a postponement request from councilmember Renteria on 93 and 94 until June 28. 95, consent approval on second and third readings. 96 contains the same amount from councilmember Renteria as did 88, and that's to amendment the height to 74 feet. 97, 98, 99 consent approval on all three readings. Mayor pro tem?

>> Tovo: Yes, councilmember Flannigan.

>> Flannigan: I pulled 97.

>> Renteria: Mayor pro tem, I want to pull 87.

>> Tovo: 100, restrictive covenant, 101 and 102 consent on all three readings with -- consent of a 101 all three readings, number 102 pulled by councilmember Flannigan.

[3:38:47 PM]

103 and 104 would be postponed until August 9th 105 postponement request from councilmember Houston to August 9th. And 106 would be approved on all three readings as would 113 on the addendum.

>> Renteria: Mayor pro tem.

>> Tovo: Councilmember Renteria.

>> Renteria: Pull 88 for -- I have a question.

>> Tovo: Councilmember kitchen.

>> Kitchen: I don't need to pull item 896. I just -- 86. I have a comment.

>> Tovo: Does that reflect --

>> Pool: There's one more.

>> Tovo: Councilmember pool.

>> Pool: When Mr. Guernsey was up earlier today, we talked about the postponement to August 9 for item 107.

>> That's a 4:00 item, I believe, so we have to wait until 4:00.

>> Pool: Great.

>> Tovo: Any other changes? Is there a motion for consent agenda? Councilmember Garza moves approval, councilmember Renteria seconds. Conclude had a comment.

>> Kitchen: Number 86, I support that, that's on consent. I just wanted to note and say I appreciate 2 work that the applicant and the neighbors are doing on discussing some transportation issues that will come up as part of the site plan process and that has to do with placement of stablingwood drive, which is a new drive. I just wanted to let you know that my office -- the neighbors -- let the neighbors and the applicant know too that I'm available to be helpful if they need that as they go forward with discussing stablewood drive.

>> Tovo: Councilmember Houston.

>> Houston: I just want to be really clear, Mr. Rusthoven, so 88 has been pulled.

>> Yes.

>> Houston: What about -- hold on. 93 and 94.

>> Items pulled 87, 88, 97, and 102.

[3:40:50 PM]

>> Tovo: And councilmember Houston, you asked about 93 and 94. Those were requested postponement until June 28 by councilmember Renteria.

>> Houston: Okay.

>> Tovo: Councilmember Flannigan and pool and city attorney.

>> Flannigan: Voting know on 95 and 113.

>> Tovo: The record will reflect your no votes on 95 and 113. Councilmember pool Zell 88 was paired --

>> Pool: 88 was paired with 96 but we're only pulling 88. Is that right?

>> One is neighborhood plan amendment.

>> Tovo: According to the city attorney.

[Multiple voices]

>> If you want to hear them together --

>> Tovo: We'll pull both according to the city attorney. Thanks for that catch. Councilmember alter, did you have your hand up?

>> Alter: I was wondering that about.

>> Tovo: Any other comments?

>> Houston: 83, 96, 97.

>> Tovo: Councilmember Houston.

>> Houston: Pulling 88, 96 and 97 because if not I can vote no on those, but they've been pulled.

>> Tovo: 87, 88, 96, 97, and 102 will be pulled.

>> Houston: Okay.

>> Tovo: Does that cover the ones that you needed? Any other comments? All in favor of the items on the consent agenda?

>> That includes closing the public hearing.

>> Tovo: Yes, that includes closing the public hearings on any relevant cases. All in favor? That is unanimous on the dais with the objections noted earlier. Pardon? And the mayor, sorry, the mayor off the dais. Thank you. That brings us to -- let's see. The mayor has requested we then talk about item 16.

[3:42:53 PM]

Let's leave zoning for a minute while I clarify that and go on to item 16. That is the emergency services item. Do we have speakers, staff who would like to speak to us about this before we get to our speakers?

>> Good afternoon, mayor pro tem and council. I am Carey Lange, assistant director for emergency service department. This ordinance is to change some language regarding our franchises for nonemergency transports. We are looking to include language that will allow for better oversight of the emergency transport providers. Right now there is -- there is no language that allows us to monitor and review the transports as far as it goes with wheelchair prayers, and in the current iteration of the ordinance there is more oversight over things like taxi cab drivers -- or taxi cab providers than what is listed as far as ambulances as far as what kinds of signage and information they should have on their vehicles. So the information that is included in this ordinance shows the changes that we have proposed.

>> Tovo: Thank you very much. Any questions for staff? Councilmember pool.

>> Pool: I passed out a motion that I had prepared in advance and there will be another change to it that I think Mr. Wheland will be suggesting but -- I'm sorry, staff, I think it's okay with staff to make this thing. I think he will speak to it. I just wanted you to alert to the fact we'll have an amendment to the amendment.

[3:44:53 PM]

>> Tovo: Councilmember pool, describe the purpose of the amendment for audience members here to talk about the item.

>> Pool: I think I would like to have Mr. Whelan come and the amendment goes to the font on the sides of the ambulance. That's an issue he can describe. The concern he will also raise has to do with who is approving something at the end.

>> Tovo: However, he is not our first speaker on this item.

>> Pool: Sorry about that.

>> If we could do it in order, we can go much quicker if it's me and Heather Kincaid and Steve. If you are okay with that we can go quickly.

>> Tovo: We can grant an exception if you like.

>> And we'll have Ms. Kincaid and --

>> Tovo: Is Mr. Tipton okay with that? Is he part of your group?

>> He is. He's not going to speak.

>> Michael Whelan on behalf of St. David's health care. The request we have and circulated is a one-page request. It deletes the last sentence of section 10-2-82a4 which talks about the size of the private hospital company -- the private ambulance providers' logo relative to the hospital's logo. And Amr is here, miss Kincaid and Mr. Holly, to talk about their experience, and it leads to the complete discretion without any appeal of the design to the chief prior to utilization. The reason that we're asking this be removed is multiple -- multiple reasons. One, nowhere else in the state of Texas or any city in the state of Texas is this regulated. Number 2, and I'd ask you to ask staff to come back up, there's not been any complaint, there's been no complaint in the last eight-plus years that we've had this, and Amr will speak with personal knowledge, with any patient or consumer, one complaint by a competitor, but no complaint by any consumer or any patient.

[3:47:06 PM]

There also frankly isn't any confusion in the marketplace. Let me show you what does happen. This is -- and this is just -- this is a specialty vehicle. It's at St. David's property, that's fine, we have no objection to it. It's Dell children's hospital. It's a private specialty ambulance and they are entitled to wrap their ambulances, which is fine because it's a specialty vehicle. And Mr. Drawly or miss Kincaid can speak to the difference. That's all I need, thanks. So there's been an eight-year relationship with Amr. We've had St. David's wrapped most of the time. The first renewal of Amr's contract with the city was in 2013, no

issues at that time. The vehicles were inspected. No confusion, nothing said. In 2018 when they came up again, it was the first time that the issue was raised and it was raised by a competitor. So today we're simply asking to go back to the way it was which was using good judgment, having your vehicles inspected, which we do, and really not -- let's not do what we do so often which is have a regulation that's in search of a problem. I think this is a good example of that. There is no confusion. There hasn't been any complaints, and I think the way the statute is now, which would be deleting this last sentence, works. We would request you move to delete the last section of the section as set forth in part 8 of the draft ordinance. Thank you very much.

>> Mayor, city council, Heather Kincaid. I'm a community paramedic as well as the administrative supervisor for American medical response Austin operation. The reason for my presentation today is to provide you with the history between St. David's health care and American medical response.

[3:49:07 PM]

American medical response and St. David's' health care established a customer agreement approximately eight years ago. It was determined Amr would provide dual branded ambulances. When this agreement was executed in 2010, these dual branded ambulances were put into service. In 2013 the American medical response and austin-travis county ems franchise agreement was up for renewal. During this renewal there was nothing mentioned about our dual branded ambulances being an issue and nothing -- no changes were made in our fleet. Again, our co-branded ambulances remained in service and have been used for nearly eight years. Concerns regarding these branding of our ambulances were not communicated until our 2018 franchise renewal with austin-travis county ems. In my nearly four-year tenure with American medical response I have never received a patient complaint due to branding of our fleet or even in the market regarding the identity of the ambulance provider. Regardless of the logo and the branding on the outside of our ambulances, what happens on the inside remains the same. We continue to provide exceptional patient care to our injured citizens of Austin. Thank you.

>> Mayor, councilmembers, thank you for the opportunity to present on this matter. My name is Steve drawly, vice president of operations for the Texas operations of America medical response. I'm speaking in support of the amendments suggested on this ordinance. As Heather shared, we've been utilizing these co-branded ambulances in city of Austin since 2010. Actually we operate co-branded ambulances across state of Texas including Dallas and San Antonio and nowhere is this type of regulation proposed or enacted that regulates how vehicles are marked. In addition, I've never heard or seen any complaints from consumers or customers or patients or their family regarding the identity of the ambulance provider that provided transportation.

[3:51:13 PM]

I oversee all billing complaints that originate in the state of Texas and I've never had a single person come to us and say why am I getting a bill from American medical response when St. David's is the

vehicle that transported me. The fact of the matter is there's no commission in the mark place -- confusion regarding who is operating the vehicles or providing the patient care. Because there is neither a state precedent nor any record of patient or public complaints, I respectfully ask council to consider removing the provisions that include this regulation. And I respectfully stand ready to answer any questions you may have regarding this. Thank you.

>> Mayor Adler: Is Kevin Tipton here? No? Okay.

>> [Inaudible]

>> Mayor Adler: Gus Peña. Is Mr. Peña here? Those are all the speakers we are so we're now back up to the dais. Has staff explained why it is this sentence is in there? Is staff here? Do you want to explain to us.

>> Yes. So when we created the changes the ordinance, the thing --

>> Mayor Adler: Identify yourself for the record.

>> Say again.

>> Mayor Adler: You need to identify yourself for the record.

>> Kerry Lange, assistant director for the EMS department. And when we started looking at the ordinance and the changes that we are proposing, some of the things we want to make sure that we included was areas for consumer protection. We wanted to make sure that the -- the people who are using these services are clearly aware of who is providing the service for them, and we wanted to also make sure that the services are provided for everyone across the city. What we're seeing is because of some of the branding -- I'm not aware of any complaints that have come forth, but we wanted to mitigate that before it happened. And when we look at the comparison of how we are regulating different areas across the city, when you compare things like taxi cabs, we have -- we have regulations that mark -- regulation marking information on taxi cabs, but we don't have any regulation on things like that this is carrying and caring for some of our sickest patients who don't have any choice in who is transporting them.

[3:53:40 PM]

In regards to the young man's description that the chief does not have the designation to oversee this, as the chief he oversees all of the compliance in 10-2 so he does have the ability and the authority to oversee these items if this information is added.

>> Mayor Adler: Is there other experience with other cities with this kind of an ordinance?

>> Say again.

>> Mayor Adler: Are there other cities, is there other examples of this kind of provision?

>> I am not aware if there are any other cities with this type of ordinance. Do allow for transports of franchises and privates throughout their city, we're unique in that we have this ordinance in that we have to have a franchise to provide nonemergency transports.

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

>> Pool: I would like Mr. Wayland, if we could put the amendment he's requesting up on the overhead. I think he had handed that out to everybody, but in the course of the day I seem to have misplaced by copy. This is probably more for me than for you all. What I would do is move to approve this with the changes that Mr. Wayland has offered.

>> And I also -- I also have some photos of the current wrapped vehicles as well as the proposed wrap vehicles, if you all would like to see that as well.

>> Mayor Adler: Please. Can you hand them to the clerk? Thank you.

>> Pool: So if you all will disregard the yellow sheet I passed out because it was an earlier version and what is up on the overhead is the current version.

[3:55:47 PM]

You can see it eliminates the last sentence of 4 under part 8 of section 10-2-18.

>> Councilmember pool, the department was comfortable with that version of the ordinance that you had proposed.

>> Mayor Adler: You are comfortable with the one that said equal to or greater in size.

>> Yes.

>> Mayor Adler: But the one you are moving is striking the last sentence.

>> Pool: According to my understanding what is happening here, it appears we're creating some new regulations and I'm not keen on creating some new regulations.

>> Mayor Adler: Okay. So councilmember pool has made a motion to amend the ordinance by striking the last line. Is there a second to that? Councilmember kitchen seconds that. Discussion?
Councilmember pool, you can discuss it first if you wanted to.

>> Pool: I appreciate the second and would say that this issue seemed to arise from some concerns, as Mr. Wayland had pointed out, that the hospital that was bringing -- that had the ambulance, the same was some what larger than the name of the ambulance. So rather than engage in that discussion, we are simply removing that size distinction. And I would ask Mr. Wayland and our staff to possibly talk to that more fully.

>> Mayor Adler: I would really like to hear both, and Mr. Wayland, you can come up, I'm -- I'd like to hear what the harm associated with having the name too small is people misidentify the ambulance. What's the harm in the ordinance that's proposed?

>> So, Michael Wayland on behalf of St. David's.

[3:57:51 PM]

As you can imagine, St. David's has innervated considerably in the relationship and has done so in a long-term manner. Just like Dell children's, Seton hospital likes to have their hospital -- their specialty ambulances wrapped. So too we would like to have our ambulances wrapped. And I think -- I appreciate the candidness of staff that there has not been any confusion in the marketplace. They are truly chasing a problem that doesn't exist, it doesn't exist in Dallas or San Antonio where Amr operates. And it is a way, we have a strong brand and it's a way for us with pride to be associated with the ambulance service that we're providing for the public.

>> Mayor Adler: And do the hospitals want their name larger? Are they indifferent to the question?

>> I'm representing St. David's. We are not indifferent. We have a strong opinion that we would like it to be larger. As you can see the examples, we don't go over board on it, but we would like to have the ambulances identified with the brand, st.david 'S hospital. Just like Dell children's likes to do with their specialty ambulances.

>> Mayor Adler: I'm still having trouble trying to figure out -- so if St. David's is the one that's saying put my name on there really big, which probably makes them -- someone would argue that they are going to be equally responsible for the operation of that ambulance because they chose to brand it that way. Tell me what's the harm in that that we're trying to protect against? >>

>> Well, the ordinance or 10-2 actually provides the opportunity for St. David's's to provide these services under their own accord because as medical operations, they are allowed to have transfers with their names on it, with their branding. This is them contracting with another provider, a franchise provider to provide those services.

[3:59:57 PM]

So there is opportunity. Mr. Whellan brought up Seton who does have anywhere ambulances programmed, but they are providing the services themselves, not contracted out with another entity to provide those services.

>> Mayor Adler: So what is the city's interest? If St. David's's is comfortable with people thinking this is a St. David's's ambulance, and they've hired out a provider to provide the St. David's's ambulance for them, what is the potential harm in letting them primarily brand it as a St. David's's ambulance? That's what I'm missing.

>> So from the department and the city's perspective, the franchises were put in place to provide services across the city and to every provider that requested it. So with the contracted services the way that they are, with the branded ambulance that fragments the market a little bit, where, for example,

the other provider, the other medical facility such as Seton, they would not want a St. David's wrapped ambulance located at their location. So when you look at it from that standpoint, the market becomes fragmented and may disallow for the availability of franchises -- of the franchise or the ambulance at the time of the call.

>> Mayor Adler: So is Seton objecting to -- has Seton taken a position in this issue?

>> We haven't received an official objection from approximate Seton. We've had some conversation with their staff who have indicated that they're not happy with the idea of having St. David's wrapped ambulances at their location, but there has not been an official notification from Seton hospital to us as a department.

>> Mayor Adler: I'm just wondering if I was St. David's I might love to have a picture of a St. David's ambulance at my hospital.

>> I do have a picture of Seton's ambulance at my hospital, at St. David's hospital, and we don't have any objection to it because that's the way it rolls sometimes.

[4:02:02 PM]

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: I just had a quick question for Mr. Whellan. If I'm reading this correctly there's no objection to -- this only occurs when there's a contract, in other words, hospitals actually contracting with the ambulance service.

>> Absolutely. That's why we kept all language the same, absolutely.

>> Kitchen: Are those exclusive contracts?

>> No, ma'am. That's an excellent question. Steven drolly with American medical response. That's an excellent question. They're best provider contracts. So we typically are the first call, but if we don't have an acceptable response time somebody else will be called.

>> Kitchen: Okay.

>> Mayor Adler: With the original language that -- are we adding here that it captain be any larger than the other?

-- That it can't be any larger than the other?

>> Are my folks okay? That's an interesting question. We're having a facilitated mediation right now, aren't we?

>> Mayor Adler: Having trouble differentiating issues on both sides of this, but it seems like everybody could possibly reach to the language that says in which case the name and logo of the company providing shall be equal to in size as the name of the hospital.

>> Yeah. It means we have to go back and repaint so there's some expense associated with it. I think my preference would be let's go another two or three years. I know we have to be -- to reup again and let's see if there really is any consumer confusion. We haven't had any confusion on patients or customers at all.

[4:04:06 PM]

>> Mayor Adler: Ann.

>> Kitchen: I understand what the staff is wanting to achieve and I certainly understand that, but I think that it's not a problem -- if I'm understanding correctly it's currently not a problem. So rather than anticipate a problem I'd rather wait and see if there's a problem. If I'm understanding it, the real issue is really just the availability of the service. And so the concern if I'm hearing correctly from ems is the idea behind ambulance services is they're available across the city and they don't get captured by this entity or that entity and then there's no available service. So I think I'm hearing that the concern is that if it's branded a certain way that that will eventually lead to ambulances only working for the hospital they're branded with and then having some concerns about supply. But that's -- I understand that concern, but I don't see that as necessarily happening. And if I'm understanding correctly, it's not happening now. So that's only going to happen if the ambulance service and the hospital refuse to work with each other because of the name that's on the ambulance. I don't -- I'm not as concerned about that because at the end of the day it's about serving the patients. So -- from the consumer's perspective I think the consumers are protected because, you know, it's only going to have the hospital logo if there's a contract. So with all due respect, and I understand what you all are trying to anticipate, I would prefer to leave that last sentence off and then just -- and just wait. If it becomes an issue of availability of service in a timely manner, in a way that's necessary for patients, then I'll be the first to come back and say well, we need to fix that.

[4:06:10 PM]

>> Mayor Adler: Okay. Councilmember alter.

>> Alter: I was just wondering how often do you have to repaint the vans or reroute -- rewrap them?

>> Only when they move from the market would we repaint the ambulances. It's a a five thousand dollar expense to wrap or repaint the unit. It's not insignificant to make a change. Of our fleet it's seven ambulances out of what we deploy. The rest of the ambulances are branded Amr just like any other ambulance.

>> Alter: But my question is is this something you do --

>> No. Once it's branded it stays that way for it's life. The ones for St. David's once they reach the mileage restrictions that are in the ordinance that would be moved to other cities and the branding

would be changed at that time. But if they were branded Amr they would go to that other city. We don't rebrand then.

>> Alter: Is that something done with new ambulances?

>> That's correct. When we bring them in brand new that's when we do the branding on them. Because there are seven units in Austin branded for St. David's, those units are brought to us completely white with no logos on us at all. We get them wrapped with the St. David's brand and then add the additional Amr logos on them after they're here. The rest of the ambulances come branded with all of our logos already on them.

>> Alter: Is that something that we could change over time in an appropriate way as you got new ambulances? I'm trying to minimize the harm here.

>> My assumption would be that the ordinance would only three ambulances brought into service once it goes into effect. It wouldn't affect existing ambulances. Austin has a 250,000-mile limit on ambulances. Once they mile out and we have to pull them and replace with new vehicles that's when we broadband them however the ordinance requires us to brand them at that particular moment.

>> Alter: Even with the ordinance as it is, it would only apply -- for new ambulances brought in. It's not an additional expense for the the wrapping.

>> Only if we're not forced to change existing fleet.

[4:08:11 PM]

>> Alter: Maybe staff could explain what their intent was with respect to that?

>> And we could have a discussion and talk about grandfathering the existing ones in until they reach their life cycle. That is something that we could discuss with the franchisees.

>> Alter: Okay, thank you.

>> Mayor Adler: Sounds like you found the right solution there. If we don't require the rewinding of existing vehicles, but we say when new vehicles come in, make it the same size or larger for new vehicles coming in, sounds like it would work. No?

>> I hate to sound like an old record, although I am an old record. There isn't a problem in the marketplace and specialty vehicles like the one I showed you with Dell's children that is the city sitting outside of a Dell's facility right now. They don't have any sort of marking. And that's okay. People aren't getting confuse the. A lot of Amr's fleet, because they have to be sensitive as councilmember kitchen pointed out, don't have any marking and they're careful to make sure that the ones to the extent they can without markings go to the Seton hospital. Again, I don't understand why we're passing a resolution chasing something that doesn't exist. I think we should be sure that we're not causing any harm to patients or the consumers, but that has not happened to date. There's no evidence of it.

>> Mayor Adler: Any further discussion on this? There's an amendment on the floor to strike the last sentence. Any further discussion? Let's take a vote. Those in favor of striking the last sentence please raise your hand? Those opposed? Mr. Casar votes no. Others voting yay, and with the mayor pro tem off the dais. And councilmember alter abstains. Others voting aye. We now have 16 in front of us. Any further discussion? Those in favor of 16 as amended please raise your hand? Those opposed? It's unanimous on the dais with the mayor pro tem gone. Thank you.

[4:10:17 PM]

Okay. If the mayor pro tem is here I would call up 64. Let's go ahead and call up -- there you are. You had 64?

>> Tovo: Yes, thank you, mayor. So we had an opportunity to discuss this a bit in our work session and I want to acknowledge that I worked really closely and councilmember pool's office worked very hard on this and I appreciate all their work on this. This would -- it really comes from the community, from preservation Austin and others who suggested some of these changes. And so we are moving forward a resolution together with my co-sponsors, moving forward a resolution that would ask the city manager to consider doing a series of things that range from providing more staff to our historic preservation program to creating a new preservation planning program within the division of planning and zoning. So that our historic preservation program operates in the same way that our urban design program does and the other division within our planning department and really puts it on a status that I believe is really commensurate with a city the size of Austin. That's my resolution. I think we have speakers from the community and at the appropriate time after the public commentary I would be happy to move particularly.

>> Mayor Adler: We have speakers and it's 14. Mayor pro tem, does it make sense for us to take up the speakers that have signed up on this -- it's 4:11. To take the speakers that have signed up on this and then before we deliberate this item to take up some of the bond speakers? I'm thinking maybe we can get some bond speakers in before we deliberate on the historic preservation district.

[4:12:23 PM]

>> Tovo: Well, if it passed with little deliberation we could go on to the bond speakers. I don't know how much deliberation we will have to go over it.

>> Mayor Adler: I don't know. I haven't looked at it, I just saw an amendment. It might be fast, just might be whereas clauses. We'll take speakers who signed up on this and maybe you can take a look at that or I think it came from Mr. Flannigan and determine whether it's going to take us awhile or not. Let's call up the speakers on 14. My hope is to call up some of the bond people that are here, either with a quickly deliberation or not. So David king. Is Stephanie Phillips here? Why don't you come up and you will speak at the other podium. Mr. King.

>> Thank you, mayor and councilmembers. And I'll start off by saying my earlier comment on a prove item regarding additional staff for that previous item where I had a concern on the tourism commission, my comment about not having staff associated with that resolution had nothing to do with this particular item. And so to that end I support this because I do think it's important that we strengthen our historic preservation program for our city. It is woefully lacking and I can tell you that there are certainly homes in my neighborhood that are worthy of historic preservation, but it is so hard to even get the process going and get the resources and support to even get that process going, and I've heard several of you talk about this would be a volunteer thing and how hard it is to get volunteers and they are working and raising their families to get involved in these sorts of activities that are important for our community. This is an important item and I do support strengthen R. Thenning it and adding staff to really help do the right thing for our communities here. We're seeing that historic buildings haven't even had the opportunity to be reviewed, but they've been destroyed.

[4:14:29 PM]

So there's no opportunity for them to have their chance to be preserved and to become part of -- to remain part of our community and part of our history and part of our fabric here. I think there are many, many benefits to this. There's a peripheral benefit too that we try to preserve the historic structures, the historic sites in our community that they can also help our community remain more affordable. There's a side benefit here that I think is important. So I do support this item. And I think it does deserve the auditor did review our demolition process which is associated with the historic preservation and shown that really that goes at such light speed that these homes are destroyed before we have a chance to even look at them and consider them. So I think this is very worthwhile and very worth the investment that's being proposed here in this item. So I hope you support it. Thank you very much.

>> Mayor Adler: Thank you. And then after Ms. Phillips speaks, Josiah seven son will speak next -- Stephenson will speak next. Is he here? What about Kevin MC McLaughlin. Why don't you come up to this podium. You will be speaking next. Go ahead.

>> Councilmembers, thank you for your time today. My name is Stephanie Phillips and I am a senior specialist with the city of San Antonio's office of historic preservation. I drove up here today and took off time from work to offer testimony in support of this item from the perspective of a peer city. I am also here because prior to moving to San Antonio about a year and a half ago I lived and worked and obtained my master's degree here in Austin and I will always love this city. I wanted to share a bit about San Antonio's preservation program. First, we are an independent office. We are not a section, we are not a division. We are an office with our own operating budget, with our own mission, when with a director part of the leadership team and reports directly to the city manager. We have 16 full-time employees and we are growing.

[4:16:29 PM]

San Antonio has nearly 2,000 individual local landmarks and 30 historic districts. The purpose of our office is to save guard the cultural, economic and viability that preserves San Antonio's place and authenticity. The statement encapsulates more than just design review. For example, we administer a local property tax abatement incentive for historic property owners that rehabilitate their homes and businesses. We created the rehabber club initiative which organizes volunteer events to perform repair on historic houses for low income residents for free. We've rehabbed over 150 historic houses through these programs thus far. We host workshops to teach people how to repair their wood windows on their own, which has resulted in the creation of at least two new window repair businesses in the past year alone. We developed a vacant building ordinance that requires property owners to meet a standard of care which encourages financial reinvestment in underutilized buildings and it is working. We have a team in our office that is focused on identifying sites for preservation that are not only architecturally significant, but are culturally significant and embody tangible heritage. We've identified a legacy business program to identify and promote long-standing local businesses. Additional initiatives are the preservation trades economy and a deconstruction and salvage policy. None of this has to do with the Alamo or the missions themselves, by the way, which are state and federally run, respectively. San Antonio also has a private tourism bureau that promotes heritage tourism and a separate world heritage city office. Our work at ohp is primarily about local residents and communities and we are often boots on the ground assisting them. I say all of this not to showcase our efforts, but to provide an example of what a local preservation office can be when it's effective, when it's staffed and funded and supported and able to respond to community needs and concerns.

[4:18:39 PM]

The investment in preservation affairs offers a predictable form of government.

[Buzzer sounds] We in San Antonio are a resource to our communities, historic and beyond.

>> Mayor Adler: Thank you.

>> Pool: Mayor, may I ask on this speaker to provide her comments to all of us on the dais? You can do it electronically or give a copy to our clerk.

>> Sure. Was somebody going to yield their time.

>> [Inaudible - no mic].

>> Mayor Adler: It's just not showing up on my list. Would you come you up and tell the clerk, please. You have another two minutes.

>> I often hear that preserve inhibits infill development. San Antonio has recently stolen Austin's spot as the fastest growing city in the country. I can assure you interest and infill in our residential historic districts, those that look a lot like Austin's, is not an issue. I am a case manager for our version of the landmark's commission. I see investments in these areas on almost every agenda. I know measures have recently been taken in Austin to increase survey efforts via temporary staffing. That's fantastic, but it's not sustainable. Without retention of qualified staff, without investing in their professional

development, you run the risk of creating documents that people may reference in the future and say look at all that we've lost due to our inaction. I know that Austin is not San Antonio, but that doesn't justify not making strides towards improvements that benefit the retention of cultural, social and physical heritage of Austin. I urge you to approve this item and continue to invest in preservation in this city. Thank you.

>> Mayor Adler: Thank you very much. After Mr. McLaughlin speaks is Kate singleton here? Do you want to speak?

>> [Inaudible - no mic].

>> Mayor Adler: Would you come and tell the clerk that?

[4:20:43 PM]

Why don't you go ahead.

>> Thank you. I'm Kevin McLaughlin from district 9. I'd like to start with a little story. My sister is an economics major. She just graduated, and a history major. She's a double major. And she thought it would be a really good idea for her, she's in Boulder, Colorado, she thought it would be a good idea for her to apply to their historic planning department. She applied mentioning that she was a history major, and in her interview she said that as an economist, as a history major, she thought that she could provide a really good perspective on historical zoning, saying if a house was worthy of historic preservation. And then she said, but as an economics major, I also understand that it's really important that we don't let preservation get in the way of us building enough housing. She was not given the job in the historic planning department. And I think that is the problem with this resolution. The resolution wants to create a separate -- a separate division, a preservation planning division within the planning and zoning department. That division's goal, their mission, will be to increase historic preservation without context to the rest of what it does to the rest of our city. The planning department's job is to balance decisions between historic preservation and new growth and accommodating new growth and building new housing. My fear is that just like the Boulder historic department, we -- this commission will be incentivized to limit growth in the name of preservation. Last thing I would like to say is just that I recently went to Venice, and while it's a beautiful city, it's a city that is dead because they are trying to preserve everything.

[4:22:49 PM]

They spend all of their resources preserving everything. So Venice is not a city -- it's a city full of just tourism, that's it. There's no potential for growth there. So I would say Austin is a great city. It has a proud history that is really important, but I think that its future is brighter than its past. So thank you.

>> Mayor Adler: Thank you. All right. So is ashkin johanri here? What about Alison Mcghee? Maureen metorwer, is she here? Why don't you come up to this podium? You have time donated from Kate singleton. Is Kate here? Okay.

>> Good afternoon, council. I'm on the board of directors for preservation Austin and we're here to request that the council pass this resolution so that the city manager can investigate the feasibility, benefits and costs to make much needed and long overdue improvements to the historic preservation program. Goals and priorities related to the preservation of our community's heritage are included in every city planning document that has been adopted by city council in the past eight years, including imagine, the downtown Austin plan, and the strategic direction 2023. All these documents, which were developed with input from citizens, call for policies that implement the preservation of Austin's cultural heritage. However the city has not put adequate resources into its historic preservation program to allow it to be able to meet those goals and priorities and ensure that preservation is integrated into other efforts to improve our community. Providing the needed staff and resources in the resolution also addresses issues raised in the February 2017 city auditor report which stated there are a number of issues that prevent the city's historic preservation office and objectives of protecting an enhancing neighborhoods, buildings and sites that reflect elements of Austin's history.

[4:24:54 PM]

The report finds that with other cities the city of Austin's historic landmark committee has one of the most meetings and the lowest staffing levels. According to the audit the average number of staff for cities is six fte while Austin has only three preservation staff and one administrative staff person. Currently the historic preservation office is woefully understaffed, overworked and lacks sufficient resources to carry out its responsibilities and work effectively with property owners, neighborhood groups and the development community to both protect horn historic assets and help guide sensitive new development. So why do we need it to be a separate division? The program has been under other divisions since its inception and those divisions haven't necessarily really reflected its responsibilities. It was first under zoning, but preservation is about more than just zoning. Then it recently was put under urban design, which is a better fit, but still preservation also is dealing with residential neighborhoods, not just urban districts. It needs a division manager who can direct and guide the program without also having to carry an extensive cloudy every month. And it allows the program to work more closely with other departments and planning efforts so preservation is integrated in a proactive versus a reactive way. We need additional resources to pay for historic resource surveys and to rewrite the code. The preservation section of the code was not addressed in the codenext process, but definitely needs updating and improving. Our current surveys are outdated, piecemeal and don't cover all areas in the city that have development that's over 50 years old. Survey guides other planning efforts by identifying areas that might be sensitive and those that can easily accommodate more development.

[Buzzer sounds] And it assist staff and the historic landmark division as well as the community with the decision making.

>> Mayor Adler: Thank you.

>> We ask that you consider this resolution on what resources might be needed to do this.

[4:26:57 PM]

>> Mayor Adler: Before the next speaker, and she has five minutes, is Brian register here? What about bill bunch? What about shivas Watson? What about Richard Ryan? You will be down at this podium. Why don't you come down? Is Miriam rosemary here? You will have five minutes, sir. Please go ahead, ma'am.

>> Mayor Adler, council, thank you so much for your time today. My name is Maureen. I am a resident of old west Austin and I'm here to R. Really to just advocate for your support in exploring the feasibility of adding some badly needed resources to the preservation office. I can speak to the fact that at numerous historic allergic commission meetings city staff is there very late, they're overworked, they have so many cases to go through. It's a logistics nightmare and it isn't fair to both residents, commercial owners, anybody who has a case before the landmark division. There also needs to be some resources dead dated to legal representation at those meetings. We have spent many hours over the years, I've been in Austin quite awhile now, debating the meaning of a code provision at these meetings because there is no legal representation either at landmark commission or planning commission in reference to the historic landmark sections of code. So anything you can do to explore providing some badly needed resources in this area would be very greatly appreciated by residents both old and new and in central Austin and beyond historic preservation is an important part of our city. We are the capital of Texas and I can attest to the fact that working at the capitol I see hordes of people coming through everyday from all over our state and they're astonished when they say wow, there isn't much left here. So it is a tribute both to our city and to the state to invest time and money exploring this and I would greatly hope you would give the resources to it.

[4:29:02 PM]

Thank you.

>> Mayor Adler: Thank you very much. Mr. Register is not here. Mr. Bunch is not here. Mr. Watson is not here. Mr. Ryan, you have five minutes. You're our last speaker.

>> Thank you, Mr. Mayor. I'm a resident of district 9 and within the west line historic district. That's a national registered historic district. I worked on that back many years ago. Now we only have I believe four local historic districts in the whole city. I noticed San Antonio mentioned they had 30. It's really difficult to get them here in Austin. And it's the only way that we have, the only legal way of stopping tear downs. I live in a five unit building. We bought our apartment building in 1998 and council person Garza is not here right now, but I think we have the lowest rents in the old west line. And it's 760 a month. She was quoting off of zillow back when we had the local historic district here here. But that was 20 years ago. In today's market those five units would be down and it would be two large townhouses

with four people in it instead of six -- instead of six people. The only people who can afford to move into downtown Austin are very wealthy people and that's what is dictating the market right now. And I know councilmember Houston said something about renters earlier. That's why we're losing our renters because we're not having apartments, small apartment complexes built in the city -- the center of the city with 600 square feet per person, we're having townhouses built in the city of the city with 1200 square feet per person.

[4:31:08 PM]

So the economic factors are against, the market is against maintaining the existing housing that we have. That's why we talk about the most affordable housing is what we have right now. So the city needs to do something to look into this. I've been here since '71 and they've been tearing buildings down the whole time I've been here, but that rate has been increasing because of market forces. So I'm happy that they did the audit and I hope that the city manager or the city can look into this. Thank you.

>> Mayor Adler: Thank you. We're now back up to the dais. Mayor pro tem, did you want to say something?

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

>> Is there a second to that? Councilmember pool seconds that. Any discussion? Mr. Flannigan.

>> Flannigan: I handed out an amendment, not dissimilar to a few ears that we handled very simply. It addresses some of the whereas clauses and the be it further resolved. The be it further resolved is the easiest one to explain. It just removes the phrase equal and standing and replaces with similar, which equal and standing bugged me as a thing that I thought was not our job to determine determine. But it probably has a substantive meaning based on our conversation at work session. The whereas clauses are three whereas clause changes. The first one is -- just replaces peer cities with nine other entities, and of the -- this is something that mayor pro tem, you and I talked about in work session and we weren't able to find a citation for that beyond the historic landmark commission's recommendations. So we just amended that whereas to reflect that that was the source of that number.

[4:33:11 PM]

And then the two whereases down from that, just striking the conclusion part of that whereas and just leaving the factual part.

>> Mayor Adler: Do you have any objection to these amendments?

>> Tovo: Mayor, regretfully I do have some objections, although I appreciate my colleague's work on it. I can take them one by one.

>> Mayor Adler: Okay.

>> Tovo: The first amendment I'm more or less fine with. I would make an amendment to the amendment that indicates rather than saying nine other entities, I would say nine other Texas cities. That makes it accurate to the --

>> Mayor Adler: Any objection to the nine other Texas cities? Hearing none, the changes to the first paragraph are made except saying other entities, saying Texas cities. You look confused.

>> Flannigan: Was it nine other Texas cities?

>> Tovo: Yes. And in a minute I can pull that up on the audit. And with regard to the next one, I appreciate my colleagues raising the question. We did communicate with Ms. Burrtrun of the historic preservation department and she provided me with we have both a sheet of demolitions of single-family structures and then information from Ms. Burrtrun of historic age properties that they've reviewed since 2013. So the count of single-family houses from 2014 to 2017 was 2,467. Count from 2013 that I think captures some more of the multi-family and some of the residential development puts it at 2,767. So I believe that was the -- I think it was the city staff's information that was the source for the landmark commission. So I would accept the -- I think it's a good change to scratch out the university of Texas, et cetera, et cetera. I would make the whereas -- and this is the -- well, the second whereas on page 2, I would make it whereas approximately 32,000 and then just continue the sentence that way.

[4:35:23 PM]

Approximately 3,000 historic age buildings have been demolished in the past five years since that information comes from our city staff, I don't think we need --

>> Mayor Adler: Any objection to the second whereas saying approximately 3,000 [indiscernible] In the last five years. Hearing none --

>> Flannigan: Just to clarify, what was the staff report you're referring to? Do we need to find that?

>> Tovo: I can put this up on the -- I can put this up on the projector. This is a map showing -- thank you - - demo activity. And this is a demo activity of single-family residences. And then I'll read the letter that I received from Ms. Beer Tran.

-- Bertran. Please see attached for the demolition and relocation map created by Ryan robin bon in 2013. It shows residential demolitions thus far in 2018 alone, that's me, editorializing, 359 total, including single-family, complexes and multi-family. Neither map is sorted by bill date, but it's relatively safe to assume that the vast majority of the demolished buildings were constructed prior to 1978 which is the cutoff date for historic review. I'm attaching a spreadsheet of historic age properties that we've reviewed since 2013. The count is 2,767.

>> Flannigan: Would it be fair to say that striking the first part like you suggested that staff roughly estimates 3,000 or that there's an estimate of 3,000. Did you include that in your suggestion? Was it approximately -- I'm sorry.

>> Tovo: I changed it to whereas approximately 3,000 historic age buildings.

>> Mayor Adler: So left it

[indiscernible] So the whereas will say approximately 3,000 buildings were demolished. Period. Tovo so that brings us down to the other two. It leaves us with the two other edits amendments suggested by councilmember and I would simply ask that we put those to a vote.

[4:37:25 PM]

The first one -- it is if we had the resources in the department to proactively work with communities, especially communities that may not have the financial assets to pull together to do analyses and what can sometimes be expensive historic surveys, I believe we would see more landmark designations and historic districts coming out of our east Austin historic resources survey. So I'm very comfortable with that, I understand that it is commentary, but I'm very comfortable with that commentary and would ask that we put that one to a vote.

>> Mr. Flannigan, do you want to address that one before we put it to a vote?

>> Flannigan: No, it partially is fuzzy enough for me that we don't have to keep fighting that one. I want to go back to the nine other entities. Because the chart I have from the auditor's office has five Texas cities, but then it has Charlotte, north Carolina, Nashville, Tennessee, Richmond, Virginia and Savannah, Georgia. I don't know if there's a different nine with the -- with the list that I have -- that I see in the audit is not just Texas cities. It's not even just cities. One was a county.

>> Tovo: I believe it comes from the benchmarking results on page 19.

>> Mayor and council, Joe pantalion, interim assistant city manager. I have the audit here and in the appendix on page 19 bleeding over to page 20 you have Austin, Brownsville, Dallas, El Paso, Houston, Dallas, new braunfels, San Antonio and waxahachie, which makes nine total, including Austin.

>> Mayor Adler: If anybody is concerned about that.

[4:39:27 PM]

>> Tovo: I think it's appropriate to adjust is to eight in order to be accurate.

>> Mayor Adler: We've made the second one and Mr. Flannigan, you're withdrawing the last two?

>> Flannigan: No, I still think equal and standing is a phrase we have not used before.

>> Mayor Adler: Paragraph four will stay where it is. That gets us on to page three of four. Do you want to address equal and standing.

>> Flannigan: This feels directive to the city manager, deeper into the decisions of the council is authorized to do. I'm more comfortable with the word similar.

>> Mayor Adler: I hear that. I read equal and standing to mean not exactly like it means equal and standing, which I see as being very similar to similar.

[Laughter]. And I think the concern, manager, is that you will take this and do it exactly the way the others are, but I'm in the sure that that's the instruction. Mayor pro tem, is that what your intent was.

>> Tovo: Again, I would draw my colleagues's attention as I did the other day to the opening section of this sentence which talks about -- which says the city council directs the city manager to consider changes, so all of this, as we acknowledged or as I acknowledged on Tuesday, it's up to the city manager's discretion as per our city charter, but I am going to stand by the language equal and standing. And as I explained it on Tuesday, I am reflecting on and responding to the fact that -- to the existing hierarchy of departments and divisions and programs that exist within the city of Austin. And I am advocating for a preservation program -- for the preservation program to become a division equal and standing to the other two divisions that we currently have within standing.

[4:41:30 PM]

So similar doesn't completely convey what I would like to convey to the city manager, which is that this should be a division equivalent in status and organization and in its place in the city hierarchy. I almost said bureaucracy equivalent to those other provisions.

>> Flannigan: And I really appreciate that conversation, mayor pro tem. I do acknowledge the intro paragraph is directing the city manager to consider. And if that paragraph was more prescriptive I would have brought that one in. But I do think that similar is better.

>> Mayor Adler: There's been a motion to change the wording to similar. Is there a second to that amendment? Is there a second to that amendment? Hearing none, we're just going to keep it the way that it is. And manager, I see both to considers as well as the last be it further resolved clause that gives you wide berth to look at. Those are all the amendments. Let's take a vote now on this item number 64. Those in favor please raise your hand? Those opposed? Troxclair voting no, flan voting no, the others voting aye. Item 64 passes. I'm going to call up one of the planning issues. Let's call up four east, which is 88 and 96. Want to lay that out for us?

>> Mayor and council, Jerry rusthoven with planning and zoning. We have two items for the four east project. They are item number 88, Jace c-14-2018-105, and 96, mpa 2017-002.01.

[4:43:34 PM]

The neighborhood plan amendment is on your agenda for the first time. We had to renotify it to clarify some things, so that is ready for all three readings. The zoning case, the previous item was approved on first reading by the city council with a height limit of 60 feet and that was approved on March eighth of

this year. So we have one zoning case up for second and third reading and we have a neighborhood plan amendment plan case ready for all three readings.

>> Mayor Adler: 88, the zoning case up on third reading. And 96 is the neighborhood plan change. Could that be handled on second and third readings?

>> That would be for all three readings. The zoning case would be for second and third readings.

>> Mayor Adler: The zoning case is second and third. 88 is second and third and 96 is all three readings.

>> Correct.

>> Mayor Adler: There are no speakers signed up to speak on this so that puts us up on to the dais.

>> Renteria: Mayor, I pulled this for one reason and it's not related to the height or anything. It's just the traffic and the transportation with that alley and that little small road there that I believe is Concho or something like that.

>> Yes.

>> Renteria: I just want to see how they're going to address that issue because right now the alley and that little half a road there is two ways. And there's also parking on either side. And it's very difficult to get through there so if I can just get a brief explanation on what's the plan on improving that little small?

>> Michael Whellan on behalf of the applicant. So Comal and Fourth Street are active edges so we can't have any driveways or curb cuts on those streets. So we have to put the parking -- the interest to the parking garage and the loading dock on Concho, which is on the east side or the alley on the north side.

[4:45:40 PM]

So the loading was made, the shorter side is the east side, Concho. That will have the parking garage entrance and exit. And the long side, the back side, the north side, which has the condos on the other side, it's 270 feet long and only 30 feet of that will be open for loading dock only. Because of your point, the head-in parking for the condos, we decided to have -- it's an office building and the alley on the northside will be activated with offices but they won't have entrances because we do have cars that are backing in and out of their spots. So there won't be any entrances into either alley or Concho. The active edge will be Comal on the west and Fourth Street on the south.

>> Renteria: The reason that I was bringing that up is because the residents there are really concerned and they're requesting that if there could be a one way street, make it into one way, the alley, and also the Concho side where it's just one way coming -- one way street?

>> Like a circle going around. We could definitely explore that. The site plan is in. I know it's been reviewed. Nobody has made that suggestion yet. And we can go back and ask them whether transportation department would find that to be acceptable.

>> Renteria: Because I went down there last night and it was because of the traffic. They have parking there from the condos. And then there was another car parked next to it which created a lot of problems getting in and out of that place. And the residents there are really concerned and they were suggesting if there could be a solution to that, so that traffic, they won't have the ability to just park out there in the street.

>> I was just looking to see if Tyler raced back. We weren't expecting this before the dinner break.

[4:47:41 PM]

We can ask them. We had not heard that solution. We focused on not having the garage entrance on that alley with the condos for that very reason because of the head-in parking. I don't know if it's possible. Because it's a public alley it will be up to transportation to make that decision.

>> Renteria: Okay. I would really appreciate it.

>> We will mention that and let them know it was brought up.

>> Renteria: I got them to agree to go ahead and because of the benefit to the comment. That was one of their concerns and I didn't bring it up to you because I just found out last week that's what was going on. They were having problems where people were double parking and having trouble. And that little blind spot right there where it curves into the alley. And that's another big concern. It may be you can -- there's a way to put a reflector on it to see if another car is coming through that street. And you can't see what's coming on the little small street.

>> Yes. And the advantage of having offices there is you will have eyes on streets. If there's double parking and there are issues because it's a public right-of-way, we would be in that instance be able to call people or ask that people be towed if they're parked illegally.

>> Renteria: If you could work that out, we would really appreciate it.

>> Okay.

>> Mayor Adler: Is there a motion to approve 88 and 96?

>> I had a question for Mr. Whellan?

>> Mayor Adler: Why don't you come back for a second. Let may he get a motion on the poor floor. Is a a motion for 88 on second reading and 96 on all three readings with an instruction to the applicant and the staff to see about turning that street into a one-way street? Mr. Renteria --

>> I believe the intent also was to change the height in both cases to 74 feet, is that correct?

>> Mayor Adler: 74 feet. Mr. Renteria makes the motion.

[4:49:43 PM]

Planned seconds the motion. Did you have a question?

>> Tovo: I know there have been different kinds of community benefits with regards to this site. I understand the idea of having artist space within the project is not moving forward.

>> That's correct.

>> Tovo: But I wonder if you could reflect what the voluntary housing contribution is?

>> Too there's an regulating plan. And then from 60 to 74 feet we have signed a restrict, we have a signed restrictive covenant ready to file, which would equal \$1,056,000 and it would be a donation to the housing authority of the city of Austin that has a bit of a funding gap associated with calmer's court, about a 200-million-dollar fund gap. The total would be 1.7, including up to 60 feet would be \$1,377,384. The first \$681,384 would be -- would go to the neighborhood housing department and they get to then decide whether that would go to calmers or not. I don't know that anybody else has an application in so I'm very hopeful that it will go to Chalmers since that's directly street across comal. Our check however at the time a certificate of occupancy goes directly to haca. And we already have a site plan in and I have the restrictive covenant that is going to get filed after the effective date of this ordinance.

>> Tovo: And the restrictive covenant is when haca?

>> It's with haca. The beneficiary is haca.

>> Tovo: Thank you very may, Mr. Whellan.

>> Mayor Adler: Any further discussion on this? Mr. Casar?

>> Casar: I think we worked this case for awhile and I'm supportive of it. I think it's a good opportunity for us for one floor, ultimately achieving between the donation and the fee-in-lieu, close to two million dollars for Chalmers across the street, that's a really important project for renovateing public housing there.

[4:51:54 PM]

And I think for one floor this makes a lot of sense. And if the neighborhood housing department needs direction and some future potential resolution to make sure that all that money goes to Chalmers so that we could fund their funding gap, I would be very willing to do that.

>> Mayor Adler: Okay. Councilmember pool.

>> Pool: I wanted to find out from staff if the fee-in-lieu that is being received off of this property, is that the highest fee-in-lieu that could be gotten?

>> Yes, councilmember. It's the fee-in-lieu that's mandated by the tod ordinance.

>> Pool: So there isn't any plus or minus on that.

>> We're not legally allowed to vary that amount.

>> Pool: I just wanted to make a note because I'm going to vote against this but I don't think that will harm this passage. But I received -- as did the rest of us -- the concerns from the contact -- I think it was the contact team and the neighborhood -- east Cesar Chavez neighborhood plan contact team asking to vote against agenda items 88 and 96. And it goes to the cure and the fact that we have been trying to remove cure from this part of the city. So that will be my vote, just wanted to explain that.

>> Mayor Adler: Okay. Mr. Renteria has made a motion on 88 and 96. Those in favor please raise your hand? Ms. Houston?

>> Houston: Can we divide the question? Because I want to vote yes on one and no on the other?

>> Mayor Adler: We can. Let's vote first on 88 on second and 3D reading that portion of -- and third reading that portion of Mr. Renteria's motion. Vote on 96 first. We have the vote on 96 first on all three readings. All those in favor please raise your hand. Flannigan, Casar, the mayor pro tem, me, Pio, kitchen and troxclair. Those opposed, Ms. Houston voting no, pool and alter. It passes. Let's vote on 88 on second and third reading.

[4:53:55 PM]

Those in favor please raise your hand? Those opposed? Voting no is councilmember alter and councilmember pool. The others voting aye. It also passes. That takes care of that. There's been a request we try to get some staff home here so maybe we can take up the public hearings and the other zoning matters and maybe they won't take us that long? What do you think?

>> Do you want to do the zoning?

>> Mayor Adler: Let's try the zoning.

>> The next item is number 87, located at 215 south congress avenue. This case was approved by the city council on first reading on April 26th and second reading on may 24th. It is before you for approval on third reading.

>> Mayor Adler: On third reading only?

>> Third reading.

>> Mayor Adler: Number 87. Okay. We have no one signed up for this. This is third reading. It's in front of the council. Mr. Renteria?

>> Renteria: I've had contact with the contact team over there and they haven't been able to work out and I'm very concerned because there's not enough affordability on those units units. We have given this particular developer the ability to develop that whole block and I just don't see the affordability in that project. So I'm not going to be able to support it.

>> Mayor Adler: Okay. Further discussion on this? So the motion is to approve.

[4:55:57 PM]

Did someone want to move to approve this on third reading? Councilmember Garza makes that motion. Is there a second? Second? Councilmember Flannigan. Does anyone want to address this? Then we'll take a vote.

>> Renteria: Mayor?

>> Mayor Adler: Yes.

>> Renteria: I really want to find out -- it looks like it's going to pass and I want to find out exactly what kind of affordability that is being offered on this project.

>> Councilmember, the affordability that would be required by the city code would be that which is required in the vmu program, which if they chose to take advantage of the vmu bonuses they would have to provide the tenant 80% and I would have to check to see what this particular neighborhood opted for their affordability level for the renters. But it would be the vmu program.

>> Renteria: I would also want to hear from the developer about what he has to offer.

>> Of course we're doing more than that. So it's 10% at 80% is the neighborhood plan. And really what this vote amounts to is whether we'll have 28 to 30 affordable units at the site because that's what the vmu would require. What we've offered in addition is that it would end up being, depending on how many units, three to four of those units would be at 60% mfi we've talked about. And those would be two bedroom or better. So the package would be -- you will end up depending on how many get built, 28 to 30 total, but no matter what, four of them will end up being 60% mfi and be two bedrooms. And the two bedrooms or better will be all the 60% units will be two bedroom or better.

>> Mayor Adler: Thank you.

[4:57:57 PM]

The item has been moved and seconded. Ready to take a vote? Mayor pro tem?

>> Tovo: Last clarification for Mr. Whellan. It's my understanding that all of the units will be in the same affordability mix?

>> The one bedrooms, same pro rata mix as the market, yes.

>> Mayor Adler: Councilmember alter?

>> Alter: Can you explain the co portion, either Mr. Rusthoven or Mr. Whellan?

>> Which portion.

>> Alter: The conditional overlay. I wanted to make sure what I thought was in there is in there.

>> It's a private restrictive covenant because we're doing more. We have voluntarily offered to do more.

>> Alter: I was referring with respect to the traffic.

>> On 4515? Oh. We -- we agreed -- we've agreed -- I don't think there's a conditional overlay for this, but we had agreed with the neighborhood to limit access to luxinger -- is it in there? We agreed to the co that's there for particular uses. There had been a request by the neighborhood to limit access to luxinger to emergency vehicles only. And we're agreeable to that, but that had not passed on second or third reading -- on first or second reading. We have no objection to that.

>> Councilmember, if I could add, the -- but -- the but. The transportation department was opposed to that prohibition. That's why it's not in the ordinance and that's why we did not recommend it.

>> Alter: So it was not recommended by staff. >>

>> Alter: So it was not recommended by staff?

>> Correct.

>> Mayor Adler: Councilmember pool.

>> Pool: I think the conditional overlay, limiting on luxinger -- am I saying the street right? Luxinger?

>> Your guess is as good as mine.

>> Pool: This is behind the complex, it faces the mobile home park and single-family homes. They were asking for co to limit that to bike and pedestrian only.

[4:59:58 PM]

Is that -- Mr. Whelan, is that what you were saying, the applicant is willing to do?

>> Yeah. I think bike ped and emergency access only. So not as a drive -- full-on driveway. We had no objection to emergency access, ped, and bike, which is what the request had been.

>> Pool: Okay. Would it be appropriate for me to amend this to include that co to limit traffic on electioninger to bike, ped -- on luxinger to bike, ped, and emergency access?

>> Mayor Adler: Staff?

>> That would be up to the council.

>> Mayor Adler: Okay. He said yes, it would be appropriate, council's discretion. And we have a motion and a second to approve this on third reading. Discussion?

>> Question -- is that an amendment to my motion?

>> Mayor Adler: Hasn't been made yet.

>> Casar: I'm going to vote no on this with councilmember Renteria.

>> Mayor Adler: Okay. He said he's going to vote no on this.

>> Houston: And I have a question about the transportation department said what about --

>> The neighborhood did raise issue, when we discussed this case on first and second reading, the neighborhood raised the issue about the stricting access as Mr. Whelan spoke of on that street, and we asked the transportation department to take a look at it and they said they were opposed to an access restriction on that street, they wanted to access to remain a possibility.

>> Mayor Adler: Transportation was opposed to a limitation bike, ped, and Americans.

>> Correct.

>> Mayor Adler: Okay.

>> Renteria: Mayor, also, Jerry, the particular street where the light is at, it's a very long light, and I wondered if y'all can, you know, take care of that problem, if they're going to be building that much development there, I've gone into that neighborhood and have to wait about two or three minutes before I can -- that light turns green.

>> At sheraton and congress?

[5:02:00 PM]

Okay. I'll note that to the transportation department.

>> Houston: Well, mayor, I still have a questions because the city is supposed to be compact and connected, so why would we limit access?

>> I believe that's why the transportation department did not recommended limiting the access.

>> Mayor Adler: The motion does not limit access at this point.

>> Houston: Okay.

>> Mayor Adler: Okay? Been moved and seconded. Do you want to make that amendment? Staff was recommending otherwise. Ms.

-- Ms. Houston want to do makesure it wasn't on. This is just the original amendment from councilmember Garza. Do you want to make that amendment?

>> Pool: Well, I want to double-check because I'm hearing two different things. Mr. Rusthoven, is it conditional overlay limiting access on luxinger to bike, ped, and emergency vehicles appropriate, and is that supported?

>> It is the manner in which you would do that would be through a conditional overlay. But the transportation department when we spoke with them about this issue, does not recommend prohibiting access to that street, even in the form that's been discussed here.

>> Pool: Okay. So they don't want to reduce that. And could I ask councilmember Renteria to talk through that for us, so I can understand to make sure I vote properly on this? Because it looks to me like the neighborhood would like that reduced. And I don't know if this is going to pass or not, but --

>> Renteria: Well, first of all, you know, they're concerned about traffic. This is -- in this particular area, there's just -- battle bend, there's very few entrances and exits. They're concerned about the traffic, especially getting out of that neighborhood into congress. It's -- it backs up, and it's also a very quick changing light, and it stays red for quite a long time.

[5:04:06 PM]

And they're concerned about this new development coming in. With the previous development, we already gave permission for them to do, and they just want to make sure that they're not going to be stuck in that -- you know, with this traffic. And, plus, they're not -- you know, it's -- they're concerned also about the affordable mix in that development. The market mix is not -- it doesn't guarantee any two bedrooms so -- and they have been supporting the other apartment that was built, but they're all one-bedroom houses, so they're concerned that there's not enough family units being built in that area, which is -- it's one of their big concerns. So just like all the other neighborhoods, you know, as it ages and gets older, we're losing our family units, you know, and then so that's a big concern right now.

>> Pool: And another question, is it true that the limiting of the traffic would only be limiting traffic from out of the development onto luxinger but not other traffic that would otherwise be on there?

>> Correct, it would just be the traffic from this project.

>> Pool: Okay. And that's something that the neighborhood is supportive of?

>> Yes. They wanted the access restricted in the manner we spoke of before.

>> Pool: Okay. Well, I don't know if this -- has somebody made a motion to pass this?

>> Mayor Adler: There's been a motion and a second.

>> Pool: Okay.

>> Mayor Adler: Do you want to make an amendment?

>> Pool: I would like to make that amendment, to limit the traffic onto luxinger to bike, ped, and emergency vehicles.

>> Mayor Adler: Okay.

>> Pool: It's a conditional overlay.

>> Mayor Adler: Okay. A motion for conditional overlay to amend it.

[5:06:07 PM]

Is there a second to amend it? Is there a second? Mr. Renteria seconds. Any discussion in those in favor, please raise your hand. Mr. Renteria and Ms. Pool. Those opposed please raise your hand? It's the balance of the dais. Let's vote again. Those in favor of the amendment, please raise your hand. Pool, kitchen, pool, and alter, Renteria. Four. Those opposed is the balance of the dais, 7 to 4. Does not pass. Let's take the vote now on this item, third reading, those in favor, please raise your hand. Those opposed? Renteria and Casar voting no, others voting aye. It passes. Thank you.

>> Thank you, mayor. Would you like to go -- we have two cases.

>> Mayor Adler: Let's see if we can get those two done.

>> Pool: Can you show me as abstaining?

>> Mayor Adler: Okay. 6-4-1, but we can do that because it was the third reading by itself. Passes. All right. Let's see if we can get the two public hearings done and the zoning matters done.

>> Sure. Mayor, 97, c14-2018-0047.sh, pathways at Goodrich. Located 2126 Goodrich avenue. This is a project of the housing authority of the city of Austin. It has the support of both planning commission and staff. There was a conditional overlay recommended that would be for a 25-foot building set back, maximum building height 45 feet, maximum impervious cover 65%, unit count 120. This has the support of the zilker association. Any questions?

>> Kitchen: May I say something?

>> Mayor Adler: Yes.

>> Kitchen: If you can just explain, this is an affordable housing project that's going from -- I think it currently has 40 units; is that right? And will go to 120?

>> Yeah. We go to 120, and currently has 12 one-story duplexes for 24 and four duplexes for 16, for a total of 40.

[5:08:14 PM]

>> Kitchen: Yeah. So it's quite -- you know, it's a huge expansion, and it has -- the neighborhood and the housing authority have been working together on this project for quite some time, in a very collaborative process, and so -- so they have -- they've agreed to -- this represents what they've all agreed to, so -- so.>> That's correct.

>> Mayor Adler: Okay. Is there a motion to approve this -- this was item number 97?

>> Kitchen: I so move.

>> Mayor Adler: Okay. Ms. Kitchen moves passage of item 97. Is there a second to that? Ms. Houston seconds that. Mr. Flannigan.

>> Flannigan: Thank you, councilmember kitchen, for pulling this. I found it interesting going from mf-3 to mf-4, and I wanted to dig into what that difference was. I've got a slide -- I've got slides to show the difference of the -- ultimately, the difference is -- there's a height difference, 40-60, increase in impervious cover and slight set back difference. The reason it was requested is the number of dwelling units per acre, which they ended up needing a little bit more than the mf-3 allowed. So the applicant wasn't needing the additional height or setbacks or additional impervious cover, it was one element of that. Of course I'm bringing this up as we think about how we rewrite the zoning code. I thought this was interesting. Just in this slide, you can see, here's the site. This is the original setback. That's the same. This limitation, because of compatibility is the same, because of its compatibility to, mf-3 to mf-4.

[5:10:16 PM]

This, even under mf-4, which is technically a 60-foot height allowance, we're still under compatibility. There's a slight difference in setback on the bluebonnet side, which one of the cos tries to correct, a 10-foot difference from 20 to 10. The next slide. Here's where the differences are between mf-3 and mf-4. As you go away, you're only adding one foot of height for every ten-foot of setback. So all the way to the back of the green area -- "Hope it's green -- I tried to use really different colors but I don't know what the colors are -- you're at 50 feet at the back of this, then the last -- next slide. And the same thing between 50 to 60, and the next slide, the red area is 60. And I bring this up just to show that when we look at zoning categories, in this case going from mf-3 to mf-4, there's an instinct to think the entire site is going from 40 to 60, but when you look at the compatibility elements, you see this small area that's substantial distant from the single-family homes that are getting that increased height. And on top of this, what's not reflected, there's even a capital view corridor that cuts through this property, kind of a narrow one that cuts right across the million dollars of it which limits it to less than 40 feet, slightly less than 40 feet in height. So, you know, it's a good project. We want more affordable housing so I'm not looking to oppose the project in general, but I think this is the kind of analysis that's valuable as we think about the difference between zoning categories, it's very easy to think that 40 to 60 is a really big jump, but when you start to apply the other elements to it, it's actually only on small areas of the property. Oh, that was the other thing, there's a 5% difference in impervious cover, but they'd have to mitigate. In fact, because it's in the south Lamar mitigation zone, they'd have to go farther in their mitigation, in the current code. Under codenext, they'd have to mitigate the whole thing.

[5:12:17 PM]

That's all I wanted to show. I thought it was interesting because some folks see that change as a substantial difference and it's only a minor difference.

>> Mayor Adler: Got it. 97 moved and seconded. Any further discussion? Those in favor, raise your hand. Opposed? Auto it's unanimous on the dais. By the way, there was a speaker signed up on this, he was forward, but the applicant was -- we didn't call anybody.

>> It's for the next case.

>> Mayor Adler: Yes. Go to 102.

>> 102, c14-2018-0023. Mcshop located 10809 newmont road. This is a request for the planning commission around staff both recommending gr-mu-co-np zoning, drop off recycling, Holts, motel, pawn shops, pet services, and general restaurants in both the requested co came from the north Austin civic association. The staff and the planning commission both supported the co and has recommendation of both bodies.

>> Mayor Adler: Is there somebody that moves passage of 102? Councilmember Casar moves passage. Is there a second to that? Councilmember Renteria seconds that. Discussion? Mr. Flannigan, you pulled this?

>> Flannigan: Yes. It's a similar bookmark, to use the word, where this is an example where it appears that the request was to do a pretty dramatic upzoning, but really, they're just looking for a couple uses, automotive uses. This is where the minor use permit and conditional use permit process I think becomes very valuable. Nobody is asking to build the level that cs would allow, although I do think it's interesting how much cs zoning surrounds this property between where it is and alarm and Koenig. I'm not entirely sure that I even want automotive uses on this site.

[5:14:18 PM]

And to think about how we would look at minor and conditional use permits, as a policy matter, to say we don't want bond services allowed, generally, or we're going to identify the areas where we want bail bond services, instead of it falling under this -- the way that we do it now, which I think is overly complicated. I'm not entirely convinced this is a good use for the site so I'm going to vote no on the case but I wanted to bookmark that as a challenge.

>> Mayor Adler: Got it. Thank you. Item 102 has been moved and seconded. Any further discussion? Those in favor, please raise your hand. Those opposed? Passes.

>> And closes the public hearing.

>> Mayor Adler: Closes the public hearing, yeah, and we close the public hearing.

>> That concludes all the zoning cases and I do

have -- >> Mayor Adler: Mr. Flanniga N devoted no on this, I apologize. 10-1.

>> That concludes your zoning cases, I have one from 4 o'clock. Item 107, the public hearing in the Marshall creek neighborhood plan, to postpone that to August 9th.

>> Mayor Adler: Any objection to postponing this? It is postponed. We can let staff go after item 108 and 109. We have two speakers for one and one speaker for another. Go ahead.

>> Hi. Item 108 is the public hearing for our fiscal year 2018-2019 action plan as required by the department of housing and urban development. As you know, the action plan summarizes programs, activities, and resources, to address our affordable housing and community development needs and to make data-driven investment visions. The rca for this particular item noted that in anticipation of the community development commission holding their public hearing this past week, they actually did not -- were not able to hold their public hearing because they were not able to make a quorum so we will be rescheduling that public hearing for July and either at their regularly called meeting or a special called meeting, to have that complete before the action on the action plan, which comes to you at your first meeting in August.

[5:16:37 PM]

>> Mayor Adler: Okay. So all we're doing today is just holding the public hearing.

>> All we're doing on 108 is hold the public hearing.

>> Mayor Adler: Sounds good. We have two people signed up to speak. Is Stewart Hirsch here? Why don't you come on up and speak. Is Gus Peña here? Mr. Hirsch, you're our only speaker.

>> Thank you, mayor, members of the council. I recommend that you did you want the draft action plan of 2018-2019 prepared by neighborhood housing and community development. While recognizing that we do not have answers to the following questions about sufficient funds in the proposed city budget to achieve housing blueprint goals next year. Number one, where's the funding to repair 600 income-restricted owner occupied homes? Two, to repair housing if flood occurs, as in the past. Three, funding for restricted home ownership and rental housing to achieve goal of net new housing units or 500 new units a month for ten years. Number four, what will happen with codenext. Number five, what decisions you'll make on the bonds. Number six, how much property tax revenue are we going to put into the housing trust fund this year when the budget is proposed. Seven, extremely important monitoring resources to ensure restricted housing only serves income-restricted households so the promise on who we're going to serve actually gets accomplished. Eight, cad logging, number of housing Mueller required to be income-restricted initially and now are no longer going to be required to be income restricted because the affordability period has expired, and the same thing in the university neighborhood overlay. The action plan won't address that. It provides partial funding no achieve our goals, but as you head into budget after recess, those issues will be before you, as will adoption of the action plan. I just wanted to show up and highlight that for you. Thank you very much.

[5:18:39 PM]

>> Mayor Adler: Thank you very much. Mr. Peña is not here. Is there a motion to close the public hearing? Councilmember Garza makes the motion. Councilmember Renteria seconds it. Any discussion? Those in favor of closing the public hearing, raise your hand. Those opposed? It's unanimous with councilmember Casar off the dais. Now that gets us to item 109. >>

>> Mandy de mayo. This is to consider a resolution related to an application being submitted to the Texas department of housing and community affairs for low-income housing tax credit application. The application is being submitted by lih walnut creek. This is for the acquisition and redevelopment of 598-unit affordable housing development located at 6509 Springdale road. I believe we have one speaker.

>> Mayor Adler: We have one speaker. It's Mr. Peña. Is Mr. Peña here to speak? The answer to this is no. Is there a motion to close the public hearing? Ms. Houston.

>> Houston: Before we do that, mayor, did you say rehabilitation?

>> Yes.

>> Houston: Okay. Acquisition and rehabilitation of an existing 98-unit complex, and I should note that a representative of the applicant is here, if you have any questions that we cannot answer.

>> Houston: Mayor, I'd like to move to close the public hearing.

>> Mayor Adler: Are we taking action on this item or just --

>> Yes.

>> Mayor Adler: So it's toe approve the item.

>> That's correct. There's a resolution that has four different items wrapped into it.

>> Mayor Adler: Is there a motion? Ms. Houston makes that motion. Is there a second? Mr. Renteria seconds that any discussion? Those in favor, please raise your hand. Those opposed? It's unanimous on the dais with councilmember Casar off. That also passes. All right, councilmembers. We have a few more minutes here, ten minutes.

[5:20:39 PM]

We still have to consider tonight a bond, we're just taking testimony, item 56 is the anti-lobbying ordinance. We have item number 65 which is the stipend issue. Counsel, I've handed out an amendment that goes to the things the chief told on us Tuesday were operational. I saw an email that may have addressed the costs associated with those two items, as opposed to the whole bunch of items. Councilmember pool?

>> Pool: You're probably going down the list, but I want to just draw attention to 111, which is simply to set -- we're just setting the public hearing for June 28. That's what item 111 would be.

>> Mayor Adler: Okay. Item number -- the items that we have left are criteria, items 17, which is bond, 56, anti-lobbying ordinance, 65, which is the stipend issue, 67 -- no, we took care of the -- 67 and 68 so

that gets us then to 73. 73 is -- 73 and 74 are Mr. Casar's two items, and then we have item number -- 73 and 74. I think those are the only items I see. You saw an item -- oh, I'm sorry.

>> Pool: This is the one to broadmoor.

>> Mayor Adler: Broadmoor is just 111, setting a public hearing --

>> Kitchen: That was on consent, I thought.

>> Mayor Adler: That was approved on consent.

>> Pool: Oh, excellent.

>> Mayor Adler: Yes. 111 was approved on consent.

>> Pool: Even better.

>> Mayor Adler: And did we take care of 113 as part of the zoning items?

[5:22:43 PM]

That was on the addenda? So I assume we took care of that too. So the only things that we have left are 17, 56, 65, 73, and 74. All right? So we're going to start off on the bond deal. We have a couple minutes here. See if somebody's here that wants to talk to us about the bond. Is Jacqueline anhet here? Is John Rooney here? Come on down.

>> [Off mic]

>> Mayor Adler: Why don't you tell the clerk. Okay. [Inaudible] Will speak. Go ahead. Ms. Angel. Go ahead. Is there a speaker -- microphone? Try again.

>> Okay. Good afternoon, mayor, mayor pro tem tovo, and city council councilmembers. I've been on the UT Austin faculty at the lbj school and department of sociology for almost 30 years. During that time I've been conducting research on health and home and community-based care arrangements of low-income seniors. That has culminated in my latest project. Young, hip Austin is getting old, a new experiment in dealing with the challenge. I'm requesting -- for which I'm requesting support of a capital improvement bond. This capital bond would fund renovation, a one floor of the city-owned rbj health center located at 15 waller street and would address a serious and growing problem in Austin. As you all know, the city's population is becoming older and more diverse with an increasing need for health and social services co-located with affordable senior housing.

[5:24:46 PM]

This need is particularly present in the neighborhood of 78702, and that zip code and eleven other zip codes that are surrounding the rbj health center, which is adjacent to the Rebekah baines Johnson

center for independent living. This neighborhood has a high concentration of low-income seniors. It's clear that the Austin senior population is outpacing existing health and social capacity, making it difficult to successfully age in place and grow old in the community with dignity and respect. Our report highlights residents' concerns and what they need and what they're unable to get. That service gap requires bold and innovative ways to serve the most vulnerable. Our proposal is to renovate the rbj health center, one floor of it, which would address the unmet health and wellness needs in this high need community. This new care model consists of multigenerational community center that uses best practices and geriatric care, adult and child care, all in one place. Our pro Forma estimates the center will serve 6,000 seniors and that's a conservative estimate because we know there's more seniors above the 200% of the federal poverty line that are needing these services. We also found that the city cannot do it alone. Private foundations and nonprofit providers are critical and have already submitted letters of commitment and support for this project. They -- and so just let me end by saying that there's a great deal of enthusiasm for this project. Austin is poised to confront this challenge. When I arrived here many years ago, we weren't ready. But the main reason for this is that a public/private initiative of this sort, along these lines, will address issues of affordability, access, and quality of life for a significant number of seniors and vulnerable children.

[5:27:07 PM]

A \$3.8 million cap on investment would also further the commitment to fostering an age-friendly city.

[Buzzer sounding]

>> Thank you for considering this bond request.

>> Mayor Adler: Thank you very much. Mr. Wallace, you have five minutes with donated time.

>> You're in luck. I'm not going to take five minutes. Good evening, council. My name is Collin Wallace. I'm a 30-year austinite. I'm the CEO of the Austin parks foundation. I represent about 15 staff members, 20 community board members, about a hundred park adopter groups, and roughly 10,000 volunteers a year. What we're here today to ask is that you support the current bond election advisory task force and city staff recommendation for parks in the upcoming bond. We believe the task force conducted a transparent, thorough process with 13 meetings, 66 working group meetings, 8 interactive town halls, and four listening sessions, all open to the public, and we applaud the effort. For those of you that spend as much time in parks as I do, you know that they are in dire shape. Our parks department has been underresourced for way too long, and we are fortunate to live in a city that has a number of groups like the Austin parks foundation and the trail foundation and the shoal creek conservancy -- I could go on and on -- because people in Austin love parks. We're asking to you put your money where your mouth is when it comes to parks and support your staff and the task force recommends. Recommends -- recommendations. We believe Austin has supported parks measures at the polls in droves. We ask that the task force recommendations make it onto the bond as is. We would not be sad if you made it even more, but we're wholly supportive of that and hope you will be, too.

[5:29:13 PM]

Thank you very much.

>> Casar: Mr. Mayor?

>> Mayor Adler: Yes.

>> Casar: Quick question.

>> Mayor Adler: Hang on a second.

>> Mr. Wallace, thanks for your work and for the parks foundation's work. I think one reason off many that I really appreciate the work y'all do in the community is your focus on park access and park equity. And so are y'all supportive of the idea of -- showing that the parkland development money and acquisition money isn't line-itemed out, so, if the voters approve this make sure that whatever list of park investments we're making, equitably make sure that other parts of the city, like many parts of my own district that don't have access to parks, that we're repairing some of the past inequities in park access?

>> Yeah. Absolutely. And I know a good chunk of the money is to go towards acquiring parkland in historically underserved and currently underserved parts of town, as well as parkland-deficient areas of town, which unfortunately are all too common. So, yes, we're absolutely supportive of that. We do hope that the way it's presented gives the parks department some flexibility because as we've learned historically, a project that we want to happen may not happen, and we do support the ability for them to have some flexibility in spending that money.

>> Casar: Great. I do think that flexibility is important too, so we're not debating here on the 28th specifically whose parks are getting which chunks of money, but instead, those larger line items, which are large, and I support them being large so that we can sort out how to make sure that spends equitably after it passes, hopefully. Thank you very much.

>> Mayor Adler: Okay. All right. It is 5:30, colleagues. We have five items, about 160 speakers between the five items. I think that there's probably some cross-over of them, but obviously 160 speakers at three minutes each would have us here for a really long -- 7.8 hours?

[5:31:24 PM]

Thank you, mayor pro tem.

[Laughter]. So as we said, we're going to try and take the ones we have to do action on first. We're going to move to item 65, 73, and 74. If there's a way for people to combine or limit testimony, we would appreciate that, given the fact that we have almost 50 people signed up to speak about the bond, and we have the lobbying ordinance to come up. So maybe after dinner people can figure out if there's a way to help us with the evening. Yes, councilmember kitchen.

>> Kitchen: It might be helpful to just remind people that they can also speak on the bond next week if they prefer.

>> Mayor Adler: Yes.

>> Kitchen: Not next week, but the 28th. Sorry.

>> Mayor Adler: Yes. In two weeks. There's not going to be any action on the bond tonight. People also have the option to speak. We had said we're going to try and take speakers before 5 o'clock on the bond. We only got, obviously, three in. I don't anticipate that we're going to stay very late tonight to hear bond speakers. In other words, if we finish by 10:00 or 11:00, I don't anticipate we're going to spend the next three hours listening to bond people speak. Do you want to talk about that?

>> Casar: Mayor?

>> Mayor Adler: I guess just listening to people at that point. Mr. Casar?

>> Casar: First of all, I don't think that it's as long as you described, one, because it drops down to one minute AFL, after a while. Two, 73 and 74, as I said, as long as council indulgence us, people can testify just once and hopefully folks can pack into groups. My hope is that everybody that showed up to speak on the bond that signed up at 2:00 or 3:00 P.M., thinking they're going to get a chance to talk that we don't at 9:00 P.M. Tell them we're not going to give them a chance to talk.

>> Kitchen: Right. I thought it was appropriate to let them know --

>> Mayor Adler: Let's do that.

>> Casar: Of course if they want to leave they can come back on the testimony.

[5:33:28 PM]

28th. If people signed up, I would like to give them a chance.

>> Mayor Adler: I think that's a better thing to do. I like what you said. There's no action on it and if someone -- because we're going to take that up last and if someone is willing to stay, I would stay here to hear them. I think that's a better way.

>> Casar: I don't think it should be as late as it sounded like it would be. It's not seven hours of testimony.

>> Mayor Adler: Mayor pro tem and councilmember Garza.

>> Tovo: I want to clarify the mayor had said at three minutes each. So none of us have done the calculations on the one minute. But I notice, too, 73 and 74 are also -- I believe almost everybody has signed up in favor, so that, too, especially if they group and we take those items together, will likely speed things up. Next.

>> Garza: You said we're taking 65 first. Correct? After dinner?

>> Mayor Adler: We're going to take up 65, 73, and 47. We'll take 65 first, 73 and 74, and 56, then 17 yes.

>> Kitchen: I just wanted to note that we did tell people that we were going to take the bond before dinner and told them we weren't guaranteeing them until after dinner. Now we've left all of them till after dinner so I'm wondering if it might be appropriate to at least take some of them earlier instead of leaving them all till the last.

>> Mayor Adler: I think we're going to do it the same way we did it. It was kind of an "If we can" kind of thing. We anticipated we would be able to do better, but we're going to have to take votes on some of these other items and I think we should get to the votes as quickly as we can. So I'm going to take the items that require votes first. I apologize to the folks with their -- it's kind of like going to the grocery store and your eyes are bigger than your wallet. With that said, it is 5:35. What time do we want to try and come back? It's 5:35. 6:30? We're going to try to come back at 6:30? 6:45?

[5:35:29 PM]

6:45. We'll be back at 6:45. We are adjourned.

[Council in recess]

[5:43:49 PM]

>> Mayor Adler: All right. We have arrived at the best part of city council meetings. For those of you that have not been with us the whole time, we were here about 10 o'clock this morning. Looks like we have about 160 speakers signed up still to go tonight. But I think some of those are double-counted so we won't be here, like, eight hours more, but we'll be here for a while. But we stop every city council meeting and bring in live music because we are the live music capital of the world. That's right.

[Cheers and applause] And sometimes live music reflects Austin more than other times. But you just never know what's going to be the treat that we have. But it is always a celebration of music in this building during council meetings. Tonight we have with us rabbi Misha ben-david. Rabbi Ben David has been a performing musician for over 40 years, having been first influenced by the British invasion bands of the '60s and the early '70s, like the beatles and the rolling stones and badfinger. He later latched onto a variety of styles and taste in the '70s and taught himself to play the electric bass, after which he was recruited into a youth gospel choir just in time to tour Japan in 1972. He then converted to reformed judism in the year 2001 and has been studying both traditional and modern jewish music since. In 2012, he graduated and has been writing and performing both jewish and secular music since then.

[5:45:51 PM]

He currently has a counseling practice that focusing on addiction and addicted family issues. Please join me in welcoming rabbi Misha ben-david to the council.

[Cheers and applause]

[♪ Music playing ♪]

[5:49:02 PM]

[Cheers and applause]

>> Thank you.

>> Mayor Adler: So rabbi, that was great. Thank you. So you do counseling. Do you do music as part of the counseling?

>> I do. I do music therapy.

>> Mayor Adler: Okay. .That would make sense. If someone wanted to find you, somebody watching or here today, do you have, like, a website?

>> I do. Recoveryrabbi.net.

>> Mayor Adler: Okay. And on recoveryrabbi.net can they find the music?

>> No.

>> Mayor Adler: They have to go see you. So this would be like a teaser moment.

>> If they want to come see me and listen to my music, I can arrange that.

>> Mayor Adler: Okay. That sounds good. Well, thank you so much for the gift of being here, and I have a proclamation. Be it known that whereas the city of Austin, Texas is blessed with many creative musicians whose talents extend to virtually every musical genre, and whereas our music scene thrives because Austin audiences support good music supposed by legends or local favorites and newcomers alike, and whereas we are pleased to showcase and support our local artists, now, therefore, I, Steve Adler, mayor of the live music capital, do hereby proclaim June 14th of the year 2018 as rabbi Misha ben-david day in Austin, Texas.

>> Thank you so much.

[Cheers and applause]

[5:51:48 PM]

>> Thank you to the people at St. David's hospital who helped me recover from a stroke two years ago.

>> Tovo: I'm mayor pro tem Kathie tovo, I represent city council district 9 and it's my pleasure to present the following proclamation to Joi harden. I want to invite the district 9 team and anybody else who wants to come up and join me up here.

[Cheers and applause]

>> Tovo: And so this is a surprise for Joi. Let me just say one of my colleagues suggested maybe she could do a substitute resolution saying you couldn't leave city hall so we'll see if that one comes forward. A long time ago, probably 2003 or 2004, I found myself down at one Texas center asking questions about a project at Bouldin creek. It was my good fortune to be assigned to staff member Joi harden. I was just immediately impressed by her professionalism and endless energy. If you know Joi, you know what I mean by her endless energy. She sat with me, reviewed the details, she went, pulled in other staff to help us. Then after I left, she stuck with it for days, and when she didn't of information she would call and just leave a message saying, you know, I haven't forgotten, and she did that until the issue was resolved. Through the years since 2011, hundreds of austinites have experienced that same Joi energy. She works tirelessly to get to the bottom of any issue she tackles and she'll track down anyone she needs to resolve an issue on behalf of the public she serves. No matter where they are or what else they might be doing, if she needs an answer, or a piece of information for a constituent, Joi will get it. She can often be found in her office upstairs here in city hall until 6:00 or 7 o'clock at night, returning constituent calls and emails, and she's come up with creative solutions for all kinds of issues from preventing a strip club from opening on congress app to shepherding through city hall through council, a complicated batch of resolutions related to property tax reform and the homestead exemption.

[5:54:11 PM]

And on multiple occasions, she has walked into rooms where people are in disagreement, and with her customary professionalism, and sometimes with an appropriate agree of firmness --

[laughter]

-- She's helped them reach reachamicable resolutions. Peer so fortunate that Joi has chosen to make her home here at the city of Austin. In 2011 when Joi left the planning and zoning department to join my staff at city hall, and I had conversation with one of Joi's colleagues. I can still remember the tone of his voice as he acknowledged that Joi's move to city hall would be great for her and great for me, but pretty tough for him. Now I know just how he felt because all of us at city hall are going to miss Joi terribly, and I will especially miss her because I've appreciated every day I've gotten to work for her. But I'm so excited that the city of Austin and the planning department will benefit from her endless skills and expertise. She's going to be a terrific division manager and any other role she seeks beyond that one. On behalf of the city council, it's my privilege, Joi, to present you with the distinguished service ward and the proclamation. All of us on the district 9 team felt strongly that you needed your own city of Austin day so we did a proclamation. Thank you for your past service and we wish you the very best in your new position.

[Cheers and applause]

>> Tovo: So, -- so be it known that whereas Joi B. Has had harden is a fourth generation austinite who worked tirelessly for her community to understand a transform Austin, Texas into an equitable, just, thriving city, serving as senior planner in the planning and zoning employment, she joined the office of Kathie tovo where she consistently applied fearness, truth, and exacting review to all policy areas, planning and zoning, audit and finance, economic development, and public safety.

[5:56:20 PM]

And whereas in her role as senior policy advisor, Joi helped positive change in other critical areas, property tax reform, equitable and transparent hiring practices at the city of Austin; and whereas throughout her time at city hall, Joi has demonstrated her fearless, unwavering courage to bring parties together to find common ground and find resolutions to even the most complicated matters facing the city council; and whereas Joi has been a passionate and powerful advocate for creating affordable housing for Austin families, supporting local, enduring businesses to become engaged and Austin employees in creating opportunities for their advancement, and whereas Joi's leadership extends beyond city hall to black Austin Democrats, and the Travis county democratic party, and in 2016 she received a prestige award from the Austin naacp for achievements in advancing equity in our community, and whereas Joi demonstrated a deep concern for her fellow austinites each day through her work at city hall, and left -- I, therefore, Kathie tovo on behalf of mayor Steve Adler do proclaim June 14th, 2018, it is a Joi B harden day in Austin, Texas.

[Cheers and applause]

>> Well, thank you so much. I told Kathie not to do this, so I have no prepared remarks but I just want to say thank you, everybody, thank you so much, to to Ashley, who I work with and I after work partner, and my best aggie friend who has to text me the scores of the aggie games, and Shannon, I can just say is my sister.

[5:58:31 PM]

She and I were Kathie's first hires. I know you can see the family resemble -- we're a team. One thing I'll just say quickly, Cathy mentioned when she met me way back in residential review, quite some time ago, a lesson to always be nice and work hard because you never know who your future boss may be. And I remember meeting Kathie then, and I knew I could tell her intelligence, her passion. We were working on historic items, since we just had a resolution today, everything always comes full circle, but I knew then and all the years later when I moved to zoning and she was on the planning commission and asked me real tough questions, so we're going to make sure she doesn't ask me those tough questions when I go over to the staff side. But -- and then later, when I began to work for her, all the wonderful things I knew about her, they were just full circle. I don't have an extensive enough vocabulary to say all

the good things I can say about Cathy. Before Michelle Obama coined the phrase, when they go low, we go high, Kathie exemplified that all the time. She's taught me so much. I thank you for supporting me, believing in me, trusting me, and giving me this opportunity to serve the city. And as one chapter closes another one opens and I'm really looking forward to my new opportunity. I know Greg and Jerry and the team had so many smart, capable, talented people from whom to chose and they chose me. They made a good choice, but -- [laughter]. But I take that very seriously and I thank them as well. And the last thing I'll just say is that Kathie mentioned my award from the naacp, receiving the dewittty Overton award in 2016.

[6:00:34 PM]

And my father was there and he said if your mother was here she would be dancing on this table, she would be so proud. Well, I lost my father four or five months later. It's been almost a year and I have to say I believe both my parents would be proud. Thank you, everybody.

[Applause].

>> Flannigan: Hello, everybody, my name is Jimmy Flannigan, city councilmember in district 6. But I'm also the chair of the judicial committee for the city council. And we had such an incredible experience working through our municipal judge reappointment, appointment and reappointment process, and I wanted to take this opportunity to thank our judicial review committee members.

[6:02:37 PM]

These citizen volunteers that stepped up, stepped up in a very short time frame and a very compressed effort, many hours of work, much faster than we should ever ask this committee to do its work again in the future. And yet they did it with grace, they did it with substance. Their input to the committee and to the council was invaluable and I believe we made some pretty spectacular changes to our municipal court bench. So I want to thank all of our review committee members, some of whom are here today. And I will read the distinguished service award that we are presenting each of our committee members. With deep appreciation, gratitude and respect, we recognize these committee members for their generous dedication to the citizens of Austin, Texas through their service on the 2018 municipal court judicial review panel. This certificate is presented in appreciation and acknowledgment on June 14th, 2018. With that I would like to ask Cindy Williams to speak on behalf of the committee.

[Applause].

>> So I'm going to try to keep this short, but I want to start by thanking the councilmember for giving us this opportunity to be a part of this very important process. The vast majority of austinities when you have interaction with our criminal justice system it is through the municipal court. And this is a place where juveniles often times see their first curfew violation or failure to -- truancy issues. So the role of the municipal court in shaping Austin is extraordinarily important. And the councilman gave us this

opportunity to review those -- the current judges and replacements, and we were provided with an abundance of information thanks to judge statman and her administrative staff.

[6:04:50 PM]

And we had quite a few organizational leaders that participated in this process that are truly reflective of our criminal justice system and I'd like to actually introduce them. Bettie Blackwell with the capital area private defender service. Amber Vasquez Bodie, whose name precedes itself. Margaret Kerr Cher with the asian-american lawyers association. And Amy merk with the Texas defense counsel. And it's these individuals who continue to volunteer their time and service to ensure that Austin's values are preserved in the municipal judges that serving. Thank you.

[Applause].

>> Flannigan: So on behalf of myself and the mayor and my fellow committee members, councilmembers Garza, pool and car is a, I want to recognize the folks who are here today as well as the committee members who weren't able to make it today. Bianca Benson, Kelly Bailey and Aaron Mueller. So amber, could you come and -- your certificate.

>> Thank you.

>> Flannigan: And Sydney, one for you. Here we go. Bettie, thank you. Emily. Margaret. All right. I've got the other ones for the folks who are not here today. Let's get a photo. Thank y'all so much.

[Applause].

[6:07:34 PM]

>>>> Garza: Good evening, I'm Delia Garza. I'm the councilmember that represents district 2. Austin has a lot of leadership groups. I remember when I was deciding whether to run for council or not, there was one in particular that was the one organization that you should go be a part of to gain leadership skills if you wanted to be on the Austin city council. And it was not something that I could financially afford. Luckily I was able to run a successful city council campaign and not happy to have gone through that program. So I'm so grateful to have seen new programs pop up that are specifically targeting diverse leaders, new leaders, leaders that are looking at Progressive issues. And so I'm here today to read a proclamation for the new leaders council. Be it known that whereas the new leaders council is a nonpartisan, non-profit organization that engages a diverse collaborative national network of Progressive political entrepreneurs and whereas nlc is building a core of new Progressive leaders who will rise to the top of their fields and work together across sectors to build, expand and improve the Progressive infrastructure necessary for strong democracy, social justice and equal opportunity. And whereas the Austin chapter institute students attended a rigorous five-month training program that focuses on entrepreneurship, advocacy, organizing and fund-raising, I on behalf of mayor Steve Adler do

hereby proclaim June 14th as the new leaders council Austin chapter. And congratulate the 2018 institute graduates today, who some of them are here with us today. So congratulations. Thank you for participating in this program.

[Applause].

>> I'm Virginia, and I'm the chapter director of new leaders Austin council. New leaders council is the hub for millennial Progressive thought leadership.

[6:09:35 PM]

And we're here today celebrating the graduation of our 18 fellows from this year's program. It was a rigorous six months. They learned about topics such as campaign management, polling, fund-raising, anti-racism, policy, you name it. All these skills that you need to successfully implement and advocate Progressive policy in our cities, in our state, in our nation. Our fellows are selected from many applicants and we're looking for people who volunteer in their community, who have identified real world problems that they want to solve and want the tools to be able to implement the changes that they want to see in this world. These are fellows. They have done a great job these past six months and we're very proud of them. Thank you.

[Applause].

[6:12:07 PM]

>> Mayor Adler: You know we have 14,000 people that work here in the city of Austin to help ensure that the quality of life for the people and the residents of this community is as high as they can possibly be. And we have people come in here all the time because we do a good job of that. And we're here today to recognize some of Austin's own that are a big part of maintaining the quality of life that we want in this city. And to that I have a proclamation. Be it known that whereas everyday nearly 300 Austin resource recovery collection trucks hit the streets of Austin to collect trash, recycling, compost and yard trimmings from more than 197,000 homes. And whereas Austin resource recovery employees promote programs and initiatives that support the city's zero waste goal and provide citywide services such as street sweeping, dead animal collection, bulk item collection and special disposal options at the recycle and reuse dropoff center. And whereas more than 460 Austin resource recovery employees work to make Austin a cleaner and safer place for residents and visitors now and for future generations. And whereas June 14th is designated as national garbage man day in the city of Austin -- and the city of Austin wishes to recognize the men and women who contribute to this important work in our community. Now therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim June 14th of the year 2018 as sanitation worker day in Austin, Texas.

[6:14:11 PM]

Thank you.

[Applause]. This is Sam Gilbert, who is a supervisor in the department.

>> Good evening. On behalf of the employees here at Austin resource recovery and our director, Mr. Angori, mayor, city manager cronk and the members here, we happily accept this award with great appreciation. Each one of these men and women bring something to the table that embodies the values of Austin resource recovery. When you came to work this morning, if you entered the council and you walked around the outer area of this city hall, ruby standing here with us is one of the employees that was out here this morning cleaning that area. If it came down to a situation where you had lost a bit and needed it collected, Rodney was the individual that came to your house to collect it. And so whether it was Rodney or ruby or Jason or Mr. Wright or any of the other individuals that are standing before you today, we embody everything that Austin resource recovery has to value for its employees and for the citizens of Austin and for the city as employees. And we want to continue to provide that great service, so we thank you for this award and we cherish it with all our hearts. Thank you.

[Applause].

[6:17:27 PM]

>> Kitchen: Hello, everyone. I am councilmember Anne Clark from district 5 representing south Austin. I am very honored today to -- and excited about the opportunity to recognize some very special people in our community. They're with "We are blood," which is our local blood bank. And as their van says out there, your donation doesn't travel far, but it goes a long way. This is also very special to me. They were very helpful to us a number of months ago to help us organize a blood drive for a very special person in our office and we thank y'all so much for that. So I'm honored to read this proclamation. Be it known that whereas June 14th is world blood donor day, a day celebrated by the world health organization, and whereas we are blood is our local blood bank and the provider and protector of our community's blood supply since 1951. Around whereas we are blood collects and our local donors give over 200 blood donations everyday. That's 200 everyday, to meet our community's needs. And whereas we celebrate this worldwide day in our own special Austin day by acknowledging that while all of our local blood donors are different blood types, by donating blood with we are blood, they are all type local. So now therefore I, Anne Clark, on behalf of Steve Adler, -- Ann kitchen, on behalf of Steve Adler, mayor of the city of Austin and city council, declare June 14th as we are blood local day. And I want to acknowledge Martha Cochran as the CEO.

[6:19:28 PM]

Would you like to say anything?

>> Councilmember kitchen and mayor Adler, thank you so much. It's palpable in this room the feeling of family that all the city of Austin folks feel. I just want to let you know that you are the nucleus of a larger family that we are all a part of this central Texas family. And your family needs everyday. And we thank you for this recognition and I hope it inspires everyone in our extended family to pitch in and take ownership and pride in this precious resource that we call our local blood supply. Thank you so much.

[Applause].

>> I just want to say thank you very much. This does mean a lot to us in the community of Austin to help put the spotlight on all the amazing people that turn out everyday, the 200, to help us save lives. Thank you.

>> Casar: Good evening.

[6:21:29 PM]

I'm Greg Casar. I serve as councilmember from district 4, the district with the most guests and non-citizens who are really just a part of our community of any city council district and I'm proud to present a proclamation for world refugee day today. This is especially relevant given what is happening at the national level concerning refugees here and people seeking help in the United States and I think it sends a powerful statement that here in Austin we are welcoming to refugee refugees. In June there is world refugee day and ahead of the official day where it's being celebrated across the world I'm bringing this proclamation to recognize and thank the providers and organizations that help make Austin a welcoming city for everyone. We have folks here from caritas of Austin, interfaith action of central Texas, refugee services of Texas and more here to accept this proclamation. There are more than 65 million displaced people that have been forced from their homes from across the world or at any time during recorded history with more than 21 million refugees. Millions of refugees regardless of faith or country of origin are making life and death decisions to flee their homes and come to neighboring countries because they're unable to access shelter, health care, education or safety, and when other nations have closed their borders to new arrivals, it is so important for us to change the direction that we're going in and accept more refugees into our nation and here into Austin. So I am proud to present this proclamation, be it known that whereas more than 65 million displaced people have been forced from their homes more than any time in recorded history, including 21 million refugees. And whereas the city of Austin has been an example of a hospitable and welcoming place to newcomers where people, families and institutions thrive and the contributions of all are valued.

[6:23:31 PM]

And whereas organizations responsible for resettling refugees in our community as well as numerous other community organizations and religious institutions have declared their support for resettling

refugees here in Austin and whereas residents of the city aspires to live up to our highest social values of acceptance and equality and to treat newcomers with decency and respect, creating a vibrant community for all to live in. Now therefore I, Greg Casar on behalf of Steve Adler, mayor of Austin, Texas, declare June 16th as world refugee day in Austin.

[Applause].

>> Okay. Thank you. On behalf of Caritas of Austin, Interfaith Action of Central Texas and Refugee Services of Central Texas, I thank the city council and the city leadership for this proclamation and for welcoming newcomers into Austin. As you know the United States has been an international participant in resettling place displaced people from around the world dating back to World War II. In Austin our three organizations collaboratively helped refugees resettle and come into a community that is safe, welcoming and respectful of their human rights. Caritas has actually resettled refugees for 44 years in Austin-Travis County. Refugee Services of Texas has done the same work for 40 years and Interfaith Action of Central Texas for 20 years. Community Sportableters and enhances our work. This proclamation is certainly reflective of that. Thank you again.

[Applause].

[6:59:20 PM]

Test test

[7:05:39 PM]

.

>> In case any of my colleagues are within earshot, we're real close to having a quorum of the dais.

>> Mayor Adler: All right, we're going to -- Mick this back up. It is 7:06. Still June 14. I'm going to say that as many times as I can tonight. We're going to go ahead and start with item number 65, which is the stipend issue. Councilmember Pool, you want to lay yours out with or without my amendment and if you don't, I'll address the amendment? >>.

>> Pool: You bet, mayor. So let cease? What item is that? 72?

>> Mayor Adler: 65.

>> Pool: 65. I'm going to ask for speakers. And I believe we have 30 odd speakers. And the ordinance continues some of the stipends that were not continued earlier this year were then continued and have since expired for the police, thank you.

[7:07:46 PM]

>> Mayor Adler: I have here an amendment, the first amendment to this that the people on the dais have. It's also on the council message board. So anybody can find it and look at it. Also, posted was the letter that we got from staff that told us what the costs of the individual stipends were. He thought two of them were operational. So I have handed out an amendment that only extends those two, which is the shift differential pay and the field training officer pay. The memorandum we got indicated the cost for those was significant can'tly less than all five together. So let's call folks to come in and testify. That want to speak here on this item number 65. We're going to begin with Mr. Moore. Mr. Moore? You have time that's given from David king and Christian caballero, they're both here? Mr. King here? Christian caballero? Is he here? I don't see Christian.

>> She's out there somewhere in the foyer. Ms. Caballero. Or I can get time from a friend back here.

>> Would you give your name to the clerk, please? You'll have -- okay?

[7:09:49 PM]

First 20 speakers get three minutes each, the next get one minute each. You have five minutes, Mr. Moore? Ms. Houston, sorry you're leaving. Thank you for your service. The board chair and director of operations is sick. She's watching. Get well soon. I have something that I think we can all learn and listen to as it comes to this agenda item. Just waiting for him to play it.

♪♪ Met up with the gambler

[playing "The gambler"].

>> It's like a card game. While the union is moving in good faith, you also have to -- you have to know when to hold them, when to fold them. I think Kenny Rogers said it best. I think that -- I think we're in a unique moment in our city with the contract negotiation to where we can actually get a decent contract I'll take the risk of losing street credit to say the union is moving in the right direction. To see more progress we can get almost doesn't make sense. So I want to take a moment to listen to Kenny Rogers with the time I have left to really just understand that you, again, have to know when to hold them and know when to fold them. I don't think this is the time to fold them. I think we can hold out a little longer to get more Progressive things in that contract to have not only the best police department but the best police contract in the state of Texas and the country.

[7:11:55 PM]

If you want to turn it up, we can ride it out with the time I have left.

[Kenny Rogers "The gambler" plays]

♪♪ Know when to hold them know when to fold them ♪♪

♪♪ know when to walk away know when to run ♪♪

♪♪ you never count your money when you're sitting at the table ♪♪

♪♪ you'll be time enough for counting when the dealing is done [note]

♪♪ ♪♪

♪♪ you got to know when to hold them ♪♪

♪♪ know when to fold them ♪♪

♪♪ know when to walk away ♪♪

♪♪ and know when to run ♪♪

♪♪ you never count your money while you're sitting at the table ♪♪

♪♪ there'll be time enough for counting when the dealing is done ♪♪ ♪♪

[buzzer]

[Applause]

>> Mayor Adler: All right, we're going to call the next speaker and it is Collin gray, is Colin gray here?

[7:13:56 PM]

What about mark Mccarty? What about Madeline dedluk? Dudluk? No? What about ashtan jahungry. Okay? Before you start speaking, is Seneca Savoy here? Is she here?

>> Yeah, some of the people are outside.

>> We need Seneca Savoy, Gus Pena, Sanchez, and Eric Cleveland, if those people are here, they should come. I'm doing that -- we're going to run people from both podiums as we go through this. Because if everybody speaks here, we have 160 people to speak, we could be here another five, six, seven hours. So we're going to run people to both podiums. Nobody should feel that it's necessary for you to take the full amount of time. If you don't feel like you need the full amount of time. And we're going to try to keep the applause to a minimum between speakers so that we can keep moving as fast as we can. In fact, we use something during the next hearing. I can't remember what you called it? Jazz hands? So we can move forward and everybody can still see. Have an uplifting moment. Go ahead and introduce yourself. You have three minutes.

>> Democratic socialist of America. We're also big fans of the jazz hands. I'd like to echo what Chaz said and build on it a bit which I think the big city council offered these benefits to the union. They rejected

them. They didn't want a contract. They wanted to go back and negotiate. What we were after as a community when we advocated for y'all to push back against -- or reject the contract was there wasn't enough in terms of accountability and maybe too much in terms of pay.

[7:16:14 PM]

Like councilmember Kast Saar said they're just basic. They're not ambitious. They're baseline measures for what we needed. We don't need to be rewarding, necessarily, the police association for that. I don't know why we need to provide those perks and they are perks, really, for the most part. Outside of the contract negotiation process, that's all I have to say. Thanks very much. Gus Pena? Ken Kast day. Come to this podium. Introduce yourself, you have three minutes.

>> I'm Seneca Savoy. You made the right inference from the shirt, I also firmly believe that the council has made the correct move earlier in rejecting the contract. And that we're making a statement on this ordinance on what is normalized whether we're going to normalize labor relations or normalize oversight. This is not something that puts together the specialty pay outside of the contract a certain level of civilian oversight or funds in the offices directly related to that. It's merely getting that normalized waiver relation without concession. I'm very sympathetic to labor. I'm in an organization about labor organizing, we have compelling interests. Separating those two things out from each other, fundamentally, we can bargain the position without prioritizing the demands of the community. If we had a package that both gave the specialty pay and normalized some means of oversight, that would be something, right? You have a status quo that had concessions built around public demands. As it is, it seems one sided and strategically weak.

[7:18:14 PM]

I think we can do better. Thank you.

>> Thank you. Is Justin Barry here? You gave it to someone else? Would you like the clerk to know? Suzanna Sanchez? Mr. Cassaday? >>E I'm here to talk about the spy tends to the men and women of the police department. All of the stipends are important but the majority of you do not support the returning of the stipends. After hearing the testimony, it's obvious it's important to the operations of the police department to maintain the shift differential and the cycles. We've been negotiating with labor relations for the past three months and are making fantastic progress. We're making such good progress that labor relations and city management is in support of the return of stipends, management believes this because we have bargained in good faith and the association has an 18 year history of negotiating in good faith in the city. Some said we cannot support the stipendses because the association should have taken the one-year deal. I have a copy if you'd like. All I heard talked about is the 1.25% one-time lump sum payment. I don't know if y'all are aware, but the changes though the promotion system which we disagreed with were also in that. And there was also a one-year deal did not include the return of the association and members' ability to sell back their 1700 hours of sick leave.

The cut in pay is going to try to retire up to \$50,000. The one year offer was looked down by members of the act vast committee who don't want to see the oversight. The council will be approving a much deserved \$30,000 to \$50,000 pay raise for cheap manly. If we don't pass this agenda item, it will continue to decrease the pay for the police officers who put their lives in danger to catch the Austin bomber and put their lives in danger every day to protect the citizens of Boston.

[7:20:29 PM]

Thank you.

>> Mayor Adler: Thank you, Eric Cleveland? What about Thomas Villarreal? Is he here?

>> Would anyone like the one year agreement. Talking to counselors individually, they didn't know those other parts were part of the one-year deal.

>> If you can send it out to everybody, that would be good. Going down the podium. You go ahead. You have four minutes.

>> Good afternoon, council. I'm Suzanna Sanchez. I've been a police officer for three years. I joined the APD immediately after earning a degree and served on patrol since. I want to shed the light on the importance of reinstating all police, especially patrol stipends. I won't talk about what it means to officers because we covered it ad nauseam on the last vote. Why they offer financial gain to the city and most importantly guarantees the safety of all of our community members. Young professionals in today's job markets work multiple jobs before settling in a career and this places onus on companies and organizations to ensure that those employees stay in that organization instead of leaving elsewhere and taking the investment elsewhere. The same is true for police departments as we struggle to do the same. So let's talk about the costs versus the benefits of working in Austin as a police officer. I'm going to talk about the costs first. Police officers have evolved from being the keepers of the peace to wearing countless hats. Today's company not only expects us to arrest criminals but they demand to be first in mental health, that Bebe athletes, expert marksmen, social workers, diplomats, and even psychologists at times. We should respond to calls, calmly gather information, confront criminals without fear and resolve conflicts while wearing a smile and impeccable uniform. Then when things turned ugly, you guys still expect us to keep it pretty.

[7:22:33 PM]

We accept the challenge and officers like me spend countless hours off duty perfecting the art of policing, we don't do it out of ego, we do it because we believe in the city. Some of us become overly cynical. That's because we're lucky. Some of us develop depression, some of us PTSD, some of us commit suicide. In the face of the mounting costs for the profession, what are the benefits? We get a great deal of salts faction from the work we do every day. While this is awesome, we can change many worlds, the fuzzy feelings don't pay the bills, guys? They don't pay my mortgage, they don't pay my

student loans or any stick child's medical costs. And today's day in age when the investment to become a police officer is so monumental, applicants are expecting to be financially renoon rated for their skills and time. Austin is seeing how officers are weighing those costs. I personally know nine police officers who have either quit because of contract failure in December or on the verge of quitting. You may think those nine mean nothing. Let me put it in perspective. A few weeks back, it was reported by KATV that while the city had saved in negotiations between AFD, APD, and ems, very 750,000. Those nine police officers, assuming they only made it to probation and they never worked overtime cross. Two police officers are gone, that's a loss to the city of \$1.7 million. There went your savings. I make my final point. Attempting to save money is not only unwise, it's fiscally irresponsible and structurally unsustainable. Austin ranks as one of the top 25 fastest growing metro areas in the country outpacing las Vegas on a percentage basis.

[7:24:34 PM]

Population growth brings in money and innovation, but it brings a host of problems that come with the human experience. Crime, grief, medical problems. It can take ems 20 minutes to arrive in parts of the city because there are not enough ambulances. I have seen service calls holding between 6 to 8 hours because we just don't have enough officers. With this in mind, I would like for you to be true leaders and invest in the Austin police department. Thank you for your time.

>> Thank you. Are you Villarreal or Cleveland? What's your name, sir?

>> Eric Cleveland.

>> Is Thomas Villarreal here? Okay. Great, the next speaker, Ryan Pollock. Okay, Mr. Cleveland, you have three minutes.

>> I worked for APD for the last 15 years and I moved here 15 years ago for that purpose. I lived inside the city limits for the entirety of the 15 years and paid a little over \$50,000 in property taxes for the last 12 years owning a home here. I cherish living inside the city. No secret that home -- I don't live in a ritzy neighborhood and I don't live outside of my means. I have live in councilman Renteria's district for 13 of the 15 years. I could have used in Buda, Kyle, San Marcos, like so many of my friends and co-workers. Many have tried to get me to move outside of Austin because it's so much cheaper. I chose to stay in district 3 because I love the culture, the environment, the proximity to downtown and all of the various work assignments I held in the last 15 years. When I said I don't live above my means, I mean as a single person, I live off of my income alone.

[7:26:37 PM]

I don't rely on overtime to pay my bills nor should I be expected to. And I don't buy things I can't afford. For 10 of the last 15 years, I brought home to cover my mortgage, car payment, groceries, and other living expenses because I chose to buy a house in Austin. Inside the city limits with a booming housing

market. I can save \$750 a month if I move to Buda or Kyle. Because I'd pay less for a home and less in property taxes which brings me here. I was able to sell my home recently one month after the contract expired. Now I live in an apartment. Still in district 3. And an opportunity has presented itself to put a contract in on another home in district 3. So I put the contract in and now we don't have the stipends and I'm losing \$450 a month in stipends. That's money I don't have now when I budgeted to put a contract in on the home. I should have held off on making any major financial decisions in the next two years until we settle down with the contract negotiations. But it's not reasonable to ask your employees to do that. However you look at it, the \$450 for me is a car payment or a quarter of the mortgage that we pay to live inside of Austin. Remember I, I live off of my income alone. Have the income if last 15 years is enough to make me cancel the contract on my new home and move outside of Austin to another tax base and give them my tax money.

[7:28:37 PM]

>> Mayor Adler: Thank you. So after Mr. Villarreal, Ryan Pollock. And then Fatima Mann is next. Is Fatima here? She needs to come in. Go ahead.

>> Good evening, Mr. Mayor, councilmembers. I'm Thomas Villarreal. I'm the vice president of the Austin police association. I serve as the vice chair of our negotiation team. I come here today representing over \$1800 of your em -- 1800 of your employees, men and women who work across this great city. I'm here to ask your support on item 65. We're all actively negotiating a new labor contract with the city's labor relations office and we're making great progress. It's the position of the Austin police association that a long term contract is in the best interest of the community, the city, and our officers. In February, stipends were put back on the table and were approved and we appreciate that. It's believed of the Apa that by reinstating the stipends, we're actively engaging in good faith bargaining, this council can send a message to your employees that you value them, you value your time, and you value their commitment to serve the city and the community. I think that at times we forget the men and women we're quick to thank in time of crisis are y'all's employees. Many were recruited to come here from other places with the stipends included in part of a compensation package to punish these men and women by continuing to take money out of their paychecks is unnecessary and wrong. It's not how you would like to be treated by your employer and the city does not treat any other employee group this way. The hardest hit people in our department are the men and women who have recently begun their careers at APD. Almost half of the men and women not promoted out of the rank of officer have five years of service at the police department.

[7:30:40 PM]

Many of the men and women still work patrol and do so on evening and night shifts. The loss of the stipends has been devastating for some of these families. In closing, I would like to ask for your support

on item 65 on behalf of over 1800 of your employees. Our team is making great progress as we work through the good faith negotiations. Please make your employees whole. Thank you for your time.

>> Thank you. Mr. Pollock will now speak. Fatima Mann donated time for two people, Monica Guzman here? No? Is Amanda Lewis here? No. You'll have three minutes when your time comes. Go ahead, sir.

>> Was that guy telling a sob story about his finances, one of the highest paid public officials in the city in are you kidding me? I'm an electrician. My survival rate is only slightly lower than theirs and I only make a quarter of what that guy makes. Anyways, ladies and gentlemen, the city council, another officer spoke of all of the hats they have to wear in the city and all of the stress and doing all of the things we expect of them. The fact is we often ask too much of the men and women. We can't reasonably ask any amount of training or pay to compensate for what we demand of them. It's impossible for any one person to be able to do all of these things correctly and effectively. We need to stop investing and asking them to do more and investing in specialized occupations. Invest in EMS and social workers.

[7:32:43 PM]

Things that are less controversial. People that end up with less people dead in the system. Let's stop sending people to jail. Thank you.

>> Thank you very much.

>> Donating time. I think someone else is giving me their minute. So --

>> Mayor Adler: Okay --

>> All the humans feeling good today.

>> Mayor Adler: Hang on one second. Did you get donated time. So after Fatima speaks, is Sarah Black here? Is Sarah Black here? Come up to the podium. You'll speak next. You have four minutes.

>> I have five, no?

>> It's one minute donated time.

>> Cool. Okay. Hi, good evening, everyone. My name is Fatima Mann. I'm a co-founder of the Austin -- coalition and community advocacy and healing project. Many of you know that I have had my quarrels with the police and transparency and accountability. I've also sat at the table of the contracting process that a lot of people are talking about. I've been in the room. I've been mad and yelled and screamed. But I think that a lot of time people come to this dais or come to the podium and forget about humanity. We forget about we're talking about people who are doing a job and we are asking people to take a cut in things. Now, do I think that all of the specialty pay is something that police earn and deserve? Absolutely not. The only thing I think they should get is shift differential. Why? Because I'm a human that has had a job that has had shift differential. I'm a human that understands taking hundreds and possibly maybe thousands of dollars out of people's mouths is not something that I would want something to do to me. And especially with those humans not being at the table to have real conversations.

[7:34:45 PM]

Do they deserve \$500 for clothing allowance? No. Do they deserve \$150 for certain things? Absolutely not? Can we talk about for one moment you're asking humans to do a job that they're no longer getting paid to do, they signed on to do. And a lot of them have to do shift differential. I don't know if everybody is familiar with the portion that people consider specialty pay. I don't think that there should be a mental health officer training for 40 hours. I think we should take all of that money and look at hiring police officers who have backgrounds in psychology and social work and are able to deal with those things instead of trying to put 40 hours of training into police officers that's not really going to -- it's not going to help. Because 40 hours isn't enough to give them the background to be able to identify issues with people. So let's be innovative and take money away from training so we get officers who have degrees with those experience to do that work. I also think that if we're not looking at all of the people that work for the city as human beings and what we're asking to do in terms of their quality of life and family, then you're using a part of the community, that's a community. Once again, everybody Knowles I'm not for police officers in the literal sense of them not having accountability and transparency, but I am for humanity, I am for us looking at each other and seeing us as beings connected and if we're not willing to build a community by looking at the individuals across the table, I don't think we should have all of these things. But I can give your shift differential. Work at a call center? They get shift differential. Fast food, they get shift differential. A lot of professions, you look at your checks you get shift differential too. Somebody took away your shift differential because they didn't agree in the system that you want to change and are a part of. I think a lot of times we don't talk about the human part. We talk about what we think is right.

[7:36:45 PM]

And not the effect of what we think is right. So I don't think you should vote for every specialty pay on that list? Should you bring back the differential pay and that only? Absolutely. If not, you have police officers that are not only happy but you have police officers that now have to work overtime just to compensate for that. So now you have the pive tpissed off police officers, you don't have oversight or transparency and you're saving money. What are the experiences of the people who are impacted the most? The experiences of the people impacttled by the patrol by no longer getting the pay they're supposed to get, what is that like? For me, that's the humans I'm talking about. Not just the humans that are giving all of the money that we're complaining about, the humans that have come encountered by the people who are no longer getting the pay because a whole bunch of people didn't look at that part. So, I think that you should take away all of the other pays that have been said and I think you should give them back shift differential. That's the only pay I agree with. Once again, if you can be a barrista or flip burgers or be on a call center and gift shift differential, then you should be able to do that and have a gun. For me, I'm anti-everything else. But if we look at it from a human part, we can't be okay with

taking thousands of dollars out of people's mouths that they depend on and their families because now if you have a family, that matters. Thank you.

>> Mayor Adler: By the way, just for the record, I gave you your five minutes because the second person showed up.

>> Thank you.

>> Mayor Adler: You're welcome. David Pinkham, Heidi Sloan. If people are outside and they come in, they have to go to the clerk.

[7:38:46 PM]

Dave Pinkham? Okay, good. You have time donated to you from mason terpin? Is he here? No, you'll have three minutes. Ms. Black, go ahead. You have three minutes.

>> So when I was listening to the April 26 meeting where the police were talking about slide 18 called copac where they were equating victims and predators in the homeless community as being the same, and saying they were expending money from copac, that made me think of the burn, baby, burn from 2005 when the police officers stood there and were happy because a black nightclub was burning down. Because they didn't like servicing that. I saw that a dangerous situation, a predator, was going to be moving in with women and so I went to tell the police about that and I did that two days in a row. And they just stood there and didn't do anything. They let the predator move in. That's what copac is. So I made this chart. It showed blacks, burn, baby, burn, where the police just stood there is homeless is to copac. And this bottom section here is what in the minds 245 the police were thinking about blacks just to stand there and do nothing. Blacks have violent tendencies, you don't pay my salary, that's what a police officer told me and just didn't protect me. And they have this unknown that I put here.

[7:40:46 PM]

What they say about the homeless? Cockroaches? That's them standing there. So I would have to say no because that was just in April where they were just talking about, oh, we're expending money. We're -- we're doing something. No, they're not. That's a program where they just stand there and do nothing while you're in an emergency situation. So it's not an emergency for them to get their pay when they're standing there. They don't want to answer the emergency phone calls then they need to be in another field. I wrote a letter to the mayor's office on April August 4 of last year. Because I made a 911 call and the police just said, oh, that's not a police matter. And it was the life and death situation. So it's going to be hard to convince me they're working hard when they have those programs to sit and do nothing when two segments of their population are in emergency situations in dire situations. Those are the emergencies. And when they see it that way, they'll be ready for the pay. Let me read this -- oh, I guess not. Thank you.

>> Mayor Adler: Thank you. Is Heidi Sloan here? Ms. Sloan, come on up to this podium. And John Briggs, you have donated time from John Briggs? Okay? You'll have four minutes.

>> Hello. I'm the co-chair of socialists of America. We were here back in December when we had similar conversations and somebody would be able to be here to support our allies in many community organizations that are continuing the struggle for just an equitable city. I'm going to echo a couple of things that have been said. I was concerned about that. Then I realized we were here to speak with a voice together.

[7:42:57 PM]

So there were concerns by officers who gave testimony. It's true. Police in our society are expected to do far too much. They're asked to be first responders for mental health care, for people in distress and other situations for which they have little to no formal training. She also expressed many of her co-workers suffered from similar co-workers suffered from similar problems. Why would funding the perpetuation of the same situation help in any realistic way to solve that problem? Why not take some of that money join stead and place it in a social safety net. For a very long time, here in Austin, that's what we have to talk about. Why not create some other kind of service force that would be able to actually help these people and meet them where their -- meet them where they need to be met rather than meeting them with the threat of violence at the point of a gun. We don't need to save money in this case. We need to put it where it needs to be to resolve the problems we're hoping it will resolve. More mental health care, social worker, social services. People who can help the many chronically homeless people in our city. People, that's it. We need to continue to do that instead of funneling people in the incarcerated state. Thank you.

>> Mayor Adler: Thank you. After this, the next speaker is Brian register. Is Brian register here? Okay, thank you. What about Jasmine Patel? How about Lauren? Won't you come on down? You'll be at this podium. You have four minutes.

[7:45:01 PM]

>> My name is Heidi Sloan. I'm here with Austin democratic socialists of America as well. Thank you for being here tonight. Thank you for being here and doing this work. I'm here speaking against item 65 I was here when we discussed this last. I find a lot of stakeholders in this room. My perspective is if nothing on the ground has changed, then nothing in the bank accounts should change. We ask that you hold the line, you remember the energy, the stories, the testimony of your constituents when we were here together discussing this before. And that you negotiate for the right contract. One that is for all of Austin. And that's a really simple stance to take. And I realize a lot of folks are taking it here and you have already accounted for that in your thinking. What I wanted to do is speak to the officers who are giving testimony tonight. Their struggle is real. There is no arguing against the challenges of not being able to provide for one's family or pay one's bills. Unfortunately, this issue is not about individual

officers, it's about a broken system. And those officers are suffering because their bosses are not willing to repair a system. They're not willing to invest in a new outlook, a new vision for the Austin police department. And so, one thing that we as dsa do well is to agitate folks to push back against their bosses and if you are a suffering police officer here in Austin, I would ask that you not be angry at council for their negotiations at this table.

[7:47:03 PM]

But be angry at your bosses who see the way forward. They see how to make your community safer and better and see that's the key -- that's one of the key factors and you getting paid more which is a real thing. Make them do it. Make them come to the table and negotiate for you as a part of Austin. Make them come back to the table in a serious way and stop kicking this can down the road. Make them sit down and represent you in a new system in a system that's less dangerous because they're paying you less adversarially against your neighbors. In a system that supports you with more social workers, and in a system where paramedics and ems are supported, where our -- where our city is not divided by race, by class, and a city where police can go into the community and not feel that they are feared or that they are hated there where does that come from? That comes from the people, your bosses, setting you up that way. APD, we want to stand with you too. We want to stand with you for a system that will work for all of us. Not just for the people and power. Ask your bosses to invest in your community and improve your lives, not just financially but in the complete sense of being a human being. And, council, please hold the line and make them invest in their officers and make them invest in a new vision for Austin. So after Lauren speaks, is Mandy here?

[7:49:04 PM]

Come on down to the podium? You have three minutes.

>> I volunteer with Austin justice coalition. I have a brief statement on this item. I see a way to whittle away at the progress toward a more trustworthy police department we made in December. I want your no votes back then to mean something and to keep the integrity of that decision, we have to keep all of the benefits on the table as we negotiate that is more transparent and respectful of the community. Thank you for your time.

>> Mayor Adler: Thank you. After Andy lot speaks, is racial manning here? Racial manning? Okay. What about Chris Harris. Is Chris here? Come on down, Chris. You have time donated from James Casey. Is Mr. Casey here? Thank you, is nikea Winfield here? You have four minutes. Go ahead and start.

>> My name is Mandy blot and I'm here to express my opposition to item 65. Since that historic night on December 13 when your unanimous vote against the police contract caused the enormous crowd to erupt in cheers, it's been incredibly disappointing and frustrating to see you temporarily reinstate numerous specialty pays for officers and now considering reinstating them indefinitely without it being

part of a new contract. Not only is this a betrayal of your commitment to the community, it completely defies common sense to give away your greatest bargaining power, like the parent that tells your child they can't have ice cream until they've eaten their vegetables and five minutes later hands over the ice cream with no vegetables eaten, reinstating the specialty pay is a lack of follow-through and integrity encouraging the Apa and the community not to take you seriously going forward. Instead of throwing away everything we worked for, I beg you to stand your ground and keep your commitment that you made to vote no against any proposal like this one that would decrease our chances of getting a genuinely good contract.

[7:51:13 PM]

Thank you.

>> Mayor Adler: Thank you very much.

[Applause] After Mr. Harris speaks is Kalyn mcclone? Is Kalyn here? Mcclone?

>> Thank you. I'm here to speak against item 65. In a recent meeting from the first session, city negotiators started to address the concerns the community raised back in December. They proposed significant new accountability measures including pushing the infamous 180-day rule that allowed Brian King's abusers to go unpunished, ending the practice of downgraded suspensions that disappeared into invisible written reprimands, formalizing the police chief's authority to use promotion -- to use bypass for promotions. Among other changes. Prior to the next negotiation session, there were indications that the union was prepared to accept many of these changes. However, when that meeting came around, the union rejected all of them. And without substantive explanation. This was May 23. One day later, their stock has expired. The stipends you're considering returning to them today. One week later, this item appeared on the council agenda, returning these stipends in perpetuity. In the negotiation, people talk about leverage, like the video. Who has it? How it's gained? How it's lost. It can seem have been abstract and it's easy to lose sight of why it's important. Let me contextualize it for you. Given the timeline I just outlined, it appears extremely likely that the very existence of this item hurt the city's efforts to improve accountability and transparency.

[7:53:21 PM]

As of today, the 1 million citizens of Austin and all of the tourists and visitors who have come here have committed 15 murders in 2018. APD has committed five. Were all of those necessary? Were any of those necessary? Could any of them have been avoided? Is discipline warranted in any of these deaths? We may never know. The future of police accountability, oversight, and transparency, hangs in the balance. And with it, the lives of those at risk of police violence. People of color in our community, and people going through mental health crises. The very existence of this item likely led the Apa to believe they did not have to agree to new accountability measures. Accountability measures that would decrease the

likelihood of police brutality and misconduct. They believe you all would give them their money back in exchange for nothing. So they are giving -- this is leverage. And for the city and its residents at risk of police brutality, you're killing it, thank you.

[Applause]

>> Mayor Adler: Kaitlyn McClune. Then Laura gram Fortuna. Is Laura graham Fortuna. Why don't you come down to this podium.

>> Hi, my name is Kaitlyn McClune. I'm expressing my opposition to item 65, reinstating specialty pay. Since your vote against the police contract, many are frustrated with the temporary reinstatement of the number of specialty pays for officers and now you're considering reinstating the stipends indefinitely, even without it being a part of the contract. In addition, it is estimated that passing the stipends will cost the city millions. It's already frustrating that we have to trade these perks in exchange for transparency and oversight for the negotiations.

[7:55:22 PM]

Providing these perks without anything in exchange is extremely ineffectual. As Chaz said so creatively earlier today, it gives away your bargaining power, commune kateses a lack of follow-through, and discourages the Apa from taking you seriously. I ask you to vote no against this very damaging propose Sal. Thank you.

>> Mayor Adler: Thank you. Is Darren huff here? Darren huff? Why don't you come on down to this podium. You have three minutes.

>> My name is Laura graham Fortuna. I'm in district 2. I wrote that down incorrectly on my digital form. I'm opposed to item 65. I'm -- I really empathize with individual officers who are having to make financial sacrifices right now. But I -- I want to echo what one of my peers said before. It's -- it's because we need to make a systemic change. And it's only -- it's only a temporary sacrifice, really, on their part. We're in this situation because APD didn't take the needs of the community seriously. They didn't take the need for basic oversight and enforcement of human rights seriously. And I don't think that this is the time to give in and reward them for their lack of concern for their community. I think that this is a time to stand strong and, you know, all of the police officers say the negotiations are going well. So, you know, hopefully, if we don't reinstate the stipends, this will encourage them to continue to make compromises and keep working with us to achieve a better community outcome. Thanks.

>> Mayor Adler: Thank you. Is Julianne Reyes here?

[7:57:25 PM]

Julianne Reyes? Why don't you come to the podium? You have three minutes.

>> Hello, thanks for your time. I will be brief. I'll just -- I just wanted to highlight that I find it very confusing, it's difficult to find the words that we're having this discussion or trying to have this discussion in good faith with bridging the gap budgetarily on the expenses with the police and other -- debating how that fits with other social uplift programs while this morning we're cutting property taxes or increasing a regressive tax cut for our property owners and their homestead exemption. So, we -- if we want the -- as other officers have said, they don't pay the bills, fuzzy feelings, people can't get funding for the social uplift programs are last in line. And maybe I don't understand the issue as well as I should because I thought the idea of cutting property taxes in the middle of a budget discussion or an item that affects 40% of your budget was silly. Why do I have to do some sort of deep dive on that. And it's just distressing that I know property owners need relief because the state of Texas is funding education through property taxes. Right? So I understand politically it may be beneficial to offer that relief and come to the rescue in that way, but what we should really do is call the state reps if we want to fix that problem there. And it's just really -- I don't have -- I obviously don't have prepared remarks and I can't find the words that we're all in this room to debate police funding and we're cutting property taxes. It's absolutely astonishing. And, again, I'm not an expert. But I just -- I would ask you to please reconsider that decision as fast as Seattle city council did when -- they add the tax and whipped them back so fast their heads spun. I would ask you to please reconsider consulting the property taxes for the wealthy among us while we're scraping around trying to figure out a way to pay for social services. Thank you.

[7:59:26 PM]

>> Mayor Adler: >> Mayor Adler: Thank you. Is Cloren Williams here? Come on down to this podium. Sir, you have three minutes.

>> All right. I just want to say that there's a good faith negotiations and stuff. I want to do a little commenting on the legality and the good faith of some of the leadership from Apa that's in the room. Go ahead. I'd also like to see the Apa release its financial documentation as they're hiding their financials from -- [audio difficulties] -- just more tourism and partying, where all the men comes from. Nice financials down on the 6th street block party. We're going to take a look at an assault by a police officer that got cleared by ia. You see all the officers holding that guy? You see Apa president hitting the guy while he's restrained by several officers? He got clear of that. This is the good faith we're dealing with here. There's no police accountability in Austin. I said this time and time again. Council has refused to deal with this, refused to look at me, nothing is effective. The street people are actually scared. The poor people are scared of the police and scarce of retaliation. That's why we'll never get -- never get accountability because the system is significantly broken. I wish you would talk to the challenger and myself immediately. There's Ken Cassidy. He totally got away with that, just like the other officers I film that I report and release. This video went viral. People around the world said they're not coming to Austin for tourism, not going to live here, because of actions like this.

[8:01:32 PM]

The video is just a representation of the action. I was just lucky enough to be there. There's your guy up there. Ken Cassidy. Everybody say hey to your negotiator. You want to tell me about good faith? Tell me what you're going to do. Councilmen? Mayor? Cronk? Anybody? No comments? All right. Well, I'll give the rest of my time to whoever. I'm good.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: After Ms. William speaks, what about Ariana berrant? Is she here? What about Bethany Carson? Bethany Carson here? You have some time donated. Is Monika Alvera here? Thank you. Is Lisa fifian here? No? No? Then you have four minutes. You have three minutes, Mr. Williams. Go ahead.

>> Okay. Thank you. My name is cloren Williams and I'm here to speak on behalf of the community once again, and I work with Texas advocates of justice, grass roots leadership program. I want you to understand that the community's voice and -- and the way we present ourself here is not an easy job also. I heard you speak about the jobs that our officers and our fellow officers hold and the responsibilities they hold. Trust me, the community is very aware of that. Now, in December, we came here to speak about money, again. And today, we're here, really, to speak about money again. Last year, April 7th, when my brother was shot over nine times by the Austin police department, who still failed, to this day, to come out and say anything, to hold any type of transparency, any type of integrity with it, you know, after they came out on live national television and lied for three days stating that my brother fired his weapon at them first.

[8:03:46 PM]

There's been no attempt to amend that, and if you don't understand this, I have to let you know that the community is behind the free pickle campaign. They are behind it and they care about what happens. Okay? Now, in that process, I was traumatically lost. I was homeless. I could barely even see my children because I didn't want them to see me like this. But in an instant, out of the whole drama, the loss and the sorrow, I found out that I, too, had a job. But I don't get paid for this job. So I slept in my car. I had to wait for friends to let me to shower. I might get one at 8:00 midnight -- 8:00 at night, I might get one early in the morning, but guess what I still made my way down here. I still made my way to get involved. I still made myself available for my community. And I didn't get one dollar. Now, I know they got a job and they here to serve and they need money. But obviously something is going on so strong that I'm starting to believe that the only way that we can get these people's attention is through their pockets. I hate to say it that way. But we have become so selfish, we've become a people who don't care because all of us was created to do something great. All of us was created to do something particularly for others to be able to mimic.

[Indiscernible] Met with the chief of police. He said he was going to come and jump on it for the summer.

[Buzzer sounding] He said he was going to come out, play some events, dodgeball, things like this. Out of his own mouth, he said the chief of police is just as afraid of us as we are him.

[8:05:47 PM]

I told him, look, do I look like a raving wolf? Do I look like a shark? Why should a man that we consider -- that should be honorable, put on a badge, and walk up to little old me, who don't have the money, who don't have the resources, who don't have the guns or the rights that he has and say he's afraid of me.

>> Mayor Adler: Thank you.

>> This has to stop me stop now.

>> Mayor Adler: Thank you very much. Is Shane Johnson here? No? What about Shane Johnson? Shane Johnson? No? What about Rebecca frank? Okay. Shane Johnson, Rebecca frank, you'll be up next if you could come down as soon as this podium opens up. And you have three plus one, I think there was four minutes for you, and then we get into just one-minute time, so, sir, you'll have one minute when it starts. Go ahead, your four minutes.

>> Good evening, commissioners. My name is Bethany Carson. I'm an organizer with grass roots leadership and I'm doing white supremacy Austin, but tonight I'm here as a concerned member of this community to ask you to please vote no on this resolution. In December, we heard a resounding, unified testimony from our community that we need more resources dedicated to mental health care and to racial equity initiatives. Things that actually make people safe, because the other thing that we heard in that meeting in December is, over and over again, that right now the Austin police department does not make people feel safe. And that's hardly a surprise with some of the horrific revelations about the Austin police department training, calling people without homes cockroaches, saying if they need an easy felony arrest go, find a transient, and aggressive rituals that resemble some kind of fraternity initiation.

[8:07:51 PM]

That doesn't make me feel safe. And chief Manley was also quoted saying he was okay with that training, that he didn't think there was a problem with it. This kind of Austin police department is not something we need to incentivize with increased pay and go back on the gains that we made in that December meeting. We have continued to see more people of color also killed by officers since that time. So nothing has changed since December, and the Apa was willing to -- was not willing to make deeply necessary transparency and accountability changes. And they walked away from the negotiation table. So returning this money to them now sends a clear message that this council does not actually care about holding its city police force accountable or -- and is not willing to listen to its own residents about what really makes people feel safe. So I'm asking you to please vote no. Thank you.

>> Mayor Adler: Thank you. Mr. Johnson? There was someone that donated you time. Ariana brant. Is Ariana brant here? You actually have two minutes, sir.

>> I have two minutes?

>> Mayor Adler: Are you Mr. Johnson? Yes, he have two minutes.

>> Great.

>> Mayor Adler: Then Rebecca frank will go. And then the last speaker we have is chivas Watson. Ischivas Watson here? Unless he comes back in, you'll be the last one side. You have two minutes, you have one.

>> Hi. My name is Shane Johnson. You probably remember here at various other times speaking here. I live in district 7 and I want to voice my opposition to item 65. Like sowm so many people have stated before me, we cannot reward the Apa for not caring about the community's needs by walking away from the negotiations and by steadfastly from refusing during the most recent negotiations -- we can't reward that by giving back all the stipends during the middle of the negotiation process.

[8:10:05 PM]

It would -- as so many folks said before me, it will throw away much of our leverage. I really want to emphasize the point that Chris and several others have made about how Apa has very knowingly refused to consider any accountability or transparency reforms. And then as soon as they -- and then now they're hoping to get all of their money back. And so it clearly shows that they have been unwilling to negotiate, truly in good faith, to give up what the community really needs, and they're just hoping to get their money back, regardless. And so I -- I personally, as a person of color, and I've been in mental health crisis, I nearly called 911 on myself, the last semester before I graduated, and was the first person in my family to graduate from college, and if I had done that, there's a good chance that A.P.D. Would have shot me, because I was in mental health crisis. And the transparency and accountability reforms that we need, those are the only thing that will help prevent future things like that, things like that from happening in the future. And they -- and it's --

[buzzer sounding]

>> A point that often gets lost, this will be my last sentence, real transparency and accountability makes police officers satisfactory as well the Apa, solely to get more money, they're throwing their own officers under the bus as well, as another member said earlier. Thank you for your time.

>> Mayor Adler: Great. Thank you.

[Applause]

>> Mayor Adler: Okay. You have one minute. What is your name, sir?

>> Chivas. You know my name.

>> Mayor Adler: You have one minute. Go ahead.

>> Hi. My name is Rebecca Frank. I live in district 9. I'm here to express my opposition to item 65, reinstating officer specialty pay.

[8:12:07 PM]

In order for us to reach a police contract agreement that improves accountability and transparency to all of our community members, we need the police union to come to the table in a timely and serious manner to make the common sense improvements to the contract requested by the community. I urge you to hold the line on this so that we can improve the system for everyone.

>> Mayor Adler: Thank you very much. Is Susan Lipman here? Okay. You have two minutes, sir.

>> Thank you again, dais, for the time. My name is Chivas Watson, district 10 are not, district 1 laborer. I do not think the police deserved any specialty pay whatever. In district 10 just this week I was accosted by a police officer who thought I had drugs on me. I don't know why. I didn't have any drugs on me. But I might have looked like a hipster. This past Sunday in district 1, I had an officer up on my, upon my leaving the park, I had an officer approach me in such an arrogance as if the district was his, that I had to ask him where he lived. In district 4, last week at the Mckalla place meeting, I had a police officer ask me where I got my hair cut and all that good stuff because he was so interested in my lived experience. But when I left, I could hear him talking about how he's glad there weren't enough black people here. I was very disappointed the dais wanted to discuss item 110 early this morning because we all should have had a chance to say, cronk, you could have done a national search before giving Manley the open shot. Specialty pay comes to those who earn the specialty pay. When I was at Dell, we spoke at that during paid sick days, I had to earn my spiffs and show myself approved.

[8:14:09 PM]

A.P.D. Has not shown themselves approved for much. So, let them earn specialty pay. And I think at first thoughts with what Manley said at the forum, learning the lived experience of the constituents in the district in which they patrol. So maybe, like you said with the police union contract, maybe it's just not time for them to get specialty pay. And that's all I have to say.

>> Mayor Adler: Thank you very much.

[Applause]

>> Mayor Adler: Those are all the speakers I think that I have signed up. Did I miss anybody? Okay. We're on the dais then. Councilmember Pool, do you want to move passage of your motion on item 65?

>> Mayor?

[Off mic]

>> Mayor Adler: That's fine. Yes. Take your time. We said we would call people if they showed up. Introduce yourself, please.

>> My name is Marco Gonzalez. I apologize to everyone. How much time I have, sir?

>> Mayor Adler: You have one minute.

>> Thank you, sir. I was prepared for three minutes, and I hope -- I'll address everyone here. I think this meeting is about --

>> Mayor Adler: You need to speak into the microphone.

>> I think this meeting is borne here, all about them;

-- think this meeting is about everyone here. Can you all hear me?

>> Mayor Adler: I think that's right.

>> Okay. This meeting isn't only about them, everyone here, my son, the woman I love, everybody here. I'm an immigrant. I'm from Monterrey, Mexico. I was homeless for a year in Houston. I've been in the back of a police car. I was even brutalized. I'm the adopted father of three children from Africa.

[8:16:09 PM]

Right there. And I'm a cop. I'm there to say I'm one of the few people here who has the experience, firsthand, to be in the police car, in the front and the back, to be a minority, to speak the language, to be deported, and now I'm a cop. And having this experience, I humbly will tell you this. I can watch your face, I can read you, give a piece of paper and give you a test based on that. I can't. But I can give you my experience as an Austin police officer, it is not safe -- I tell you on the life of my children, the safest police department in the nation [indiscernible]. That's just my experience, my personal experience. I cannot convince you of anything tonight, I don't have the time, but I tell you, I assure you, you got the finest police department in the south of the United States. And I lived in five states.

>> Mayor Adler: Thank you.

>> That's my experience. Thank you for your time. I apologize.

>> Mayor Adler: Thank you. Councilmember Pool, do you want to make -- move package of 65?

>> Pool: I do. Thanks. I move adoption of item 65 which relates to the continuation of the police department stipends.

>> Mayor Adler: Is there second to this motion? Councilmember Garza seconds the motion. Do you want to address before I make an amendment?

>> Pool: Sure. I had talked about it at work session. We've talked about this previously, and just want to say that we have the funding for the stipends. It's available in our budget. And I want to say that our

police safety officers are city of Austin employees, too. We as a city value our employees, and we do everything that we can to motivate them and make them feel valued.

[8:18:17 PM]

Reinstating the specialty pay for police officers will, I believe, create a more motivated workforce and let them know they are valued. It's important to me as a councilmember to support the employees of the city of Austin. And I thank them for their work for us.

>> Mayor Adler: Okay. Thank you. Councilmembers, I've handed out documents in amendment to this. In the upper right-hand, it says item 65, substitute motion B. I would offer that amendment. It's consistent with the testimony of both the Apa, as well as, I think, the comments made by Fatima Mann. Is there a second to the amendment that I offered? No second? Okay. Seconded by Mr. Renteria. The original motion had certificate pay, education incentive pay, shift differential pay, court time pay, and clothing allowance. When we had the police chief that testified on Tuesday, he said that there were two specialties pays that he thought were related to operations, that were operational for him, and he asked us -- said they were important for the safety of the city. The two that he identified as being operational were shift differential pay and the field training officer pay. The shift differential pay was the item that the Apa talked about here as well, as well as Ms. Mann. The shift differential pay is something that costs \$60,000 for the remainder of the pay periods. So it's a small item, but he said it was differential as well. I would offer that we just approve those. Any discussion?

[8:20:18 PM]

Okay. We'll take -- yes, Mr. Flannigan?

>> Flannigan: I just want to -- more comments on the main motion, but just on your amendment, Mr. Mayor. I think there are many provisions of the negotiating and the contract like hiring and promotions that also impact operations, and so I'm not comfortable trying to decide which ones do and which ones don't when we already permanently extended bilingual pay and mental health pay, and that was done in the very beginning. And so I can't support trying to go half-measure when -- when there are things that are -- there are other things that impact operations that are not available to us in this process.

>> Mayor Adler: Okay. Any further discussion on the amendment? Councilmember kitchen?

>> Kitchen: I'll have more comments when we get to the main motion, but I think I said this in work session. I believe that there's something that is so critical to operations, then it should be in statute, it should be in our ordinance, which is what we did with bilingual pay and mental health pay. And so to single out part of pay and pull it out of the negotiation process is not appropriate to me, and so I can't support the amendment, and I'll make more comments when we get to the main motion.

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

>> Garza: Are we going to get -- so if we vote on your amendment, does that change the main motion? It means that we're just --

>> Mayor Adler: If the amendment were to get approved, then the two things we would be voting on would be shift differential pay and field training pay. If the amendment is not approved, then we'll be voting on a motion that had certificate pay, education incentive pay, shift differential pay, court time pay, and clothing allowance, but not the field training officer pay.

[8:22:28 PM]

>> Garza: Procedurally, if your amendment fails and then if the main amendment fails, is there a way to bring back --

>> Mayor Adler: It would require a motion to reconsider, require someone who voted in favor of the proposition, and then there would need to be a majority of people that wanted to bring it back.

>> Garza: Okay.

>> Mayor Adler: So probably not likely. Councilmember kitchen.

>> Kitchen: I wanted to speak to -- I think your motion also has fto in it; right? The field -- I forget, the field training --

>> Mayor Adler: Yes, shift differential pay and field training pay.

>> Kitchen: The field officer pay is already in statute if I'm understanding correctly, is that not correct?

>> Mayor Adler: Me, myno, my understanding -- is the police chief here?

>> Kitchen: Maybe I've got the wrong one. There's bilingual and mental health that's in statute. There's another one in statute also. Am I wrong about that?

>> Mayor and counsel, I'm assistant city attorney. The fto pay is still in the 98 ordinance, one dollar an hour for actual hours trained.

>> Kitchen: Okay. I just wanted to add that to the comments I made earlier. So if field training pay is in statute already. So -- and I'll just reiterate what I said before, if the pay differential is something that rises to the level of those others with regard to its impact on operational, then just for myself, I would see that more as a statutory item, and I think that pulling it apart -- pulling these items out of a negotiation process that is about pay is not appropriate.

>> Mayor Adler: Just to be clear, it's in the ordinance at a different rate than -- is it in the ordinance at a different rate than what was being paid this time a year ago?

>> Yes, Mr. Mayor.

[8:24:28 PM]

It is in the ordinance at a dollar per hour for those hours in which you have a rookie with you. The way it was under meet and confer is it was \$175 a month every month. And so the stipend as it existed in the contract was a monthly stipend. The way it exists under ordinance, it depends on whether or not you actually have an officer with you at that time, and then that's when you get the dollar per hour.

>> Mayor Adler: And did you tell us on Tuesday that having the pay not as it was in the 89 ordinance but rather as it was a year ago, you felt to be operational in your department?

>> Yes. What is occurring is ftos -- the value of a monthly stipend is greater than the way it exists under ordinance because under ordinance, you only get it in those months when you have a rookie officer with you. So while I stated to you earlier this week that this is operational is that we want the best in the department to be ftos and we want them to be motivated to be ftos. Currently we have ftos that are volunteering and serving so what I'm concerned about is whether their willingness to continue to volunteer for that extra duty which requires not only additional oversight but a lot of reporting based on evaluating the rookie officer's conduct, that we may have some of our fto's back out of willingness to do this.

>> Mayor Adler: Okay. Thank you. The other things that this amendment does is it puts a stop date on these things at the end of the year as we discussed in work session as well. So it's -- these stipends will go away with a new contract, or December 31st, whichever occurred first. Further discussion?

[8:26:30 PM]

>> Alter: Can you remind me of -- there's 1 through 5. What is your amendment adding back?

>> Mayor Adler: The amendment strikes number 1. It strikes number 2.

>> Garza: Okay.

>> Mayor Adler: It keeps number 2 and rennumbers it number 1.

>> Garza: Okay.

>> Mayor Adler: It adds the field training officer pay, which, by the way, is a \$60,000 expenditure through the end of the fiscal. It strikes court time pay and it strikes the clothing allowance. It strikes part 2, which made it emergency, and then it adds an ending date. And I did this in hopes that there would be a majority that would support at least the two stipends that the police chief said were the most important to him. Any further discussion? Yes.

>> Garza: I'm going to support this because I don't know if there's support to support the original, but I think I'll make an amendment afterwards to see if we can add a couple more of these in. You know, I think we're in very unfortunate times in our country that we are extremely divided on many issues, and it's really heart breaking to see even in this room here tonight that's full of people who I truly believe, regardless of what side you're on, both sides -- excuse me -- truly care about this community. You know, on one side, we have members of our community who are angry, rightfully so, about what they feel is a

lack of police accountability. But on the other, you have constitute workers who put on a uniform every day and go out and serve our community. And I just don't believe that this room should be this divided. The issue of police accountability has become unfortunately inflated with these stipends. I disagree that we are giving some of these stipends away. All of these stipends are for things these officers have earned, for earning a college degree, for earning additional training that they didn't have to go through, for working untraditional hours.

[8:28:36 PM]

There's still time to discuss step pay and raises in conjunction with police accountability measures, but the thoughts that we have city workers who have families who will be receiving -- are now receiving less on a monthly basis because of this extremely unfortunate divided issue really, really concerns me, especially, you know, even \$400 a month, if you -- that's half of -- less than half of a child care payment. That's a grocery bill. That's things that families depend on. And so I'll support this, and I hope we can add a couple more of these in.

>> Mayor Adler: Okay. Ms. Houston.

>> Houston: And I agree with councilmember Garza, and I think I said this when we talked about it at one of the work sessions this week, is that it's a very difficult position to be in because I know that the police officers, officer berry, has been working very hard to -- at givens park, for example, to do some things to improve the community relationships with the police. We did a cleanup there. There's a movie night scheduled. And I was one of the people when we had the conversation that if it was operational, I would be willing to consider that. And then as I went on through my day, I thought about, but what do we get in return for that? What do we get in return? And I don't have the answer because I'm not part of the negotiation team, so I don't know what that give and take is. So I'm not going to be able to support these two.

[8:30:38 PM]

>> Mayor Adler: I'm sorry? Okay. The amendment is on the table, and it would be in order after that to add others. Further discussion? Councilmember pool?

>> Pool: Is it an amendment, or did you say it was a substitute motion --

>> Mayor Adler: It's an amendment. It's an amendment. It strikes and it does -- it's an amendment.

>> Pool: Okay. I'm fine with putting the end date in. I think you have it in there as December 31, 2018, or earlier if a contract should be signed. Is that right?

>> Mayor Adler: Okay. We'll get to that one in a second. I think mayor pro tem has handed that out. Is there any objection to adding that part, the part 3 amendment that has the stop date? Any objection to including that amendment? Mr. Flannigan objects to that.

>> Pool: Wait. Wait, wait. I don't understand. So I was reading from yours that has --

>> Mayor Adler: Right. And you said you were okay with it.

>> Pool: Yeah. Yeah. I'm not so okay with striking the other stipends, but I did want to indicate support for that piece so that if we do get to my main motion, I believe there is an amendment that I would deem friendly to add that same end date, the same language to my main motion.

>> Mayor Adler: Okay. Any further discussion? Those in favor of this amendment, please raise your hand. Mayor pro tem, me, Renteria, Garza. Four of us. Those opposed to the amendment? It's the balance of the dais. How are you voting on the amendment, councilmember pool? I'm sorry?

>> Pool: Sorry. Vote yes, and I apologize.

[8:32:39 PM]

>> Mayor Adler: That's okay. Councilmember pool votes yes. The amendment is defeated 6-5. Any further amendments to the -- 5-5. Doesn't have the votes to pass. Any further amendments?

>> Pool: So we're back to the main motion.

>> Mayor Adler: Correct.

>> Pool: Okay.

>> Mayor Adler: Mayor pro tem?

>> Tovo: Well, I think it's unlikely to make a difference since your amendment considered it as well, but I have a separate amendment that also added in a date, an end date. It was identical to the mayor's. It would allow -- it would require that -- it would just add in the language, to occur on the following dates, either the effective date of a future meet and and that addressed the very good concern that we talked about on the work session of having -- having an end date so that we're continuing to make good progress and reaching resolution with the contract. As I said, it sounds like it's unlikely to make a difference if removing some of the stipends didn't, but --

>> Mayor Adler: Let's try.

>> Tovo: I'm nothing if not persistent.

>> Mayor Adler: Mayor pro tem moves to amend part 3 to put in an end date. I'll second that. Any discussion?

>> Pool: I see it as frequently.

>> Doesn't matter.

>> Mayor Adler: It was friendly but it wasn't unanimous. It's nothing we can just add. Discussion on this? Mr. Flannigan.

>> Flannigan: I have a kind of general concern but more specific the way the amendment is written would continue these pay incentive categories beyond the signing of a meet and confer, if the meet and confer process resulted in different pay categories. Because it has this clause -- and I'm only pointing this out because even if you fix it, I still won't support it, but I think it's important to note that it -- the effective date is not when a meet and confer agreement is signed, but one that specifically provides payment for the functions designated in the subparts, but if the meet and confer process and our union negotiation creates different subparts or different pay categories, then we would end up double-paying in whatever period there was between the -- signing the contract.

[8:35:00 PM]

>> Mayor Adler: That actually makes sense. It should -- it should expire with just the entry of a new agreement. Okay. So the mayor pro tem takes out the words following --

>> Tovo: That's fine. Just to be clear, we did construct this with the legal department, as I assume you did too, because we all came up with the same language, but I appreciate that edit and --

>> Mayor Adler: Any objection to that edit being made to the amendment? Hearing none, the amendment is changed that way. Are we ready to take a vote on it? Those in favor of the amendment, please raise your hand. Pool, mayor pro tem, Renteria, Garza, and me. Those opposed? It's --

>> Alter: I would like to abstain on that.

>> Mayor Adler: I think that passes. That I think -- do you need a majority of the quorum or majority of the body? Six of the body. So that fails on a 5-4-1 vote. 5-4-1 --

>> Kitchen: Actually, I didn't vote on that. I abstained also. So it's 5-3-2, I guess.

>> Mayor Adler: 5-3-2-1 -- still doesn't pass because there's not six people. It's apparent it's not going to pass. Otherwise, I would add an amendment to put in the field training pay. Let's take a vote on this item number 65. Those in favor of item number 65, please raise your hands.

>> Flannigan: May we make a comment?

>> Mayor Adler: This is councilmember pool's motion. Any further discussion on councilmember pool's motion? Mr. Flannigan.

[8:37:00 PM]

>> Flannigan: Just briefly, I expressed my concerns in work session, and they have not changed. But one kind of point I want to make sure that is clear, when we talk about valuing and supporting our employees, it is important that we do that, and I think respecting the union negotiating process is part of valuing and respecting our employees. And the -- I know that the union leadership disagrees with how

the interim process was conducted, but they also did not provide a counteroffer on an interim agreement that would have extended what they have referred to as the Cadillac plan. So I think it's just important to note that when we're in a union negotiating moment, which is both, I think, a value of our city and our council, but also mandated by state law, that we should respect the union process as being the representatives of the employees and make sure that these provisions are negotiated through the meet and confer process.

>> Mayor Adler: Councilmember alter?

>> Alter: I, too, want to -- I'm losing my voice today. I too want to respect the negotiations process at the table. Those who have borne witness at the table are aware that on two occasions we've received the union's "No" answer on an interim offer. The interim offer would have restored these stipends and offered a lump sum pay raise. Consistent with my previous votes tonight, I will have to vote no. I remain concerned that we leave room for hiring of more officers within the city's limited pot of money. The fact is, we don't have the staffing information back and have not had the conversation that we postponed on public safety budgets and how best to achieve public safety for all. I am very much aware that voting on this tonight either as originally offered or as proposed by the mayor will not get us our oversight, transparency, accountability, hiring, and promotions back, or in any new, improved form.

[8:39:11 PM]

All of these are operationally important, in my view. Again, the interim agreement would have restored these stipends while we worked on a long-term agreement. The only place to have that conversation now is at the table.

[Applause]

[Cheers and applause]

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I just -- I want to say that I respect the work of our officers. I appreciate the work of our officers. And being in a position to take a vote today is one that is not easy. Because I do think about the individual officers. But the situation that we are in right now is that we are being asked to pull out of the negotiation process part of the pay and have it move forward. In the context of the Apa having turned down an offer to extend these and turn down an additional 1.25% lump sum, which, in exchange for some changes to hiring, so it just -- I don't think it's -- I just cannot -- I think councilmember alter said it better than I, and I agree with all that she said, but it is just not appropriate for us to pull out part of the pay out of a negotiation process where there is nothing given in return, and in which the Apa who represents the officers turned down the extension of these stipends and turned down 1.25% lump sum. And so while it pains me when I think in terms of the individual officers, I have to respect the negotiation process, and I have to respect the Apa's decision not to move forward with these during that negotiation process.

[8:41:22 PM]

So I'm going to be abstaining from this vote because I -- well, I've explained myself.

>> Mayor Adler: My concern -- my concern with this is that there were two of these that our negotiating team told us that we should approve. So it wasn't walking away from or orsnubbing the negotiation process. And I'm disappointed that we didn't follow our negotiator's advice or our police chief's advice. Any further discussion on the matter? Then we'll take a vote. Those in favor of item number 65, please raise your hand. Councilmember pool, the mayor pro tem, me, Renteria, and Garza. Those opposed, please raise your hand. Those abstaining, please raise your hand. Councilmember kitchen abstains. The other four vote no. And it's defeated for want of six votes.

[Cheers and applause] All right. Let's get to the next item of business. We're going to call item 73 and 74 together. So people that got recognized to speak will be given the opportunity to speak on either or both of these items. We're going to do the same thing. We're going to take 20 people again for three minutes, and then everybody else who speaks will have one minute to speak. Mr. Casar, you have 73 and 47. 74. you want to lay them out?

[8:43:27 PM]

>> Casar: I'm happy to just hear the testimony but I'll make the motion to pass 74 and the latest backup. 73, I'm handing out a version that is substantively the same but has a new "Whereas" and some additional description on the third page, as asked for by councilmember Flannigan. They're marked on here but doesn't it substantively change what the item does. And I'll move them both.

>> Mayor Adler: Okay. Is there a second to motions -- or resolution 37 and 74? Mr. Flannigan seconds both of them. Let's call for public testimony on items 73 and 74. Again, we have almost a hundred people signed up on each of them. I assume part it's cross-over. Don't anybody feel compelled to take all the time that you have. And my computer is not opening the files. Is yours opening it? All right. Just opened up. Isca delario Vasquez here? No? Yes? You have some donated time from Karen Rios. Is Karen Rios here? Is Jose Skinner here? Mr. Skinner, are you here? Okay. Will Candelario Vasquez please come up to the podium.

[8:45:27 PM]

>> He's outside.

>> Mayor Adler: What about -- is Myra Ibarra here? Is Molly Richter here? Okay. And what about Christian cabalero? Christian cabalero? Thank you. So you have three, four, five minutes, Ms. Gerabay. Come up to the podium. Is chas Moore here? Come on up. You have donated time from mark Mckim. Is mark Mckim here?

>> He's here.

>> Mayor Adler: He's not in the room, though.

>> I'll go get him.

>> Mayor Adler: Let somebody else go get him. I can call the next person. What about ray Collins? Is ray Collins here? Come on up to the podium.

>> [Off mic]

>> Mayor Adler: But chas doesn't have all his people here so I'm going to go past you and wait till your person comes in the room, then I'll call you up. Mr. Collins, you want to come on up here? Is Laura Gideon here? Laura Gideon? No? Mr. Collins, you'll have three minutes.

>> Thank you.

>> Mayor Adler: And you have three, four, five minutes. Go ahead.

>> Ready?

>> Mayor Adler: Yes. Go ahead.

>> Hello, members of the city council. My name is Julieta. I'm the Texas director and one of the co-founders of united we dream, the first and largest immigrant network in the nation. I grated with my mother and sister to beautiful Austin, Texas in 1992. I have seen how our city has grown and changed. I also arrived when videos of Rodney king were showing 24/7 on TV. So when I came to this country, what I kept on watching was cops beating the crap out of a black man.

[8:47:28 PM]

I grew up the majority of my life here in Austin. Very undocumented and very afraid. Always looking behind my back, always worried if I was going to get pulled over, if I could get deported for the sole reason of being undocumented and brown. Wondering what would happen if I was ever arrested. I felt sick and I worried because Texas had made it official that you had to be -- you could be pulled over for probable cause, even though we all know that black and brown folks in this country are most likely to get arrested, detained, and terrorized, solely for the color of our skin. Republicans in congress are on a mission to pass bills that would build up trump's white supremacist agenda, that would strengthen the deportation agenda, tear up families and homes on the border. We appreciate the leadership and the bold leadership of you, mayor Adler, of councilmember Casar, tovo, Garza, and kitchen, for co-sponsoring and supporting what austinites need and want, to ensure that immigrants and people of color and lgbtq folks actually thrive in the city that we call home. Supporting these local policies is essential in moments when T man in the white house is calling immigrants animals. When there is border patrol that has murdered people at the border and there is no accountability. When bother patrol is tearing children from their mother's arms and still no accountability. And so this step that you are taking tonight as Austin is essential for our country and for our city. We expect nothing less and we will definitely be watching and holding people accountable, including the cops.

[8:49:33 PM]

Let me be clear. Resolution 73 and 74, are like the chicken and the egg. They come together. You cannot pass one and not the other, because that's what our city needs. And, therefore, the community needs that you vote for both of them, so I ask you to support items 73 and 74. Lastly, I'm here to also assure you that as the Texas director of united we dream, and as many of our colleagues out here tonight, we're not only organizing in Austin, Texas, we're organizing in Dallas, in Houston, San Antonio, El Paso. Because that's what our state needs. We're working together with city council members, with mayors, to make sure that they don't just do statements against as before, that they don't just don't press conferences but that they actually take action, that they actually pass concrete policies that protect our community, that stop the prison to deportation camps pipeline, because that's what our community needs. We will continue to organize here in Austin because Austin is our home, because we're here to stay, and we're here to fight. So I commend you on taking action, I commend you on actually co-sponsoring these two items, and I can assure you that our community will continue to support you and continue to work on this thank you.

>> Mayor Adler: Thank you.

[Cheers and applause]

>> Mayor Adler: So after Mr. Collins speaks, Mr. Moore, are your folks here? Is mark Mckim here? Got you. And is Pamela Brubaker here? You have five minutes. You'll be up next. Mr. Collins, you have three minutes.

>> Thank you. My name's ray Collins. I'm not going to do the stunt I pulled last December but I'll tell you again that when I moved here in 1966, one of the first I noticed about Austin was that my white friends and acquaintances got probation, for what was then felony possession of two joints of marijuana and people whose skin was darker than mine went to prison.

[8:51:43 PM]

Here we are, almost 52 years later to the day, and now it would be a citation to me if I still smoked and got caught, and a greater likelihood of arrest for my friends and acquaintances of darker hew. Some change for the better but we haven't reached the promise land. I will say that police officers are valuable and expensive resource, which is wasted on such low priority violations. Last summer I gave my district 5 representative a list of my law enforcement priorities and the misdemeanors listed in this resolution for number 73 and others besides are right at the very bottom of the list. Based on the information presented by councilmember Casar's staff, I evidently placed more value on a police officer's time than do some police officers themselves. This is a matter of policy to be addressed in part by this resolution and a matter of retraining serving officers and of cadet training. Second, moving on to money, police officers' time spent on these misdemeanors are wasting tax money in several ways beyond their cost in

salary and benefits. It costs austinians \$1,800 for a police officer to become someone into Travis county jail for a discretionary arrest or an arrest arising from a bench warrant when someone doesn't respond to a citation. There's court overtime for police officers up until tonight. Then there is the social stigma attached to this arrest and release cycle which hinders a person's ability to find shelter and employment. There are societal and monetary costs associated with that stigma. There are costs associated with the social and monetary response required to break someone out of this arrest and release cycle. So, yes, I support this resolution as an effort to further a change that has occurred over the 52 years I've lived in Austin, a change that has not yet been adequately implemented.

[8:53:52 PM]

And since I have a moment, I'm going to address number -- the immigration item also. I want to point out that sending people to Travis county jail exposes them, once again, anytime the feds decide to show up and deport them -- in other words, ice.

[Buzzer sounding]

[Applause]

>> Mayor Adler: Is Claudia yoly here? Claudia yoly? Yes? And you have some donated time from Lucy stein. Is Lucy stein here? No? What about abbey Cahn? Okay. You need to come down to the clerk and do that. Mr. Moore, you have five minutes.

>> Yes. Chas Moore of the Austin justice coalition. I first want to say primarily we are a criminal justice group that focuses on criminal justice reform. 73 is the big thing but I want to play a short story to explain why we support 74.

[Video playing]

Video: Can you talk a little bit about your work in I know one of the things [indiscernible] Struggles for liberation.

>> These conversations are about solidarity [indiscernible] They go hand in hand. It makes me think about my mom. What I want to do is just tell the story of my mother. I started my transition

[indiscernible]

[8:59:08 PM]

>> So you can stop it, but he goes on to say even if you don't understand the struggle, if you don't understand what somebody else is going through, that doesn't mean you don't support them. As my sister so eloquently said, I may not understand everything as before, about this policy, but as a black person that has been oppressed and mistreated in this country, I stand in full solidarity, I stand in

transformational solidarity with my black and brown family. United, we can. And like she said, you can't pass 73 and not 74. Black and brown together, black and brown together. That's the only way we can move move move the Austin board.

>> Ms. Houston started this. It was really good. I do -- we have 100 people to speak and we have two more items and one of the items has 61 people to speak. What did you call it? Jazz hands? It's fine to see that kind of response than down in the room. Stay here for a second, will you? So the next person who's speaking -- is Colin gray here? Is Collin gray here? He'll be at this podium. How many people are donating the time? Two people. You have five minutes. Go ahead.

>> Hill, good evening. I'm Claudia yolie. I'm 25. I'm a DACA beneficiary and moved to the U.S. When I was 8 years old with my mom. I grew up in the border in the community that I also consider my home. I function as a director of student outreach and organizing and deeds, not work and a proud member of united we dream, the largest youth-led organization in the country.

[9:01:14 PM]

Thank you mayor Adler and members of this council for listening to my testimony. Every day we hear stories of people detained indefinitely, children torn from the arms of their mothers, of young women murdered, of sexual violence and detention centers, negligence and abuse of children, all in the hands of trump and the squads of police, border patrol, and I.C.E. Agent is who have taken up a banner of the people who look and talk like me. The war against brown and black skinned immigrants against those who do not speak English, who look different, and no regard for country or status. This is the country I'm vulnerable to an authoritarian post constitutional system that took me from a regular work business trip to a immigrant's worst nightmare. Travelling to border cities is not uncommon for me. To the action for childhood arrivals program, I've been able to drive, get a job, support myself and my family and travel for work because of the protected status this has allowed me. This is what happened to me on Saturday, may 19 in the united States of America in the country that I grew up in, in the country that is my home. Attempting to return home from a work business trip, I was singled out of a security line, interrogated, put in a police vehicle, and moved back to a Dell tension center because of a new directive that requires them to run new background checks and fingerprints on DACA recipients, when I asked which one, I was told the one from D.C. When asked if I was being detained, a tall man said yes and gave me no reason why. He said a DACA status does not protect me and neither status and neither does the court order. He took me from the airport to a prison like fay cisse till. I was stripped from my safety layer by layer, piece-by-piece. I went from a common work trip to the back of a deportation car to the co-worker to all of my belongings being taken away. I kept my work permit on me while putting immigrants into detention centers.

[9:03:22 PM]

I was being swallowed by a system that did not seem accountable to the freedoms granted by the constitution, concepts that I took for granted as applying to everyone until now. Do they apply to immigrants? Is there a class of people who live their lives sharing our space, but not our rights. This is incomprehensible to me that anyone who considered themselves American and proclaims to understand the constitutions and notions of freedom will be so blind to see these rights are for everyone or they are for no one. I found myself locked in the room with 30 or other women and minors, some on thin mats covered in blankets. Many of them were from Honduras, El Salvador, and Guatemala. Some or most had been there for days. A mother had her children stripped away from her arms and she had not seen or known about them for several days. They heard she would be deported and her children would remain here all the while she was forced to sign forms she could not understand. These immigrants, current administration label add criminals, rapist, and animals who see me for my humanity and respect what's left of my dignity. I was told to get comfortable, I would be there for a few days. I asked to call my attorney, and told no one had that right including me. I panicked, feeling stripped of all recourse. I was interrogated on multiple occasions with different agents, never with my attorney present. They wanted to know when I entered the U.S. They asked questions about my family. All the while I tried to remember my training, how to respond correctly and how to stay calm. I'd been an advocate for others like me, DACA beneficiaries in college and my professional life. I've given numerous workshops on how to respond in situations like this one. I've learned preparing for one and living in one are two completely different things. I ended up getting released after four hours instead of being deported. What will happen? Will the mother be reunited with her children? How many more are trapped inside of a system that the agent says answers only to the president?

[9:05:24 PM]

This is not the country I came to as a child with my mother and grew up in. This is not the place where I attended high school, joined the theater, went to the movies, and attended prom. But I find myself in systems gone awry, it's immorality and fading humanity. And I will not give up. Our ask tonight is to vote in favor of resolution 73 and 74. Stand in the right side of history and help us fight back against these agencies that are engaged in brutal war against immigrants. Do everything in your power to have strength, of using and dehumanizing men and women and children who have come looking for something other than what they have, something that still can and remain the American dream, thank you. Applause

>> Mayor Adler: So the next speaker is Collin gray. And after Collin gray, we have -- is Claudia youley here? That was you that just spoke. I'm sorry. Olivia Hofman? You want to come and speak, please? You'll have three minutes? Sir?

>> I was with the -- with the workers defense project and I missed my name being called.

>> Mayor Adler: I'm sorry.

>> I'm Vasquez, I'm with the worker's defense project.

>> Yes, you're up. And I have you on one list without donated time. Let me look at the other list. There were two people, Karen Reyes, is Karen Reyes doing time. Will you come down and give the clerk your name? You'll have five minutes.

>> Thank you, sir.

>> Mr. Vasquez?

>> I worked with Mr. Families around the city of Austin, talking to dozens of families about their rights.

[9:07:27 PM]

So many families that I talked to they also -- talk about the fear they're living with. Going out to the community and seeing how many people are in fear of police, peace officers, people who have confronted with -- issues of fraud and their communities or have been in situations where they've seen numerous crimes or they, themselves, have wanted to call the cops or feel more protected. It's like we're in an era, though, of hypercriminalization and the risks that they feel just to call, you know, our peace officers is just too much to bear. And I think what I see a lot is that we're trying to engage people in knowing their rights but so aggressively we're attacked by SB-4 and the laws and the actions that happen from the state level to the federal level here in Austin, people just feel a little less human here in the city where we value, I feel, our humanity. I feel that we can move towards real, real progress here in our community in Austin where people can feel that they can live and not only survive, but thrive and feel that no matter what happens out there in all of the laws and all of the aggressive tactics of our governor and that man in the white house, I know that we can -- we can make Austin a better city to live in for everyone. Not just certain people. And as a young person of color, I feel this is important right now that we can make efforts here in Austin to truly make everyone feel like they belong here.

[9:09:39 PM]

Thank you.

>> Thank you very much.

>> Is Olivia Huffman, after that, is Ashlee Khan here? Why don't you come up to this podium? And Abbey SHAWN up after you. Go ahead.

>> I'm Olivia Huffman. I'm part of the no place for hate, part of the anti-defamation fund. When I heard it, I know how important it was for the Jews to escape the persecution of the Holocaust. The way the U.S. treated people like my grandfather is similar to what I see today. Those professing family values are ripping families apart. The same rhetoric that attempted to deny my grandpa's safety years ago is denying immigrants now, especially immigrants of color. Austin must lead Texas by example and providing sanctuary to the persecuted. It's not only a vote against immigrants or communities of color, but a vote against our city. Undocumented Texas residents are productive members of society and

make Texas homes for freedom. Today I call upon the Austin city council to say never again to future injustices and vote yes to agenda item 74. Thank you.

[Applause]

>> Mayor, mayor?

>> Mayor Adler: Yes?

>> Can I just --

>> Mayor Adler: Yes.

>> Ms. Hofman?

>> Yes.

>> I have a daughter who's a freshman and I just want to commend you for your comments before us.

[9:11:41 PM]

I think you should be proud.

>> Thank you.

[Applause]

>> Mayor Adler: Ashlee SHAWN is speaking and after Ashlee SHAWN, is abbey SHAWN here? You donated your time here? Is holly green here? No? What about you have three minutes.

>> A constituent of district 9, a recent graduate of high school and will be attending college this fall. Austin high is the most racially diverse school. There was a fear and worry that ran rampant through our halls when SB-4 passed. I was in the black student alliance and Latino partnerships. My parents were afraid their undocumented aunts, siblings, and grandparents would be deported after a simple traffic stop. We agreed the state passed a law that fosters and breeds hate. Texas is a supposed state of friendship, a place where we love thy neighbor. The thing is, we don't love thy neighbor. We love people with privilege. We don't pass laws that profile those of privilege but we raise them to the top of the system they're the top of. I'm not affected by the law due to the color of my skin and citizenship, however, my co-workers, friends, and family are. You, mayor Adler, and the rest of the Austin city council, have the ability to make a change to practice what we as some Texans preach. Instead of allowing the continuation of a law that tears across families and hurts our economy, you can decide to promote peace and prosperity to protect and provide safety for fellow austinites and truly love thy neighbor, thank you. Moich

>> Mayor Adler: You have three minutes.

>> I'll be attending rice university in the fall. I'm a constituent of district 6.

[9:13:43 PM]

And I love Austin. Seriously, I'm really sad to move to Houston. I want to review a little bit of my college app that got me in. I wrote the open mindedness and acceptance, my childhood has been compromised for the good old Austin weirdness. Everyone in Austin belongs. It's a city that truly embraces diversity and inclusivity and has taught me to do the same. I was born in Austin, I've lived here my whole life, and I've always been proud to be from Austin, except for now. I am so deeply embarrassed of the hateful legislation passed in my state and embarrassed to live in a place that fosters that hate and embarrassed to be from a city that hasn't done anything about it as it has spread. As before has spread hateful rhetoric and directly discriminated, we all know how horrible this piece of legislation has been for people of color. These are facts. It's attacking my fellow austinites while we stand by and watch. I hope you vote with your conscious and do the right thing today, thank you.

>> Mayor Adler: Thank you. So is Colin gray here? What about mark Mccarty? What about Madeline dedlek? What about ashkan jahnhi? Okay? Come on down to the podium. And you have time donated from Danielle Skidmore. Is she still here? Daniele Skidmore, so you have three minutes. What about Katie Wilkinson? Okay, you have four minutes.

[9:15:46 PM]

At the other podium, Seneca Savoy, are you still here? You have donated time from Marcus Denton? Is he here? And what about Lewis? Lewis Conway Jr.?

>> He's outside. Would you give their name, please, to the clerk. Four minutes.

>> Doe mate my time, support for my statements. The Austin democratic socialist of America. Last night I read a KVUE article in which the Austin police association president accused a councilmember of race baiting and stirring up hate for police officers because he was talking about racial disparities. Blatant disregard and dismissal of data showing disparities, that's white supremacy, a white man a leader in Austin called an elected official of color racist for speaking the truth about racism for bringing up the important issues that we need to progress as a society, that's the perpetuation of white supremacy. Is is backed by data as my colleagues will show. Ken Cassaday is calling the councilmember racist for talking about the truth. We need to talk about that. Thank you.

>> Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> I aise be speaking today on a report by measure Austin which I believe most of the council has time to see beforehand. So, in summary, item 73 is excellent policy. It addresses something that does exist. We can be confident of that existence and further we can be confident that problem is susceptible to policy interventions that will be further -- further implemented by passing this resolution. So let's begin.

We have the data from APD we received via Cassar's office, we used a sound methodology. Of course, we first remove any instances where arrest isn't involved.

[9:17:59 PM]

We look at the rate of citation versus the rate of arrest. We break it down by the type of arrest. What we see here when we do this is the rate of arrest for particular charges and here we're primarily talking about possession show a very clear level of racial bias. We can tell this has something do with the actual use of discretion, because when we take all of those incidents where discretion doesn't matter and put them back in, the level of disparity shrinks. If taking away that from the officer's mind reduces violence, we can be confident in what caused it. We can see supporting the acts when looking at the types of offenses. Higher levels of racial bias with possession charges are consistent with a large range of previous research, large enough we can be fairly confident that similar behavior has similar causes. This doesn't mean on the part of the officer, it means they're using an heuristic in their head to produce an image of what constitutes a high-risk when nay ear exercising discretion. We can't expect our police to be superhuman or Sherlock Holmes. So what does the actual resolution do? First, it directs it city manager to make policies with the disparities with the aid of the chief of police? Yes, is this possible? Yes. First because of the clustering around the types of arrests, we can make rules around those offenses, for example, reducing the pleb around the possession of marijuana. This is easy to do. Multiple ways of reducing the level of arrest, right? The procedural justice training through different deployment of police officers and making sure that where we physically put them match the actual risk, for example, the model asmt further, we see evidence in this particular precinct, the team that has extremely low arrest rate that's dealing with the same at risk populations and has maintained that, right?

[9:20:19 PM]

Because of the structural limitations of having bicycles, right? So they develop means, methods, and procedures that produce a low arrest rate. If impossible, their job would be impossible. What are the recommendations? First of all, we support the biannual review process in the resolution because it provides the structure for making sure the policies are working. It provides the structure long enough to run rigorous randomized trials so we know the policies are affecting the variables we care about. And it can give us the ability to make specific metrics, right? So we have meaningful interventions. Simply trusting that every officer has encyclopedic knowledge of what causes risk is highly unrealistic. So, we would suggest first of all that we examine deployment for possible causes of disparity, using the modelling, in a we take a look at the best practices embodied by the host team who have excellent records in this regard, and finally, that we try to duplicate a randomized control trial from earlier this year, from late last year in Seattle around procedural justice that's minimally expensive, has intervention of about 20 minutes, once every six weeks, and is the randomized controlled tire, reduced discretionary arrests by 20%. Further, we see that this intervention, like other interventions that reduce the discretionary arrests also reduce use of force. That's consistent. Interventions that do one do the other.

They do it without any increase in officer fatality or injury. Finally, we see the difference in processing is huge. Three times as long for an arrest as we do for citation. Reducing those gets it back on the straight.

[9:22:23 PM]

It's an efficient use of labor and it doesn't hurt anyone, thank you.

>> All right, is holly green here? I'm looking at list 74. Holly green? Not here. What about Tatum? Come on up? And what about Nicole Johnson? Is Nicole Johnson here? No? Nicole Johnson is not here. What about David king? David king? No. What about Ryan Pollock? Ryan Pollock here? Why don't you come down to this podium. You had time donated from mason terrapin. Is he here? Okay, good, you have four minutes. You have three minutes, go ahead, introduce yourself and start.

>> I'm a senior at the university at Texas here at Austin and constituent of district 21. At UT, I'm president of on-line campus a sexual assault prevention and educational organization. I'm here because of what I experienced in dealing with survivors of sexual assault. I get phone calls or texts from friends or friends of friends because a sexual assault has occurred on campus and they don't know where to turn. My response is to give them as many resources as possible like title IX, counseling, peer support, UTPD and APD. UTPD is commenting forums so they should be able to handle the mental health aftermath of a sexual assault. We work to ensure that survivors feel safe, like they feel like they have control after going through something that takes power away and control away from them. Imagine one of our resources being taken away from a survivor because they run the risk of being detained if they go to uputpd. Undocumented students have enough on their plates but the fact they have resources taken away from them because of sb-4 is inhumane.

[9:24:24 PM]

Serial rapists are a real threat on campus. They don't do it just once. A higher percentage of reporting could lead to less assaults making everyone feel safe, reporting to benefits to everyone on campus. Survivors of sexual assault deserve every resource, every opportunity, every helping hand the city can give them to help them heal, no matter the citizenship status, the race, the class, or education level. If you're a survivor works up the courage to tell them the story but going to the police could lead to deportation, what would you say to them? Would you let them carry that weight alone? I ask you to help. Sexual assault doesn't happen in a bubble. It doesn't discriminate. It happens to everyone. Why are we discriminating against communities that when he can help heal? Thank you.

>> Mayor Adler: Thank you. So I'm on 73 here. Is Justin berry here? You have donated time from Thomas Villarreal. Is he here? What about Justin waters? Jamie Nicholson? Okay. I have you with four minutes. Come on up to the podium.

>> The various racial groups in Austin. No doubt he also heard Ken Cassidy tried to spin that data in the attempts to spin the blatantly racist practices of the Austin police department under the rug. The fact of

the matter is that no amount of spin that officer Cassidy can apply to the data can obscure what the numbers show. The pattern of racist policing is apparent today in Austin, apparent historically in Austin and follows patterns of police departments both today and historically. The APD has shown no intention of addressing this disgusting behavior. These are not the actions of a few bad apples, no amount of disciplinary action towards individuals will fix this.

[9:26:43 PM]

Surely the council can see the sense in that at the very least. I urge you to support the motions, thank you.

>> Thank you.

>> Mayor Adler: Thank you. Item 74, line 14. Is Nicole Johnson here? No? What about I think Ryan Pollock we just had. Kevin McLaughlin? What about Fatima Mann, why don't you come on down. You had time donated from two people, Benjamin, is Benjamin here? No? What about Jonathan lull? Jonathan lull here? You'll have three minutes. Mr. Berry, you have I think five minutes.

>> Hill, my name is Justin berry. I'm the vice president, the vice president of the Austin police association. Been a police officer here for 11 years, also here in Austin. We both missed each other's thanks for each other. She's part of the reason I'm here today is for efforts at the Gibbs park and Gibbs community. I wanted to thank her for that. On June 7, 2018, Greg Casar tweeted out Austin police were seven times more likely to arrest black residents for possession of small quantities of marijuana than white residents followed by racist statements. This was concerning to me. Data was requested. I requested the source data. And was turned away. I was able to look at the source data from APD. I discovered alarming and disconcerting representations. I asked for a meeting or a phone call and was ignored. The further displayed the office inaccessibility and extreme lack of transparency as they had the source data all along and refused to invite it to me even after my pleas to allow them to work with my office to understand the data.

[9:28:56 PM]

I reserve my comments about Casar's racially charged tweets to instill fear in our community. I'll focus on a more productive conversation regarding the data. The data represented by Casar only -- sorry, not used to this thing the data represented by Casar only reflects arrest, sight, and release of class a, B, C misdemeanors, the data given to me by councilman Casar's office. The data from the office police department's office. Look at this data, we go on to look at the compliant class C's, a's, and bs. When we do so, we find out that there's a lot of -- there's some discretions. I'm not going to dispute that at all with the data. But what we did next was we looked at the context of the whole picture. Of from right here, the at a at a, the estimates from 2017. The -- so what this reflects is that 0.16% of the entire population of Austin which according to the U.S. Consensus data is 950 Schillings 715 austinities. When

we break it down further by race, each racial demographic is affected by 0.7% per demographic. Councilmember Casar's data showing extreme multipliers based on the microfractions of each racial demographic and skewed his data, he's promoting racially charged statistics that placed officers, members of the black and hispanic communities in danger by triggering an emotional response in a violent action by an officer. The statistics tell the narratives.

>> Mayor Adler: Hey, hey, hey, please, please. He's entitled to speak.

>> Thank you, mayor. This type of manipulation of statistics tell a narrative sets up Austin for failure.

[9:30:59 PM]

By looking at the microscope, the big picture trends of those who were arrested or cited is deliberately ignored. However, they're committed to reviewing the data and look for areas of improvement and arrest aversions. Through currently the arrest rates compared to the city's population per year show that -- show that in 2010, officers made \$48,764 arrests out of a population of 790,790 which yields a rate of 7.1%. The arrest count of 31,645, which yields 3.32%. Ap's arrest aversion practices can be seen here by having been reduced by half in seven years and show a downward trend when 2016 data is included. I recommend to council and city manager's office to work with key diverse stakeholders to determine a reasonable matrix to trigger an alarm. This alarm will allow the data to be reviewed by the community with the appropriate variable for the data at hand. We recommend this in good faith as we truly value transparency and accountability. Further more, we extend this data task force to be comprised with the good faith with the current contract negotiations. We want members of our various watch dog negotiations to take part in the percentage by total demographic data along with the media to ensure transparency and accountability of all involved parties can be relayed to the public. I'm requesting item 73 be tabled dependent on a review. I thank mayor add lever for going over the raw data and providing me the summary of the office finding. Thank you very much. Thank you, Ms. Houston.

>> Mayor Adler: Thank you. After Ms. Man is Nick leolis here?

[9:33:03 PM]

I'm looking at the list on item 73. Nick is not here. Kevin McLaughlin, is Roy Whaley here? What about Dave Pinkham. Why don't you come on down. You have time donated from Roseanne mesner. Is she here? No? What about mason terpin? Mason terpin here? No, okay. There he is back there in the conferenceser. Thank you.

-- Thank you. So you'll have four minutes when you speak. Ms. Mann, thank you, you have four minutes.

>> Good evening again. So in regards to discretionary arrests and racism in Austin. I'm going to start with the racism in Austin. Racism in Austin transcends more than APD. It transcends to me every system since I've been here. The lack of diversity, the lack of inclusion, the lack of analysis to figure out the impact of

the lack of policies and statements I think is missing in Austin across the board, not just from the systems that be but from community members as well. So be able to say how do we go about changing it and changing the racism that occurs and not just looking at discretionary arrests because that's the tip of the iceberg. It's not just discretionary in terms of negative discretionary. There's good discretionary. I think people failed to admit that as well. For example, you have people without homes, which police officers don't write tickets for or they don't run in the system or they aid in trying to get them housing because they understand the issue of people not having a home. So you have police officers who use diskoreish to aid people and then you have people police officers using discretion that isn't aiding people at all. That's the point we're talking about.

[9:35:04 PM]

We're talking about from the point of racial profiling missed with discretionary arrests for class C misdemeanors they don't have to be arrested for because the law says you can give them a citation and keep it moving. Racism is a huge topic, hence why the mayor created a task force and why we have an equity office, that's why there's so many things. Do I think racism is a thing that we discussed and we need to eradicate in Austin? Absolutely. My thing is how? How are we really going to make sure that this policy and all of the policies we're talking about actually happened. We've been talking about ending racism, we're still talking about it. But are we ending it or are we saying we need to have a policy that ends racism and then we're going to create a recommendation to end racism and there's no ending of racism. It's overbearing, tiring, dramatic for a lot of people. We have to talk about racism in policing and Austin but there's nothing to be done about the racism. If we want to talk about racism and police, talk about racism and the city management office or racism and the health and human services department. Racism and the fact most of the people without homes are people who are black and look like me. If we're going to talk racism and crossing and creating policy, that's going to eradicate racism and discretionary practices, do it across the board and not APD. They have stuff to work out. Yes, but I'm overly and tired of APD being on the chopping block. How many offices are black women leading them in the city of Austin? How many offices are led by black women in managing positions. How many black women are on the dais, we only have one, right? Being able to say we're going to talk about eradicate racism and talk about policy, I'm all for it. But there's a discretion all across the board. Things are important when someone brings it up.

[9:37:06 PM]

Black and browned people have been talking about APD and other systems have been against us since the beginning of time but now we have a policy so we're all going to talk about it, right? I'm over policy and recommendations that talk about ending racism. Either this policy is going to do something and we're going to have indicators to make sure racism is ended or we're going to keep coming here and having the same type of fluff about data indicating that we all know, there's racist practices in Austin. What are we going to do about it? How are we going to track it if? If we're not, we need to make sure

we stop talking about it. Make sure we're tracking to make sure we're not doing racist practices, thank you.

>> Mayor Adler: Thank you. Is Ken McLaughlin here? Line number 24 of 74? We determined no. Heidi Sloan, you haven't spoken on this issue. Come on up. John Briggs donated time to you. Is Mr. Briggs here? So you'll have three minutes, Ms. Sloan. And you had, I think, five minutes, you had two people who donated time?

>> You took that time away.

>> Mr. Briggs is there. So you'll have four minutes. You have five minutes.

>> Introduce yourself and then begin.

>> Thank you. I don't think I need five minutes but thanks, everybody, who gave me that. Keep it brief. I'm Dave Pinkham, resident of district 1, democratic socialists of America. I don't know exactly how to follow that. But I think it's a great conversation to have. It's interesting to think about several of the items that are up tonight that we've been talking about how they all intersect and overlap. Talking about how our city, how our society is structured, how racism is not just something that happens in the police force but it's something that happens structurally, happens in housing or lack there of.

[9:39:19 PM]

Jobs, good jobs or lack there of, so this one item won't address that. But this is a start to a conversation. So I'd like to echo again some of the things that have been said, to bring up the comments of Mr. Cassaday about skewing data and accusing councilmember Casar of being racist. It's not -- it's not magical thinking to see that police practices here in Austin and other places around this country are racist. And it -- Mr. Cassaday expressed some sort of offense that he wasing with personally accused of being racist or something like that. The thing to keep in mind is racism is not a thing. It's not like an individual action. Not just one person and one moment choosing something. It's a structural inequity built into our society. Until we can correct that, these problems will always come back, we it will always recur. Giving the people of color, the black and Latin communities put into an incarcerated state for certain offenses and held there maybe -- well, maybe -- let me just personal anecdote, I was intentionally arrested last year for civil disobedience. And I spent some time in the county jail. I tell you, there were not a whole lot of white folks in there. So I don't know what the data is there, but, you know, that's that. Okay, I'm done. Good-bye.

>> Thank you very much.

[9:41:27 PM]

>> Mayor Adler: Let me ask, is Brian register here? Brian register? What about shivas Watson? Mr. Register? Is Mimi stiles here? She has three minutes. You can donate your time to Brian? What? Did you

already speak? But you haven't spoken in 73 and 74 yet? Okay, you can donate your time. Ms. Sloan is going to speak. You had time donated from Mr. Briggs in the back and also Mark McCartney. Is he here? You have four minutes.

>> Thank you, my name is Heidi Sloan. I'm here with Austin democratic socialists of America. Thank you again for your patience and your thoroughness on these really important issues. Also thanks to whoever set up this agenda because I feel like we're getting a really great dialogue that's moving forward tonight. I don't think I'll take up all of my time. What I felt was worth saying is that for me -- discretion works in my favor and systemically, not just in situations of potential arrests or ticketing, but everywhere and all of the time. As I stand here, my hope is not to just end discretionary arrests but to move the window on -- on what triggers that incarceration pipeline as well.

[9:43:32 PM]

If it's an arrest appropriate event for one, not for me, then it ought not to be for anyone. I say an event. There are particulars. If an event wouldn't be escalated, it ought not to be for anyone. If we have decided there are circumstances in which we don't have to push people towards a system that will engulf their lives, if there's any other way of doing it, if people would do that for me, then they should do that for anyone. That's what this is about. That's what justice looks like. If any one of us deserves it, then all of us deserve the same consideration. Discretionary arrests rely on an internal assumption, a taught assumption, an assumption that is applauded, that is confirmed throughout our city and our culture. But it's an assumption ultimately about who deserves consequences and who doesn't. I don't think we need to be burr donning -- burdening the police with that choice-making capacity. If there's any way one individual whoever they are, whatever their color, whatever their class, can be prevented from being engulfed in that pipeline, then we ought to be making that choice always and everywhere. Because that capacity of choice making has real consequences in real people's lives. Arrests are doesn't mean going to jail for a couple of hours, it means missing work, it means missing family, it means losing out on finances and your job. Oftentimes it means losing eligibility for housing, it means escalation within the jail itself.

[9:45:41 PM]

Who does that happen to? It happens to the same people who don't benefit from discretion in the arrests itself. This is not a singular event, this is -- it is a trigger point. It sucks people in we call it a pipeline for a reason. There's force there. Once you're in, you are vulnerable. This is an opportunity for us to prevent people from being sucked in to something that's much harder to get them out of. It may seem small, these misdemeanors, but they change people's lives. Even the 500 or 400 people listed on the screen, it changes their lives.

[Buzzer] So, please, vote for items 73 and 74 tonight. Thanks.

[Applause]

>> Mayor Adler: Rachael Zuniga? Is she here? And the person donating time to Mr. Watson, is Susan here. Okay? Mr. Watson, if you'll come to this podium, you'll have five, Mr. Register, three minutes.

>> I think, therefore, I am while y'all were looking at 64 and 65. But you did the right thing anyway, so it's all right. I'm here to speak in favor of 73 and 74. Discretion is something that we would like to have none of. Ideally everything done by the government would be done under circumstances like this in which everyone gets to have their say and everyone gets to be rational and calm and we write everything out in excruciating detail. Unfortunately, we can't do that. We're going to have to trust the executives to execute the legislative power and we have to trust them with the discretion, but that should be minimized. It's vitally important when people know law enforcement they know what the law is. It's vitally important we know what the legal consequences of our actions are going to be. Every time anyone in power exercises discretion, that means that some citizen did not know the legal consequences of his actions.

[9:47:46 PM]

Didn't just not know because he hasn't bothered to check the law, but could not have known because it was up to someone else's mental state that could not be predicted. People should be subjected to as little of that as possible. Vote for 7. The issue isn't even particularly the racism that shows up in the disparities. The problem is discretion allows for any kind of bias that just happens to be the one that's a huge issue for us here. When it comes to 74, nobody in this room is fond of sb-4. We can do frankly the victims of our policies the honor of recording what we do to them to whatever degree we have to play along with the idiotic policies. So I hope you will support number 74, just keep track of the wrongs that we do. Thank you.

>> Mayor Adler: Thank you. Is Janet Ramos here?

>> Here!

>> Mayor Adler: Come on down. You'll be next with three minutes. Sorry, I think you had three, four, five minutes.

>> Watson, again, district 10 resident, district 1 laborer. All of you know my name at this point. I thought I'd come with something written, but, damn it, you need to live the experience because manly is back there saying his department needs to live the experience. But let me tell you, low-level arrests. They make it really hard in district 10 to get out to restaurants; to get out to retails, to get out the retail spaces. You know, once I lived on jolliville. I live on 183, I said, damn, if we serve tables for two years, we might afford a house some day or at least an apartment. But, see, if you're a smoker and you get caught with less than 28 grams, we know that the

[9:52:06 PM]

he goes through all of my things, right? He finds a grinder. He finds a grinder in plastic. That my room maleate -- roommate was sent and it was his things because we have to share a U-Haul. He pulls me out. I think this is going to go gray. I don't want to get shot. So I cooperate. Both officers corner me and say how I'm an officer and an addict and they want to know where the rest of the weed is. It's a grinder, it's plastic. I smoke. I'm not smoking right now. I'm not a threat to anyone else. Puts me to the ground, puts his foot on my back. I'll never forget it. They arrest me. That's not what we talked about. The court system in Travis county once these discretionary arrests come into your life that you have to sit in Dale valley for months. If you were about lived experience, manly, Adler, you get in touch with some of the folks in district 1. Youngsters that are 19 years old who said for petty theft or for criminal mischief or for graffiti because you don't have enough safe spaces here for the individuals to do their artistic talent on, they have to sit in for 3 months, 6 months, 9 months. Do you know how the smell that you have on your upper lip when you come home from there? No, you don't. We need to -- we need to end this. But I'm also saying, guys, we need community education. I don't want anybody just to get tickets and take advantage of getting the ticketble offenses. I want people to handle their debts. This is the last thing I'll say, in Austin, this isn't Mexico. We need this to be a freedom city.

[9:54:09 PM]

Because there's nothing you can do to change the way the Latino population is treated. So you can make this a sanctuary city for all.

>> Mayor Adler: Thank you.

>> Thank you.

>> Mayor Adler: Jan Ramos. You'll speak in a second. Rachael Zuniga here? Rachael? Why don't you come on down? Come on, Jeff. You have three minutes.

>> Thank you, mayor. Good evening, ladies and gentlemen, city council, city manager, mayor pro tem. I'm jenn Ramos. I hope affiliates including the Austin young Democrats, the director for the Texas young Democrats, and the member of our revolution and dsa, I thought it was unfortunate seeing the rhetoric of seeing the people of color taking a turn for the worse. For me, travelling means extra questions or check points. I mentioned this in the council; for the audience, I was told to pack my bags because I would be sent back to where I belong the next day. Walking to a restaurant, going shopping, carrying a backpack, socializing in a bar. All of these things are things that some take for granted but folks of color know are easy excuses for us to be harassed. It's the price I pay for being Latina. Even so, I'm not ashamed of who I am or say I come from the ultimate sacrifice. My great grandfather was smuggled into the United States to keep him from serving as a child sold in the Mexican revolution. I'm here in solidarity with my brothers and sisters who are members of the undocumented community. I'm here in solidarity with the brothers and sisters of color hoping one day justice is blind. Geographic callow occasion of our births does not make us less human. The color of our skin doesn't make us less worthy of due process. I stand in support of items 73 and 74.

[9:56:10 PM]

We hold these truths to be self-evident that all were created equal and are endowed by their creator the right to life, liberty, and the pursuit of happiness. I would like Austin to uphold these values and make this city a safe place for all of its citizens. Thank you.

>> Mayor Adler: Is Jasmine here? What about a Lauren? What about sue Gabriel. You'll be the first speaker to have one minute. You have three minutes.

>> I'm Rachael Zuniga. I'm a university graduate. I hold a respected position at the family of -- the department of family and protective services. I pay taxes, I fight alongside underprivileged and underrepresented people within the communities that you serve. And today I'm afraid for the safety of the community that I now call friends. Sb-4 legalizes racial profiling, discriminates against people of color, creates a mass deportation pipeline and makes our communities less safe. Sb-4 also known as the show me your papers law, is the immigrants' version of stop and frisk. It's based on the racist, fictitious assumption immigrants are more likely to commit crimes or are dangerous. On the contrary, immigrants are less likely to commit crimes. So bills like sb-4 are reducing local law enforcement's ability to address actual crimes in order to push a largely politically motivated federal immigration policy. It's wrong. If Austin is to be the all-loving Progressive weird city so many like to claim it is, it needs to fight back against the harmful law that allows police, including campus police, though question the immigration status of anyone they detain or arrest.

[9:58:14 PM]

In my profession, I encounter a lot of domestic disturbances, if I'm a victim of domestic violence. I now have to choose between allowing the violence to continue and reporting and risk losing my freedoms and now my children. Beyond that, undocumented perpetrator of violence is arrested and entered into the deportation pipeline. Beyond the fact the white perpetrator can bond out the next day, this process leaves no room for rehabilitation. It leaves the families who remain in the U.S. Without the income needed to stabilize their homes. It leads to more and more children of color entering the for profit criminal justice system and in an already overburdened foster care system. Additionally, our city is footing the bill to keep the people incarcerated while they await deportation, a bill that should be on the federal government's tab. The bill is written under the guise of creating safer communities. The reality is sb-4 makes the communities more unsafe because it increases the fear and the rift between local law enforcement and communities of color. We're sending people, human beings, to countries they don't know for traffic stops and other petty and nonviolent crimes. So I ask you to check your humanity. These are humans, different from us only because of an imaginary line drawn in the sand. My family was privileged enough to have the money and connections to come across the border with fairly little trouble. But what if they had not? But what if they had not? What then?

[Applause]

>> Mayor Adler: Thank you. Is sue Gabriel here? Ms. Gabriel? Is Olivia Ott here? Thank you. Is Rebecca Mather here? You'll have two minutes. You have one minute. Go ahead.

>> Hello. My name is Lauren Ortell.

[10:00:14 PM]

I live in district 1. For item 73, I will say I'm grateful this item is outgained and I appreciate the leaders behind it. Austin has the best chance of achieving true public safety when we start healing the relationship between the community members and the police. We know that discretionary arrest, disproportionately target people of color and people who cannot afford to spend time in jail. Reducing arrests for Johnailable offenses is an important step for recollection with police and I hope everyone will vote in favor of this item. 47, it's our obligation as human beings to do what we can to reduce the absolute terror that our immigrant communities face everyday in our city. I have a lot of confidence for everyone to vote for this right now. There's no opposition. I know chief Manley is against B, sb-4 so ithank you for hearing this tonight.

>> Mayor Adler: Is Mera Huerta here? You have time donated from alandra Johnson. Is alandra Johnson here? No? What about Julia Von Alexander? Ms. Huerta, you'll have two minutes when you speak. You had -- you had two minutes. That's correct. Thank you.

>> I'm sue Gabriel with Texas advocates for justice. I support items 73 and 74. In 2007, house bill 2391 was enacted by the state legislature. This gives police the option of issuing citations instead of arresting. That's been 11 years ago and it still has not been implemented by the city of Austin. If this is implemented, families will not be torn apart. Incomes and jobs would not be in jeopardy, be put in jeopardy, and people of color can have some sense of security.

[10:02:18 PM]

One day in jail can have a lifetime of effects on individuals and families. I know this to be true because I am still living with the effects of an unnecessary low-level arrest from 37 -- 36 years ago that also included police brutality. I was arrested for trespassing in the apartment complex in which I lived and paid rent. What I've seen and experienced is police aggressiveness and disrespect for people of color. This is clearly unnecessary. If police would do the right thing by properly approaching and talking with people instead of at them, many of these arrests would not take place, and many instances, police are manhandling people and handcuffing them without saying what the reasons are for the arrest. I have experienced this. Police aggressiveness toward people of color must end. Voting yes on items 73 and 74 must -- will make us somewhat safer. I don't know about completely because what I heard from the man in the white suit shows that it's not going to be easy.

[Cheers and applause]

>> Mayor Adler: Is Jonathan Lowell here? No? Is Lisa Fifian here?

>> Yes.

>> Mayor Adler: Okay. Was Rachel Manning here? You have two minutes if you want to come on down. You had two minutes. By the way, before we start, we're now after 10 o'clock. Is there a motion to extend the meeting past 10:00? Mr. Flannigan makes the motion, seconded by Mr. Casar. Any objection to extending? Hearing none --

>> Alter: I would like to abstain.

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

>> Alter: I don't believe we should make decisions after 10 o'clock so I'm going to abstain.

[10:04:18 PM]

>> Mayor Adler: Okay.

>> Alter: I know we need to listen to everyone here.

>> Mayor Adler: With one abstention, the other six on the dais say we're going to move on, so we will. You have two minutes. Go ahead, please.

>> Good evening. My name is Marta Huerta. I'm an organizer at workers defense project. In January of this year I moved from Dallas to Austin. I am now a proud resident of district 1 and I'm here speaking in support of item 73 and 74. One of the reasons I decided to move to Austin is because I knew Austin was very special. It was very different than other cities in Texas. It's somewhere where I knew I could feel safe and where I knew that my community, the immigrant community felt safe, safer than other places in Texas. It is because of Austin's leadership that other major cities in Texas decided to have a lawsuit against sb-4. It is because of Austin that other cities are more friendly towards immigrants. Austin gives me hope, being an immigrant. Even in light of these attacks against our community, against people of color, both from the federal and state government, Austin has a great opportunity to do the right thing, hold the values and make the city special. The policy comprised of 73 and 74 seeks to take Austin a step further in protecting the lives and well-being of immigrants and people of color. You took the first step when you decided to join the lawsuit against sb-4, but while this racist law makes its way down the courts, we cannot wait while our community lives in fear of deportation every single day my mom and my brother live in fear of deportation. They live in fear my father will get deported. They live in Dallas. But this is the law of the land. We need our local government to fight back. This policy doesn't take away our constitutional rights, it doesn't take away our right to decide what we want to use our resources for.

[10:06:20 PM]

Item 74 does that, sending a message that our city will ensure, if police ask us for immigration status, they must also inform individuals of their constitutional right to remain silent. It gives our local police department tools that they can use --

[buzzer sounding]

-- Toeshoe that law enforcement resources are being used to make sure our city is a welcoming city.

>> Mayor Adler: Thank you very much.

>> Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Is J Jana Simms here? Jana Simms? You'll be the next speaker. Alex Cogan here? All right. Ms. Simms, you'll speak at the other podium and you'll have two minutes. Go ahead. Introduce and you can start. You have two minutes.

>> Okay. Hi. Good evening. My name is Rachel Manning. I'm here today with undoing white supremacy Austin. That's all these folks behind me, a group that is committed to identifying and unraveling the manifestations of racism and white supremacy in Austin. We're here to ask you to vote yes on items 73 and 74 which would direct the Austin police department which, among other things, would direct the Austin police department to use their discretionary power not to arrest and incarcerate people for low level offenses when allowable. Others here tonight have testified to the harm caused by arrest and detention. It creates a ripple effect of consequences throughout a person's life, impacting not just the individual but also their family and their community. In many of the cases here, it's exclusively an issue that impacts poor people. For poor people, the consequences of incarceration are compounded. It's often the beginning of deportation proceedings, homelessness, unemployment, and child protective services involvement. These disruptions are extremely costly, not just to individuals and families but also to our city. And while these are all excellent reasons to justify voting yes on this resolution, that isn't why we're asking you to do that this evening.

[10:08:22 PM]

We're asking -- you must approve this because the current policy is racist. And you can overturn it. It is well-known that people of color are disproportionately punished at every stage of the legal system, from arrest through sentencing, and the data that was released by councilmember Cesar's office, even though it is apparently being disputed, vividly illustrates this. We know that most white people have a story about the moment when they've been granted leniency by law enforcement, for from being scolded for an out of date registration sticker, a broken taillight, or a joint in a pocket, white people are assumed innocent and well meaning by lofter. These everyday encounters white people to believe that the police are not predatory or prejudice, and it reinforces a risk of experiences in between communities of color.

[Buzzer sounding]

>> Mayor Adler: Thank you.

>> This policy isn't a panacea will will absolve racism, it's just a start. I encourage to you take the first step and vote yes on these bills.

>> Mayor Adler: Thank you very much. So Ms. Simms is going to speak and she has two minutes. Is Emily Garrett here? Come on down. You'll have one minute. You have two minutes, Ms. Simms.

>> Hi. I'm Jana Simms, a resident of district 1. I'm a recent graduate from the university of Texas school of social work, with a master's. And I am here to remind you guys of a resolution that y'all passed April 14th of 2016, supporting the charter for compassion. Let me read a little bit of what that says, the part of the resolution that goes, be it resolved by the city council of the city of Austin, the city council of Austin hereby confirms a chart of compassion which recognizes the compassion as a purpose principle, unifying value that guides and compels people of all backgrounds, perspectives, creeds and cultures to treat all human beings with justice, equity respect.

[10:10:29 PM]

This is directed to those who are on the fence. I want to ask you what emotions do you feel when people that have come up here and shared their lived experiences are sharing. Are you feeling sadness? Are you feeling anger? Do you feel defensiveness? What do you feel when you hear their stories? Look at that motion. Understand why you're having that emotion and that will lead you to the answer of what you should do and how you should vote on this. What's really gross is that time after time, people of color have to come down here and beg you to believe their story. That's discussing. They deserve better than that. They deserve to have the humanity recognized and it's time we as white people, for all the white people on the dais that aren't certain, really take a personal look within our hearts is to how we react to these stories and why we react that way and seek compassion and seek humanity. Thank you.

>> Mayor Adler: Thank you. District 1 is Angelica here? Come on down. You'll be at this podium. You have a minute.

>> My name is elm he wily, staff attorney at the Texas defense project. I want to say a couple of things. I want to address some of the comments made by Mr. Berry and the microfractions. I don't think it's a coincidence that those microfractions show discrimination. Discrimination clearly is apparent at every level of the criminal justice system and I can also attest as an attorney the clients in the Travis county jail, if you look around the Travis county jail, you do see the effects of that.

[10:12:35 PM]

Arrest is a very humiliating experience, just a few days in jail causes people to lose jobs, housing, health care, even child custody. Immigrants have the most to lose from arrest in many ways, and finally in the

wake of sb-4, any system that makes race-based inquiries into immigration status needs to be fought against so thank you for considering these items.

>> Mayor Adler: Thank you. Before you begin, is Emily Tim here? Emily Tim? What about Chris Harris? Mr. Harris? You have time donated from James Casey and also from Nakia Winfield. Is Nakia here? No? Then you'll have two minutes, Mr. Harris, and you'll be the person on deck. Introduce yourself and you can start, please.

>> Hi. I'm Angelica and I did want plan on testifying today so please forgive me if I trip over my words. But when I got here today I realized I had to because I had to give a voice to my clients. I am a criminal defense attorney and I represent almost exclusively the indigent population. And they are people. They're not just numbers and statistics on racism, they're real people. And I asked one of them if I could share his story with you -- 30 seconds, I guess, his story with you today. He was sleeping on a picnic table in a park, and he had all his earthly possessions in a duffel bag under the picnic table. And an Austin police department officer took it upon himself to arrest him for camping, a statute which they have a similar statute in Harris county, which is being evaluated for its constitutional implications. And in the process of this arrest, my client said, okay, but let me pack up my stuff. And because he, quote-unquote, tensed his muscle and moved his arm in front of his body, a resisting arrest charge was added to his case.

[10:14:39 PM]

[Buzzer sounding] I'll go very quickly. He spent 30 days in jail before he --

>> Mayor Adler: Finish your thought.

>> By directed verdict, a judge found him not guilty as a matter of law. He was willing to sit in jail and not take an offer just to get out of jail.

>> Mayor Adler: Thank you very much. That's okay. That's okay.

[Applause]

>> Mayor Adler: Would you introduce yourself, please. You have a minute, Mr. Harris. You'll come on up. You'll have two minutes.

>> Good evening members of council. I'm Emily Tim, senior organizing Dr. With workers defense project, I'm a district 1 constituent. I'm here to urge you to support item 73 and 74. I think you are all well aware that our communities are under attack, immigrant communities are being terrorized right now bylaws being passed at the state level, at the federal level with families being separated at the border, people being shipped of their basic rights. We know as has been well documented tonight, people of color fear law enforcement officials in many cases. I am eager to see you guys pass this tonight. I expect no less from a city that declares itself to be a welcoming city and we need both of these policies to pass together. I want to call talks ever attention to --I'm not sure if you saw during the break, this is a movement, uprising, people fighting back in their local communities, I'm excited Austin is going to do

this tonight, but Austin is not alone. You will see other cities in Texas following suit and our communities will be there side-by-side with local officials to fight back against these racist policies.

[Buzzer sounding] So thank you for support.

>> Mayor Adler: Thank you very much. Is Laura Fortuna here? What about Jennifer pumpfrey? Why don't you come on down. You have time donated from Christina parker. Is Christina parker here? You'll have two minutes, Ms. Pumpfrey. Mr. Harris?

>> I think I got my second person so do I have three? Just want to confirm.

[10:16:39 PM]

>> Mayor Adler: James Casey and Nakia Winfield? Ms. Winfield. You do. Three minutes.

>> Thank you. My name is Chris Harris I'm here in favor of 73 and 74. Really quickly, on the data, data provided by A.P.D. For calendar year 2017 provides four police encounters when a citation ticket was available as an option because neither the lead charge or outstanding warrants required arrest. This data shows distinct disparities in who officers arrest when they have a choice not to. According to their data, black people -- they arrested black people 477 times when they could have given a citation or ticket out of 11,293 total encounters in 2017. Ending in either a citation, ticket, or arrest. So this is an arrest rate of 4.22%, or more than one in 25 of these applicable encounters. Keep in mind that these encounters include every stop for only minor traffic infractions. Conversely, their data says white people were arrested 577 times last year when they could have received a citation or ticket out of more than 30,000 total encounters, 30,019, to be exact. This is an arrest rate of 1.92%. Or less than one in 50 of the applicable encounters. This means that black people were arrested at more than double the rate of white people last year when the option to give a ticket or citation was available, pointing to clear racial bias. But this is bigger than individual racism on the part of police officers. Enforcement strategies beyond single parole officer's control are definitely at play. Even more in cities, many of the laws themselves were specifically designed to criminalize black, brown, and poor people, combating individual and systemic racism is the goal of the freedom city's policy.

[10:18:47 PM]

To give you an example, the 8th circuit federal court recently upheld a Missouri law that makes braiding hair without a license a criminal offense. This is textbook criminalization. Making non-violent activities common to people of color criminal under the law is a big reason we have prisons and jails full of people of color. Many laws on the books right here in Texas related to drug possession and poverty are similarly used to keep people of color in the criminal justice system. These laws clearly don't improve public safety. To the contrary, they decrease it. So what purpose do these laws serve? They ensure continued state and corporate control of our labor and the denial of our citizenship. Incarcerated people work in

virtual slavery and face huge barriers to voting, if they can ever vote at all. Upon release, the stigma of conviction prevents meaningful economic opportunities, ensuring continued exploitation and low wage.

[Buzzer sounding] Forces to return to the legal economy. The same true, when we talk about legal immigration. Last thought.

>> Mayor Adler: Finish up.

>> The U.S. Has long kept people undocumented in order to prevent them from voting or having economic activities beyond dangerous low wage jobs. This policy is important because it recognizes these are intertwined. Thank you so much.

>> Mayor Adler: All right. The next speaker is Darren huff. Darren huff is not here? You are here? Okay. You can come up. You'll have one minute. Ms. Pumpfrey, you have two minutes. You can begin.

>> Good evening. My name is Jennifer pumpfrey. I am a native austinite and a member of district 9. I'm here to give you a little bit of history of what that discretion leads to. At 19, I was a regular high school kid.

[10:20:47 PM]

I made a's and B's, graduated with honors. Was never a trouble maker. But I had a teenage girl's attitude. And that attitude led me to six weeks in jail over a gram of marijuana. That six weeks of jail, I lost everything. I lost my home, I lost everything I owned. And that 21 years ago, I'm still paying for that today. I was lucky enough to find a career where I was given a chance, regardless of my past, to be a productive member of society. In 2014 I built a home for me and my son and was on my way to a financial stability, happy and healthy life. Unfortunately, in 2015, my home burnt down in a fire. This fire completely tore my life apart and I lost everything, including my job. Because of my record I have spent the last two years trying to find a comparable job or a job, period. I ace the interviews, I'm pressure offered the job. A few days pass, they run a criminal background check, I'm lucky if I get a call back saying the position was already filled, all over a misdemeanor marijuana offense from 20 years ago. I'm a single mother, now forced to live on my mom's couch so my son can sleep in the spare bedroom because I have a record and most people won't rent to me. Let's stop the needless arrests of our loved ones over low level, non-violent misdemeanors.

[Buzzer sounding] Thank you very much.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: All right. So is cloren Williams here?

[10:22:49 PM]

What about Julian Reyes? Why don't you come on down. You'll have minute. Mr. Huff.

>> Thank you, everybody. You know, this evening we're talking about police standards for addressing racism and systemic bias and disparities and undoing the effects of that racism through better control of discretion. And I just want, at the risk of sounding crazy, I just want to highlight again that earlier today we cut property taxes for disproportionately wealthy white homeowners. Some argue that gets passed on through businesses, but that's consumers and also a regressive tax. I think as we're talking about the police and their bias and their issues, we need to talk about why we're favoring wealthy white homeowners with our tax policy. And obviously I have a big problem with it. Thank you for your time.

>> Mayor Adler: Thank you. Is Carmen zuvieta here? Carmen zuvieta? You'll be the next person up when the podium opens up. Sir.

>> Okay. I'm going to go ahead and skip the introduction but my name is cloren Williams. I'm here on behalf of Texas advocacy adjusters and the entire community. I'd like to say I'm here voting yes for the proposal of 73 and 74, the reason being because I've had the pleasure to stand out and fight for other things outside of my brother's situation. One thing in particular stuck out to me was a situation at the huddle detention center just a few months ago with Laura mandelosa. I sat out there, I was the only black male, sat out there five hours to keep her out of solitary confinement where she made the allegations she was getting raped, beat, and treated just like scum, and then deported.

[10:24:56 PM]

She was free about two weeks after that. And everybody was glad. But I did that because I believe in real community. The community that has been broken into neighborhoods, and from neighborhoods into hoods. I came here today, and as you can see, there's been young people from 9th graders all the way to elders coming and speaking on of a behalf of the situation to city council. Every time I get up here, I can feel your power and your wisdom. And there should be a lot more people behind me that's going through these same situations and be willing up here to beg you guys. These people behind me, I'm pretty sure you can see a lot of black and brown faces, and truth be told, even in our own community, deep down, we have a lot of racial problems. Somebody probably cut off one of the black people headed up here, and they was like, hey, I can't stand those meskins. Meja, please don't marry a black male because you won't live -- you won't get the inheritance.

>> Mayor Adler: Thank you very much.

>> What I'm saying, the racism goes deep and it's going to continue to go. But we looked over that and stepped on the ignorance with one foot and then used the other foot to step through city hall together. So together we came and we want you to understand that if you cannot vote yes, then you all can, what is going to continue to happen with us --

>> Mayor Adler: Mr. Williams? Mr. Williams? Sir? Sir?

>> Our target and our neighbors become overwhelmed --

>> Mayor Adler: We have to -- we have a hundred people still to speak.

>> That's what we need. Yes.

>> Mayor Adler: Thank you, sir. Julian Reyes? We have Carmen. You'll be up -- you have time donated from Ricardo. So you'll have two minutes when you speak.

>> You can start the video. I just want to say a few things while the video is loading.

[10:26:56 PM]

Make sure the volume is up on the video. With liberty and justice for all should mean something to you guys and that's what we're talking about with these two items. The law is but a spiderweb for the poor alone. That's an old saying that's thousands of years old. We're systemically racist organization here in Austin, the city of Austin incorporated. And we also are system icallygentrifying. Turn it up a little bit. Can we get more volume? This is a homeless community this week. This man has been beaten up by police in a ski mask on the east side.

[Video playing]

[Buzzer sounding]

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

>> That man on the left has a scar on his hip from being beat up by police and he wishes to file a complaint.

>> Mayor Adler: Thank you.

>> There's lots of these stories actually talking about a woman that's been raped by police.

>> Mayor Adler: Sir. Thank you. The next speaker is Antonio Mendoza. Is Antonio here? Why don't you come on down. You have two minutes.

>> Excuse me, she will need an interpreter so is there any way she can get more time because we're going to have -- thank you.

>> Mayor Adler: Yes.

[Speaking Spanish]

>> Thank you so much for letting us express the necessities because I do believe this is a necessity.

[10:29:06 PM]

We know we're living in a very difficult situation.

[Speaking Spanish]

>> And this moment right now, the immigrant -- the Latino community is living in an earthquake and a tornado situation.

[Speaking Spanish]

>> I think that right now only the people who live it can understand the difficulty of the situation of the fact that we are scared of the police because that is true.

[Speaking Spanish]

>> I just recently stopped by the police because I was four seconds behind the cops -- behind the car in front of me. I don't know how many of y'all have been stopped because of that, with your privilege of being four seconds behind a car.

[Speaking Spanish]

>> The only thing he asked me for was my driver's license. I had my inspection sticker expired and the only thing -- he didn't even take it into consideration.

[Speaking Spanish]

[10:31:36 PM]

>> He knew that with the driver's license, he knew what he could do to me. I had expired -- I had an expired driver's license and I was able to show it to him. This happens to us everyday, that happens to us at school this happens to us at the doctor, this happens to us every day and I think that it is -- we don't need press conferences, we don't need statements, we need a concrete action or resolution that will actually do something to us. Y'all know what you'll have to do.

>> Gracias.

>> Thank you.

>> Mayor Adler: Thank you very much. Is Amanda Weems here? Why don't you come on down and you'll have a minute. And Ms. Mendoza, you have a minute with an interpreter, I'll give you more time.

>> [Speaking Spanish]

>> My name is Antonia Mendoza. I'm here to make a big ask of you, to treat us as human beings.

[10:33:43 PM]

I think we live in the fear of police, we fear for a broken light we'll get pulled over. I'm here to ask you to have great conscience, to take this step. I'm specifically asking you as mayor, who have a lot of power,

I'm asking you to take this opportunity. I'm a mother of a lot of kids, and I know that to you it seems that we are nothing, but we are human beings, and I'm asking you again, as the mayor, to take this step and understand me as a mother.

>> Thank you.

>> Gracias.

>> Mayor Adler: Thank you. Is Erica Galindo here? Why don't you come on down. You have donated time from Monika Brownlow. Is Monica Brownlow here? What about Marie Hernandez? You'll have two minutes. Go ahead. Introduce yourself, then you have a minute.

>> My name is Amanda Cavazos Weems. I'm co-chair of young active labor in Austin. I'm a union member and woman of color. I'm speaking to you tonight because my fiance is forgetful. He forgets his wallet all the time. The last time he did this, I got so upset with him because he didn't understand it, he didn't think it was a big deal, and I said, I don't want to get a call from you having to come pick you up from jail. I don't want to worry if they're going to believe that you're a citizen or not. And this is only a fraction of the fear that our immigrant community and our community of colors live with every day. I'm a union member because I believe every person deserves dignity and respect on and off the job. And in the labor movement, we believe in practicing solidarity. We stand up for each other. We know that when one person suffers, we all suffer. So when I hear from my immigrant friend and my black and brown brothers, sisters, siblings in the struggle, that they need help seeking justice, I proudly stand with them because I know all of our freedoms are tied together.

[10:35:47 PM]

I urge you to support this.

>> Mayor Adler: Thank you. Thank you very much. Is Shane [indiscernible] Here? Shane?

>> I donated my time.

>> Mayor Adler: You donated your time to someone else?

>> Yeah.

>> Mayor Adler: Okay. Just let the clerk know. Is Jordan Alvarez here? Jordan Alvarez? Why don't come up on down. You'll have a minute. You have two minutes.

>> Thank you. Good evening, councilmembers and mayor, my name is

[indiscernible]. I'm originally from the Rio grande valley. We recently moved to Austin to take on mf-new role as organizer for fund for reproductive equity. I'm here to urge you to vote yes on 73 and 74, the freedom city policy. To protect the quality of life and future of immigrants and communities of color in Austin. At the fund, we help people in central and southern Texas pay for an abortion when they cannot afford it on their own. About 83% of our callers are people of color. The majority of them are women of color, carrying for their families, and many of them are also affected and impacted by racist criminal

justice system. We see firsthand how increased policing and increased immigration enforcement not only instills fear among our immigrant callers and communities of color but in many cases it prevents them from getting their abortion and other forms of basic health care altogether. We know that the freedom to live our lives peacefully without fear of police or deportation that traumatizes our families and communities is reproductive justice. From the valley to Austin, from my old home to my new home, I've seen how working poor communities of color continue to be hurt by each unnecessary contact with the police or the penal system. These unnecessary contacts put people's freedom, quality of life, and families in peril. These horrible circumstances can be curbed by the passage of meaningful policies like the ones before you today.

[10:37:49 PM]

I hope that you listen to the stories of people negatively impacted by unnecessary policing and decide to invest in the revitalization, nourish. And growth of Austin people and communities. Please vote to pass items 73 and 74. Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Colleagues, this is going to be going for a while. We have number 56, which is something that councilmember pool has an amendment on. She's not here, so I don't want to postpone that with her not in her chair, I'm going to say this out loud in case she wants to come down and join in that conversation. Hopefully she'll hear this and come back. And if not, we'll see how we handle it otherwise. Jordan Alvarez, and before you start speaking, is Ariana Brant here? What about Bethany Carson? Why don't you come on down so you can speak. Is Heather Jones here? Okay. So you'll have two minutes, Ms. Alvarez. No, Ms. Carson, you'll have two minutes. Go ahead, sir.

>> My name is Jordan Alvarez, I'm speaking on behalf of [indiscernible] Who couldn't make it today.

>> Mayor Adler: Can you pull the microphone closer to you?

>> Sorry about that. I'm Jordan Alvarez, I'm speaking on behalf of John Prather who couldn't make it today. Dear city council members, I'm a volunteer with

[indiscernible]. Back over the past couple months I've focused on work for immigration work for a local law firm. In my experience at this firm I saw firsthand what could have been benign interactions between police in the community, over routine traffic stops, result in detention and deportation because of the changes in policy targeting immigrants. Austin must set an example for other cities how to balance politics by passing these resolutions.

[10:39:53 PM]

The growing and open hostility toward the immigrant community in Texas and the country as a whole is profoundly disturbing. If these resolutions aren't passed and Austin does not make even the first steps towards a more equitable law enforcement system, Austin ever will be agreeing to the racism in this country. In addition, these resolutions should be considered in the context of Maryland's task force on racism and systemic inequities as a way to take actions on the conclusions of this report. Thank you on behalf of John Prather.

>> Mayor Adler: Thank you. Is Shantell here? Sorry, I didn't see your hand. Why don't you come on down to the podium. Is holly Kirby here?

>> Yeah.

>> Mayor Adler: Okay. Is Steve Alcocer here? Steve Alcocer? You'll have two minutes. Please introduce yourself. You have two minutes.

>> Good evening. My name is bet any Carson. I'm organizer with grass roots leadership and I'm here to ask you to support items 73 and 74. These low level arrests result in life altering harm both through the impact of incarceration and as a pipeline to being deported and torn away from someone's family. Last July at grandson roots leadership, we got an urgent call from a woman named Alicia who's a young woman who lives in San Marcos who was working at the time as an intern for grass roots leadership. She said that her dad, martin, had been stopped by an officer for rolling through a stop sign and arrested. He was taken to the hays county jail where an ice hold was placed on him, meaning that if his family paid his bond, he would be sent to immigrant detention and likely deported.

[10:41:55 PM]

So we and workers defense project worked with Alicia and mounted a campaign overnight to free her father. Luckily, this time, under community pressure, hundreds of petitions and dozens of people showing up in front of the jail, it worked and the sheriff dropped the ice hold. But it could have ended differently, and it regularly does for people who are arrested in Austin every day. Ending discretionary arrests would mean that mothers and fathers of color in our city would live in less fear of being ripped from their families and their lives for things that are, by the way, I, as a white woman, would just be given a slap on the wrist. And you've heard the statistics on how that happens. So please take this opportunity to make Austin a less incarcerated, more racially just and safer city. Thank you.

>> Mayor Adler: Thank you. So is Daniela nez here? Come on down. You'll have a minute at this podium. And one of my colleagues on the dais wanted me point out to the folks that are here that both of these items are probably going to pass unanimously, or near unanimously, and I just want to make sure everybody knows that when they're -- when they're speaking here. You have two minutes, Ms. Pridgdon.

>> I'm Chantel, an original austinite of 35 years. An advocate for justice and

[indiscernible]. The first time I went to jail was in 2009 for driving while license invalid. I was pulled over while leaving from a gathering in dripping springs. I will never forget the site of my mother's face when

she came to pick up my car. I also felt like a failure because my daughters were in the car. The fear and hurt I experienced could have all been avoided if low level non-violent offenses like this were treated at such instead of made to be a traumatizing experience. Because the initial arrest turns into so much more, central booking, mugshots, jail food, other inmates, collect phone calls, the ride to del valle -- did I mention that they made me go to del valle because they thought I was an immigrant for being born in Hawaii?

[10:44:13 PM]

Bunk beds, community showers, bond, court dates, fees and fines, the cycle can last up to two years and whether you are convicted or not, you now have a record. Between 2010 and 2012 I went to jail two more times for while with license invalid because I have to get to work and I have to take my kids to school. Each time was a traumatizing experience. I work hard every day to take care of my daughters. Why is that? Because of dps point system or my financial hardships, do I have to go to jail for a suspended license when the state law says I can be given a ticket? You know why, because this is abuse of authority from police officers in the form of oppression. Most people of color are already at a low economic status, so these arrests will only keep us down collecting fines and fees we already cannot afford. As I stated earlier, some of the effects that happen after you are arrested and go to jail. So, please, a simple citation will extremely reduce so many other extra costs and time to be endured. So vote yes today for Austin to be a freedom city because that means you yourself are not in the business of oppressing people of color who are victimized by the cycle but you're in the business of progressing the city no matter what the ethnicity is. Thank you.

>> Mayor Adler: We're down to nine speakers on this issue, so I think maybe we can take 56. Next week is going to be a bear of an agenda as well, and I think we may have worked something out on the appeal issue which appears to be the issue that's outstanding on that. So we're going to keep plugging forward. We have Ms. Nunez here. Then is Jose Escobedo here? Is Jose Escobedo here? Is Rebecca Frank here? Is that Jose Escobedo? I think that might be.

[10:46:16 PM]

Ms. Nunez, you have one minute.

>> Hi. My name is Daniella Nunez. I live in district 4 and I'm on the public safety commission. I'm here to support items 73 and 74. Arresting people for low level non-violent misdemeanors is a waste of police resources and disproportionately punishes people of color. Arresting people unnecessarily costs people their time, their money and their dignity with short and long-term harms. It makes community members feel unsafe and distrustful of police. Item 73 would put on us a path towards reducing unfair policing in our community, an action which is long overdue in our society. In addition, item 74 is an important move to stand up for immigrant community in Austin in the face of complaint -- blatantly racist policies

used against them across the country and in our state. I hope you'll stand with people of color and for fairness tonight by voting yes on the freedom city policies. Thank you.

[Buzzer sounding]

>> Mayor Adler: All right. So -- sorry. This is Mr. Escobedo. Is Rebecca Frank here? No? What about Claudia Munoz? Claudia Munoz?

>> [Off mic]

>> Mayor Adler: Okay. Thank you. Is Mimi Styles here? What about Monica Agdoyia? No? Okay. Why don't you go ahead and start. You have a minute but I'll give you more time because of the translator. He.

>> [Speaking Spanish]

[10:48:17 PM]

>> For the sake of time I'm actually going to entirely interpret what he has written tonight. Good afternoon and thank you, mayor, mayor pro tem, members of the city council. My name is Jose. I'm a DACA recipient, member of United We Dream. I live here and am a laborer in Austin. Address the effects of SB-4 in our city for the sake of tranquility and dignified life for my immigrant community and communities of color. Address the effects of SB-4 in our city because it was and is a racist law that has undermined my and my community's human rights. It undermines my integrity as a human being. Address the effects of this racist law as it is exploited by people, by agents under this police department with bad intentions, with the desire to inflict harm under the flesh of their title. But I also want to commend exemplary city officials who can make the choice today by passing both items for better accountability throughout our state. To continue watch varying levels of our government agencies who can correct this but don't. Commit to transparency, commit to data and reports that are not manipulated, make the values of our city clear and make safety for me, my family, and my community a reality. Stop the overpolicing, the hypercriminalization, the discretionary arrests, many of which are made under false pretense, or bias under the same system that punishes some of us more harshly than others. Address justice for my community. Don't allow our rights to continue to be degraded. Vote for the integrity of our city and more importantly our community. I ask and I hope that you will in favor of item 73 and 74, make Austin a freedom city.

>> Mayor Adler: Thank you very much. Is Stephanie [indiscernible] Here? Stephanie Garconnian? No? Is that you?

[10:50:19 PM]

Okay. Ma'am, what is your name? Ma'am?

>> Honorable mayor, distinguished guests, ladies and gentlemen. This is my fifth time of appearing in Austin mayor's office. I lived in Washington for three years. When I moved to Austin, because people from my background are more here in Austin. That's why [indiscernible] For the national shrine said I should move out to big state because the way the justice department put my case is not the way the country, the people who want to call people name, regarding the people of my color. Go to big state so that big state will honor the way the law kept you. I came here. Austin police --

[buzzer sounding]

-- Now they put me homeless and they are shooting at me. That person they are shooting at is ringing on my body [indiscernible]

>> Mayor Adler: Okay.

>> The sheriff office say I'm ineligible to sleep in any family shelter.

>> Mayor Adler: Ma'am, thank you. Thank you very much for speaking with us. Thank you.

>> Now let me see --

[10:52:22 PM]

>> Mayor Adler: Go to the next speaker. Thank you very much. Please.

>> What I'm saying is that you should look into it because the judicial watch

[indiscernible] They say report to the justice department. If they don't do anything, before we come in. And I have and I haven't appeared before you because they don't allow me. That's why I want to appear before you.

>> Mayor Adler: Thank you for appearing before us this evening. Thank you.

[Applause] Is Val Valentina valle here? Come on down. You had time donated by Sierra Barnett. Is she here? No. What about Christina parker? Earlier? Okay. You'll have one minute. Go ahead.

>> Sure. Hello. My name is Stephanie garaconian. I'm an attorney at workers defense project on our special counsel. And I've been involved in efforts to oppose and challenge senate bill 4 since the start of the 2017 legislative session. I have spent many late nights at the capitol during session, and I've studied every iteration of the law before it crossed the governor's desk and every court decision published about that law since then. And I know probably as well as you do that sb-4 isn't just designed to intimidate the immigrant communities in the city and the state, it's not just designed to intimidate communities of color in the state, it's also designed to intimidate local elected officials like you who dare to acknowledge that people who live in our great city are treated with inherent dignity, are entitled to certain basic constitutional protections, and are central to the public of our communities.

[10:54:29 PM]

[Buzzer sounding] So I want to share with you that there are legal permissible ways to resist against this law, and passing item 74 is one of them. So thank you so much.

>> Mayor Adler: I'm sorry, is Gabriel Hernandez here? Okay. Why don't you come down. Is zania Martinez here? Senia Martinez? No? What about Monica Alvera?

>> Here.

>> Mayor Adler: Okay. Had you donated time to someone else before?

>> [Off mic]

>> Mayor Adler: Not 73 and 74? Okay. So then you'll have two minutes. Ma'am, go ahead, please.

>> Yes. I am here to speak for item 74 -- 73 and 74. My name is [indiscernible]. I reside in district 5. For more than a year I have volunteered answering a hotline for undocumented immigrants. This hotline addresses legal and other resources for immigrants experiencing or lack of immigration reform. The hotline has made me aware of how their relationship with police and immigration is compromised for community as A.P.D. Are focusing on pressuring the work of federal immigration officers who are targeting our most vulnerable austinites, or immigrants. How can we keep our city safe when part of our people are afraid to come forward and report crime in fear of being deported? Do we want to interfere with public safety, respect, and trust between community members? Their rights and liberties guaranteed by our constitution of the united States of America. Community of grandbabies are highly motivated individuals who work with excellence after having taken the courageous act of linguisticking their life linguistic -- act of living their live for a better community.

[10:56:37 PM]

Let officers do their job and keep the police department free to look out for the good of everyone. Thank you for your attention.

>> Mayor Adler: Thank you. Is valenina here? That was her. Is Amy Nelson here? Yes? Okay. You have time donated from Connie Nelson. Is Connie Nelson here? What about Tara? Okay. You'll have three minutes. Ma'am?

>> My name is Gabriela Hernandez. Currently I live here in Austin with my husband and my two children. Although I am a DACA recipient right now, I don't feel like I have the full freedom to take advantage of its full benefits. Since September 5th, I have lost peace of mind. At the time I had stable employment but after I heard the terrible news of DACA's termination, the court allowing part of sb-4, I started to think about difficult decisions I would be forced to take. One of my biggest sacrifices was leaving my employment. I had to leave because I was and still am very afraid of having a negative interaction with law enforcement on my way to work. There was absolutely no I won't I was going to jeopardize my family's well-being by going out onto the streets. The only thing I want is to stay with my children and create beautiful memories with them. It saddens my heart that during my early years of motherhood, I

have to live in fear. It's a shame that there are politicians like the ones supporting sb-4 who can sleep comfortable at night while there are many mothers like me who cannot sleep knowing we could be ripped apart from our families due to this rigid sb-4 law. I want Austin to be a safe haven for my family so I ask you today to be on the right side of freedom and vote yes on this freedom city bill to end fear in our communities.

[10:58:47 PM]

[Cheers and applause]

>> Mayor Adler: Sorry, is Sofia Casini here? Why don't you come on down. You have time donated to you from Alex Coggin. Is Alex here? No. What about Natalia Thompson? No. So you'll have one minute when you speak. And Ms. Nelson, I think you had three minutes.

>> Hi. My name's Amy Nelson. I'm here with my sister Lana and we're representing the Nelson family. We're proud to stand on the side of love, compassion, tolerance, and decency. We stand in solidarity with our neighbors south of the border and we're wholeheartedly -- we wholeheartedly welcome asylum seekers of our undocumented brothers and sisters. Vote yes on 73 and 74. We want Austin to be a city where people of all colors can feel safe and welcome. Trump's appropriately named zero tolerance policy criminalizes asylum seekers, separates mothers from babies and ushers in the age of for profit prisons. Our dad Willie Nelson wrote a statement bit.

>> What's going on in our southern borders is outrageous. Christians everywhere should be up in arms. What happened to bring us your tired and weak and we will make them strong? This is still the promised land.

>> We have a video we'd like to show, please. Please?

[11:00:48 PM]

[Video playing]

[11:02:54 PM]

[Buzzer].

>> Thank you for staying tonight. I thought I was going to have to read a statement. I department know y'all were still here. Thank you for doing that for us.

>> Mayor Adler: Please give our regards to your father. Next speaker we have -- Sofia Casini. And then Stewart -- Jordan Stewart. Is Jordan Stewart here? Yes? Won't you come on down. You have one minute, Mr. Stewart. Go ahead, ma'am?

>> Good evening. My name is Sofia casinni. I work with grassroots coordinator of our community immigration hot line. I'm a daughter of a father detained and deported, my family torn apart. What we know is we received over 5,000 calls in the last year alone, people are still terrified. They do not know their right to remain silent and have documented cases of very aggressive APD policing around documentation status. One recent call came from montapolis where they were pulled over for an expired sticker. The driver had papers but everyone else in the car was also questioned. They did not want to tell their documentation status and they were forced to. He was take on the jail, detained, deported. We hear over and over APD doesn't cooperate with I.C.E., since the sheriff flipped her policy, jail equals deportation in Travis county for the undocumented community. Our crisis hotline is full of calls in Travis county of community members deported when they touch the jail system.

[11:04:54 PM]

And our police officers know this. There's a reason we have player Randa rights. It's because what you say can and will be used against you. And this 73 and 74 both go one step further in protecting the community from racist policing. Thank you.

>> Thank you.

>> Next speaker that we're going to have after Mr. Stewart would be Rebecca Sanchez. Rebecca Sanchez here? Come on down. It is Ms. Dari. Yes? So you have two minutes. You have one minute.

>> Members of the council, I'm Jordan Stewart. A member of Austin usa and resident of district 9. I'm here to show solidarity with my brown, black, undocumented friends as well as those I don't know whose lives matter. They're inseparable. I'm glad they're considered together. But the decision must not just be made, but made with a gravity. It's in the context of a hierarchy of oppression. Due to racism, a disproportionate number of incarcerated people are people of color. State and local police deputized by trump, sessions, and Greg Abbott wherever possible. Immigrants are preyed upon; underpaid, and have wages stolen by the system and sb-4 only empowers the bosses to do so unchecked. What are we standing for and against in the city? Will it be a city of good intentions and statements or of action that's inclusive and seeks to protect all austinites. Arrests for all low-level infractions and opportunities for I.C.E. Uses APD and the court system to target immigrants must be taken away. Thank you very much.

>> Mayor Adler: Thank you.

[11:06:55 PM]

>> Is Steven Fitzpatrick here? No? What about John Rooney? What about abbey SHAWN.

-- Khan? Okay, go ahead. You have two minutes.

>> Great, thank you. I wasn't planning on speaking today. There are plenty of other people with much dire experiences and things that need to be said than myself, but I did want to address some comments that were made earlier about race-baiting and forced division. And I just want to say, sir, you have some nerve telling the people in here that their experiences are not real. Applause

[applause] What I did hear you say is that APD oppresses everyone equally. So we should not be considering that. But, you know, to address Mr. Cassidy as well, even if we weren't talking racial disparities, we're talking about forcing people into a system that the city is also isn't doing very much to address. We don't have a public defender's office. We privatized defense from the very beginning so we're forcing people into something that we ain't even trying to fix or alleviate the pressures that come with that. Sorry. And also like we visibly see what is happening to the city. We visibly see the benches that have that nice little divider in the middle to make sure that people don't sleep on them. We see what's happening. We recognize the racial disparity on all levels. I want to say I've seen APD and members of the council out the themselves as pro immigrant and anti-sb 4? Thank you, but I need to let you know that's the baseline of our expectations.

[11:09:00 PM]

And to address Ms. Mann's comments earlier, yes, we're talking about APD. We're not going to sit here and let them continue to dissolve themselves by putting people in deportation proceedings by interacting with them or asking status or by putting people into -- is that two minutes?

>> Mayor Adler: It is.

>> I will just say that this is a great first step. I do hope that everybody on this council votes in the right way. But, again, just to reiterate, this is the baseline of our expectations.

>> Mayor Adler: Thank you very much.

>> We is have a lot of work to do, hopefully together.

>> Mayor Adler: Thank you. Anyone else that signed up here who hasn't been called yet? Anybody else signed up? Okay, come up. Introduce yourself, please?

>> Okay, my name is Karen Reyes. Lots of devotees. Again, have a dream, y'all, teacher, etc. So, I'm here to speak in favor of this resolution. You said it's probably going to pass. But it's important to hear the voices of the people that it is going to affect. So since sb-4 was first introduced we have seen the trust between our communities and our law enforcement diminish. Immigrants are scared to call upon police officers with the real fear that they could be deported. And this includes simple things such as interacting with police officers in the streets or at schools. I'm a teacher and I've seen the fear in children's eyes. I've seen the fear in mother's eyes when they believe that if they're deported they're going be taken away for their children. I'm an undocumented immigrant. I know the sphere is real. It's not going to go away that easily. You know, this resolution both 3 and 74 is a good first step into restoring some of the trust that has, you know, been lost between our immigrant communities and our

local law enforcement. And I will finish with this one last thought -- just remember that you're elected to represent all people irregardless of their immigration status.

[11:11:02 PM]

We're part of the city and we're here to stay. Thank you.

[Applause]

>> Thank you, mayor.

>> Mayor Adler: You're the last speaker, you have a minute.

>> I'll speak on item 73. I want to let people know in this room, the police officers -- don't take people to jail for minor offenses.

>> Mayor Adler: Hey, hey.

>> I get my time.

>> Mayor Adler: Let him speak, please.

>> I'd much rather give someone a citation than waste my time booking someone in jail, taking him down there and going through all of the paperwork.

>> Mayor Adler: Speak to the dais, please.

>> A much easier process. We look at councilman Casar and looking at more offenses being ticketable and citable. We did not appreciate having the department called a racist organization. That's the part we had a problem with. We're all about looking at different offenses, making them more -- more -- people more accessible to citation instead of being put in jail. It's the waste of their time. They shouldn't be jailed for them. It's something they can come back at a later date and take care of. There are problems with this. Tony Pulaski did an article where 40% are a little more if people don't show back up in court. That's an issue. And we talked about dwli. I wanted everyone to know that a dwli officer killed an officer last year in an accident. So there are times.

>> Mayor Adler: All right.

>> I want to let people have their due. But we have to be able to put people in jail.

>> Mayor Adler: Thank you.

>> If they have warrants or they don't have I.D.

>> Mayor Adler: Thank you very much. Okay. I think those are all of the people we have signed up that brings us back up to the dais. Mr. Casar, do you want to speak to 73 and 74?

>> Casar: Yes, mayor.

[11:13:03 PM]

Thank you for your testimony and for -- and for speaking to us and sharing your stories. I'm going to try to keep it brief, but I do think there are important points to touch on. So as far as the data question, we'll get that out of the way as far as I can tell. We worked very hard with the department to get the best data that is from the department. There is no data that is -- my office's data, it's all APD data. And I stand by the statements that my office has made in good faith about the disparities in arrests. Some folks have questioned that, but chief manly also in reviewing the data has come to the same conclusions -- they can clean up the data. That's an APD issue. They continue to get the best numbers that we can. Those disparities exist and I believe that the data shows exactly the disparities as we've described them so far. But I think there's a bigger question and a bigger thing folks had talked on here tonight so I'll try to address that. I believe that everyone in this chamber wants the best for this community and is concerned about the public safety and quality of life in of everyone in the city. Despite all of our hard work from everyone in this room and good intentions, we have real challenges in this city. We have immigrants who live in fear of government institutions, we have too many people in our jails and in our prisons, and we have real, undeniable racial disparities in our city. Those are hard issues to talk about. But it's our responsibility as elected officials and leaders of the city to take those issues on, especially when it comes to the quality of life of our constituents. We've taken on the issue of race on this council in many ways. We've acknowledged the racist 1920 master plan that separated our city by race, we tried to make better decisions in planning. We created the groups like the mayor's task force on institutional racism, established things like the equity office.

[11:15:05 PM]

We sued to block sb-4 and we've changed the names of some city streets. There are many ways the council addressed race and racial disparities in our community and I think we've been better for it, even if it's hard. I cannot think of a time throughout any of these conversations that elected officials have been directly accused by community leaders of make things and as I quote, placing people in danger just for talking about the truth. And just for addressing the hard issues and just for showing data. Not my data, but real data, similar to what's released by our own office of the police monitor about the issues we face. In this department, but we have issues like this across city departments, across parts of our community. We all have to struggle and face and confront those issues together. And those who suggest anyone would like to talk about experiences of people of color in the city are, quote, stirring up hatred should recognize that that kind of rhetoric hurts the conversation. It moves nothing forward. It makes it appear as though the folks don't want to start the conversation that we need to have. Rabbi Abraham Joshua Heschel reminds us few are guilty, all are responsibility. There's a wisdom to that. It applies today. What we're talking about are systemic issues that aren't easily addressed. It's not talking about this person is a good person or that person is a bad person and that person racist and that person not. These are about confronting the challenges together, taking shared responsibility together, and doing something about it together. Immaterial members of our police department to know that acknowledging racial disparities and police data do not say all of our police officers are out there doing

the wrong thing. This isn't me saying that all of the issues described here by the police department because that's not true. First of all, we all -- all have racial Biles we need to grapple with.

[11:17:06 PM]

State and federal actions, our history, and so much more contributors to the challenges we face. But just because the problem is complex does not mean we cannot face it. When talking about race in our community, I understand some folks' inclination to become defensive. There's a lot of emotion in this, there's a lot of history. There's a lot at stake. But having this dialogue about what people of color face in our community is a critical part of the healing process for everyone. I'm thankful for the many conversations with the police chief and with my colleagues, our stances on decriminalization, our stances on battling sb-4. And I'm really thankful for all of the folks who testified here today. The policies that will pass tonight that protect immigrant rights that reduce unnecessary arrests that saved city resources, the further inequities and arrests, these for people of color and young people tonight. The I would like to thank united we dream, workers defense project, Texas advocates for justice, the Austin justice coalition, and so many others for your time here tonight. In my reading of our nation's history, it is usually young activists who have led the March towards who we aspire to be as a country. There have been skeptics along the way, always been setbacks, those folks trying to do the right thing but who say hurtful things along the way. But that has never managed to stop that March. So thank you for your testimony tonight. Thank you for your courage. Happy to answer any questions.

>> Mayor Adler: The truth is I have two pages here of notes but I don't think that I had them written as well as what you said. I think it's important that we also thank the folks that were doing the translation here this evening, Alejandro.

[Applause] These are hard conversations.

[11:19:17 PM]

You described very well I think that we're all in this together. Any further discussion? Yes, Mr. Flanagan?

>> Thank you, councilmember Casar, glad to have been added as a co-sponsor on work session in item 73 and thank you for adopting the changes specifically for the city manager. I want to highlight it for the community that as our city goes into other county jurisdictions, they face different levels of the criminal justice system. And in some cases, it affects what discretion is allowed to our APD officers. So I wanted to ensure that that distinction was included and thank you for including it.

>> I would like to offer my gratitude to the organizations and stakeholders, particularly grassroots leadership, who work to bring these issues to light. Thanks also in working in collaboration with councilmember Casar who's shown strong leadership in bringing this item to us tonight. Your collective actions teach us about the disparities laying beneath the surface. They remind us of the importance of being data driven across all of our portfolios that work across the city. And then it's possible to do so in a

way that's respectful and brings improvements to our public safety needs and resources. I appreciate what you have taught me and proud to vote in favor of the items tonight.

>> Mayor Adler: Any discussion of the dais. 73, 74 moved for passage, ready to vote in in favor, raise your hand. Those opposed, unanimous on the dais with councilmembers Garza and tracks Clare I think probably with their children. Those items pass.

[Applause]

>> [Audience chanting].

[11:21:22 PM]

>> Mayor Adler: All right. All right, let's see if we can keep moving here. We have lots of people here still to move things forward. So let's call up item number 56, the ordinance. I appreciate everyone's patience staying here -- two weeks looks like a bear as well. Probably going to have to take a look at that agenda, manager, and see what we can take off of that. A lot of people -- a lot of people coming to speak about the bond election next week. We're going to have issues with that as well. So call up the lobbying ordinance and handle that. If everybody could please as you walk out be quiet so we can keep going, that would be great. Mayor pro tem, did you have something?

>> Tovo: Sure, I did. May, you I know -- I'm not sure that we have very many of them left, we had quite a few people here to testify about the bond and I wanted to verify we're going to hear public testimony on the bond this evening.

>> Mayor Adler: I will stay here as long as there are people here wanting to testify about the bond B.

>> Tovo: Okay, thanks.

>> Mayor Adler: Councilmember alter?

>> Alter: For item 56, I would like to move as the base motion, the staff resolution, please.

>> Mayor Adler: Councilmember alter moves the -- the motion on 56. Is there a second to that? Mr. Flanagan seconds that. Staff here on this? I think councilmember pool, you had an amendment to offer? You want to offer that so we can get that out?

>> Pool: Yeah, I'm assuming it's the same version, though. I don't know. I didn't -- I think it's the same version. My amendments are on page 6. We need to -- it says in there there is a review committee and I apologize.

[11:23:27 PM]

I'm really, really tired, within the ethics review commission, we wanted to make it a sub quorum, subcommittee. So I would insert the two words, a subcommittee on line 191 after the word -- after the words appealed such disqualification to a subcommittee of the ethics review commission. So we don't have any issues with quorum. The next item is really simple in B, line 196, again, on page 6, change "May" to "Shall." And on --

>> Mayor Adler: On which line?

>> Pool: 96. B, the purchasing officer shall waive a violation. Then the last page is a similar "May" to "Shall" on may 7, line 226. And this is respondents -- really should be who violate section 271041, three or more times during a five-year period shall be subject to debarment. And so I offer those three amendments. I hope they're considered friendly and if I might just say as the chair of the work group from a year ago, maybe this really does finish up the work we needed to do. At long last.

>> Mayor Adler: An objection.

>> I would like to hear from staff.

>> Mayor Adler: We laid out those amendments. Staff, you want to talk about them?

>> James Scarborough, purchasing officer. Would you like me to key up the item or --

[11:25:30 PM]

>> Give context for the item?

>> Okay. As you recall, mayor, councilmembers, city manager, the revision of the anti-lobby ordinance was initiated as a result of a recommendation of last June, 2017 of the waste manager policy and chaired by councilmember. The staff brought an earlier version of this item to council in September of 2017 at which time council referred to the ethics review commission for their recommendation. After receiving the ethics review commission recommendation in November of 2017, the staff requested additional time to vet the ordinance provisions with a wider population of the city's registered vendors to revise the ordinance further and get feedback from those revisions from the office of the finance committee. Since that time, staff issued multiple notices to cities, thousands of registered voters, developed two subsequent versions of the ordinance, and presented these versions to the audit finance committee on three separate occasions. Staff is considered all feedback to receive and intended to incorporate much of this feedback where advisable, the version of the ordinance before you is staff's professional recommendation and was regarded favorably by most of the vendors, citizens, and organizations that provided feedback. I'll answer any questions you might have.

>> Mayor Adler: Speakers noted on this. We can hear from the speakers? Go ahead and do that. Is Michael well in here? You have three minutes.

>> Thank you. Michael Waylon, on behalf of Texas disposal systems. Unfortunately today, we have to ask you not to give your support to staff's draft. Instead, we ask that you adopt a redline version of staff's draft circulated last week and I believe is being circulated now handed out by if clerk.

[11:27:34 PM]

The red line of staff's proposal that we're handing out and we circulated the last week addresses key concerns identified by the city council's waste management working policy group.

>> Mayor Adler: I don't see us being handed out anything.

>> There it is. It's a red line we circulated last Friday. I think the clerk is coming up now with it. Texas disposal system red line that was circulated to councilmembers last Friday.

>> Please proceed. .

>> The red line of the proposal addresses key concerns on the working group and other stakeholders and ensures the revised ordinance would be transparent, fair, and promote transparencies. It eliminates broad and vision hvague language, it includes a provision for staff decisions beyond staff themselves, eliminate staff discretion to enforce or not enforce penalties, enlimbnates vendor debarment and allows respondents to communicate with city officials about the solicitation for some period at the beginning and end of each process to accommodate policy dialogue and promote transparent contracting practices. Ed this began more than a year ago when council waived the Alo to let stakeholders participate in the waste management policy working group process. The working group then issued specific recommendations for reforming the Alo. Since then, you have received recommendations from the ethics review commission, zero waste advisory commission, Texas campaign for the environment, and others. What's extraordinary is that there was a broad agreement on key reforms among nearly all of these groups and yet almost none -- none of those reforms, none of those reforms are included in staff's draft.

[11:29:37 PM]

This includes creating a third party appeal process. Thank you, councilmember pool for adding that. If it's disqualified, they can appeal to someone other than the staff that disqualified them. Also a recommendation by all of the groups that the administrative rules be approved by council. That, too, is yet to be seen. Another area of agreement had to be with the narrowing of the definition of prohibited communications in the timing of the restricted contact period to ensure the Alo is preventing lobbying without preventing policy makers from getting information. Amazingly, staff's draft actually expands rather than narrows the definition of prohibited communications. We're concerned that after a nearly year-long process, the staff's proposed Alo has ignored input from the advisory groups and stakeholders on key reforms and ultimately by staff's own admission in their cover memo differs little from the current ordinance. Vote no to staff's version and vote to adopt the red line version to tighten up ambiguous language to ensure free speech progression and stake holder inputs. Thank you very much.

>> Mayor Adler: Thank you. Next speaker is Adam Gregory. Time donated from Ryan Hobbs. You have five minutes.

>> Thank you, mayor. Mayor pro tem, councilmembers. Oh Texas disposal systems. I know you're frustrated with this issue. We've all spent a great deal of time on it. And now that staff is proposed an Alo that by their statement consists mostly of consolidation and clarification, I'm afraid that time and effort will have been wasted and it is very frustrating. I want to remind you that past councils, this council, the waste management policy working group, the erc, has numerous stakeholders and a federal judge have found significant problems with the Alo and staff's interpretation of it.

[11:31:54 PM]

Staff themselves conceded in the early 2017 working group process, the numerous substantive changes were necessary and appropriate. Many of them were proposed by staff in previous iterations. With the proposed ordinance that does not resolve the ambiguity that has plagued this ordinance for a long, long time. With this ordinance, we're mostly asked to trust the word of staff that the ordinance will not be abused as it has been in the past, given the long and sometimes painful history with staff, we believe it would be foolish for us to do so. Now, as you know, most of the controversy surrounding the Alo has come from the solid waste recycling and organics industry. Why is that? I imagine staff would tell you that it 'S the industry that Tes is in. I'm asking you to consider something else. Could it be this industry is unique and that the city actually has under federal and state law the power to seize full control over the entire industry and even reserve it for themselves? The staff is attempted it several time unless the past. Could it be that businesses in this industry are regulated by a competitor of theirs? Arr? Could it be that sometimes drastic policy changes have been embedded surreptitiously in the numerous solicitations within the market segment? Could it be that the staff has revealed the willingness to abuse the Alo in the context of this industry? Improperly disqualifying tds who has never violated the Alo. A federal judge held this occurred.

[11:33:56 PM]

I want to ensure you that our position is not about a desire to unfairly secure contracts for tds. Nothing could be further from the truth. The advocacy is an effort to prevent the kind of abuse that's occurred in the past, to protect the constitutional rights and maintain a voice and policy development. We will continue that advocacy regardless of the action tonight. The proposed ordinance is not a sufficient modification. To address the problems that have been part and parcel of this ordinance's administration for the past eight years. I find it interesting that the full exemption from the Alo for real estate transactions has been maintained in this version. So, if there's a solicitation about the mckallen place, for instance, which has been discussed, there will be no limitation on lobbying. I find that very interesting. Given that the solid waste and recycling industry is regulated by staff, staff competes with private sector, that staff sought full control of our industry and attempted to set and change policy by rfp. Why should that staff be the sole conduit of information to the decision makers. Does the industry have a far more reasonable claim to the exemption to the Alo than the real estate business? I think so. I respectfully request that whether you adopt staff's version or not, I don't think you should. Full

exemption concerning solid waste, recycling, and organics management. It may seem counterintuitive to you but I can ensure you you'll hear less from tds.

[11:35:59 PM]

I'm happy to answer any questions. Thank you for your time.

>> Mayor Adler: What about Mikhail mead? You have three minutes.

>> Mayor, councilmembers, I'm with Husch Blackwell. We're here tonight after working on this for a very, very long time. It's not a perfect draft, but we feel like it has incorporated -- the draft that staff has brought forward incorporates some of the concepts that we heard from not only the council working group, but also the erc and there's probably about the best result that we're going to get. I know that we -- everybody, I think, all of the stakeholders, felt like there should be a third party process. I think we've addressed that in councilmember pool's amendment. There were some legal questions about that. I think we were able to work those out tonight to get that to where it can be in the ordinance and works just fine. And I can also think that we heard from tce, Andrew Dobbs, a few other changes, that were able to be incorporated. And I think, you know, it's time for us to move this on. We believe, we have clients who compete for city work and we wholeheartedly ask the council not to exempt the industry from anti-lobbying. You all have anti-lobbying regulations for a reason. We need to keep the procurement processes on an even level playing field. And that's what the regulations are for. So we would ask that you all adopt the staff recommendation with the amendments that have been brought forth throughout the day today, not to adopt the tds draft. And I will say, I've never seen it and I'm a stakeholder. There are also lots of other stakeholders who have been involved in the process.

[11:38:04 PM]

They're not here tonight to fuss at the council because they are happy with the draft that staff has brought forward. And we would ask that you adopt that draft, not the draft that tds is proposing. And I did hear Mr. Waylon say that he would want the rules that accompany this ordinance to come forward to council. That's something I don't think any of the stake holders would object to. But we feel that's the council's prerogative to do that or not. We'd be happy with it either way. Thank you.

>> Thank you.

>> Mayor Adler: We're now back up to the dais.

>> Pool: Mayor?

>> Mayor Adler: Yes.

>> Pool: Just to clarify, when I was reading my amendments, I was reading from the document that has item 56, 1614, revisions initiated by CM pool. And they're all there on -- main page page 6, enforcement.

My staff has worked closely with purchasing and the attorneys and can speak to this that my understanding is that they were fine with these additional changes.

>> Mayor Adler: You want to talk to us? You ran out of time, I'm sorry.

>> Chris limos, the city attorney. Councilmember pool, I approached just to ask to clarify your motion so you beat me to that. And so just to clarify, section -- the -- the proposed motion is to amend section 27109-a of the staff proposal to strike the entirety of section a. Is that correct? And to replace it with substitute language?

>> Pool: Yes, do you have the copy that was my revision.

[11:40:05 PM]

>> I believe I do. Yes.

>> Pool: Then a further amendment to my striking of a -- inserting the new language. And just the two words, a subcommittee is added to line 191. After appeal such disqualification to a sub committee of the ethics review commission. And then two may's turn into shall. Line 196 in D and on page 7, that was line 226 in E. That's it.

>> I have a question about that last one, councilmember pool. Is your intent then that respondents that violate this section 2-7-104-1 two or more times in a five-year period will be disbarred. If you say may out, it says may be subject to disbarment.

>> Pool: I will see that, rather than shall be disbarred? You want me to say shall be disbarred.

>> Is that your intent?

>> Pool: I don't think we're going quite that far. Subject to disbarment. But would not summarily be disbarred?

>> I would think it would be may if it's subject to.

>> Pool: Very good, thank you.

>> Student: So you're not urging that one? You're keeping it as may?

>> Pool: I've been persuaded by our city attorney.

>> Mayor Adler: Okay.

>> Pool: On page 7, line 226.

>> Trying to figure out what your intent is.

>> Pool: That does not change. That remains may.

>> Mayor Adler: No changes to E. Just the two changes.

>> Pool: Thank you.

>> Mayor Adler: Councilmember alter?

>> Alter: Not sure if this is a question for Mr. Scarbro or for legal. This is not the staff's recommendation. As a member of the working group and member of audit and finance and having worked closely with the ethics review commissioner, I understand there was a lengthy process.

[11:42:12 PM]

Can you speak to why this wasn't your original recommendation and what is optimal and what is suboptimal and why and both from a purchasing standpoint and from a legal as necessary?

>> Student: Sure.

>> Mayor Adler: Sure.

>> Councilmember, thank you for the questions. We touched on the legal issues, I'll hand it to my colleague from the law department. The recommendation to include a secondary body to review protests and/or appeals has been a common element of the feedback we received from the working group and from ERC and from other sources. And in concept, we're not opposed to that. A common approach for handling protests is just that, a protest that is handled by the staff who conducted the solicitation, gives them a chance to review the process, make sure it touched all of the bases and respond to the protest to deny or sustain it and appeal to a higher level. So you would hand the documents to the higher level and have them review it. That particular process has historically not been done here. It just hasn't developed historically. As these recommendations were received with regard to the Alo, we would actually benefit globally by having a protest and appeal process raised to the city -- the city ordinance level codified in city code so that we can address all procurement protests and appeal. Allow us some procedural expertise for future acknowledgment development and it would allow us to gain expertise and speed of processing in the protests. If we implement that -- that change in how we handle the administrative processes within one piece of procurement, then we'll still have a separate protest process that applies to all the rest of the city's procurement processes.

[11:44:24 PM]

So we would end up maintaining multiple processes for like administrative actions, further complicating how we handle procurement activities and greatly lengthening them as well. That is -- that is part and parcel of our recommendation to the audit and finance committee. And some of the charge that we heard from them as we brought this item to council was to proceed after we've -- we've gained approval on the anti-lobbying ordinance is to proceed with the development of procurement code that would address protests and appeals globally to handle all of the administrative process and we would handle protests and appeals of anti-lobbying violations similarly. So, while the -- while the staff stands behind

the current recommendation, we think that the change that is proposed by councilmember pool is a little bit better than -- than the previous contemplation that we had heard about sending these items to the erc in general. There's some legal issues possibly associated with it. There's some timing issues. And Chris can speak to some of these things. That's why it wasn't in the recommendation. We believe that we would be better served staff and the city and our vendors if we had a more established protest and appeals process that you'll see used largely across the country and we would like to pursue that to address not only procurement but to address Alo violations as well. So that's the reason why the inclusion of erc was not include in the staff's recommendation.

>> Can you address the legal issues of the -- of the --

>> Certainly.

>> As previously contemplated which would have subjected disqualifications to review by the full ethics review commission, the ethics review commission is subject to the open meetings act.

[11:46:35 PM]

They're -- the city under chapter 252 of local government code when it takes in the proposals that they contain confidential trade secret or proprietary information, the city is able to maintain the confidentiality of that information because there's no exception under the open meetings act that would permit the ethics review commission or any other body that's subject to open meetings to review the contents of proposals and because there's the distinct possibility that a violation of the anti-lobbying ordinance resulted from a communication related to a proposal or related to the contents of that proposal, there may be an inability to maintain confidentiality of those -- of that confidential material if that went to the full ethics review commission as -- as modified to a subcommittee of the ethics review commission. There's no open meetings implication that that subcommittee does not form a quorum of the ethics review committee.

>> What about how long that process would take if it went through a subcommittee or ethics review commission that's familiar with procurement rules. Are there any concerns about that process? And the speed with which we'd be able to move forward?

>> We don't know to. The extent that the appeal that is being contemplated is going to a subcommittee and not the entire erc, the -- the matter would not be dealt with in a public meeting and there may be some controls regarding confidential information. But this is an approach that was not contemplated by staff. So we would have to work out procedurally how -- how protests would be dealt with and incorporate the use of an erc subcommittee in the administrative roles and lay out the procedures with them.

[11:48:40 PM]

We're not -- we're not sure at this moment how that would work. But that's what the council passed, we would try to find a way to make it work.

>> I'm have some -- sorry, my voice is weird. I have some other questions but with respect to the part P, the purchasing officer shall waive a violation, do you have any concerns about that? This is -- the violation if it was still the result of communications initiated by a city official or a city employee?

>> Sure. A couple of the changes that were proposed, there was a move away from the -- from the may to the shall. Creates a procedural obligation, rigidity that may include some risks. Any time we're reviewing a violation, there may be elements of it that need to be taken into consideration, the timing of it, the circumstances in which it occurred. But if the definition of the violation is met under the prescriptive language under the shall, we would have no ability to do anything other than apply the disqualification occasion. You might recall last year there was a situation before you where we had no ability to consider anything other than disqualifying a vendor for -- for a violation where there may have been circumstances associated with it. By -- by inserting the "Shall," we would effectively be in the circumstance that we are now, like the current ordinance, if you violate the ordinance, there's no ability to take any circumstances into consideration. You must find a violation.

>> I think it was they were waiving a violation on this case. I just want to make sure.

>> It would be legally prescriptive.

[11:50:41 PM]

I have no option to take circumstances into consideration. I would have to waive the try lags, no matter how the violation may have been initiated or the circumstances associated with the -- the wave of the violation is associated with communications, improper communications that were initiated by city officials or city employees. Or if a city official or employee initiated an improper communication under the ordinance and the shall was there, I would have no ability to -- to apply the -- the disqualification. I would have to waive the disqualification.

>> Would that be true even if they violated in some other manner?

>> Yes.

>> Mayor Adler: Mr. Flannagan?

>> Flannigan: Thank you. The part C that talks about impartial hearing process. So without the ethics review commission involvement. Again, that's the second question about that, is there a process that is not just the person who made the decision reviewing the decision?

>> Currently, the way we handle all protests as we would of a violation or an alleged violation of the lobbying or disqualification, we would receive the protest. And if it was a legal question or a complexity to the protest, then we could refer it to an independent hearing officer for a hearing and for their recommendation. But ultimately, the determination of the -- of the denial or the sustainment of the protest would be with the officer.

>> I see. The hearing process is just a recommendation.

>> Yes, sir.

>> To the staff. I can see how that might be different. Then maybe this is a legal question.

[11:52:48 PM]

When we talk about a subcommittee of the erc, is there a definition of subcommittee who picks the subcommittee --

>> Right.

>> Is, you know, 10 of the 11 considered a subcommittee? Is one of the 11 considered a subcommittee? Is there a minimum number -- you get my point of the question here?

>> Right. In the absence of something specific, the erc may get a subcommittee subject to open meetings. So if the intent is to avoid the confidentiality issue, then the fact of less than a quorum would have to be reflected somewhere. If it's not reflected in the ordinance, it would have to be reflected by the procedures the ethics review commission adopted to handle these?

>> Flannigan: So the decision of who sits in the size of that committee is sitting with the erc.

>> That's right.

>> Flannigan: In anti-lobbying, there's no prohibition above the person seeking the protest from lobbying the members of the ethics review commission on the makeup of that subcommittee?

>> There may be. If this solicitation is still subject to anti-lobbying, the members of the ethics review commission consider officers for purposes of the anti-lobbying ordinance. They would still be subject to the anti-lobbying ordinance as it relates to the association. If they related to the association, they're related to the responses, they may still be subject to anti-lobbying. I can't say it's categorically. But it may depending on the content of the communication.

>> Flannigan: Okay. I'm more comfortable with the staff recommendation as a whole. But I'm a big fan of the procurement code process moving along as quickly as we can. Big fan of that.

>> Mayor if I could --

>> Mayor Adler: A couple of people have a chance to speak yet.

>> Pool: If I could --

>> Mayor Adler: Go ahead.

>> Pool: On the amendment that I'm making with regard to whether it is intended to be less than a quorum, that is the attempt and I could simply add a subcommittee less than a quorum in there.

[11:54:59 PM]

>> Mayor Adler: Certainly.

>> Pool: That is our intent. So we'll make that change.

>> Mayor Adler: There's two things here. One is the appeals question and the other one is prescriptive nature here on line 196. I understand what you're saying in the appeals process, we could be appropriated and the staff is trying to develop an appeals process. Which I understand. And if it's an appropriate thing, it's that we should have an appeals process here. If we were to adopt an appeals process here, is it possible to adopt something that would then fall off at such time that the city did a general procurement appeal process? So that we didn't have a vulcanized appeal process here that's different from the general appeal process, not that it would be used, but we would at least have an appeal process in this interim period of time.

>> The most appropriate way to address that is maybe at the time that the subsequent procurement code that involved a holistic and comprehensive appeals process was adopted, then it could be rolled off at that time.

>> Mayor Adler: It appears to be one solution to this. We clearly do not want to have a different appeals process here than we had anywhere else in the procurement process. It's an issue that was coming up. It seems as if we could adopt something. It's proposed by councilmember pool in this case, if it goes to a subcommittee that's not a quorum, then it does become something that's not subject to any notices or public hearings. So it sounds like something that could happen very quick lip. And you would have the ability to adopt the rules associated with that to ensure that it did. Not that it would be used because hopefully before this would come up, you're going to come back with the general procurement appeals process which would then preempt this. So it sounds like that's one possible solution.

[11:56:59 PM]

With respect to the purchasing officer emay versus shall, we ran into the problem before when it was prescriptive when we say if there was any contact that was -- any contact, you had to disqualify. Which led to the possibility this fact, it was when the contact was not initiated by the company, it was initiated by the staff. We all looked at that and said that should not be held against the person. So the shall in that other case seemed to be too prescriptive because we could imagine a situation where there would be a contact that we wouldn't want the shall to apply. So let me ask the question here -- describe for me a scenario where a violation was solely the result of a communication initiated by the city official or city employee. That we would not waive the violation. Give me a scenario where that might happen.

>> Certainly if it was initiated by a city employee on their own volition.

>> Mayor Adler: Solely.

>> Right, right. To the extent that there was an initiation and one question was asked and then that question included a response and then that response and a response and then a response, that might be a consideration. To the extent that there were earlier communications that were nonsubstantive in nature that may have led to the -- to the communication that was initiated by the city employee or city official, that may be a circumstance.

[11:59:02 PM]

>> Mayor Adler: I didn't catch the second one.

>> If the -- if the -- if the city official or the city employee had had other nonsubstantive communication with one of the other respondents over matters that did not pertain to the solicitation, but in those exchanges, they get closer and closer and closer to the solicitation, and that -- the frequency of those exchanges may have been elicited, the initiation by the city employee or the city official, that might be a circumstance that we can take into consideration. Allows us to address may allow us to address circumstances. Shalls just lock us in. Certainly, we will live with the shall if that is the case. May gives us more latitude. We will procedurallize to find the violation if the violation occurred and do so in the rules.

>> Kitchen: Mayor? Hang on a second. Ms. Kitchen.

>> Kitchen: I'm listening to the scenario that you're talking about, but I think it's handled by the language. The language says, if the violation was solely the result of communications initiated. I mean, I really cannot imagine a circumstance in which we wouldn't want to hold someone responsible for something that a city official did.

>> Pool: That's right.

>> Kitchen: And that's what this is.

>> Pool: That's right.

>> Kitchen: I mean, it's very narrowly stated, it says solely the result of communications initiated. So I think it's designed to do just what it says, and that is that there isn't any discretion, in those circumstances, a violation shouldn't waived.

[12:01:08 AM]

>> Pool: Mayor, if I could just weigh in --

>> Mayor Adler: Hang on a second. Are you done?

>> Kitchen: Pardon?

>> Mayor Adler: Are you done?

>> Kitchen: I have a different kind of question, if I may, and that relates to the review process. Did I hear you say that the -- the ethics review commission is only a recommendation? It's not a determination?

>> You're saying under the existing appeal process.

>> Kitchen: No, no, I'm reading this language here.

>> Mayor Adler: They said under the existing appeal process, they would bring in an independent hearing officer. That would only be a recommendation to procurement.

>> Right.

>> Mayor Adler: He wasn't speaking about this.

>> Kitchen: But what's the understanding of this language? Because it's silent.

>> Mayor Adler: That's a good question. Hasn't been asked yet.

>> Kitchen: Okay. If this is a good time, I would suggest the language of 109a needs to be clear, because it doesn't say, it needs to be clear that the ethics review commission is making a determination. So if councilmember pool is amenable to that, I would think of language to add for that purpose.

>> Pool: Can I respond?

>> Mayor Adler: Right. Okay. Councilmember pool.

>> Pool: That would be fine. It does appear not to speak to that. I'm wondering, though, if staff had anticipated that that might have been discussed in procedures. So I don't know. The operating procedures?

>> Councilmembers, I believe the intent that the ethics review commission be -- that their determination be binding is subsumed in the word "Appeal." If it's preferable to express that that can be done easily as a third sentence added to the amended language in subsection a, something similar.

[12:03:09 AM]

>> Pool: And the decision shall be binding on all parties. And maybe councilmember kitchen can -- it looks like she's working on that, too. I did want to go back to the point about the purchasing officer waiving the violation, if the violation was solely the result of communication as initiated by the city official. The point there was to clear up the confusion that had happened previously where a party had handed a business card, for example, to a city official, and then was given a violation for transgressing the anti-lobbying ordinance, and we were trying to avoid that. So this clearly -- and then it got confused as to who had initiated and who hasn't. So this was an attempt to clear up the fact that if Mr. Scarborough, for example, as a purchasing officer or any of his staff, city official or city employee, speaks with any of the folks, then that does not, in and of itself, create a violation. And there were charges that that was happening. So this is to speak to that directly. And then the last thing I'd just say, the reason why it is important to have a third party reviewing these appeals is because the purchasing officer

makes a decision, and then it's appealed, and then he makes the decision on the appeal, and that, we were trying to send to a different body so that he's not put in the position of having to make a decision on a complaint and then also a decision on an appeal to the complaint.

>> Just a point of clarification. That's not inaccurate, but the way we process protests of disqualifications under the Alo, the disqualification is actually made by staff, and then the protest is then submitted to me.

>> Pool: Okay. But it stays within your office.

[12:05:11 AM]

Right?

>> Yes, ma'am.

>> Pool: And thank you for that clarification. So we're trying to move it out and away to allow him to be more objective and not subject to complaints, which seem to be happening probably more frequently than -- than was good.

>> Mayor Adler: Councilmember alter.

>> Alter: I was wondering if you could respond to the interpretation of councilmember kitchen for B. As I understand the way that she read it, it might address the concern of somebody violating in another way in addition to councilmember or a staff member-initiated thing. Legally, is that how it reads in that case?

>> I believe, it does.

>> Alter: Because I'm not sure if we have the example where the shall is problematic. I understand injection may is better -- I understand in general, may is better than shall from the flexibility standpoint, but I think we agree if we initiated by accident, that the vendor shouldn't be liable for that.

>> Sure.

>> Alter: But if they did something else that violated it, they should be, and they shouldn't have a loophole. So is that --

>> That is correct. The may is a -- is more of a common approach to regulating to give some latitude to take into consideration mitigating or other circumstances. But of the changes contemplated, this would be of the minor of them all. So we certainly would be able to accommodate it.

>> Alter: Okay. And then what do other cities do with respect to this process of reviewing a disqualification?

[12:07:11 AM]

Do they send to it an ethics review commission? What do they do?

>> Most -- well, when we looked at other cities, very few of them had as extensive ordinance regarding communications during solicitation as we did. But when there was a -- an allowed communication during a solicitation, they would treat it like they would a protest, so they would disqualify or disallow the company who communicated inappropriately from the process, and then if they protested, then that protest would be handled like a procurement protest. So just like if a company was disqualified for not having minimum -- or if they were found to be nonresponsive for not meeting the requirements, they can protest that decision. This would just be another decision that would be subject to protest, but the same protest process would apply to that violation or some other decision that was made by the procuring entity.

>> Alter: So what do they do for those protests? What's the process?

>> Typically there's going to be a typical administrative review of the complaint so there would be a submission of the protest and a review of the basis of the protest and a determination of whether the protest had grounds or not. If there were no grounds, the protest would be denied. If -- and we didn't look into the protest and appeals procedures for the other cities in Texas, but what you'll commonly see what you'll see in the federal government and what you'll see in the aba model procurement code is a protest process that is done at the procurement officer level, and an appeal process that's done at a higher level of authority.

[12:09:25 AM]

And that is what we're contemplating pursuing with the establishment of procurement code to address protests and appeals. That's really the basis of our recommendation, is that we develop those regulations. But I understand that this recommendation would be an interim measure to cover concerns until we were able to establish those regulations.

>> Alter: So the protest -- this is sale an appeal, not a protest, this is appropriate if it were before the subcommittee, it's appeal or protest? What's the language that's appropriate?

>> Please, Chris, correct me if I'm wrong, my interpretation, this actually reads more like a protest. So the complaint would then not go to the procuring -- the staff, the complaint rather would go to the group -- the subcommittee of the erc. Is that correct?

>> Well, I think that protest is how we define it. It is not necessarily defined. Appeal is likewise not defined. To discuss the holistic procurement code, protest and appeal would likely be defined in there. In this instance, in the case of what the city's practice is, normally, with procurement matters, issues are protestable to the purchasing officer. Here the wording is appeal. I don't know that there's a meaningful distinction other than what the council chooses to give it.

>> Mayor Adler: Wait a second this says this only take place if there's been a disqualification.

>> That's right.

>> Mayor Adler: And if someone's appealing a disqualification.

>> That's right.

>> Mayor Adler: So if someone files a complaint, you still handle the complaint. If at the end of the complaint it results in a disqualification, someone who was disqualified has an appeal, not a complaint. And it would go to the ethics, but a subcommittee of the ethics, so it doesn't run into any confidentiality.

[12:11:31 AM]

And it only comes into play when there's a disqualification, and it's an appeal. And you could add at the end of the first sentence, the ethics review -- add a subcommittee, as councilmember pool does, to the ethics commission established in chapter 7...comma, whose decision on appeal will be binding.

>> It would be the disqualification -- it would be the disqualification.

>> Mayor Adler: It's an appeal of a disqualification.

>> It's an appeal of a disqualification. As currently written, it doesn't contemplate the ordinary protest process which would first go to the hearing officer.

>> Mayor Adler: Correct.

>> Then be appealed. As written, it's just disqualification is made, and it is appealed to the subcommittee of the ethics review commission.

>> Mayor Adler: So if we took councilmember pool's thing and we added the words "A subcommittee of the ethics review commission," and at the end of that sentence we put a comma, whose decision on appeal would be binding, we know what the appeal is because we referred to the appeal, that would seem to be an interim solution with respect to appealing a disqualification with the understanding that when you come up with your appeal process, which is going to be broader than this, as concerns disqualification, make sure you preempt this, so that we don't have a special rule here that's different than anywhere else. Right? Does that make sense? And then -- does anybody have any objection to having an interim appeal process for a disqualification before staff -- until staff has a chance to come up with an omnibus thing? Does anybody have an objection to that? Mr. Flannigan?

>> Flannigan: I still object to deviating from the staff recommendation.

>> Mayor Adler: Okay. We could take that -- put that to a vote? Ms. Houston?

>> Houston: When y'all get through with that, I have -- I have a question on page 1 under applicability.

[12:13:34 AM]

>> Mayor Adler: Okay. Let's get there in just a second.

>> Houston: It's going to be midnight pretty soon.

>> Pool: I have just a quick question. How many appeals -- the appeals are not very often; right? For disqualification? I mean, you don't have that many disqualifications. Right?

>> I would say that we process anywhere from a low of maybe one to two upwards of three to four per year.

>> Pool: Okay.

>> And that would be across all city procurement. That would include purchasing office and cco.

>> Pool: Okay. Mr. Mayor, I'm wondering whether you would consider allowing an appeal to council instead of stopping at the review commission level.

>> Mayor Adler: I think that they're concerned about the timing of the issue.

>> Pool: Okay.

>> Mayor Adler: And it's going to be interim, and I would urge staff to come back as quickly as they can with an omnibus thing that would cover this.

>> Pool: Okay.

>> Mayor Adler: I would suggest we take councilmember pool's deal, make the changes if that last phrase sounded good to you, and let's take a vote on it.

>> Pool: Okay.

>> Mayor Adler: We're adding the words a subcommittee, adding the words whose decision on appeal will be binding, in that section a.

>> Kitchen: Did you want to include less than a quorum?

>> I think that would be helpful.

>> Mayor Adler: Okay. A subcommittee of less than a quorum.

>> Of the ethics review commission. And that the erc decision is final.

>> Mayor Adler: Yes. Those two changes. Are those changes okay to you, to your amendment? Okay. Yes, councilmember alter.

>> Alter: I'm not sure that I agree with this amendment, but it does not yet include any language that makes it temporary until a procurement code is in place.

>> Mayor Adler: I asked council the best way to handle that and was advised that the best way to handle that was to be very specific about the intent from the dais so that when the ordinance comes back and we approve the general ordinance, that ordinance will contain a provision that says this takes precedence over or repeals this session.

[12:15:51 AM]

>> Alter: Is that correct? It's after midnight. I'm trying to keep all these things in my --

>> That would accomplish the intent.

>> Mayor Adler: And that's how Ann said to do it.

>> Alter: I was just trying to make sure that I have some clarity. Mr. Scarborough, can you speak to any further reservations you have about this? I'm still -- you know, we went through a very long process, and there were lots of reservations that were expressed, and --

>> Sure.

>> Alter: I would also like to know how long you think it would take to get the procurement code.

>> I can address that, the second part first, if I could. Luckily, luckily, there is a model for us to look towards. Model procurement code has been around since 1979. I'm very fortunate that one of my early mentors was a coauthor under the procurement code. So I've been exposed to the regulation for a long time and have worked under it in other governments. So we have -- we have an existing regulation to look towards and would not necessarily have to create from scratch, but certainly we'd want to adjust it for Texas and for Austin. So I would anticipate that we could use the break this summer, the remainder of the summer, to start putting together a draft in that regard and, hopefully, sometime in the early fall, early to mid fall, start bringing back copies of the proposed regulation. What form that we would bring it back and to which body we would bring it back, I couldn't really say right now, but we are very incentivized to move on this quickly.

>> Alter: Thank you.

>> The earlier part of your question, there was a comment earlier tonight about the recommendation being similar to -- the recommended version being similar to the existing code, and I reiterate that's largely accurate.

[12:17:56 AM]

We received feedback from a number of sources. We reached out to thousands of vendors, and those that responded back were largely satisfied with the current ordinance. We don't, as a normal practice, receive concerns about the anti-lobbying ordinance. It seems to satisfy a need by most vendors to -- for the process to be -- to be fair and transparent. It has been a consistent concern associated with waste management solicitations over the last year. And so I certainly understand your direction for us to take it under consideration and to revise and make a proposal, but we don't hear these concerns to this extent throughout the remainder of our vendor community. So we're glad to bring this recommendation forward, and we did look in some areas to make some changes that were a little closer to those that were recommended by some of the stakeholders, and we heard quickly from other vendors that they didn't like the shortening of the no contact period and they did not like the removal of the debarment

sequences. So they're back in this recommendation. So what you see before you is a consolidated, more clear, and we feel more easily applied and understandable ordinance, and we think ultimately a more effective regulation. And we certainly will take and comply with any revisions that you make to it, but we feel like we have left the regulation better than when we found it.

>> Alter: Are you able to give us a specific time frame? I mean this seems like a rather imperfect intermediate thing that's going to demand a few people who are volunteers on the ethics review commission.

[12:19:57 AM]

I don't know, maybe we won't have any protests in that period, but can you give us a little bit more specific time frame on the procurement code and -- I mean, is it just like a model that's on the shelf and then, you know, there's going to be some tweaks to it, or is it --

>> No, there will be -- there will be a fair amount of tweaks to it. Texas has procurement statutes that apply to municipal government that will need to be accommodated. There are lots of consistent elements to the model procurement code, but there are some very different elements. And so we will need to make sure that those are accommodated. And there will be a fair amount of review. Historically, procurement has been an element of the executive and has been pretty extensively under the authority of the city manager's office, so I want to recommend the amount of regulation that preserves that authority and supports the operations of the city without overregulating. So we want to look to the industry and look to our colleagues, but at the same time, we want to apply something that's effective and practical in Austin. So I can't -- I can't tell you how long that's going to be. But I will tell you this is -- this is our priority. We want to -- we want to establish this particular body of regulations quickly. So we would be moving on it for the remainder of the summer. We would hope to have some early drafts come fall.

>> Alter: Thank you.

>> Mayor Adler: Okay. It looks to me like these two proposed changes are minor changes and we can take a vote on them. The first one is just to say only in the case of kind of the death penalty, disqualification is going to be an interim deal. You guys are going to look at it. When we come up with a big thing, it's going to preempt this, whatever it is that you decide to do, but it doesn't mess with appeals on initial complaints or any of those kinds of things, it's only concerning a disqualification.

[12:22:00 AM]

And then the second one is putting in a shall instead of a may because as we sit here, we can't come up with a scenario where, if it came solely from the initiation, we wouldn't want to say you can't do that. Let's put those to a vote. Councilmember pool moves an amendment to do those two things. Is there an objection to those two things? Mr. Flannigan objects to them. Those in favor of the amendment --

>> Alter: Can you divide them? Can you divide the question, please?

>> Mayor Adler: Yes. We can divide them. Let's do the first one first. It adds the words the concept of a subcommittee to the ethics review that doesn't have the quorum, decision of appeals are binding. Those in favor of that amendment, please raise your hand. It is pool, Casar, the mayor pro tem, me, Ora, kitchen. That's six. Those opposed, raise your hand. Mr. Flannigan, councilmember alter, and Mr. Renteria abstains. It passes. Now, look at the second one. It's in B section, it changes a may to a shall. Ready to take a vote? Those in favor, please raise your hands.

>> Alter: Hold on. Sorry.

>> Mayor Adler: Okay. It's pool, alter --

>> Alter: Hold on. Hold on. I'm totally confused on what we're voting on now because I thought we were voting on the first amendment which I voted no to. Second amendment I was voting yes to now what are we voting --

>> Mayor Adler: No, no we're now voting on the second one.

>> Alter: Okay. I want to be no on the first one.

>> Mayor Adler: You were no on the first one. You were no on the first one. Now we're voting on the second one changing may to shall. Those in favor, please raise your hand. Councilmember pool, alter, the mayor pro tem, me, Pio Renteria, Ms. Houston, Ms. Kitchen, that's seven. Those opposed to that, Mr. Flannigan and Mr. Casar. That one passes. Now we have the Alo ordinance, it's the staff version with those changes to it.

[12:24:03 AM]

Any further discussion? Page 1, Ms. Houston.

>> Houston: I just have a question for Mr. Scarborough. On applicability. I'm sure this has been in there for a long time, but why are these -- I can understand why federal, state, and city block grant funding would not be -- would be an exception to the anti-lobbying rule. Why have those others been in there all the time, 1, 2, and 4?

>> Sure.

>> Houston: Because we get more lobbying from those folks than we do from --

>> Yes, ma'am. Councilmember, I can start from the bottom, and through local contracts, our agreements, because they don't meet the definition of solicitation, oftentimes these are --

>> Houston: No, I'm looking at your -- at councilmember pool's draft.

>> Oh, okay.

>> Houston: The sale of rental property, city cultural arts funding, city social services funding.

>> Right. The first exemption -- exempted type of procurement -- solicitation was city social service funding. That was not in the original anti-lobbying ordinance. Council actually requested that be added into the ordinance pack in 2011.

>> Houston: And cultural arts funding?

>> I'm not familiar with the history of that particular one.

>> Houston: Okay.

>> I don't know if that was in the original version of the ordinance or not.

>> Houston: And the sale of rental -- sale of rental or real property.

>> Yeah. Typically, because the sale and the -- of rental property is not subject to chapter 252, it may or may not be competed. Typically, they like to compete, but they don't have to compete. And so when there is no solicitation, the definition of solicitation in there for the ordinance doesn't apply. The ordinance applies when there's a competitive process.

[12:26:05 AM]

When there's no competitive process, the ordinance wouldn't apply. This may or may not be a competitive process. I believe that may have been some of the rationale for the exemption. But that's more early history of the ordinance.

>> Houston: Okay. Thank you. It's early morning. I just was interested to see those.

>> Yes, ma'am.

>> Mayor Adler: Obviously not the time to deal with that now because it would mean something that would be a longer conversation, but I'd be interested in looking at whether or not we should maintain the exception for social service funding because it seems to me that it ought to apply to that as it does to other vendor contracts that we send out. But now's not the time for us to be dealing with that. Okay? We are now back to the main motion, Alo ordinance. Does anybody have any further -- yes, mayor pro tem.

>> Tovo: Yeah, I think I just need to be sure I understood what you just said. Were you suggesting that social service contracts -- that we might want to revisit whether social service contracts should be subject to the no solicitation?

>> Mayor Adler: Correct.

>> Tovo: I would just suggest that caused a great deal of concern in the community several years ago and that's one of the reasons why it was changed. So I would really want to explore that history as a council before we dive into that issue.

>> Mayor Adler: Which is why I was saying we shouldn't do it now.

>> Tovo: That's right. I know. I just want to prevent us from causing great concern tomorrow in the social service community.

>> Mayor Adler: Okay.

>> Houston: But the question is still valid, why was that decision made in 2011 because the lobbying is -- the lobbying does happen. And so it would be nice to have that history if you have it.

>> Tovo: Sure. And I think -- I would ask of staff, too --

>> Houston: We're not doing that for today.

>> Tovo: Yeah yeah, definitely.

>> Houston: We're just saying that that's an interesting way that's been developed.

>> Mayor Adler: So to that end, in your free time, if you could provide us the background for that, I would like to see it.

[12:28:05 AM]

>> Yet. Yes, sir. Okay.

>> Mayor Adler: We're now to the main motion. Councilmember alter.

>> Alter: I'd like to reconsider the second amendment. I don't know what the final vote total was. With everything we were doing, I got a little bit confused.

>> Mayor Adler: It was 7 to 2.

>> Alter: Okay. I'd like to be registered as voting no on that if we could.

>> Mayor Adler: Okay. You'll be registered as voting no. It passes 6 to 3. All right. Now we're to the main motion on the Alo ordinance. Those in favor, please raise your hand. Those opposed?

>> I'm for it.

>> Mayor Adler: Okay. Councilmember alter votes no, the others voting aye. We have Garza and troxclair off the dais. It passes.

>> Alter: I just want to say I wanted to stand with the staff's best judgment on this. I very much look forward to the procurement code and I want to thank the staff who have worked tirelessly on this and worked with the erc, with all of the stakeholders, and very elaborate process, and, you know, we need to have a strong Alo and procedures that apply to everyone so that our city is transparent and that we have a code that works well for all vendors. I appreciate the work that went into it, but I'm voting no to stand with what the original was, which is my preference.

>> Mayor Adler: Got it.

>> Pool: And, mayor, I'd like to thank our staff, [indiscernible] Mr. Scarborough and Ms. Weems for sticking with us so late tonight. Thank you for working so closely with my staff this afternoon to craft these final changes. I also want to give a shout-out and going away, thank you, I believe, Mr. Weems, is this your last day working at the city?

>> Today is my last day, yes. By the clock.

>> Mayor Adler: Wow. Thank you so much for your service.

[12:30:06 AM]

>> Pool: What a way to go out; right?

>> Houston: Is it today, Friday?

>> It is Friday, yes.

[Laughter].

>> Mayor Adler: All right. So we're done with this one. We have one thing left. Let's listen to folks that have managed to stay this long to talk to us about the bond. If there's -- is there anyone here that would like to talk to us about bond? All right. What we're going to do, everyone is going to get a chance to speak. Why don't you come on down. If there's an open podium, fill it. And when someone leaves a podium, someone wants to take their place, you have three minutes. Begin, please, by identifying your name so that the clerk knows who you are.

>> Good morning, everyone. My name is Darren huff. I'm here to speak in support of the \$300 million allocation of the bond to affordable housing. I don't have any studies in front of me, but I know from all the news reports and research papers that I have perused over time that these sort of social uplift programs, specifically with respect to to affordable housing, pay for themselves multiple times over. So, you know, whatever you may be spending on that, I'm sure, we'll see more of an offset on health care needs or policing and other areas where there's -- because people have more affordable housing, they're not under that kind of intense stress that leads to dysfunction and pathology. And so when I'm not a lunatic about property taxes, just to let you know, it's not that I don't know nothing about these things. I know that everyone here is -- has studied these issues closely. But my background, if you don't remember me getting emotional about paid sick time, my background is in finance and investing. I'm a charter financial analyst designation -- designee holder. I attended Columbia business school. I've managed with discretion hundreds of millions and billions of dollars with teams. That was back before the collapse. But my point is, I don't pretend to know everything, but it's not that I don't know nothing.

[12:32:11 AM]

And so I definitely support -- this is an example of enlightened self-interest for capitalism where, you know, as a business owner, you want to say, well, I want to pay for that because that doesn't fit in my P and L, but the other issues with staff turnover or retention and training and all these things, that feeds into affordable housing and whether or not people can build a life for themselves. Right? And y'all know that from EMS services and so forth, that these things pay for themselves. So I won't stress that point. But I will also add that one other way to help pay for affordable housing is to reverse regressive property tax policy. And so I would also encourage you to do that, and I thank you for your time and your work.

>> Mayor Adler: Thank you very much. Why don't you give us, Jr. Name.

>> Susan [indiscernible]. I signed up.

>> Mayor Adler: Can you pull the microphone a little bit closer?

>> I signed up as neutral and I'm really not neutral on affordable housing, but I do think it's important to note that this massive bond election that you're looking at exacerbates affordability in this community, and we can't really -- I mean, it's a serious problem right now, and this definitely increases that load. My concern about affordable housing is that I think it's unfair to ask the public to vote for more property for affordable housing or parks when, in fact, the city has property that they can use for that. Particularly, the MCKalla place comes to mind. That was just appraised at \$29.5 million, the press said that. You've had offers on it, and, in fact, you're looking to give that away. So to take the property that your real estate division has put at the most desirable for affordable housing and give that away, and then pass a bond issue for people to pay more seems to be unfair. And it's not just the amount that it was worth because -- and this is just an estimate because you'd have to compete it to find out the exact numbers, but what it looks like is that it would generate also taxes, about five million dollars a year, a million of which would be the city's.

[12:34:23 AM]

And then if you gave 40% of that to affordable housing, which is your policy, or 100%, you would at least be giving 400,000 every single year. So it's really hard -- I could not vote for this issue if you're giving property away that we could use. So that, I guess, is my very short comment. Thank you very much.

>> Mayor Adler: Thank you very much.

>> Good morning. My name is Ann Howard. I'm executive director of ECCA. We're fiercely committed to ending homelessness and we appreciate the support from this council. We're also still very appreciative to the former councils who were bold enough to make Austin one of the few cities who's done an affordable housing bond and we're looking forward to November when the voters have a chance to be bold and say yes to as big a number as you can put out there for affordable housing. We're -- we're eager, I think, to see a bond package that wins, that passes, and I look forward to working with you to make sure that that number for affordable housing is as big and bold as it can be. I sat here for a few hours tonight, and I just want to personally thank you for your service. You know, it's amazing, I was talking to the police officers in the back, at the passion of the young people in this community. They're so smart and articulate, and I'm excited for the future of Austin. I think it's bright, and I think we need to

take bold steps to make sure the infrastructure and the housing is there for these kids and the families they'll raise. So thank you for your service.

>> Mayor Adler: Thank you. Sir.

>> Hello. My name is Marcus Denton. I'm the co-chair of Austin's housing committee, and I'm here speaking to urge you to please push an allotment of \$300 million for the affordable housing portion of the bond in November.

[12:36:27 AM]

This is something that our chapter has passed overwhelmingly and feels very strongly about. We're obviously in a housing crisis in Austin, and this is one step we can take by making a bold step and allocating that much money for affordable housing on the bond. Let us do the work of knocking on thousands of doors again to pass an affordable housing bond that can make a difference and move housing from the private, speculative market, which is failing, to the public market, or to the public sphere, where it can be provided not based on who can afford it but based on need. And the other thing I'd like to emphasize is that the portion of the bond that's currently allocated for land should be increased. A hundred million would be much more appropriate because that's the sort of investment that can head off a lot of the price increases, the rent increases and things like that. So having that land can allow for social housing, allow for land banking, community land trusts and things like that that can make a real difference. So I'd also ask you to consider the proportioning of the allotment as well. Thanks a lot.

>> Mayor Adler: The offer to knock on thousands of doors is accepted.

[Laughter] Go ahead, sir.

>> Good morning, council. Mike Canally with the Barton Springs Conservancy. I just want to advocate in addition to the bond for affordable housing, the bond package is also going to be directed towards reinvestments in our existing facilities and assets so we are asking you to support the Barton Springs with bond funding for the bath house, to the tune of \$3.5 million. As part of a larger request for park bond funding, including pools to the tune of \$20 million, trail projects to the tune of \$20 million, excuse me I meant urban trails, then also retaining the current funding for our parks at what I guess is 140 million in the current staff recommendation and open space and watershed protection at 72 million.

[12:38:45 AM]

We think this bond package is a great way to reinvest in the beautiful bath house we have at Barton Springs. If I did that right. And we just want to do give you a snapshot of it to show you that this was built over 70 years ago and as an existing city asset at the parks department, it is really one of our historical and architectural treasures for our community. It is a place where we house our

environmental education to the public about our environmental values in teaching about water quality, teaching about the environment, teaching about the watershed. This is where we convey our community values for protecting the environment at Barton springs. Over 70 years of use have taken their toll. There's record attendance, a nice picture of a typical summer wait, can be an hour long to get into the pool. You can also see some damage and deterioration into the plumbing and mechanical systems, the rehabilitation project would be a great way to reinvest in the bath house, and that process has been started. The city has actually initiated an actual rehabilitation project. And it's an identified need from the city planning as part of the master plan from 2009 and then the facilities study -- excuse me, the feasibility study that was completed in 2016. So we have an identified city infrastructure need that needs investment and we think the bond package would be great. So with your support, we will request that the bath house be turned into a first class facility for the next 70 years for Barton springs, but also maintaining the historical integrity and meeting the program needs by providing environmental education to this great place, and too bad you can't see these. These are some of my favorite pictures of Barton springs, but thank you for your support. Thank you for your service and your long patience tonight.

>> Mayor Adler: Mike, thank you. Go ahead, sir.

>> Good evening, council. My name is Mike and I'm with the Austin democratic socialists of America. I'm here advocating for \$300 million affordable housing bonds.

[12:40:48 AM]

We spent a lot of the past year canvassing, knocking on doors, talking to people all across Austin and we hear it again and again, my rent, they keep raising it. It's too high. I'm going to have to move because they keep raising my rent. This is a crisis. In 2013, we passed a bond with 61% support. It helped a lot of people. It did a lot of good things, and we think this bond if it's bigger can do even more. It can do the subsidized affordable housing, it can do the repairs, and with the extra money that will come with the 300 million, I think it gives you all to do something really bold and innovative. You can buy land for community land trusts, you can build new public housing. You can build permanent supportive housing so people don't end up living on the street and getting harassed by police and dealing with a lot of the issues we talked about earlier. We see what the free market does with housing. Rents go up year after year and it just gets unaffordable for everybody. 300 million is not going to solve that problem but it can help thousands of people. And I think what it can also do is it can set an example for other cities. It can set an example for people at the state level and the national level and really change the conversation of how we deal with the affordability and really make Austin a forward-thinking city that other people look up to. If we get a 300-million-dollar bond on the ballot, Austin dsa will spend our summer and fall knocking on doors, talking to people will how to fight back against these rising rents by investing public money in non-market housing. I think a lot of people are going to be really receptive to that message and I think the bond will pass resoundingly. Thank you.

>> Mayor Adler: [Indiscernible LE]

>> Two quick things I give to you is, we're all going to shut up and let one person speak so you get about 15 minutes of your time back. And it's his birthday so I think the birthday boy is going to sent us out for this relatively long meeting we had today.

[12:42:49 AM]

So happy birthday.

>> [Indiscernible]. Can I talk?

[Indiscernible] Austin dsa. My colleague

[indiscernible]. As you know, we are in a housing crisis, enabled by artificial zoning restrictions within the city. We understand how we got here and we know the first steps it will take to get out. This bond won't solve everything, but every measure related to affordability needs to be both aligned in a positive direction with all related policies, and as impactful as possible a \$300 million affordable housing bond endorsed by Austin dsa is a critical component of a broad effort to begin to address our citywide affordability crisis. Frankly, I'm also excited because this bond is an initiative that will unite all parties who want housing justice. On average, austinites spend 47% of their income on housing and transportation, which is a lot of their income, and happens to be exactly how much I spend on those things. Affordable transportation is, of course, a function of available options as determined by location. I look forward to a housing bond to provide affordable and permanent housing in walkable, mixed use, mixed income communities with access to transit. This is what we need throughout the city and we can move substantially in that direction with this bond. This is going to be a transformational investment for us. There will be thousands of direct beneficiaries, but I know that the people of the entire city will realize benefits, measurable and tangible, economic development, worker security, safety, climate change, et cetera. I hope you agree that a hundred million dollars housing bond is the top priority in this year's bond package. Thank you so much. Motion to adjourn.

>> Mayor Adler: Not quite yet. While you guys are there, so the clerk has it, could you step up and give your name into the microphone so the clerk knows who was there.

>> Heidi Sloan.

>> Mayor Adler: Heidi.

>> Dave Pinkham.

>> Mayor Adler: Mr. Pinkham, thank you.

>> Monica Oliver a.

[12:44:51 AM]

>> Mayor Adler: Thank you.

>> Madeline duttlich.

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

>> I voted for every housing bond since sometime in the '90s and I'm going to vote for this one. My hope is you will risk raising my taxes more and make this a \$300 million housing bond. My wife and I have already taxed ourselves in the sense that our one remaining charter in retirement is foundation communities. We're part of a much larger group that provide private dollars for supportive housing, but none of these organizations can succeed without government subsidies such as affordable housing bonds. I read staff objections to their ability to administer a \$300 million housing bond. To that I say that you councilmembers here before me set the policy and priorities for staff and evaluate city manager cronk as to whether or not he succeeds implementing your policy and priorities. He has several familiar tools at his disposal, alone or in combination. More staff, temps, transfers, outsourcing, et cetera. Staff capacity is not an insoluble problem. What is a difficult problem is avoiding arresting someone for public urination because they lack shelter for private urination. The booking costs alone for that arrest would pay for three months of a studio apartments at capital studios, bluebonnet studios, sky line terrace or garden terrace. But first, more studios have to be built, subsidized by affordable housing bonds. I commend to you and I've already commended to chief Manley, A.P.D. Commander, during the host team presentation at the April 19th A.P.D. Community engagement forum, a member of the audience evidently reached his limit and became -- began a

-- too familiarto me, if homeless services weren't provided, the homeless population would go somewhere else.

[12:46:58 AM]

The commander intervened in the forum at that point, saying that there were some things that A.P.D. Could do about homelessness, but that they were limited in what they could do and that the only solution proven to work was affordable supportive housing. I didn't write down his exact words, but that is pretty close to a direct quote. Support affordable -- supporting affordable housing is the answer. Please vote for a \$300 million affordable housing bond. Thank you.

>> Mayor Adler: Thank you, Mr. Collins. Is there anyone else here who would like to speak? Hearing none, councilmembers, yes, Ms. Pool?

>> Pool: Mayor, since a lot of folks who were here earlier did speak on the bonds have gone home, are we going to also be able to is the plan for a public hearing on the bonds? Because I know we don't -- we haven't actually set one. Should we do an ifc to put that officially on an agenda, or what would you recommend? If we don't have a formal public hearing, then people don't get notified by the city, and so it would just be kind of our word of mouth, I think, for the community to know that they should come down and speak, support for or against.

>> Mayor Adler: There is no formal public hearing on a bond.

>> Pool: I understand that.

>> Mayor Adler: But there's opportunity for public testimony. So there was some today, and we'll need to make sure that it's on the agenda on the 28th. Can you just put that on the agenda?

>> Pool: So if I could --

>> Mayor Adler: Because it's -- it being on the agenda makes it happen. Yes, councilmember pool.

>> Pool: I just want to emphasize the point I'm making about notifying the community. I'm trying to remember what we did for the mobility bonds. It seems like it was more formalized, and we had a lot of people come, but I don't remember if we did a formal notification.

>> Mayor Adler: It was just on the agenda. And for the public to know, it will be on the agenda for the 28th.

[12:49:01 AM]

The manager will put it on the agenda for the 28th so it will be an opportunity to talk. 28th. Then the actual ordinance language will come back in August, and that's also council action, so there will be opportunity for people to talk then as well.

>> Pool: I think maybe what I'm thinking of is we had city of Austin communications go out to notify people that way. I don't think it was a paid, like, not in the newspaper or anything, but, you know, we have the communications that we send out regularly from our public information office, and that should be something that we send out to folks who got those, to alert them, then it will also get picked up by the press. If we want to have a successful bond election, we need to do something to communicate that it's happening.

>> Councilmember, we can certainly do that.

>> Pool: Thank you.

>> Mayor Adler: Okay. Councilmember alter.

>> Alter: I motion to postpone this till the 28th. Do we need a motion to postpone item 17?

>> Mayor Adler: Item number 17? Which was what? This one? We don't have to postpone it. It's going to be listed again --

>> Alter: I know, but we have to formally postpone it, I believe.

>> Mayor Adler: This isn't a --

>> Alter: Was put as --

>> Hi, Carla Stephen with the bond development team. We would request that you actually do postpone it. It has not been set on the 28th agenda. The postponement action would be the action to take to move it to that agenda.

>> Mayor Adler: Okay. Is there a motion to a postpone this item to the 28th, carry it over?
Councilmember alter makes the motion. Is there a second to that? Ms. Houston. Any objections to that?
Hearing none, this is carried over to the 28th. That was everybody accept Garza and troxclair. And it is
12:50, and this meeting is adjourned.