

# City Council Regular Meeting Transcript – 1/23/2020

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[10:03:07 AM]

>> Garza: Good morning. We're going to go ahead and get started. I'm mayor pro tem Garza. Mayor add less is out of town representing our city. For our opening peaceful moment Ricky Freeman from ebenezer Baptist church. Thank you for joining us this morning. >> Let us pray. Eternal god, ruler of the universe and god of this day, we are grateful for your guidance and protection for all persons. We pray for the city of Austin and the metropolitan area. We pray that the needs of all for food, shelter, work, justice and dignity might be understood and addressed. We pray that the diverse people living in this city may unite and support efforts to seek the good of all austinites. We pray for the mayor and the members of the city

[10:04:08 AM]

council as they carry out their charge to provide leadership and service to our community. Grant them discerning hearts to know the difference between right and wrong and to govern with justice and equity, in your name, amen. >> Garza: Thank you for that. Thank you for that. So we have a quorum present. We are in city council chambers at city hall, 301 west second street on Thursday, January 23, 2020. The first thing we're going to do is draw for the new seats on the dais. Why don't we wait until everybody gets here. Okay. So I'm going to start with changes and corrections. Item 2 has been withdrawn. Items 3 and 4 withdrawn and replaced by 106 and 107. Item 7 postponed to February 20.

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Item 18 is recommended by the airport advisory commission on a 7-0-1-2 vote with commissioner walltree. Item 29 withdrawn. Item item 65 withdrawn. Item 66, sponsors should be the health and human services committee. Item 96 withdrawn and replaced by item 113. Item 98 has a valid petition filed in pop situation to the rezoning case. And item 108, councilmember tovo has been added to that. And I believe the other items that have been pulled, item 30 by councilmember toast. 31 by councilmember tovo. 33 by tovo. 35 by councilmember tovo. 51 by councilmember alter. 59 will be a time certain of

[10:06:14 AM]

4:00. Item 108 pulled by councilmember Flannigan. Item 111 has been pulled by councilmember Flannigan. Item 112 pulled by councilmember Flannigan. I'm sorry, tovo. Are there any other items that need to be pulled by councilmembers? Councilmember tovo. >> Tovo: I'd like to put 30 back on the consent. >> Garza: 30 is back on the consent agenda. Councilmember pool. >> Pool: I'll have comments after we take our vote on consent. >> Garza: Okay. Remind me of that. Councilmember alter. >> Alter: There was something discussed at work session for items 109 for the womens March. Mayor pro tem had said that she would cover the balance of the fees so I just wanted to mark that for consent if that's still your plan. >> Garza: Sure. Yes, I will still cover the balance so that will stay on consent. Any other items to be

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pulled? I'll -- councilmember Flannigan. >> Flannigan: An additional name on the boards and commissions nominations that wasn't posted, Dr. William Kelly to the [inaudible] Safety commission just for clarity. >> Garza: Okay. Item 57 should have Dr. William Kelly nominated for the public safety commission by councilmember Flannigan. I'll go ahead and entertain a motion for consent. >> Pool: Can you read through what you've pulled? >> Garza: The pulled items are 31, 33, 45, 51, 59, 108, 111, 112, and 109. Councilmember Casar. >> Casar: I know item 55 would be lead sponsor on, but I thought we were taking that up at the next council meeting. I don't know if we want to deal with it today or not.

[10:08:18 AM]

>> Garza: It's postponed. >> Casar: Sorry, I missed it on my list. >> Garza: Is there a motion to approve the consent agenda? Mayor pro tem, give me a moment to get logged in. I think I might have one. >> Garza: Sure. We'll go ahead and take the consent speakers. Mr. Peña, you are speaking on 21, 22, 23 and 35, 36, 38, 39, 40, 41, 42 and 62. >> Good morning, for the record, Gus Peña, proud United States

Marine Corps veteran and founder for veterans for progress. We are now proudly 21,550 members strong. I'm going to keep it short.

[10:09:18 AM]

With all the items regarding homelessness, I would ask that the city council review all these programs. Millions of dollars are being allocated for the housing issue. Back when Bruce Todd was mayor, I became homeless with my wife. And that started the homeless issue back then in the '90s and now we're still here, 2020, still battling homelessness. I have enough of having heard the mayor say there's no more homeless veterans in Austin, Texas because there are programs. If a body is homeless, a body is homeless. It is not -- you should be counted. There's an article in the paper styled or -- styled Wednesday, January 22, 2020, Austin could beef up homelessness care program. We need wrap-around services for the people that are off

[10:10:20 AM]

the streets into housing because just putting them in a unit is not going to be sufficient. Brain injury, problems with other issues is going to further hurt the person. So it has to be holistic approach. Not just put them in a unit. It's just not good enough. I just wanted to say this, thank you all very much for working hard on this issue. I've been working hard on it for many years and the mayor knows it when he was campaigning for his first tour of mayor at his headquarters, we need help, strong help, holistic help for the homelessness. And thank you for the members here that have worked hard to decimate homelessness. It's going to be a big, big

[10:11:21 AM]

effort, but I -- I just want to say thank you very much for all you have done for the veterans. And we've gotten some veterans off the streets and keep up the good work and thank you for the time you all put with these issues and other issues. Thank you. >> Garza: Thank you, Mr. Peña. Is David king here to speak on 24? >> Thank you mayor pro tem, a councilmembers. David king, and I'm speaking on item 24 to authorize \$250,000 for the greater Austin chamber of commerce. And I'm asking you not to use this funding for this purpose, but instead to redirect it for anti-displacement programs now. You may have seen the

[10:12:22 AM]

lottery -- report by KXAN Austin is one of the fastest growing cities not just in the United States but in the world. Why do we need to pour more gasoline on the fire and encourage even more growth when we're already among the fastest growing cities in the world. And we see what the cost of that rapid growth is. It's the displacement of our low-income families, the evisceration of communities of color and the loss of our local -- locally owned small businesses. You know that. And so this \$350,000 would be much more effective and much more helpful and it's needed now, now. As we speak in this meeting today, how many families will be displaced? And you may know that the team from the city of Austin, the innovation office, says 232,896 households in Austin are at risk of displacement.

[10:13:22 AM]

If each of these households needed \$5,000 annually, that would require \$1.6 billion annually. And this city is just pulling up \$7.45 million. That's it. That's a drop in the bucket. That's like trying to put out the Australian wildfires with a spray bottle. And I'm sorry for what's going on in Australia and I'm glad we're doing it and I hope we're doing all we can to help them. Our families here need help now today. The city of Seattle is providing over \$78 million annually for anti-displacement programs, plus in that city high tech has stepped up to help out. Microsoft is providing \$500 million on top of that to help with affordable housing for low-income families at risk of displacement. I'm calling on our high-tech industry to provide \$2 billion to help our city here in Austin. And I hope this council will not give necessity incentives or development

[10:14:23 AM]

arrangements that benefit them until they step up and help us out. The rise in housing costs here because their employees are making over \$100,000 a year and they can outbid most of us in Austin, low-income families in Austin. They didn't do that on purpose, but that's what's been happening. They need to step up and take responsibility and help out and you should make sure that they do the right thing before you give them any more incentives or any more development incentives to -- for new campuses like at apple -- [buzzer sounding] -- Or other parts of our city. Thank you. >> Garza: Mayor pro tem? >> Pool: I just wanted to respond and thank you for the comments that you've made. And I think there's a lot of agreement that we need more clarity in what the deliverables are, especially with the largest chamber in the city.

[10:15:23 AM]

We need transparency and accountability. A really clear-cut list of what deliverables should we expect should we continue to contract with the greater Austin chamber. At this point this item is allowing that contract to go on for one more year while it had had a five-year time frame. This item would continue it

for one year so that we can do the kind of analysis and review and negotiation with the chamber to see if, in fact, they are willing to inject higher levels of transparency and accountability and to be more clear in what it is the city gets should we be getting any services or any kinds of deliverables from the chamber. If that helps to clarify a bit about what our action here is intended to be on item 24. And so thank you so much for your comments about displacement. I think there's broad agreement with what you are saying about ensuring that we are not inadvertently

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pushing people out of our city. >> Garza: Thank you, councilmember pool. Mr. Robbins, Paul Robbins is here to speak on 27 and 53. >> Council, I'm Paul Robbins. I'm an environmental activist and consumer advocate. In November of 2018 I contested the Texas gas service conservation program for city council. At the hearing I showed that Austin's Progressive electric and water rates where the more you use, the more you pay per unit were more helpful to encourage conservation and help lower income people. This contrasts to local gas rates that reward higher

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consumption in the case of the gas company, the more you use, the more you pay per unit. Several councilmembers commented from the dais that they wanted to see this rate structure changed. Apparently the company did not get the message. As part of the new case, the company proposed two residential rates with the expectation that customers will choose the one that is best suited for them. The company estimates that the combination of these two rates will cause a jaw-dropping 16% bill increase. My own current analysis suggests an even higher 23% bill increase. I have detailed these two proposed rate structures here and here. And you can see, the profiles are still highly

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regressive. Progressive rates both encourage conservation and help the poor who generally use less energy than average ratepayers. Please keep this in mind when you vote on the rate case this spring. I also am asking you to open this case up so that the general public can participate. In the last Austin energy rate case, any ratepayer that had registered could get standing as a party. It is not at all clear who can participate in the Texas gas rate case. How they can participate, and if they can get information requests answered. When I contested the conservation rate in 2018, the company blatantly hid information and by extension they not only hid it from me, but by extension from the general public.

[10:19:32 AM]

This should not be allowed to happen again. Thank you. [Applause] >> Garza: Thank you, Mr. Robbins. Councilmember harper-madison, did you have to pull anything? >> Harper-madison: If I need to, I'll do so later. As it stands, I'll vote for the consent agenda. >> Garza: Okay. Councilmember alter? >> Alter: I wanted to ask if you could send that presentation to my office and ask the city manager if you can make sure that we create some opportunities for the public to engage in this process moving forward to the rate increase. I don't know what the most appropriate solution would be to that, but I think it's a reasonable request for our ratepayers to have some ability to participate on some level. I'm not sure what is most

[10:20:33 AM]

appropriate at this point in time and we're not going to be -- what we're doing today is saying that we want to delay it. We're not yet comfortable with the rate and so I think there's time for some of those opportunities to be created before it comes back to us. And I believe that [inaudible] Would be open to that. My office is working with them on some of the environmental aspects as well parallel to the rate case. >> Garza: Is there a motion to pass the consent agenda? >> Casar: Mayor pro tem, on item 63 we're setting a public hearing for residential uses in the outermost part of the airport overlay. My staff is reminding me we have an ongoing blowing case that deals with the same issue -- zoning case that deals where the same issue that is up on March 12. We are setting the public hearing for this ordinance on -- for February 20. I think we should set those for the same day so we don't debate the same sort of

[10:21:33 AM]

issue on two different council meetings and have the airport staff here and have our minds on that for one council meeting rather than two. I think for everybody's schedule, staff's and ours, it would be best to have the public hearing on March -- >> Garza: Can anyone on staff say that's fine? >> Casar: We could pull it and have them bring it up later. >> Garza: We'll set it for March 12. Item 63, the public hearing will be set for March 12, 2020. Just again, the consent items are items 1 through 65 and 106 through 112, the pulled items are 31, 33, 45, 51, 108, 112. Councilmember pool. >> Pool: I wanted to register my vote in opposition to one item and I'll make comments after the

[10:22:35 AM]

vote. That's item 28. >> Garza: Councilmember alter. >> Alter: I would like to vote know on item 28. >> Garza: Can we get a motion? >> Casar: So moved. >> Garza: Seconded by councilmember Ellis. Councilmember pool, would you like to speak on 28? >> Pool: After we take the vote. >> Garza:

Councilmember tovo. >> Tovo: Register my vote against 28, please. >> Garza: I'm going to pull 28 only because I don't know what that is and why people are pulling it. >> Kitchen: Mayor pro tem, may I? >> Garza: Yes. >> Kitchen: I would like to abstain to 28. 28ist the item authorizing legal fees for the petition rights lawsuit. >> Garza: Got it.

[10:23:41 AM]

Okay. Disregard my mention to pull it. So all those in favor of the consent agenda say aye. With the changes noted. That's 10-0 with the mayor absent. Does anybody want to speak -- did someone say they wanted to speak on consent in go ahead, councilmember pool. >> Pool: Thanks, mayor pro tem. This is the city asking for up to \$121,000 to hire outside attorneys in order to prosecute the protest rights lawsuit. The vote was 4-7 on this dais to allow citizens to have the protest rights that we believe are in fact specifically stated in state law. So my reason for voting against item 28 is I don't believe we should waste taxpayer dollars on outside attorneys to deny people the right of valid protests.

[10:24:43 AM]

Thank you. [Applause] >> Garza: Does anybody else want to -- councilmember Flannigan. >> Flannigan: That vote was seven to proceed with the lawsuit. So it is not understood that those protest rights exist. In fact, they don't exist under state law when you are doing comprehensive land use reform. I want to make it clear there's still an active debate [inaudible] >> Garza: All right. So we're going with the first pulled. Or withdrawing. Is the clerk ready for us to draw? This is just every six months we had started a position where we changed the -- our seats on the dais. So every six months we draw

[10:25:44 AM]

for our seats on the dais. That's what we're doing now. >> I drew number 2. >> Six. >> Casar: Five. Five. >> Three. Not moving. >> Four.

[10:26:53 AM]

>> Seven. >> Kitchen: I'm seven. >> Eight. >> One. One. >> There's so many left. >> I drew lucky number 10. >> Garza: Looks like most of us are staying in the same seat. We're going to go to item 31, which was pulled by councilmember tovo.

[10:28:01 AM]

>> Tovo: Which number did you say? >> Garza: 31. >> Tovo: Just a couple quick questions about 31 and 33. Similar questions for both items. So as I -- these are contracts with our police department with Texas -- the first one with Texas state and I need to ask the appropriate staff member a little bit of information about this. I understand we may have approved this in the past, but I'm not aware that we've ever had a conversation about it and it's not clear to me what the relationship is with Texas state, why Texas state is involved with this. Is this part of -- part of ordinary operations trying to make sure that the rules are being followed or what's Texas state's relationship to this? >> Correct, mayor and council, chief of staff with

[10:29:03 AM]

Austin police department. This is a contract that we've had for approximately ten years or so. And yes, these are funds that are through the state that are given to Texas state to administer the statewide program. So this is -- they are just the designee to administer to statewide program. >> Tovo: Thank you. That was unclear from the backup. So are we reimbursing -- in terms of the rates at which officers are being paid and reimbursed in this contract, are they reimbursed at cost? >> Yes, it's set by the overtime rate for our officers. >> Tovo: I see. So the city is being reimbursed at the overtime rate for the officers working in particular on this project. >> Correct. >> Tovo: Okay. And then mayor pro tem, with your permission, I would like to ask questions about 33 if that's all right. >> Garza: Sure. >> Tovo: 33 is an interlocal with U.T. Austin for special events assistance, some of which I [inaudible] So so I'm not sure

[10:30:05 AM]

if you are the appropriate staff member to answer that. >> I have the staff here. Just depending on the question. >> Tovo: Similar question, are we being -- I was looking at the rates of reimbursement. It wasn't clear whether those were ordinary rates or whether those were overtime rates. >> Those are the overtime rates set by the city, yes. >> Tovo: So the city -- will the city of Austin be recovering all costs of staff, fully staffing its patrols as well as supplying officers for the activities U.T. May have? >> Yes, they will. >> Tovo: Do you have any concerns about our ability to do both? Given that we are in the process and have some vacancies among our APD patrol right now. >> I do not. This is something -- and the main focus has been the athletics for the football games, and we have been able to fill those positions at an overtime rate. >> Tovo: Okay. Thank you.

[10:31:05 AM]



And one last question, what is a tourism and policing model that's described from the rca. All APD police officers working at an event to ensure that a professional service is delivered within the tourism policing model. We've talked about community policing, other kinds of policing, but never tourism policing model. >> I have not specifically. >> Commander Krause, special events. That's a term I haven't seen before either, but I think what it's referencing is just the philosophy we have within special events in particular that we're diplomats to any tourism that's going on and that we are the face of the city. And so that officers should conduct themselves in a manner that would represent us in that way. >> Tovo: I would be interested in continue to go physical up on that.

[10:32:07 AM]

That would seem to me part of your officers' role all the time. If there are other components of the tourism policing model, we don't need to talk about it now, but if somebody would get that to me, I'm just curious. >> We'll get that thousand. >> Tovo: Move approval on 31 and 33. >> Mayor pro tem, I -- [inaudible - no mic on] >> Garza: I don't have you signed up. Sorry, Mr. Peen in a. Go ahead and come -- peña. Go ahead and come up to speak on 31. It's moved by councilmember tovo, seconded by councilmember pool, item 31 and 33. >> Yeah, my name is Gus peña

[10:33:11 AM]

proud IRS investigator and I've been other titles also. I'm in support of law enforcement in item number 31. I see what is out there, you know, and you all don't see it. I just want to keep it brief and education for you all, I ain't no dummy. I was a bailiff at municipal court in criminal district courts, and I want to tell you this much, sometimes it's a mind boggling thing they would allow some things going on right now to accept -- that is not acceptable to veterans for progress. I'll leave it for that since I've been in law enforcement before. Thank you very much. >> Garza: Thank you. All those in favor of 31 and 33 raise your hands. That's 10-0 with the mayor absent. Next pulled number item 45. Councilmember tovo.

[10:34:15 AM]

>> Tovo: I have a quick question for staff on that. We did ask a question through the Q and A or separately about where those receptacles would be placed and it's a maintenance agreement, as I understand it, just to replace receptacles in need of replacement. My question is we've passed a couple resolutions asking for trash receptacles in the area -- more trash receptacles in the area of Red River where the Red River Merchants Association and other stakeholders have been requesting more of those. Are any of those going to meet that need? >> Tammy Williamson, Austin Resource Recovery Assistant Director. Councilmember tovo, what we do have is we are replacing -- there have been additional receptacles added to Red River. We have 12 additional ones that we added this past November and we

have four replacements. We do plan to get to that particular area. That is part of this particular area we're looking at replacing, just

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for maintenance and the fact we need to add more litter containers out there. >> Tovo: Thanks for the update. And for the update on the additional 12. Thank you very much. I'll move approval of that item. >> Garza: Is there a second? All in favor raise your hand? 10-0 with mayor Adler absent. Item 51 pulled by councilmember alter. >> Alter: I have a question for staff. I understand we've taken previous actions on this issue as a council. But I want to -- but I want to understand specifically what this contract is doing and what this contract is solving for. I did submit a question in Q and a but the response is not particularly

[10:36:18 AM]

illuminating in response regarding previous council action actually were actions related to our blue cross blue shield contract. So we are not able to follow through to get the rest of the information. If you can help me understand. >> I deeply apologize. It is not about blue cross, blue shield. It is about putting together another program in our arsenal that council approved under the overall policy of local government code chapter 380. And this has taken a while for us to go through procurement process to get us to this point. Back in August of 2018 council did approve about three resolutions, and one of the resolutions was kind of looking at our past chapter 380 program, looking at repealing and replacing that with the chapter 380 policy. It also looked at repealing

[10:37:21 AM]

a certain part of an ordinance that barred the use of chapter 380 for retail-like services. And then a third resolution was actually approving a program under this new policy for business retention and expansion. And that was a pretty robust and detailed policy. What we seek through this contract is the consultant expertise to enable to bring back to council in fairly short and expeditious order but with community engagement also included of program guidelines very similar to what you are used to seeing with the chapter 380 program policy for business retention and expansion for a gap financing program that really delivers on real estate-related projects under chapter 380 for the gap financing. >> Alter: So I think that last part answered my

[10:38:22 AM]

question. I was trying to figure what the real estate piece was. The idea that we would be deploying our 380 policy in situations where we felt like there was a gap related to real estate elements of running whatever business it was and that figuring out mechanism -- this contract would have this person helping us to figure out the mechanisms and what that policy might look like that would allow us to deploy a policy that would address situations where there's a gap in funding because of the cost or what that business can do at that stage of their development. >> Absolutely. And I could not say that better. You said that, thank you, that is exactly right. >> Alter: I appreciate the clarification because it's important that we understand where we're proceeding with these contracts so that we don't run into situations that we go down the wrong direction from what we as council have directed. So thank you.

[10:39:23 AM]

>> I appreciate that. >> Introduce yourself quickly. >> Christine McGuire, redevelopment manager in the economic development department. >> Alter: Thank you and I'll move 51. >> Garza: Councilmember kitchen? >> Kitchen: Could I ask a question first or did you want to -- >> Garza: Moved by councilmember alter. That's item 51. Seconded by councilmember Casar. Councilmember kitchen. >> Kitchen: Yes, that was my understanding also and just for clarity purposes, if I'm remembering in August of 2018, we authorized moving forward with the locational enhancement programs. >> Yes, ma'am. >> Kitchen: But we understood at that time that what we adopted at that time was just the basic parameters of the locational enhancement program and we understood a consultant needed to be hired to flesh

[10:40:24 AM]

out the details. Do I understand this is to flesh out the details for the enhancement program and once those are fleshed out, that will come back to council for approval? >> Yes, ma'am. That's absolutely correct. Yes, councilmember. >> Kitchen: I think that's a great program. At the time we talked about how the locational enhancement program can be used to help both creative entities and small businesses and others in terms of difficulties that they have with spaces, with maintaining spaces. >> Over long term, yes, long-term affordability. >> Kitchen: So I assume the scope of the consultant's work will be in alignment with what the council adopted in August 2018 which set forth the parameters for this program. >> Absolutely. It's embedded in the contract. It was embedded in the procurement and that's absolutely right. >> Kitchen: Okay. Thank you. >> Garza: Are there any other questions? I'll call for the vote.

[10:41:24 AM]

All in favor of 51 -- >> Alter: Do we have a second? >> Garza: Casar seconded. All those in favor raise your hand. Any opposition? That's 10-0 with the mayor absent. And next I think is 59 -- no, that's a time certain. 108 pulled by councilmember Flannigan. >> Flannigan: There's a pretty hefty prying tag for this - price tag for this work. This is going to come back as a budget amendment. I've been asking this question for this very reason and this price tag [inaudible]. So I know city manager or staff if you can help me understand how you will interpret an ifc for which

[10:42:24 AM]

there is no budget. >> Good morning, mayor pro tem, councilmembers. Director for watershed protection department. For the watershed part of it, we give an estimate of -- that would account for a full-time employee and do the testing and monitoring. We don't have that in our budget so that's something we would be looking how this would be funded. >> Flannigan: Do we know if this is something that can be paid for through fees to the companies or through some other means? Are we going to be looking at that? >> I believe so. Our partners can probably relate to that as relates to the fees assessed to the vendors on this program. >> Flannigan: Okay. I mean this is the work that needs to be done. I'm not comfortable moving forward until we have the dollar figure numbers worked out. >> Thank you. >> Garza: There's three

[10:43:25 AM]

speakers on this item. Mr. King, David king. Luke Metzger. You have three minutes, Mr. Metzger. >> Good morning, mayor pro tem, city manager, Luke Metzger. Thank you, councilmember Ellis, for responserring this measure. Sponsor will. I wanted to speak about plastic pollution which is one of the biggest threats to Austin's environment and wildlife for a bird or fish or turtle coming across a small piece of plastic, they can mistake that for food and it can block their digestive system leading them to starve. There was a study done by Baylor university of the brazos river where 75% of

[10:44:27 AM]

the fish they pulled had micro plastics in the belly. So we definitely need aggressive action to address plastic pollution. We know, of course, limited by state law in some ways, but I see this resolution as a good opportunity as it calls for and examines the best practices in place around the country. For example, the city of Berkeley has a reusable cup program to help reduce the need for disposable coffee cups. We also would like the city to lead by example by eliminating the use of styrofoam or polystyrene products on city property as well as making it a condition of the airport to phase out single use plastics. We think state law might allow the city to adopt a program to restrict plastic straws by making it upon

[10:45:28 AM]

request policy which a number of cities and states have adopted. You can still get a straw, you have to ask for it. The Alamo house found it reduced by 75%. Hopefully we can find a way to pay for it as councilmember Flannigan pointed out. The clean community fee could be a good place not only to help work with small businesses to help them reduce use of single use plastics as well as fund cleanup programs and the new proposed fee related to scooters hopefully would also include all sorts of litter. Thank you so much. >> Garza: Thank you. Mr. King? This is item 108. You have three minutes. >> Thank you, mayor pro tem. I appreciate you letting me speak. Thank you councilmembers for your service. You know, I think this is important item, I support

[10:46:29 AM]

it, but I think the my row mobility companies should pay the funding for this program. And I realize that what we're talking, I ran down here so I saw the item was up. Sorry, a little winded. And I realize you are trying to address when a person goes and throws these devices into our watersheds and waterways. That person also is responsible. But these companies came to our community. They brought these devices in. And I think they should share in the cost for protecting our environment from those devices. I thank you, councilmember Ellis, for bringing this forward and helping protect our environment. While we still allow these devices in our community to help our community and provide alternative transportation options for residents and visitors and citizens here. So my main point is let them share in the cost of

[10:47:31 AM]

protecting our environment from those devices being in our community and unfortunately in some of our watersheds. Thank you. >> Garza: Mayor pro tem? Councilmember pool. >> Pool: I want to respond to Mr. King a second time today. I agree and again I think there's broad support for trying to find ways to deal with especially the scooters that are being tossed in our waterways and are absolutely polluting and we've had those discussions more than a year now. I know councilmember tovo has led ably on the waterway pollution for many, many years and I've joined her in that effort so I appreciate councilmember Ellis joining in that as well. I think we all agree we need to have clear waterways. The pollutants that are being spruced as a result of the scooters and other electronics, I agree we need to find a way to have a cost burden sharing with the companies who have

[10:48:32 AM]

introduced the scooters and other electronics, vehicles, into our city. I hope staff will be looking at that. It could be a good way to find the funding that's necessary if indeed we don't have sufficient funding in our clean community or anywhere else. That was a big stopper for me when I read the fiscal that we don't have the funds to do that. Obviously we're going to have to be innovative and creative in finding ways to deal with a real problem, and I think that the companies who have brought the scooters to our city should play a primary role in that effort as well. So thank you for zipping down to the towed yam to make -- podium to make that comment. It's very helpful. >> Garza: The last speaker is -- >> Mayor, if I may? >> Harper-Madison: I would also like to respond to Mr. King. Long-time listener, first-time responder. [Laughter] I want to say I really appreciate that every single

[10:49:33 AM]

time you approach that podium and every email you send to us as a body, you always say thank you for your service. I don't know that we take the time to say thank you for your participation. And thank you for also being able to recognize that sometimes even in heated passion for your commitment to various causes, you always recognize the difference between the policy maker and the person, and you are always extraordinarily respectful and I really personally appreciate that and I think my colleagues do too. So thank you. >> Hello, councilmembers, Leah Bojo. I just wanted to thank you for your leadership on this issue. On the stewardship of the trail and therefore Lady Bird Lake. So we are -- we have veteran

[10:50:33 AM]

very plugged into the scooter issue in particular and the issue the scooters have brought to the lake. We're very happy to see this potential action and very interested in seeing the results and recommendations, so I urge you to support this item. Thank you. >> Garza: Thank you. Councilmember Ellis. >> Ellis: I just wanted to speak quickly. >> Garza: Do you want to move approval? >> Ellis: I will move approval. >> Garza: Councilmember Casar seconds. >> Ellis: I know we're all approaching this from the right place. I appreciate councilmember councilmember Flannigan's concerns when scooters end up in our creeks, it's not good for our creeks, it's not good for our scooter companies and trying to have affordable mobility options. I want to thank city staff and the legal analysts who look at this too because they put a lot of time and effort into making sure this was something they could work with and the goal welcome back to have a plan council could look at for

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the next budget process. I wanted to make sure this moved quickly we weren't waiting one year for the survey, another year for the budget while we have rechargeable batteries hanging out in town lake. I appreciate also the co-sponsors and trust the city manager's departments will look at appropriate funding that could possibly be drainage utility fees or the clean community fee which is a cost of service analysis but it was something we wanted to delay in in year's budget discusses. So I appreciate council's support in this and hope we can continue to move forward and balance our city's priorities. >> Garza: Councilmember alter. >> Alter: Thank you, councilmember Ellis, I appreciate you bringing this forward. I did just want to note that when we had our scooter discussions, we raised the issue of scooters being

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dumped in our waterways and there was direction given to take actions on this. So I appreciate you following up on something that needs to be done, but I am disappointed that that wasn't done with our prior action. We've had many, many months of this happening and the not sufficient response with respect to that. There are already fees for doing this and I hope that as part of this direction that it will come back with revisions that need to happen for those costs to really reflect the cost to the city. We have been waiting on some revisions to mobility program and I'm not sure what those were. The last we talked about them they were coming a couple weeks later, we still haven't heard them, and this is just further evidence we need to be doing further revisions to make sure we are balancing how we're getting the scooters with

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unintended consequences of this policy. I also wanted to ask the city manager, I didn't hear an answer to Mr. Flannigan's question and this is important because there have been a number of cases particularly with environmental issues where they have been passed unanimously by council and they don't get funded. Or they miss the deadline for the budget. It seems to be a pattern with respect to environmental issues where we have unanimous agreement. This deadline is for June which would mean this has to be funded in this budget, the study part, in order to move it forward. I appreciate the care that went into watching the timing, but I would really like an answer of how we're going to go about doing this so that we don't continually have environmental priorities unfunded. >> Councilmember, while I think you hit on two of the main points. One is if this resolution were to pass, we would be

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preparing and looking at various options that would be coming back to council for consideration in the budget. As you see on line 62 and 63 of page 3, this is really for the preparation of the next year's

budget. So I think you are hitting on all the right points and that has been articulated across the dais if it were to pass staff would be looking at various options, what funding sources we could use to move this forward and how that could be considered for the next year's budget. >> Alter: As I read this, it says the study shall be delivered to city council no later than June of 2020. So that means the 500,000 has to be spent in the next several months, which is I have did friend than putting the study -- different than putting the study in the next cycle. Am I understanding correctly the intention? >> We're going to be coming back to council with options for how best to use the

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resources that we have that could be incorporated into next year's budget. We will not be able to finish the study by June. Or fund the study. We were asked to prepare a study. But I'll defer to the author if I'm Ms. Reading that. >> My interpretation was we would be able to have the results of the study by June, the way that we were looking at this verbiage. It was something that staff was working through it with us, I think our assumption was we were going to be able to have the information so we could look at what the potential was for implementing it. The next budget cycle. >> Garza: You are asking for a study that will make

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recommendations, but the recommendations might cost up to 500,000, but we don't know what they are right now. Is that right, staff? >> That's correct, and we did tell you it would take about a year if the resolution was passed. But as the city manager said, we can look at our options and come back sooner with other options. >> Garza: The way I read it, this resolution was asking for a study. This is how the best way to abate, resolve these issues, this is what it will cost and we can decide in June in we want to add that to the budget. Is that everyone's understanding? >> Alter: The reason I asked my question is I heard them saying that the study would cost 500,000. And so if the study costs 500,000, there's the recommendations that come back that don't cost more, but they are saying the study will not be back for a year. >> Garza: Is it the study

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costing on on -- >> That's correct. We were saying it would require one full-time employee for one year and the studies we have to do a comprehensive study that would be able to come back in a year. As far as options paying for it, we can come back before that. >> Garza: Councilmember Ellis. >> Ellis: If our direction needs to be go ahead and create that comprehensive study, I would be okay with that. I would rather not delay any longer, but I do have to communicate my concerns -- if we're miscommunicating and trying to figure out what exactly our goals are, the idea that taking a year and costing the price tag



that it does was not brought to our attention through our communications. If that's on our end, I'll work toward trying to figure how to make that best work. But if it's a matter of preparing the steady and making sure it's comprehensively analyzed for the next budget, I'm okay with that. I just want to make sure

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we're all getting the best result. >> Thank you, and I'll look into this too. >> Ellis: I appreciate your work. Your teams have been helpful in making sure it gets the best result. >> Tovo: I have a couple questions for staff, but I wanted to figure out what our -- with regard to what we're initiating today. I think what I'm so between the answer to councilmember Flannigan and the city manager, your answer back today, this resolution calls for -- calls for initiation of a study that as I understand it would cost 500,000 and take a year and have one employee, and we don't have money budgeted. And so you were saying the study would be complete by June, but in essence it probably wouldn't be started either since there's not money to fund it. >> Correct. >> Tovo: So was your suggestion -- would it be a

[10:59:42 AM]

suggestion to change the language to report back on options for how to fund that study and when it could begin? And councilmember Ellis, was that what you were -- was that what you were working toward, requesting -- having the manager report back as soon as feasible on how they might possibly fund that study and how quickly they could begin it? Maybe have an interim step between initiating the study and -- >> Ellis: Yes, I think that would work. I think if it needs to be brought back to us for further council consideration about what that study looks like and how it can be implemented and make sure it's equitable across all creeks and watersheds in the area, I would be okay with that. Because the price tag is a bit surprising. I'm glad councilmember Flannigan brought that up. >> Tovo: So maybe a sentence about reporting back on adding something and about reporting back on recommendations for

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implementing the study might do it? I'll take a look at it, but maybe that might be the path forward today. >> Ellis: What would be perfect and then we would have information on what types of fees could be utilized in this way. I think that would be very helpful. >> Tovo: That's a good segue because I do think that these should be -- that the cost of the study should be covered through fees or penalties to the cost of people who are vandalizing. Just to reflect back on what councilmember pool said, we looked back at some of the earlier conversations, as early as we've had scooter conversations there have been conversations about concerns that many of us are hearing from constituents and also observations that all of us are making. Shannon on my staff has called in lots of scooters in creeks. She's pulled some out

herself. I've called in scooters. We hear lots of people calling in scooters on creeks. In fact, I think we reached out to some of the scooter

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companies directly and they've offered -- they've made themselves available when we see creeks and scooters in creeks, to go out there and remove them right away. So this is a concern we all share. Jason had made a point that scooters in creeks is vandalism. That your staff was working on spill response and developing standard operating procedures. That there was a possibility of back charging the companies for time spent removing those devices from the creeks and that city and state code had -- both had penalties for environmental violations and those can carry hefty penalties. I understand there are challenges because you -- trying to figure out who the accountable party is, but it seems to me as councilmember pool indicated, we've had those conversations and have

[11:02:45 AM]

issued some directives and that staff themselves were aware of and working on the issue. So I wanted to give you an opportunity of just explaining at that point the assessment was that the staff were working compartment Ali to really manage this issue and respond to it. I wanted to give this opportunity to explain what you already doing with regard to this so that we can discuss how it addresses these efforts. I don't want to leave anybody with the impression that you aren't aware of and working on this issue? >> We are aware of it and our partners can help clarify what we're doing right now. >> Richard Spillar. Director of transportation. We have a protocol right now. If a scooter is reported in the water we notify the company that the scooter belongs to. They have one hour to begin the process to retrieve that. They have 24 hours to fully retrieve it. And -- or else we can

[11:03:47 AM]

confiscate that scooter. We had good response from the scooter companies. I know that at least one of them reports that they've already spent well over \$100,000 retrieving scooters when they need to. They have private contracts. We also have the ability to impound scooters and then to retrieve that property they need to obviously pay the impounding fees. So we have access to mechanisms to get the scooters out of the water. It is -- I would doubt that it is the owner's of the scooters that are throwing them in the water, but they've been very responsive to make sure that when found in the water that they're removed. So we do have the ability to generate an impoundment fee if we have to retrieve them out of the water. >> So I think what I was -- I've mentioned this to some of the scooter reps. There are certain areas that seem to be more susceptible to scooter dumping. Shoal creek is one, Waller creek, the last time I was down on Waller creek there

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were multiple scooters, like five or six, I believe. So are there -- are you encouraging scooter companies to really monitor those areas on a very regular basis and go down there and make sure that there are not scooters in the creek, regardless of whether or not somebody has called them in? >> Absolutely. When we know that there are hot spots F you will, we do ask the scooter companies to monitor it. And we do work with Austin police department to try to get extra attention there. Often times there's not observation when whoever is throwing them into the water actually throws them in the water, but the way we have addressed it is to immediately respond after we're notified. And so 311 is the proper way. That's a hot call if you will to get immediate response. >> Tovo: Thanks. And I think there's a good suggestion here about creating a website for educational materials and for other information. As you're working through the resolution, I hope there

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will be a consideration to -- whether there should also be a resident reporting online or whether it should all go through 311. The suggestion from the resolution is that there be% a website for the reporting, but I have some concerns about having multiple paths instead of one. So if you would just -- I would just ask that you provide a recommendation for that in the response back. >> Councilmember, we would certainly be willing to have any -- to have them out of the creeks and waterways are of interest. Certainly to let the departments know we have the resources and the ability to reimburse ourselves as necessary off the impoundment costs. That's what they're really there for is to recoup our costs. >> Tovo: So how -- you have the ability to assess fines. Have you assessed any fines? >> I'm going to bring my staff up. You know, we've been working directly with the companies so when we call them and

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they respond quickly to remove those, yes. >> Jacob Culver son, division manager with at. We have assessed some fines for I am pounds, however we've had roughly a little over 300 scooters reported being placed in creeks and waterways. And we've had a little over 300 scooters recovered from waterways reported by the companies. They've also spent upwards of \$168,000 recovering those scooters from waterways and creeks. So they've been very responsive and responsible. We have not had to penalize or impound any scooters that were found in waterways thus far, but we have for other events and things of that. >> And so just to add on to that, if there are scooters being recovered by other

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departments and turned back to the scooter companies, we're not aware of those, but if that's an issue, then as we work on this together we can find ways to make sure that those costs are also reimbursed. That there's appropriate ways to address that. >> Tovo: So I guess just as we all think about possible ways of funding that study and potential employee and then implementation, it sounds as good fees and fines are probably not going to be a very fruitful source because typically you can't identify the individual responsible for putting it in there, which would allow you to assess the vandalism fee. >> Right. >> Tovo: And the standard operating procedure right now is that if the scooter company removes that scooter within an hour, there are no fees assessed. So it's just in those -- the only time we're going to get fees are if you can hold responsible the person who put that scooter in the

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creek or if a staff member has to retrieve a city -- city staff has to retrustee Villarreal it, then we're just getting -- trust retrieve it, we're just getting reimbursed for costs. >> And there's incentive for the companies to retrieve those devices. They are not disposable devices. They are actually quite expensive. I know that's key to the companies to try to retrieve those. The other thing I would say is anecdotally from stories we've heard, it's not necessarily the users of those devices that are throwing those in, it's people that are upset about whatever or it's folks throwing them in en masse. >> Tovo: Thanks, that's helpful. >> Garza: Councilmember kitchen. >> Kitchen: Thank you. That reflects a lot of the conversation we've had on the mobility committee and on the dais with how we work

[11:09:51 AM]

with micromobility devices. So I also just want to make the observation that this resolution is much broader than than scooter dumping. While it is important and we have some mechanisms in place to deal with that, we need to review whether there are additional things we can do, but what I heard some of the speakers say and as I heard from councilmember Ellis's resolution, this is much broader than scooters. This is about litter in the water essentially of all kinds and I think I heard one of our speakers speak to plastics and things like that. This would be a study that you all would do that would be -- I'm not sure how you would scope that, but I'm sure that's part of what you're looking at on how you

[11:10:55 AM]

would and if it corresponds to the other litter in the creeks and rivers? >> That's right. It's a comprehensive study and that's why we complete add year to -- we anticipated a year to complete it. >>

Kitchen: And the idea is to study all of our watersheds? I'll>> I'll let our staff members talk about that. >>  
Kitchen: I just want to understand the scope of what we're talking about. >> Good morning. I'm Ryan, a program manager with watershed protection department. And yes, this study would be looking at' large variety of scenarios and locations across the city of Austin to be representative of all of our watersheds.  
>> Kitchen: And have we ever done a study like this before to really assess the extent to which we have problems with various kinds of litter in our watersheds? >> No study that has been this comprehensive has been

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conducted to date. >> Kitchen: Okay. All right. Thank you. I want to thank councilmember Ellis for bringing this. I think it's important to bring this scope. I also want to really -- it's important to understand what's happening with scooters, but I don't want to overshadow -- this is not a scooter resolution. That's an important part of it, but I see it as a much broader issue and that relates to plastics and a whole range of other kinds of litter that we might see in our watershed. I think it's important to do. I can see it would take awhile to do. Maybe to come back and discuss a fleshing out of the scope and the cost and then we can deal with how we can fund it. Thank you. >> Councilmember, thank you for that. We do have some can clarification language that we can suggest and our attorney can provide that. We will come back with some options. >> Kitchen: Okay. Councilmember Ellis I may have some as well, but I'm fine to hear yours.

[11:12:56 AM]

>> Well, if you'd like to offer yours, I don't want to step on any toes. Chad Shaw, law department, by the way. >> Ellis: Thank you. Let me read this out and see if it works in concert with what you're thinking. If we change on line item 36 the city manager is directed to update council on scope, timeline of the study and funding options by February 20th with any portions that have funding available to be implemented prior to the next budget cycle. >> Kitchen: Could I ask a question? I'm sorry, I will have to ask you to repeat that, but what are you contemplating that we would pay for during this budget cycle before the next budget cycle? >> Ellis: It would be any portions of it that did have funding available through this budget. >> Kitchen: Okay. So we would be paying for what we could during this budget and identifying what we needed for next budget,

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is that right? >> Right. And I would leave that up to the manager's discretion, but if there's something like a template sign that says dumping is illegal here, here is the current fine, maybe that would be something that there is funding currently available for, while a more intensive study would be

something that we want the full scope of on February 20th, not that the study would begin February 20th, but additional funding in the next funding cycle could be reviewed for our potential approval in the fall. >>>> Kitchen: That sounds like a good approach. The other concern I have is just like we do with other budget items, we're not into the budget yet. And while I consider it a high priority, we have a lot of other priorities for our budget. I would be voting for this now understanding that I need to look at the cost of this and the scope of it in

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the context of all the other dollars that we need to spend on during the budget. >> Absolutely. >> Garza: Councilmember tovo. >> Tovo: Thank you, councilmember Ellis, for your leadership on this. The revisions you suggested are a good plan and keep us moving forward with the information that we need to figure out how to best pay for this study and the implementation. And I would like to just suggest to our staff as you scope that and consider funding options that you look to some of our academic institutions in this area about whether or not this might be an appropriate opportunity for them to partner because it seems to me that there's -- that this is an area that is of interest to a lot of our academic institutions as well and they may be able to partner in a way that would be less costly or potentially free since I think it's benefiting the world of information -- of environmental science.

[11:16:03 AM]

>> Garza: Councilmember alter. >> Alter: A couple of questions, but I would love to hear your suggestion if it differs at all. >> It gets into the minutiae of drafting, but I hear you say the language around line 36? >> Ellis: Yes. >> Because I would suggest perhaps that that language would -- replace the language currently at line 62 and 63 so we did not have contradictory dates in the resolution. >> Ellis: I'd be okay with that. I appreciate it. >> Alter: So I want to underscore what councilmember kitchen said that there's kind of two parts of this resolution. There's the first part which is the study that is the broader look at litter in our waterways and then there's the second part which is the scooters in our waterways. On the first part of putting together the study I don't think I need to make an amendment. I want to make sure that you're providing us information on any changes you're noticing because of us not being able to have

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our bag ban in place. I would think that there would be a big change in the amount of litter that is in our waterways because that ban essentially lifted by the state. We were doing really well in improving that, so as part of that study, if you can make sure that we have information about the consequences of that change to the extent that we can report on that. And then in the second part, you know, as

councilmember tovo noted, and in talking with Mr. Spillar, we don't have any penalties right now. And there are a lot of things in this second part that have to do with the penalties. And one of them is ensuring that such dumping is illicitting a -- Ellis at this timing a certain charge.

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The overriding part of the be it resolved is taking action to address this dumping is really what we're trying to get at, and there may be some nuances that aren't captured in here and so that we focus on what it is as the goal. I am -- I understand the logic, why we're not assigning penalties to the scooter companies for these being dumped in the water, but at this point if it's still going on we need to really be thinking what our fees are for the micromobility devices to be capturing the cost to the city over that. And there are costs in terms of the environmental consequence cans even if they're in there for the day in my view and those need to be recouped and we need to be thinking through those other fees. >> Garza: Councilmember Renteria.

[11:19:13 AM]

>> Renteria: Yes. The litter in our waterway is almost at a crisis level. I leaned up garrison park and there's a pond there during the keep Austin beautiful cleanup. And we filled up a whole dumpster because of all these camp sites that are just full of trash out there. I looked at one of the creeks there, the waterway drainage by Riverside on willow creek and I couldn't believe the trash that was underneath those waterways there. And I've seen all kinds. Electronics, TVs, radios, VCRs, all thrown into the waterway there. It's a big thing. All the plastic, all the trash that's just down there in the creek. And when we have a big rain it gets washed into the creeks and rivers. It's a big problem. The scooters are paying their fees, but we also have

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to address cleaning up the creeks and waterways that we have and watersheds. And there are all these camp sites down there that when we run them off the streets, the homeless, they go into our creeks and watersheds and parks where they can hide. And they are polluting and trashing out our watershed ways and that's a fact. So we need toll look into that. And it's going to cost something and it's going to -- maybe we can get the volunteers of keep Austin beautiful and start concentrating along our creek areas and provide the resources so they can clean up and get the volunteers down there to help cleanup these sites. >> Garza: Is there any more discussion? Councilmember Ellis, do you want to just read the change again? It's at what lines, 62 and 63? >> Ellis: It's at line 62 now. I think this is what I said. Manager is directed to

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update council on scope, timeline of the study and funding options by February 20th and include any portions which could be funded with currently approved budget to begin prior to the next fiscal year budget cycle. So if anything is currently available to use in anything on this we could get started earlier, but by February 20th we will look at what the actual scope of the report would look like. >> Garza: Okay. Councilmember pool. >> Pool: And just to confirm, the next budget cycle that you're referring to is the one we're going to do this year for fiscal year 21. >> Ellis: Correct. >> Garza: Have you moved approval of this already? It was moved by councilmember Ellis, I believe seconded by councilmember Casar. All those in favor say aye of 108 as Hammed raise your hand. -- Raise your hand? All opposed? That's 9-4.

[11:22:16 AM]

Councilmember Tovo off the dais. >> Tovo: No, I'm in favor. >> Garza: 10-0-4, Mayor Adler absent. All right. The next item 111. Pulled by councilmember Flannigan. >> Flannigan: This is an item that came out of the audit and finance. We talked about it in audit and finance and I don't need to repeat all the stuff I said there. I'm not sure this is necessary. I think the backlog that we're seeing on the commission is temporary, so I'm going to vote no, but I understand that this is just exploring the idea. The other thing that I just wanted to bring up that I didn't think about at the audit meeting was how this -- how this looks to other commissions and other appointees that we do when

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we're asking folks, especially folks that come from -- who are representing underserved communities or disadvantaged communities, and that's why we ask them to be there, but we don't compensate them for their time, for their experience. But the people that we have appointed to this commission tend to be lawyers, they tend to be people with professions, with certain levels of wealth and privilege. So I don't know that we have an answer to that question, but I just wanted to bring that up that if we're going to contemplate compensation, I think it might be an interesting equity conversation to talk about in those who are helping this city through their lived experience. >> Garza: Thank you. I think that's a good point. Councilmember Harper-Madison, did you want to say something? >> Harper-Madison: I was just, umm-uh. As we're looking at boards and commissions I'm looking at the exceptions that we're looking at for attendance and that occurred to me at

[11:24:18 AM]



this time that we're asking people to serve in volunteer roles, but we have to think about that folks have jobs and -- yeah. So thank you, councilmember Flannigan. >> Garza: Councilmember tovo. >> Tovo: I think that would be a really interesting and good conversation to think about, whether we have the ability to extend some level of compensation to our other boards and commissions. I do think that's a -- obviously not a conversation we can have today, but I would be open to thinking through that. For me the difference here is that the municipal civil service commissioners initially were I believe -- I believe the initial scope of that assignment was one full day a month, and it's now extended to two full days a month. So for me that's asking people to give up two full work days a month and potentially a third. And it would be at the third I think under councilmember alter's proposal that would be -- they would be compensated after two full work days. And so that to me is a scale of -- a scale of workday

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missing that we really don't ask of our other boards and commissioners. And having served on those other boards and commissions, there is certainly a lot of work outside the meetings that some of those boards entail and so they are very significant commitments from our board members. But as far as I'm aware, that really asks for that full day of commitment, again, right now to days a week with the potential of going to three right now to try to clear some of that backlog. And they're doing -- we really need for them to get that work done so that they can -- so that those employees who are waiting for responses to their cases of discrimination, harassment, other issues, can get those resolved in a fair and quick -- and expedient manner. So I'm a co-sponsor on this and intend to support it, but would certainly be open to that longer, fuller conversation about how we interact with our other boards and commissions. >> Garza: Councilmember alter. >> Alter: I would like to move approval and then if I

[11:26:19 AM]

get a second I would like to make a comment. >> Garza: Item 111 is moved by councilmember alter. Is there a second? Seconded by councilmember pool. Go ahead and discuss. >> Alter: Thank you. We can certainly have a broader conversation about payment for boards and commissions. I think there are a lot of different elements of that that we would have to think about. I just want to clarify, this resolution came forward because we are experiencing extreme delays in holding hearings for our employees at our municipal civil service commission, which as a council we established in particular ways and they have kind of binding results at the end of that commission and we are now at a point where in fiscal year '19 they were waiting 149 days to be heard. If you're someone who has been fired and you don't think that is correct or you haven't been promoted, the timeliness of that response affects how you feel as an employee about how

[11:27:20 AM]

responsive the city is to the issues, and it's an important part of us making sure that our employees understand there's a fair system in place. When the civil service commission was created, the bylaws, et cetera, that govern it provided for the possibility of payment. It was originally envisioned that that might be something that we would need to do, so in taking this step we're not having to make any changes to the bylaws or other kinds of things which would likely have to be changed in all of the other broader boards and commissions. So we can certainly have that conversation, that broader one. We don't know yet whether we are going to have to ever use this. We certainly would have had to use this late last year and we still have quite a bit of backlog. So if a number of appeals come in in the next couple of months we will have to

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utilize this, and I think this is kind of like a court in a way and it's slightly different than some of our other commissions that are providing advice and we may need if we have that larger conversation to make into consideration the nature of some of the boards moving forward. >> Garza: If there's no more discussion -- councilmember harper-madison. >> Harper-madison: It's not about this item. I'm getting some feedback from folks watching. Apparently there's some live mic action above us so they can hear every throat clear, every ticking and typing. I don't know what's going on with the sound, but I've gotten a couple of points of feedback about lots of background noise. >> Garza: No breathing, no typing. [Laughter]. All those in favor of item 11 raise your hand? Any opposition? That passes 10-0 with --

[11:29:22 AM]

>> Flannigan: Opposed. >> Garza: That was 9-4-1, councilmember Flannigan against and mayor Adler absent. >> Renteria: I had just gotten notice that they're requesting on item 105 for it to be time certain at 6:00 or later because there's some families there that want to come and testify and that they're all working right now and they won't be able to get here until 6:00. >> Garza: Is that the historic designation. >> Pool: I see a note that it might be postponed so maybe we should clarify that so we could make sure people don't come down. >> >> Renteria: I didn't see

[11:30:23 AM]

anything that it may be polled. >> Garza: We can talk about it over the lunch break. And if your office knows for sure by them that they want a time certain we can do that certainly. >> Renteria: Thank you. >> Garza: The next item is 111 pulled by -- no, we just -- 112. >> Tovo: I just had some others to consider. I know we ran them by your office, but I think there was a timing issue. So just in backing up a

little, the substance of the amendments I think are really pretty non-substantive. We had a resolution and it's referred to in here called the one from 2016 directing the city manager to do several things.

[11:31:24 AM]

One, to distribute free gun locks at community gatherings. And also to distribute literature from the be smart campaign. And this is literature that is designed in part for parents to talk to other parents about gun safety and whether if they have firearms in the house they are stored safely under lock and key with ammunition separately. It's really as a parent I found it very helpful myself. I know other parents have as well. So the intent was to provide -- have APD provide this literature along with gun locks at community gatherings at which they're present. My staff have been following up on that and there have been a few challenges that are related to the really important challenge, mayor pro tem, that your resolution identifies with regard to the nssf's rule here. So I can elaborate more or not. I'm very supportive of your resolution and I think it's

[11:32:27 AM]

addressing a critical issue in our community. Gun violence is something that we need much stronger action on at every level and so I really appreciate your leadership. So my changes are to add in just a reference to be smart in that first whereas noted on the first page. With regard to the resolution, I thought it would be helpful just to reiterate the actual direction there and that's what this language does at the bottom of page 1. >> Garza: Councilmember tovo, I totally accept all of these as friendly. >> Tovo: Super. Then I don't need to say anything else, except I would encourage -- I was distressed to hear that APD had been distributed free gun locks in response to that resolution and has done so and has distributed more than a thousand gun locks. I think that's terrific to have them out in our community, but I am concerned that the be smart literature was not distributed as directed in the resolution, in the original resolution. And in part that was because

[11:33:29 AM]

the nssf will provide -- as I understand it. >> Azhar: My staff, Nicole gold non my staff has worked extensively in this issue as a community member and now as a policy advisor, and so we've determined that the literature is not being distributed because nssf won't allow it to be distributed. They'll provide their gun locks to the municipalities if they distribute their literature and no other literature. So that seems to me an opportunity or a point, city manager, where somebody should have circled back and said we can't -- we can't implement this resolution as passed by council because if we want the free gun locks from this source we can't do the other portion of it. There are other options and continue to be and I think we should as a city continue to explore those other options, other programs that could

provide us with access to free locks. It may be that if we want to distribute our own literature that we're going to need to find some money within APD's budget to

[11:34:29 AM]

purchase gun locks, but anyway, chief gay, thank you -- I want to thank you for your work on the program. I know as early as 2016 when we introduced this, this was already a concern and an area of importance for APD and I appreciate your ongoing commitment to making sure that we're educating the public about gun safety. >> Thank you. I just wanted to clarify, we recently worked with legal on this particular issue of whether or not we could give out the be smart information information. And so what we are doing now is that we cannot hand them out with the locks, but it doesn't prevent us from events handing out the be smart literature as well. So we have directed staff at this point to hand out the be smart literature at all our events to where we are also giving out the locks. So I just wanted to provide that clarification. >> Tovo: I appreciate that. That new approach and I

[11:35:29 AM]

support it. Thank you. And again, thank you, mayor pro tem Garza for your resolution. >> Garza: Councilmember alter. >> Alter: Thank you. I didn't know we were getting amendments until now. I have one small thing that I'd like to add to the be it further resolved about providing a report. I just want to add, so the customer will provide a report to city council by August 1st, 2020 with regard to gun locks and safety equipment and other materials, including number of locks distributed at events and directly to requesters. I wanted to add a clause after that that said, and any outside request for locks and materials that were denied by the department. So what -- we're really trying to understand part of what we need to know is who is this being denied to. And I think it's important because it's my understanding a gun lock doesn't actually cost very much.

[11:36:30 AM]

And you know, to the extent that we're not meeting demand that's throughout, if it costs three to five dollars for a gun lock, I think our -- that's my understanding from the advocate who was in the news recently related to this. And if that's the case I think APD can find \$1,000 to provide some additional locks to meet that demand that are not coming from that program. And I'm frankly disturbed that we haven't taken that step without council coming in and saying something. Those low income help save lives and we need to be doing -- those locks help save lives and we need to be doing everything, and it is certainly worth three dollars per gun to have that lock if those numbers are accurate. So I think we need to be looking at that and our gun task force will also be looking at that. We have a problem with gun violence in our country and

[11:37:31 AM]

we have opportunities in our city to make changes that reduce that threat so I appreciate all steps put forward like this resolution that help us to move towards a safer environment for our community. So I don't know if you take that as friendly. >> Garza: Yes, I take it that as friendly. >> Alter: I can give the clerk that. >> Garza: Thank you for the co-sponsors on this item. This was a concern from the community, one of our local community members who is very involved in gun safety and gun advocacy and concerns that we were not handing out gun locks to certain organizations. So that is what this is in response to. I think it builds on the leadership of councilmember tovo and councilmember alter alter. And so I am grateful for their -- for their co-sponsorship. And I am happy if one of y'all wants to make the motion -- >> Tovo: Do you want to

[11:38:32 AM]

hand over the chair so you can make it. >> Garza: Sure -- no, that's fine, you can make it. Moved by councilmember tovo. And seconded by councilmember alter. Did you sign up to speak on this? >> I did. >> Garza: Come on up, Mr. Pena. >> Good morning again, Gus Pena, native east austinite, proud Marine Corps veteran. I am a gun instructor, the federal and the state side, we do go out to the range and they go out and get their licenses also. Safety is paramount for us and gun locks is very important also. And we shoot at the federal

[11:39:35 AM]

firearms area, and we just want to make sure that the public is safe with gun locks. And y'all are grinning. Is there something I should know about? >> Garza: We're having mic issues, sorry. >> Anyway, I'm having issues with people also having firearms that aren't supposed to be having firearms. Safety is paramount. I can tell you about all the firearms I am legally use and can use, but gun safety is one important issue and I am telling everybody else also who is carrying illegally, we're going to get you. I mean, we have some crazy people out there and I am on the bus because I can't drive. My left leg is paralyzed due to a bad surgery, spinal surgery from a doctor, but I want to tell you this much, I'm still active over there and we need to make sure safety is paramount and gun locks is one of the issues.

[11:40:36 AM]

I just want to tell you that our organization is gun safety first, gun safety fishes, gun safety first. Veterans, veterans. Thank you very much for allowing me to speak, mayor pro tem. And keep up the good work. You should be mayor. [Laughter] >> Garza: Thank you. Item 112 has been moved by councilmember tovo and seconded by councilmember alter. All those in favor raise your hand? Any in opposition. That passes 10-0 with mayor Adler off the dais. The next items are the public hearing -- I think 67 -- 66. Does the chair of audit and finance want to walk us through 66? Actually, that should be health and human services committee.

[11:41:38 AM]

Does the chair of health and human services want to speak to item 66? >> The chair of health and human services committee is not prepared. >> Garza: I'm the vice-chair, do you want me to -- >> Harper-madison: Yes, please. >> Garza: This was a recommendation for our vacancy of the sobriety -- do you want to -- the sobriety center. We had -- always have great applicants for these positions and it's always an incredibly hard decision, but we recommend to the council Jessica palvino to fill the council's seat on the sobriety center. So do you want to make the motion, councilmember harper-madison? >> Harper-madison: Yes, please. I would like to make the motion to recommend Jessica palvino for the position for the sobriety center. >> Garza: Is there a second? Moved by councilmember harper-madison, seconded by councilmember tovo. All those if favor raise your hand?

[11:42:41 AM]

Opposed? That passes 9-0 with councilmember Renteria off the dais and mayor Adler absent. Okay. 67 is Austin housing corporation so I'm going to adjourn the -- not adjourn, sorry, just kidding.

***[See separate transcript for Austin Housing Finance Corporation meeting]***

[11:46:45 AM]

The next item is 68. Do we have staff for 68? >> Councilmembers, Virginia Collier from the planning department. Item 68 is an item adopting a consent agreement between the city and the Austin green improvement district. This item is coming before you today as envision willed in the enabling legislation creating this district and also as required by city code. We've been through an extensive boards and commissions review and staff review, and I just wanted to point out this is the first step in a series of items that will come before council that will enable the 2,000-acre site to convert from a sand and gravel mining operation to a town center as envisioned in the imagine Austin comprehensive plan, and

the developer is here if you have questions. Again, there will be a pud, planned unit development zoning application coming through for review in the

[11:47:46 AM]

short future so most of the questions you probably would have would go along with that item. >> Garza: Is there a motion to pass 68 and close the public hearing? Councilmember kitchen makes the motion. Is there a second? Councilmember Ellis seconds. All those in favor of passing 68 and closing the public hearing please raise your hand. Any opposition? That passes 9-0 with councilmember Casar off the dais and mayor Adler absent. The next item is item 69, and I have one person signed up. Mr. Solls, did you want to speak on item 69? .

[11:48:54 AM]

>> It was actually about the item I just spoke about. >> Garza: Okay. Thank you. Is there a motion on -- or staff here on 69? >> Neighborhood housing, this is for VI collina, to consider a application for the tax credit program, 4% tax credit program. >> Garza: Okay. Is there a motion to pass 69 and close the public hearing? Moved by councilmember Casar, seconded by councilmember harper-madison. All those in favor raise your hand. All those opposed? Passes 9-0 with councilmember alter off the dais and mayor Adler absent. The next item is 70. Is there staff here for staffing? >> Neighborhood housing.

[11:49:54 AM]

This is for a public hearing and to consider a resolution of support for Austin leased housing associates, which will be applying for the 4% tax credit program through tdhca. >> Garza: Okay. This is a public hearing, so is there -- there's nobody signed up to speak on this. Is there a motion to close the public hearing? Moved by councilmember Casar. Seconded by councilmember harper-madison. Closing the public hearing, all those in favor raise your hand. Any opposition? That passes nine -- oh, it is approved -- okay. And approving the resolution. That passes 9-0 with councilmember alter off the dais and mayor Adler out.

[11:51:02 AM]

Item 71. >> Postponing 71. >> Garza: It is? >> Mayor and council, rode Gonzalez, assistant city manager for economic item. Item 71 is conduct a public hearing for title 25 to create the central health overlay

district with the downtown planning district map. >> Kitchen: Mayor pro tem. >> Garza: Councilmember kitchen. >> Kitchen: I have a notation that there's a request for staff postponement of this. Is that right? >> That is correct. It's going to be postponed to February 20th. >> Kitchen: Thanks. >> Garza: I did not have that notation. Sorry about that. So this will be postponed -- >> If you make a motion to postpone until February 20, that would be great. >> Garza: Councilmember kitchen, would you like to make a motion? >> Kitchen: I move postponement of this item to -- is there a date?

[11:52:02 AM]

>> February 20. >> Kitchen: To February 20. >> Mayor Adler: Seconded by councilmember tovo. All those in favor of postponing until February 20 raise your hand. Those opposed? Passes 9-0 with councilmember alter off the dais and mayor Adler absent. Those are all the items we can hear until two, and we have citizens communication in eight minutes. So we are in recess until noon. [ Recess ]

[12:00:35 PM]

>> Garza: we're going to reconvene at noon for citizen communication. I remind everyone on the dais that your mics are live even if they're off. Our first speaker is Carlos Leon. >> So Carlos Leon, [speaking non-english language] Austin, Texas, January 23, 2020, speak what's right. [Speaking non-english language] First and foremost, gracias adios for letting me expose and address city government evil here. Two days ago, I filed my 188 page evidence-based request to investigate Rebecca with the city auditor to hold accountable Rebecca Becky Austin, commission for women

[12:01:36 PM]

chair Mary kale ethics review commission chair, staff liaisons from human resources and law, assistant city attorney Caroline Webster, security guard Lewis Austin and others for their alleged city code and policy violations, state crimes and/or federal conspiracy crime under usa title 18 chapter 13, section 241. Meanwhile y'all must address how cities law department appears to be feeding illegal advice and misinformation to city departments and commissions to facilitate instead of stop their law breaking. Per email evidence, chair Austin appeared to amend and follow a script from legal through H.R. To intentionally misuse city codes 2148, abusive disparaging language clause to illegally silence me and illegally remove me from

[12:02:37 PM]



their July 2019 meeting. For which Austin belongs behind bars. Per in person observations and staff testimony, chair kale appears controlled by scripts from legal and puppeted by law enforcement liaisons at erc meetings, resulting in kale allegedly tampering with governmental records with intent to defraud. Those are state jail felony crimes. Therefore, because city code 235h1 requires the city auditor to consult with and obtain advice from the city attorney in such cases, I warned them about being misled and/or misinformed by Ann Morgan because all this is happening under her. Therefore, do not trust city

[12:03:42 PM]

la departments upside down misinterception of law, following it when it benefits them and disregarding it when it doesn't. Drain the fourth floor. Alien, homo, feminist, deep state swamp from the top down to excise the cancers there, including assistant city attorneys chase reed gamilion and Carey grace whose policy investigations are next up to be investigated by the city auditor. In Jesus' name I pray. Thank you, lord. God bless Texas, the united States of America constitutional law and truth and above off [speaking non-english language] God's word. >> Garza: Next speaker is Jeff Robinson, speaking on mobility issues and in the Rainey neighborhood. >> I'm Jeff Robinson. My wife Becky and I live in the Rainey neighborhood. I'm a board member of the

[12:04:44 PM]

newly merged reatla neighborhood association. Three years ago, the Rainey neighborhood was a sleepy little corner of downtown Austin. Consisting of several dozen small single-family homes, maybe an auto repair shop, and the I-hop. Maybe a couple of hundred folks lived there. The streets and sidewalks were probably just fine. Five years later that all changed. The city of Austin seeking greater downtown density changed the zoning and building restrictions to allow high-rise construction. The dramatic growth took hold, did the city council make plans to meet that growth with an updated mobility infrastructure? No. So today, after 15 years of exponential growth, what does Rainey look like? 11 high-rise condos, apartments and hotels with 3500 residents on any given

[12:05:48 PM]

day. We have a thousand visitors in the evening at the 20 bars and restaurants in the neighborhood. That makes for a lot of pedestrians, cars, scooters, and cabs of all sorts. Does the city have a plan in place to improve the ingress/egress to accommodate the past 15 years of growth? No. There are currently 14 additional high-rises that will accommodate another 3500 residents under construction, approved, or in the approval process. A Mac expansion, convention center expansion, more folks trying to get around. The Rainey community is not located on the far edges of the city. It is six blocks from

where we meet today. Across the street from the convention center. I recently spent four hours studying the new Rainey mobility study, and it is a

[12:06:50 PM]

good though long overdo starting point. Many of the proposals outlined in the study will be costly, time consuming, and difficult to navigate for the folks that live there now. And while we probably all wish that that study and the necessary construction had taken place five to ten years ago, that didn't happen either. The ingress/egress of the commission of the streets and sidewalks in our neighborhood is truly a mess. My request of you is to work with our community to create a comprehensive plan addressing the entire neighborhood with funding and defined time lines that begin making the necessary improvements as soon as possible. Previous boards have attempted to initiative productive dialogue with the council and respective city transportation and mobility departments to no avail. >> Garza: Mr. Robinson,

[12:07:50 PM]

thank you. [ Applause ] >> Garza: The next speaker is Jerry Hardin speaking about alternate approaches for short-term housing. >> Good afternoon, councilmembers. While I [indiscernible] Is an alternative for transitional housing for the homeless, and the sheets that you have there are just -- just preliminary -- just the features of these units. They're called conistoga huts. This is a program started by this organization called supported community shelters up in Eugene, Oregon, and these structures are very inexpensive, an effective way to construct them, and there would be -- they would be safe, they're insulated from the elements, and they're made out of wood for

[12:08:50 PM]

the most part and they have lock bolt doors and a lock bolt window on the back where people -- it's 10x6 where a person can comfortably sleep in and keep their belongings in a safe fashion. And one way to start this way -- they did it up there in Eugene, Oregon, was they hooked -- they started going to church groups and nonprofit groups and businesses to sponsor one or two huts at a time, and allowed people in those huts to use the bathroom facilities and also along with that they would also have liaisons from those organizations working with these people that are staying there. For the most part, they start, like, on -- while the person stays six months, then review it case by case. I would hope that they would -- here in Austin they

[12:09:52 PM]

would do it initially for six months and then maybe case by case to nine months and then up to a year. But this is not meant to be long-term housing. It's supposed to be short-term to get people off the streets no, a safe environment to where they can work on if they're willing and motivated individuals seeking to attain permanent housing. And that's pretty much it. If you have any questions. >> Garza: Councilmember kitchen. >> Kitchen: I don't have -- just a quick request, if you have contact information for anyone that was involved with this program in Eugene or for the -- I think you said it was supportive community shelters, I think the councilmembers would appreciate you sharing that with them. >> Oh, I already have sent emails to your staff, to the housing planning committee and also all councilmembers. >> Kitchen: When did you send them?

[12:10:52 PM]

>> It was earlier this week to housing committee and then yesterday to the other five members and to my constituent councilmember alter back weeks ago. >> Kitchen: Okay. Thank you very much. We will look for that. >> All right. >> Garza: Thank you. The. [ Applause ] The next speaker is -- councilmember alter. >> Alter: I wanted to thank you for coming down and sharing a constructive idea. I know that took lot of time out of your day and we appreciate you being constructive. Thank you. >> Garza: Next speaker is penny Adrian to speak on unhoused neighbors. >> Hello. Hi, it's penny Adrian, and I'm here to say once again how thankful I am for the moral courage you showed last summer in voting to decriminalize the visibility of our unhoused neighbors. You are on both the side of history and human decency when you made that decision and the vicious blow back you got is a testament to that courage. I fear that groups like the

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downtown Austin alliance are not on the side of history. And will soon be viewed in the same way that citizens/councils of the Jim crow era are viewed today, as a group of powerful people seek to go dehumanize and control their less powerful neighbors. It is no coincidence that the downtown Austin alliance is primarily white while our unhoused neighbors are disproportionality black and brown its immoral to segregate people based on poverty and disability and an insid with us way to segregate based on race. That anyone would consider the sprung shelters proposed by the Austin chamber of commerce a decent or humane form of harm reduction for unhoused people is appalling. To stick our unhoused neighbors both men and women together so that unhoused women have no dignity and no privacy under a large canvass tent in a parking lot lined with porta potties

[12:12:55 PM]

far from downtown so that privileged people can pretend unhoused people don't exist is despicable. Most I talk to reject this dehumanizing option but are extremely favor towards your plan to purchase motels as an option to relief homelessness. And Mr. Hardin suggested I think they'd be favorable because of the privacy that would give them and the dignity in that. In addition to purchasing hotels to help our unhoused neighbors I'd like to ask again funding trauma informed programs such as Lily's that could be housed in church places I'm working on getting my church to don't our fellowship hall to that. Most of my unhoused sisters have responded enthusiastically to the idea of sleeping in donated church space as an alternative to sleeping outside or even to sleeping in abusive shelters like the downtown Salvation Army. There's really not enough oversight into how that

[12:13:57 PM]

shelter treats its residents. The Lily's place program [indiscernible] I considered Lily's to be the program's most important and valuable endorsement. Please continue to take action to save the lives of precious young women like Lily and I would love the contact information for Christopher Shorter if that's available. Thank you. [Applause] >> Garza: Our next speaker is Ruben Rivera Clemente, police brutality. >> I just want to put a name top a face. I'm the person that has been calling the mayor, the city manager and the police chief because of harassment that I've been receiving from the police department. It's been over 13 years now and I've been here before. This is my third time, and it hasn't stopped. And I did exactly what I was told, move.

[12:14:57 PM]

Well, I moved past June and I reason why I didn't relist my last apartment was because I was assaulted by the police. And here I am being harassed every day, even early this morning before I left my apartment, except the first week that I moved in in June. And I'm tired. I'm an old man. You know, it's been over 13 years. I even lost how many years, between 13 and 16. I'm wondering why are they harass me, unless of course it's because of a phone call that I received in June when I moved that said I'm AT&T. Oh, before you hang up, he said I guess you're gonna harass me some more. But what's so strange is that now my complaint specialist that I'm assigned to from -- I don't want to even call it police oversight because it's still police monitoring, no longer wants to take my complaints. She told me flat out.

[12:15:58 PM]

So I told her, okay, she said she's gonna move it to someone else so I waited and I waited. No answer. So I called the main office. And I told them, I said, you know, Ms. Town is the one who took my complaints, so who is she passing it on to. I'm gonna talk to this and that. I even tried to talk to whoever the main

lady, whatever, did I believe she's a lady. I never got an answer back. I got a call with the assistant, the number. I called him. He never called me back. I'm tired of this nonsense. Austin is -- violence is escalating. I'm not a criminal. I'm not doing nothing wrong, unless it's a crime to go in on fire complaints against police officers. If that's the case, then, yeah. And it's not gonna stop until they stop. And I want it to end. It doesn't make no sense. Every time I see the poor guys getting shot and police going up there and -- I said

[12:16:59 PM]

you have -- right now I've identified five apartments, and, yes, I'm a veteran. Five apartments. And I'm just saying why they doing it? And they're showing me who they are, you know? Just like the other apartment I was in. There was nine to ten. And it's ridiculous. Right now it's because of all this harassment, the only one who can testify to me being harassed is the police. And I'm tired of hearing all this banging on the walls. You know? I have to say this, and I hate to say it because it's weird. I'm trying to read and understand how I'm gonna explain it to you. These people, these police officers, can. [ Buzzer sounding ] Plunge, can plunge on the opposite side of the apartment next to mine and they can actually make my toilet splash. Now, that's crazy. >> Garza: If you, sir. >> Until it continues, I'm still gonna call you guys. Until it ends.

[12:17:59 PM]

>> Garza: Thank you, sir. >> Unless they do something crazy. >> Garza: The next speaker is Ann Marie Ellis. >> My name is Dr. Ann Marie Ellis, my academic training and much of my work was as an applied sociologist. I've lived in Austin for 38 years. In the 1990s Austin residents decried the lack of rational mobility planning or lack thereof, referring to past decisions they asked what was that city council thinking of? Over the past 25 years that decrying has reached a deafening level but now it's what is this city council thinking? If the basis of your thinking is research, I question your approach. You base your decision to close Rainey street on the weekends on biased studies. Of course buyers and restaurants like the idea. Of course respondents who did not live and around Rainey like the idea.

[12:19:00 PM]

A survey on Friday and Saturday nights is a biased sample, designed to focus on visiting party Goers, not on the opinions of residents. So what is the city council thinking? Let me tell you what it's like to live in the area. When I walk my granddaughter's stroller I can't stay on the sidewalks because they disappear or simply don't exist. I'm forced to walk in streets many of which need to be fixed or end in dead ends. There are no crosswalks drawn in needed intersections to make crossing safe there. There are lights and stop signs, cars going two ways, stuck and cannot pass because the streets are so narrow and the city

grants variances to developers to build into the street by 11 feet, taking away crucially needed parking. Frankly, except for the already granted variances, most of these issues are easily fixable. In fact, some are already paid for by the funds that city council has received from developers for variances already received in this area. So it's not striping or

[12:20:01 PM]

parking or sidewalks that are the critical issues for me. It's not even that we have only two ways in and out of the area. Because I believe that, too, is fixable. What worries me the most is the possibility that this city council will allow unlimited height in the next buildings planned for the Rainey town-like area. Already on one square mile the Rainey district we have 754 stories of high-rise buildings, 3,760 units, over 3500 hotel rooms, the Mac, restaurants, and other businesses. We have residents and staff living and working here and hundreds, if not thousands, of visitors coming each week. What I am asking for is twofold. First the easy fixes of roads and sidewalks and, second, maintain the will-1 far or even expanded 15-1 standard. That's generous enough from some that you will area of Austin but decyst from

[12:21:02 PM]

granting variances beyond that. What's built in our neighborhood will stand for 40 or 50 years or longer. Don't be the city council of which future residents ask what were they thinking? [ Applause ] >> Garza: Thank you, Ms. Ellis. Our last speaker is Angela Benavides Garza. >> Hello. First of all, thank you for all that y'all do. I'm not here to complain or anything like. I'm actually here to be constructive. I'm working on picking up enterprise [indiscernible] It's going to be a new type of global world -- consulting services and I'm working on becoming WBE and working hand in hand with the policies our city leaders have presented like Greg Casar from the very get-go, and other policies

[12:22:03 PM]

that city leaders have been working on. The other thing we want to have is because I've been doing so much, I know that I come here a lot because of the predatory wholesaling that's been going on with neighbors. So I thought why don't we go ahead and start putting a solution in place within real estate services. I'm working on getting my real estate license, learning more about that law so I can be more inclusive and how we can put solutions around me. So the other thing that I wanted to do is I wanted to explain that a lot of people still have being predatory wholesaled. I had a meeting with who confirmed we have nothing on the ground to protect families from prettytory wholesaling. She does confirm that with me. I looked at a state bill created at a state level and tried to understand how that predatory

wholesaling with the eminent domain works hand in hand. I'm trying to learn that a little more on how wholesalers [indiscernible] If they're not including

[12:23:03 PM]

certain information there. I looked into that as well. So I just want to make sure that our families are not losing opportunities like -- I'm not opposed to winning -- sitting down with developers and coming up with win-win situations but what we're finding is our families are losing in that process and it's actually people that are not licensed that are actually taking advantage of these families to go ahead and sell to investors. That's the issue. If our families have [indiscernible] We've been natives here then they should be protected and if they're not speaking with people that are licensed, right? That's why I'm working on my license to make sure that they're hearing from someone who is licensed. And that's what I'm hear for as well. The other thing, I don't know if we can say this but I notice we don't have Delia Garza signs in our area. That's not cool. I'm Garza, right? So let's get those signs in our area. I want to the say thank you but my goal is to work hand in hand with the policies you all have presented forward but not necessarily law yet but we want to start

[12:24:04 PM]

implementing this as we get those done. Thank you so much for what all of you do here for us. >> Garza: Thank you, Ms. Garza. Those are all our speakers so we are in recess until 2:00 P.M. When we can start hearing the zoning cases and after that it's my understanding we only have one zoning case that we'll hear and then the 4:00 time certain of the item 59. >> Kitchen: Do we know anything yet about the request for the 6:00 time certain? >> Garza: He said -- he withdrew that request. >> Kitchen: He did. >> Garza: So we are in recess until 2:00. [ Recess ]

[2:06:45 PM]

>> Garza: I think we're ready to reconvene our city council meeting. It is 2:06. The next items are zoning. If Jerry wants to walk us through them. >> Good afternoon, mayor and council. Our zoning agenda will be the items the public hearings are corrodes. 73, npa-2019-0020.04, a postponement to February 6. Number 74, c14-2019- 0082, postponed to February 6. Item 75 ready for consent on second and third readings. Item 76, c14-2019-0100, ready for second and third

[2:07:46 PM]

approval. Item 77, this case is already ready for consent approval on second and third reading. For those case the public hearing is open, 78, this is a staff postponement request to March 12. Item number 79, this is a postponement by staff to February 6. Item number 80, this case is ready for consent approval on all three readings. Item 81, this case is also ready for consent approval on all three readings. Item 82, this case is ready for consent approval; however, I understand councilmember Casar would like the first reading motion to include the following prohibited uses,

[2:08:46 PM]

dropoff recycling, funeral services, drive-in all types, automotive rentals, sales, repairs, automotive washing, bail bond and petty cab storage. >> Casar: It's whatever I think the applicant and my folks agreed to whatever that is. I'm fine. >> Approve on first reading. Item 83, this is related to the previous case. We'll be postponing to February 6. It will be brought back when the previous case comes back. Item 84, this case is ready for consent approval on first reading. 85, this is also ready for consent approval on first reading. Item 86, I understand councilmember Flannigan is

[2:09:50 PM]

requesting postponement to February 6. Item 87, this is a postponement request by the applicant to February 20. Item 88, this is a postponement request by the applicant also to February 20. Item 89, this is postponement request by staff to March 26. Item 90, this is a postponement request by staff to February 20. Item 91, consent on all three readings. Item 92, also ready for consent approval on all three readings. Item 93, ready for consent approval on all three reads. Item 94, this case is ready for consent approval on first reading only.

[2:10:53 PM]

Item 95, this case is ready for consent approval on all three readings. Item 96 has been withdrawn and will be replaced by 113. Item 97, this case ready for consent approval on all three readings. Item number 98 is a postponement request by staff to February 6. Item 99, this is a postponement request by the neighborhood to February 20. Item 100, this case ready for consent approval on all three readings. >> Pool: Mayor pro tem, a quick question. >> Garza: Yes. >> Pool: On item 98, I see -- is there a valid petition on item 98? >> There was a valid petition -- yes, there was a valid petition. >> Pool: And it is

[2:11:53 PM]



postponed until -- >> February 20. >> Pool: Not February 6? >> I'm sorry, February 6. >> Pool: Thank you. >> Item 100, this case is ready for consent approval on first reading only. Item 101, this case is ready for consent approval also on first reading only. Item 102, this is a postponement request by the staff to February 6. Item 103, this case is ready for consent approval on all three readings. Item 104, this case is ready for consent approval on all three readings. We did have a speaker signed up but they are in support and do not wish to speak. Item 105 is a discussion case and the addendum, item

[2:12:56 PM]

113, this case is ready for consent approval on all three readings. >> Garza: Item 104 I show four speakers. >> On which case? >> Garza: 104. >> They do not wish to speak. >> Garza: Okay. So just to make sure because Mr. Peña signed up to speak on that. Is he here for 104? And then it's William hostage, David king, nobody wants to speak on 104? Okay. >> Mayor pro tem, we could add on 94, a case we did on consent first reading, the applicant and the neighborhood are in discussions on private agreements and bet requesting we bring the case back on February 6. This is FYI. >> For second and third

[2:13:57 PM]

reading? >> First reading today and February 6 we'll postpone again, but they both think they will be ready by then. >> Renteria: What would be 105? >> A discussion case. >> Garza: Is there a motion to approve the consent agenda as read by staff? Moved by councilmember kitchen. All those in favor of consent agenda? Councilmember tovo. >> Tovo: I need to double-check something, just to be clear, 95 is staying on consent. >> Correct. >> Tovo: 96 is with be drawn and replaced by 113. >> Which is also going on consent. >> Tovo: I'm abstaining on 95 and 113. I don't need to file a recusal. >> Garza: Councilmember pool, did you want to -- sorry.

[2:14:57 PM]

Anybody else have a question? Okay. All those in favor of the consent agenda raise your hand. All those opposed? That is 9 with councilmember Flannigan off the dais and mayor Adler absent. >> Thank you. Would you like to move to the one discussion item? >> Garza: Yes. >> Mr. Sadowsky will be presenting that. >> Garza: In case I hadn't noted already, councilmember Flannigan is not feeling well. That's why he's not with us for the rest of the meeting. >> Good afternoon, mayor pro tem, members of council. Steve Sadowsky, historic preservation office, planning and zoning department. Today we have the case of the Edward senior and Connie Rendon house. This case comes to you on a unanimous vote of the historic landmark commission. >> Mayor pro tem, I can't hear him. >> There is a valid

[2:15:57 PM]

petition. >> Garza: Those walking out, if you could keep it down, it's hard to hear up here -- thank you.  
>> There is a valid petition so it will require a super majority vote by the council to designate the house as historic. The house was built in 1931. Very a very nondescript -- [inaudible] At that time. A man lived in by himself and he had a welder business. They lived here until the late 1940s. The house became a rental unit as the house tells the story of the [inaudible] Change. This area was once dominated by and grew families, but after World War II, late 1940s and 1950s, the neighborhood changed to a majority hispanic neighborhood. Around 1960 the house was purchased by [inaudible] Senior and he and his wife Connie lived in the house

[2:16:57 PM]

the rest of their lives. Mr. Rendon was a leader of the east Austin Latino community. A member of the grand berets and founding member of the hispanic chamber of commerce and in this house were many community organizational meetings to help identify and recognize the contributions of Latino citizens of east Austin and also to fight for equal rights and justice, social justice in east Austin. Edward Rendon park at festival beach is named after him. He had several proclamations from the Austin city council and his house became the center of community activities in Austin. And that is based on the testimony of family members who talk about various meetings. Including the mayor of Austin at the time, Carol Mcclan who talked about dedicating what was then chicano park at festival

[2:17:58 PM]

beach to Edward Rendon park. So his -- the significance lies in the associations with Edward and Connie Rendon and also the community value. The house does not maintain its historic appearance, that's clear. Mr. Rendon also had a concrete and stone business and this work on the house was work that he did on the house. So it is work even though it was not done in the historic period, it represents work that is associated with the person that we are commemorating through the -- commemorating through the landmark designation of the house. This house received a unanimous vote at the landmark commission and super majority of the planning commission. Staff also recommends the house under the criteria for historic associations with associations with the Rendon family from 1960 until last year or 2018, I should say, and also for its community value as a center for Latino

[2:19:01 PM]

organizing in east Austin and various community meetings that occurred on the premises of this house. Thank you. >> Garza: Does anybody have any questions now? Otherwise I'm going to start taking the speakers. Councilmember tovo. >> Tovo: Just a quick one for law. Can you remind us with two off the dais, it's a super majority of those of us who are present; is that correct? >> Super majority of the body, so nine members. >> Tovo: Even though there are two members off the dais, it would still require a nine-person vote? >> That's correct. >> Tovo: Very often in these cases where there is a valid petition and we don't have -- we have less than a full dais, I just want to offer that may be -- I just want to offer that for consideration because that would mean everyone here would need to vote for it. Thanks.

[2:20:03 PM]

>> Councilmember, to be clear, nine votes are required for third reading so it would be possible in case we get six. >> Tovo: I thought you offered for all three readings. >> It is ready for all three. >> Tovo: Thanks for that clarification, Mr. Rusthoven. >> Garza: I'm going to start taking the speakers. Gus Peña. No? Rose Rubio. And is Paul Rendon here to donate time? Is rose Rubio here? >> Yes. >> Garza: You can come up to speak. And is -- I'm sorry, Raul Rendon here? Okay, so Ms. Rubio, you have five minutes. >> Okay. My name is rose Rubio and

[2:21:04 PM]

I'm the eldest daughter of Mr. Edward and Connie Rendon. I'm also 80% owner of 1705 Haskell. As deemed by our judge at probate court, I am here today opposing the events that Bertha delgado shared with Mr. Sadowsky. Some of the amends they claim are as follows. They claim community culture parties occurred, important political people visited. The house was being used as a wedding venue with Mr. Bob Perkins doing the weddings. And the house was open -- an open door to the community. The only parties, the only

[2:22:05 PM]

weddings that occurred there were family oriented birthday parties, barbecues, celebrated Christmas, Thanksgiving, Easter. We are a large family. There's nine of us and we had at that time -- well, right now we have something like 100 grandkids. So my parents' grandkids and maybe a little more. So you could imagine how many parties we had there, how many events, how many celebrations. Baptisms, confirmations, holy communion, all those events. No political people -- or people from the community ever attended any of our family events. There were only two family members that were married there and that was my brother Raul and my niece Christina. It was never used as a wedding venue for anyone else outside the family.

[2:23:07 PM]

Bertha and Alisa stated Cesar Chavez visited 1705 Haskell. If that was true, why isn't there proof? There's no newspaper clippings of his coming there. We, my brothers, we don't recall that event. And mind you, we never everything that went on in that house. No one else in the family has knowledge of this event ever taking place. There's no paper trail, like I said, no newspaper clippings, nothing. The only person that came to my dad's house and I was present when that happened was the mayor Carol mclenna. Her visit was due to the point that my father had joined the hispanic chamber of commerce as a member, and at that time they were putting out bids for town lake -- for the lake, to do

[2:24:08 PM]

the barbecue pits, to do the [inaudible] And all that. So my father was awarded the bid to put in all the barbecue pits with concrete and set them in. So they came to our house, 1705 Haskell, to approve, I guess, the plan because it was a huge plan. It laid in the living room all the way across. So the reason that she came was because they could not take that map to her office so she chose to come. She came in, checked it out and she congratulated my dad for getting the bid and she went away. So that's basically what I wanted to say about what occurred at 1705 Haskell.

[2:25:08 PM]

I also want to point out that Steve Sadowsky at the last commission meeting was asked if he had any proof to present of any of these events occurring. He stated he had talked to all family members. And that everyone agreed that all those events that he talks about occurred. And Alisa and this -- and Bertha. These events happened at 1705 Haskell, he said. He has never talked to any of us, any of my five living siblings regarding any of these events. I also want to again address Mr. Sadowsky on this. I called a day after we met here at this court hearing because I was called by my attorney that -- [buzzer sounding] -- The -- that we were being

[2:26:08 PM]

summoned for the historical commission meeting. I knew nothing about it. I didn't even know my house had been put into the commission. So we hurried up, I hurried up and got here and I was shocked to hear that someone and somebody he claimed was Bertha, that Bertha delgado went to his office, sat by his desk and gave him a piece of paper with my address and told him, here, I want you to look into this.

He told that -- he told me that on the phone. And I said well, I want to see an application. >> Garza: Ms. Rubio, your time is up. >> I'm done. >> Garza: Thank you. Our next speaker is Victoria -- is it Hoss? Haas? I see Mr. Thrower so you have five minutes. >> Good evening, councilmembers. Or good afternoon, rather.

[2:27:10 PM]

My name is Victoria Hasse and I represent Ms. Rose Ruby who owns majority ownership in the subject property. Edward Rendon was active in the community and he was recognized with a park named for him. His efforts and presence in the community have been established and we're not here to dispute the significance of Mr. Rendon, rather to call the question if the property meets the qualifications for designation. The structure is being subject to eligibility based on information that's not proven to be fact. Much of the information is disputed by many family members. Before you is an excerpt from the land development code relating to the historic designation criteria. I've summarized this information into the following table. For a property to be eligible for designation, a quick glance at this chart

[2:28:11 PM]

would show five concurrent resolutions. Only two appear with -- yeses. The property meets the age requirement as it was built in 1931. The property must also represent a period of significance of at least 50 years ago, which it does not. The structure was modified and those modifications do not meet that 50-year requirement. The property must also retain a high degree of integrity, which it does not, and in fact the 2016 east Austin historic resource survey does not recommend the property for individual designation or as a contributing structure to a potential historic district. The property must also meet two of the five additional criteria of which only one is met with certainty. As you can see, the property has changed significantly, so much so that it's unrecognizable today compared to the original architect's house seen in the 1960s when Mr. Rendon purchased the property.

[2:29:16 PM]

The case is being made that the structure is significant because of the craftsmanship of Edward Rendon and many well-known public figures visited this home and that the home was host to many community activism events. However, much of this information, as you heard from Ms. Rubio's testimony, is refuted by several family members. I have here a stack of statements from family members sworn by affidavit that much of the information that you have been given to consider in the historic designation of this property is not true. Further, research of Austin History Center did not produce any archive files for that address, nor did the Austin American-Statesman archives produce any of them taking place at this address. The most I found was Mr. Rendon was referenced as the contact for the

east town lake neighborhood citizens organizations. And there were many birth announcements as well as this address. Most likely grandchildren of

[2:30:17 PM]

Mr. And Mrs. Rendon. Many of the details supporting the significance of the structure are questionable and that is important because the association with a significant person alone does not qualify the structure. Mr. Rendon assist understand achieving great things for the east Austin community and his legacy lives in east Austin in the community and through the park named for him. His significance is in the community and not necessarily in the structure. Criteria was established for a reason and without it any structure can be designated for any reason. We ask you adhere tightly to the criteria in making your decision on this case, that you vote to deny the historic designation and support Mr. Rendon's legacy in the community and through continued support for the park named for him. Thank you greatly for your time and attention and we are available if you have any questions. If I may with my remaining

[2:31:17 PM]

time, I'm going to read a letter from a family member who could not attend. My name is Miguel Rubio, grandson of Mr. Edward Rendon. I have been attending these council meetings in support of my mother and I feel it's my obligation to speak on her behalf. I am in opposition of the historical designation of my mother and information's home. I feel things have been handled one-sided on this property because of my many reasons that follow. These meetings that I've been attending have been filled with false statements and nothing but -- and nothing being confirmed or verified on events Bertha and Alisa are presenting. In the last meeting Mr. San do you San do you ski was produced if he could provide any proof of these claims and he could not do so. [Buzzer sounding] Because he said he spoke to family mobile homes on both sides which is a false

[2:32:17 PM]

statement. None of the five siblings have spoken to him. Any information he has provided has been directly about Bertha and Alisa. >> Garza: Thank you, your time is up. >> Thank you. >> Garza: Our next speaker is Robert Rubio. You have five minutes. >> Good afternoon, councilmembers, mayor pro tem. My name is [inaudible] Rubio and I'm husband to rose ruby considered the majority owner of 1705 Haskell. I basically got the same thing everybody else has. We all know the history of this property. It was a sale through Mr. Edward Rendon, Sr. To us , and in need of money and he wanted to do certain things in his older age.

[2:33:20 PM]

And we tried to provide that help for him after most of the other -- after a couple meetings with the sons and daughters and most of them couldn't buy the property. And nobody could help him with money like every month, pitch in some money for him. So after two years of coming out or asking me to buy the house, we finally decided to help them out. And we did like a little agreement where we were going to pay for the house every month and he was going to live in that house rent free and we were going to pay the property taxes all through the years that we were going to pay him the house to help him out. And that was our intent of doing this and we tried -- all we were trying to do was try to help our father-in-law out.

[2:34:21 PM]

So I don't understand why all this things that are happening nowadays, now with this property, but it all of a sudden came up. We started consideration and some of the events maybe like my wife said, mayor Carol mclenin, I think it was one time she went there. Other statements are not correct because at one time they even mentioned Cesar Chavez being there, and if Cesar Chavez would have been at 1705 Haskell, I would have been there because I believe in Cesar Chavez. And my father, his campaign through his fight with unions and all that. But I never did see him at

[2:35:26 PM]

1705. There's no documents stating the fact that he was there. Governors, some of those things are not true. And this is the reason this house is being considered because of all these things, political things and stuff, I didn't see it and most of the family, my brother-in-law, sister-in-laws didn't see it either. The only ones that saw it was Alisa Montoya and Edward Rendon Jr. Because they are the ones stating the fact all these things happened there and I don't see how all that could have happened with us being involved with the family. We've been a close family for a lot of years. I've been married to my wife over 50 years and I've been part of this family and I know the history of the family. I know everything that happened with this family. And to say that even

[2:36:29 PM]

governor bush or governor Perry was there, I mean that's stretching it a lot. So I -- I'm opposed to this historical designation for the house for that reason because most of it is based on untrue things that were said and I just -- I never saw anything like that happen there. I saw, like I said, mayor mclenin,

judge Perkins was there a couple times. Father Albert from Christorey went to eat there a couple of times. I oppose this and I -- in closing, I think what I want to say is I really am not

[2:37:32 PM]

interested in what happens or if somebody wants to buy a house and wants to keep it historical and leave it standing the way it is, that's fine with me. But I want to know what's going to happen with my money. You know, we paid a lot of money, we suffered a lot -- [buzzer sounding] -- In this. So I oppose it and thank you very much. >> Garza: Thank you. The next speaker is -- the next speaker is Roberto Rubio, Sr. >> [Inaudible - no mic on] >> Garza: That was you? Is the other Robert here? >> He had to make a phone call. >> Garza: If he comes back, let me know, please. Cynthia Rubio. You have three minutes, Ms. Rubio.

[2:38:33 PM]

>> My name is Cynthia Rubio, the daughter of Robert and Rose Rubio, granddaughter of Edward Rendon, Sr. Thank you for allowing me to speak today. I spent many Summers at my grandparents' house and what I remember about 1705 Haskell the house was always filled with grandkids, our parents. My grandparents' compadres, close friends that would stop by and visit and my dad said father Albert was always there, coming over to have breakfast with my grandparents. I'm in the understanding that one of the main factors of recommending to designate the house historical is under the community value of the house. And my understanding to fall under that, the property has to have a unique location, physical characteristics or significant feature that contributes to the character, image or cultural

[2:39:34 PM]

identity of a neighborhood and particular group. Sadowsky claims at past committee meetings that the house was used as a gathering place for the community, a place where people for the community would go and meet. The two events I recall that were mentioned at the committee meetings by Ms. Delgado was that Cesar Chavez, community organizer, Latino civil rights activist, visited at 1705 Haskell. Yet after researching this claim and asking older family members, they all stated that never happened. No pictures of him with my grandfather at the house were found or even newspaper. I would personally think if a notable leader stopped by to visit, there would be some type of media coverage, newspaper clippings, pictures to present thousand guys that this he -- present to you that this event happened, but nothing was ever presented or confirmed. The other claim is that the

[2:40:34 PM]



house was used as a wedding -- a place where people went and got -- as a wedding venue. No one from the community has ever been married there. I recall like they said my uncle was married there and a cousin of mine that was married there and that was pretty much it. Yes, 1705 Haskell street is unique and significant but only to my family. The most important events that occurred there are the childhood memories, the traditions we shared, the barbecues, the birthdays, christmases, Thanksgiving, it was never a significant place for the community to come and use for meetings, weddings or any of the stories that have been used to claim the house should fall under the community value factor. My grandfather was very much a part of the shut down of the power plant and boat races. I do not discredit his involvement in the community, but I am saying the house was not a

[2:41:34 PM]

gathering place for the community. [Buzzer sounding] >> Garza: One more sentence. >> I just ask today before a decision is made to take into consideration all that's been presented and to research and confirm events that have claimed occurred at 1705 Haskell. And I ask you to take note that at the last meeting claims of lawsuits or restraining orders against my mother are still pending in court which is a lie. Those claims have been thrown out of court. I also -- it also, my parents are 80% owner of the home and because it's -- I'll skip that part. I think that was already mentioned. My parents completed their obligation to my grandfather when they paid him for the house and honored his wishes to live there until he passed away. >> Garza: Are there other people who want to give her time? >> [Inaudible - no mic on]

[2:42:35 PM]

>> Garza: One of you? Can you come up to the clerk and let them know your name? Did you already donate time, sir? >> No, I did not. >> Garza: You have a couple more minutes, ma'am. >> I just have one more sentence. My parents completed their obligation to my grandfather when they paid him for the house and honored his wishes to live there until he passed away. Thank you. >> Kitchen: Thank you, ma'am. The next speaker, Hector Rendon. >> Right here. >> Garza: You have three minutes. >> Hello, thank you for having me here. Appreciate it. I would just like to say that it's already been said, the facts. The documentation. This is on pbs, it's a documentary. They don't mention my grandfather's name one time. We follow the truth, stand by the truth and we look for

[2:43:37 PM]

documentation. You've already heard both sides. No Cesar Chavez. No many things that have been said. Yeah, he was a person who loved his neighborhood, took care of his neighborhood, and he had the biggest house in east Austin. So where else do people meet? Well, Alicia was dating a man who was [indiscernible]. Alicia was Rendon's daughter. Let's go to grandpa's house, he has a big house. I'm not going to say there was no role for him, but he did not spearhead. Again, looking for the documentation, facts, because that's important. Thank you. >> Garza: Thank you, sir. The next speaker is Bertha delgado. You have three minutes.

[2:44:38 PM]

>> City of Austin housing commissioner Bertha delgado, president of east town lake citizens neighborhood association. I'm not prepared today. I was not aware we were on the agenda. I was here on the Herrera case, but I am going to tell you right now I apologize for all the statements that have been stated because they are not true. For anybody that knows the history of east Austin knows my grandfather. They know his work. There's proclamations. And in one of those proclamations, and I don't have that slide today, but the city of Austin clerk's office here can verify with your attorney to check that commission because my grandfather has a proclamation that states was at his home and he did arrange to stay at martin middle school at the time in the 1980s when I attended metz elementary.

[2:45:38 PM]

And senator Barrientos was in the home. However dare they -- all of the commissioners have been there. Marcus, ortencia, everybody has been in my grandfather's home organizing for the holly plant and the closure of the town lake bands. It is a disrespect and the whole city knows my grandfather and his hard work as a political civic leader and the commission and the historical commission have voted for this. If you do not pass it, it will be demolished by rehab Austin and we have an opportunity to save this home. It's not about rose Rubio and her 80%, it's about the letters you have there, the community members and activists and people that have bought for a barrier. We are being displaced and homes demolished and if you see meets qualifications, you safe -- worth integrity. And I ask, mayor, city

[2:46:42 PM]

manager, councilmembers, have the respect of the elder of my grandfather that has a park named after him. That my father that Pio Renteria was in my home where I was raised, a leader that fights for east Austin. You wanted to get the court papers showing my grandfather filed a lawsuit on his daughter and agreed, everything happening in our community every day. My mother is the will of this estate and I am the speaker of the Rendon family and their 16 heirs and you have quite an opposition here and I'm going to ask to you support and respect the work of your commissioners that have worked hard and we have

fought to get this through at the July when a demo permit was filed to demolish my grandfather's hard work because he's an entrepreneur. He's not a member of the hispanic chamber of commerce. [Buzzer sounding]

[2:47:43 PM]

Martha sat up here and said he is a founding member. There's a difference, rose Rubio. He created that. He was a minority who created an entrepreneur out of his home. That was what his business was. Look at us, 1705 Haskell. That's where his company was. No one would disrespect my grandfather for grandmother or my mother or father's name. >> Garza: Do you have someone to donate time because your time is up? Two minutes. You have two more minutes. >> We have legal documents showing my grandfather brought a restraining order on rose ruby. We're here to save a house that's being permitted to be demolished. Our houses are being erased and there's nothing we can do it and we see it every day. We are asking you all to support the historical designation that the

[2:48:45 PM]

planning commission and historic commission have applied for. They applied for that. I didn't apply. We didn't do that deal that they are trying to say. We didn't do they have that. The city of Austin believes that that house should be restored and it should be beautified and affordable housing should be there. We had gdc ready to buy this home. The development corporation is ready. We can make a difference here. Do not demolish my grandfather's home. Thank you. >> Garza: The next speaker is Gus peña. Is he here? No? Alicia Rendon. You have three minutes. >> Good evening or good afternoon. I'm Alicia Rendon and daughter and executer of the Edward Rendon that lived at

[2:49:46 PM]

1705 Haskell. I'm also part owner of this property. We have gone over and over with testimony, you all have documents of leaders who have been in my dad's home. Pio Renteria, you can vouch for that. He's been there, his wife has been there. And a lot of you all politicians have been there. The mayor has been passing through there on elections. We've done elections, we've worked on the holly power plant decommission. I served on that board, my dad served on the board so we had meetings there constantly day and night. Oh, I'm sorry we have to bring out the dirty laundry of my sister out here, but we don't want to go through that. That's in court. That we're dealing with at court. So whatever they said, my nephews and nieces are saying that is incorrect. They've never been here. They lived in cedar creek. I live on 2008 Haskell

[2:50:46 PM]

street. Before my dad died, I lived with him with my children way many years and helped him. So my brother lives next door, Edward Rendon would have been here to speak in behalf of all these lies that are coming in. This is ridiculous. We already got unanimous vote from the historical zoning. We were not notified. It all came out publicly before we came out. Secondly, then we went to planning commission. It was postponed, postponed. This is ridiculous we have to go through this. Then we had a victory there also. Now it's coming to you all. I did not know, I'm very upset because I wasn't notified about this. I would have had all of -- all you representatives here that gave you all letters, but we were waiting for a date and time for it be to presented in city council.

[2:51:46 PM]

Immaterial rushing in from a doctor's appointment at the V.A. Whether Bertha just called that it was on the agenda. This is unfair to us. We have worked very hard much of last year trying to keep and preserve my dad's home. Then we've had offers and also last week we had an offer from habitat for humanity. Says if Guadalupe doesn't put in the proposal and you all don't go for it, habitat would like to put a proposal to preserve this house for affordable housing. We have been working very hard. My sister and my nephews and nieces, they are lying. There's been so many activities done and I can vouch and you want documents, we would have brought you those documents, but we weren't prepared today. [Buzzer sounding] Because we weren't notified and this is sad. And Pio, I hope you can support us on this because you know, you know we've had

[2:52:48 PM]

meetings there. Gonzalo and all the politicians. >> Garza: The next speaker is David king. Is he here? Those are actually -- he does not wish to speak. Those are all the speakers. Oh, Mr. Peña. I thought you signed up on 76, but I was goi to call you after we're done with this case. You have three minutes, Mr. Peña. >> Thank you.

[2:53:49 PM]

It's a shame that this has to proceed in this and I know a lot on both sides. I've known Alisa Montoya and reverend Montoya also so I don't get into the middle of he did this, she did this because it's their issue. But I know the families. I know Alicia for many years. So do the right thing. I know the families on both sides. We peñas, we're a good -- the Limon family thinks they are big, they are not. We are the number

one family in Austin, all the babies and teenagers. But do the right thing and listen to both sides and do the best thing for the families. I know Alicia and Ruben very well and I know the other

[2:54:50 PM]

family members, but do the right thing, listen to them. Listen to them. That's all I ask, do the right thing. >> Garza: What was your name, ma'am? [Inaudible - no mic on] >> Garza: I'm sorry, can you come up? Your name. >> [Inaudible] Rubio. >> Garza: You have three minutes. >> I'm going to read a letter from my uncle. He is sitting back there. May name is Raul Rendon. My father is Edward Rendon. In 2004 my father wanted a meeting with my brothers and cysters to to talk about

[2:55:50 PM]

selling the house. We met twice and all present were Richard, rose, Rachel, Becky, Alice, Rudy, Roberto and Edward Jr. After the meeting rose agreed to buy the house. My dad, my brother Richard and I were the ones that started the remodel on the house first. All the rock work we did. I also built the fence in front of the house and did the welding. After my divorce, I lived with my parents more than five years and never did I see meetings being held there. I also never saw the governor and Cesar Chavez go there. The only one that I ever heard visiting was mayor mclenin. My dad and I would have coffee and we would talk. He never wanted the house to be historical. He did say a couple times he sold rose the house. I personally agree on not making this house historical and moving forward with the

[2:56:50 PM]

sale. Thank you, Raul Rendon, Sr. And do I still have time? >> Garza: Yes. >> I would just like to say I grew up -- I didn't live in east Austin, but I went to metz and I went to Marty and Austin high. We all share memories in that house. For them to discredit us and act like we never existed, we live in cedar creek, we were born and raised in Austin as well. I would just like you all to know that, that, you know, we -- we're not lying. We know what happened. And I guess that's it. >> Garza: Thank you. I think those were all the speakers. >> There's one that just walked in. [Inaudible - no mic]. >> I wanted to notify that there is another brother with us. He's also part owner of this property.

[2:57:51 PM]

>> Mr. Sadowsky can you come back up? Can you explain -- I'm sorry if you did this already -- how the case was initiated? >> Yes. The case was initiated by Bertha delgado coming in and saying that she wanted to investigate the possibility of landmarking the house. That was in July of last year. Two of the commissioners asked that it be placed on their agenda, which it was for August. In the interim, the demolition permit application was filed for the property, so the case proceeded along the lines of the demolition permit application. And it was completed by the landmark commission within the 75 days as require by code. [Buzzer sounds] >> Garza: Okay, thank you. >> Renteria: Mayor pro tem? >> Garza: Councilmember Renteria. >> Renteria: Yes, Steve, do you have any document that Cesar Chavez was there, because I had met him one time at H.E.B. And I know

[2:58:52 PM]

when he came into town he went directly to the organizations that invited him and went to the site. So I was just wondering what kind of documents do you have? >> I don't have the documents, councilmember. My information comes from the family members. >> >> Renteria: I live a block and a half away and I never have seen Cesar Chavez or any of the other important politicians being there. Now, Mr. Chavez did go out there and demonstrate with el Concilio and some of the sites that we had that were under demolition like the Juarez Lincoln building there. But I don't remember any of this historic fact. Do you have any of that? >> The proclamations, which have been -- >> Renteria: Well, the proclamation, we dedicated the park, fiesta gardens under his name. There was a great recognition for him, but I was just wondering about the house itself. >> I don't have any documents, no, sir. >> Renteria: Thank you.

[2:59:55 PM]

>> Garza: And how long has this been on the agenda for today? >> This actually was on the agenda for December, but due to various postponements at the planning commission it had to be pushed to today. So I think that's where the confusion as far as people not knowing it being on the agenda stems from is that the postponement at the council level. In December. >> Garza: Is there any process to notify people of -- people interested in the case? >> Well, no new notices go out if there's a postponement. So there's no formal process, no. >> Garza: Does anybody have any questions or want to make a motion? >> Renteria: I'd like to make a motion after all the questions have been asked. >> Garza: Okay. Doesn't look like there are any questions. >> Renteria: I move to deny historic preservation to this house. You know, I know my name was mentioned there, but you know, the rendons, the sons,

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they poured my driveway. I live at 1511 Haskell, which is a block and a half away from their house. And they did pour -- they did come to -- I did go to their house because they did pour my concrete and I'm really good friends with some of the brothers there, the son of Mr. Rendon. But I was relative in my community at the same time. And I know that -- for a fact that there weren't any kind of political activities going on in that house, just meetings that maybe -- an individual went to, but there wasn't no historic type famous official that went over there to meet and organize. So I'm sorry that all of this is coming out to the public, but the family in good faith, you know, helped their father out with the understanding that they were going to leave that house to the old sister, so that's why I'm making my motion to

[3:01:56 PM]

deny historic preservation and let's heal this case. >> Garza: Is there a second to that motion? Councilmember kitchen seconds it. Is there any discussion? Councilmember tovo? >> Tovo: I'd like to invite Mr. Sadowsky up to talk about community value. This is actually one of the criteria that we've had conversations about before and we actually -- I believe one of my resolutions in the past actually asked the landmark commission to do some thinking about how we might better describe and define it, but community value, as I understand it, doesn't necessarily rest in having had important and significant political figures visit the house. I mean, it's a broader category that really captures, as I understand,

[3:02:58 PM]

is intended to capture the significance of the role that that site may have played in a broader way. So I just wondered if you could speak to what community value means in the context of this ordinance. >> Well, actually, councilmember, that's exactly what I would have said. >> Tovo: Possibly more articulately. >> Community value is not necessarily based on the fact that somebody visited the house, but the role that the house had in the larger community. In this case the information that we have from the family members is that this was a gathering place for the east Austin mexican-american community. Everyone in the community recognized this house as the home of Mr. Rendon, and because he was an important figure in their community, this house became the meeting place for that. So community value generally looks at the significance of the house to the city. So it goes beyond just the

[3:03:58 PM]

architectural merit. It goes beyond the historical associations. It envisions that people of a neighborhood, of a community, viewed this site as very important. And from the information that we had, that was the case here to base the nomination on community value. >> Tovo: Thank you. >> Renteria: Mayor pro tem? >> Garza: Councilmember Renteria. >> Renteria: Steve, and what kind of

documents saying that there were important community meetings? I live a block and a half away there. I was very active at that time in the boat races and all the things that were going on and I never remember having a meeting down there. Maybe I got invited by the family to come down there and have a barbecue which they normally do, they were having a lot of the birthday parties and stuff like that. But I just don't remember. And I was really active in the community there. And I just don't remember having a lot of large community meetings there.

[3:04:59 PM]

Do you have that fact or you just took it from two persons that told you that and not the rest of the family? >> I took the information from the people of that had the firsthand experience that related that to me. >> Renteria: And what about the rest of the family? Did they tell you that there was significant, had a lot of community meetings? I mean, there's nine of them. You had two people come ask -- I mean, did you bother going to the rest of the family and asking them if they wanted that and that there were a lot of significant community meetings there? Did you ask them that question? >> I did. Well, they related the fact that there were a lot of community meetings there, that the house was a gathering place for the community. >> Renteria: But it just sounds like you said there wasn't. >> Well, that's what other people have said. >> Renteria: Well, they're family. They're the oldest family. These are people that are -- the brothers and the sons and the sisters.

[3:06:02 PM]

I mean, they're immediate family. I just can't understand that you would come to us and say that it has a lot of significant community meetings there when the family that grew up there is saying it didn't. It blows my mind trying to understand how did you come to that conclusion. When they're saying right there just in public that there weren't any community meetings there at that house. And I know -- I mean, that place was full of kids and people. I mean, they just hanged out there, you know. I just didn't - - don't understand where you got that. >> Well, I had the information from the family members that had specifics about various meetings, so I took that as firsthand information. >> Renteria: They didn't provide you any facts. Just an oral explanation that that was, so they didn't say any kind of bulletin board saying -- announcing that the community that we're having a -- we're having a big community meeting here and they didn't show you that documentation.

[3:07:03 PM]

>> They did not, no, sir. >> Renteria: I'm just very disappointed that this was brought to us and it went through -- I want to apologize to the Rendon family for you having to come out here and do this. I just can't believe that -- not taking the word of over 80% of the family that said no, that it's not, and you're



taking sides of the two percent without even going out and getting the information and the facts, and presenting that to us. I'm very disappointed. >> [Inaudible - no mic]. >> Garza: Councilmember pool. >> Pool: Thanks, mayor pro tem. I wanted to acknowledge what Bertha delgado and I'm sorry, Ms. Rendon had mentioned. And I wanted to acknowledge the importance that Edward and Connie Rendon, the important figures they were in our community. And I think that that is the point that we are trying to distill in the acknowledgment and recognition of the home.

[3:08:04 PM]

We have as a city preserved with historic markers homes of past mayors, not because -- as an example of an important person in our community, not because they had meetings at their home or they were gathering points, but maybe they were, but more to the point about the people who lived in the home. And for me the Herrera house was being -- it was an acknowledgment through the historic designation of the work that Edward and Connie Rendon did in community and I believe that Dean Deherrera con -- >> You're discussing two different historic houses. >> Pool: That's the other house, the Herrera house. Thank you. So there are numerous important person acknowledges here in own in our eastside communities and this is a home that I think

[3:09:07 PM]

is deserving of acknowledgment because of the people who lived there. And that's the part that I'd like to be focusing on with regard to this historic marker designation. Thank you. >> Garza: Thank you. Are there any other questions? Councilmember kitchen. >> Kitchen: Just as a reminder to all of us, Mr. Sadowsky, can you remind us specifically what's being requested here and what the impact is? I mean, we're talking about designating this structure as an historic structure. Am I understanding correctly? >> That's correct. >> Kitchen: And what is the impact of that to the family? >> I'm sorry. >> Kitchen: What is the impact of that to the family? >> Well, the I am fact would be if it is designated as an historic landmark there would be a property tax incentive starting next year that depending on whether it was owner occupied or income-producing would vary, but the limit if it's owner-occupied would be \$8,500 on the property tax

[3:10:08 PM]

bill from the city, the county and aid. The more immediate impact is that the house is in receivership right now at the probate court. So the testimony that you heard earlier this afternoon about gndc willing to buy it, that is an opportunity that until -- that the receiver is amenable once the council makes a decision. If the council designates the house as an historic landmark, it's most likely that the seeker of the demolition permit will not pursue that, and gndc would have the opportunity to purchase the house.

If the council does not designate the house as an historic landmark, then the demolition permit will proceed. >> Renteria: Mayor -- mayor pro tem? >> Garza: Did you have any -- councilmember Renteria. >> Renteria: And do you have an idea of how much

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they're willing to -- the greater Guadalupe neighborhood is going to be paying for that? Have you done an appraisal, an opinion? Have you gone inside the house and see that it -- the value of that. Here is the family that bought the house, you know, are the ones that are trying to sell it because they know these older homes and I know that for a fact because I just pulled some permits for my house, and it's very expensive to bring it up to code and to repair. And are you really just -- I'm really concerned because the family here are -- are going to have to meet the burden of fixing this place up, you know. And it's just very concerning to me that here is a house that in 1960s where plaster was bricks and rocks all over and it's not even the original structure there. So if we're going to be

[3:12:12 PM]

passing these kind of zonings where we designate these as historic sites, then anybody that built a house in the 50s that altered the whole place can have it as an historic designation and get historic zoning. Is that the case now? >> That is not the case. If we were proceeding under the criteria onof architect that would be consideration, but we're not. We're proceeding under historical associations and the community value. >> Renteria: I just can't understand how you could come over here and say that all these other non-profits are willing to invest all this money for -- to preserve this house and at the same time are going to give the owners here the amount that they're requesting. And it's a house that's been altered and added on. And it's just -- I just can't support that.

[3:13:14 PM]

>> Tovo: Mayor pro tem. >> Garza: Councilmember tovo. >> Tovo: Our staff are tasked with providing us with the recommendation and I think it's fine to disagree with that and to vote against those recommendations, but I'm just a little concerned about the tenor of the conversation. Mr. Sadowsky is providing us with his professional recommendation about how this case awe lines with our ordinance and we can agree or disagree with our vote, but I just -- that's all I want to say. I mean, we do have other -- his recommendation I assume is based in part on the many other letters that we have in our folder from commissioner Gomez and others in the community, and I think it's our job at the end of the day to take a vote on that, but I'm just a little concerned with the way the conversation seems to be questioning his judgment in bringing the case forward. He's doing his job and again, using his professional expertise to provide us with his

[3:14:14 PM]

recommendation. >> Renteria: Well, let's hope so. >> Garza: Thank you, councilmember. For me I want to thank our staff for you're using the information that you were provided. I -- I wish I had the opportunity to go back and look at my record, but I've often said I get a little conservative when it comes to property rights and this is one of them, when it feels like historical designation is being forced upon people who don't necessarily want it, but at the same time this seems like a family feud in a lot of ways that has been playing out in court, and I don't -- I don't feel I can make that decision and there's a lot of he said/she said. I know our staff used the information that they had available to them and I thank them for their work, but for me I'm going to abstain from this vote because I can't -- reading the backup there's definitely discussion of what a wonderful man

[3:15:15 PM]

Mr. Rendon was, but I don't -- this is an incredibly hard case as many as we've faced. So I'm going to abstain from the motion on the table. Does anybody else -- councilmember alter. >> Alter: So I'm going to vote against that motion, but I'm not sure exactly where we are on the dais and I just wanted to get clarity clarity. We could pass this on three readings if there were the nine votes. In the absence of that we would need six votes to forward on first reading and presumably we could get additional information shared with us so that we would be in a better position to understand what we're hearing and also give folks more time to show up with better innovation and then come back for a second and third reading and then come back to us. >> Yes, councilmember, if it

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gets six votes it will pass on first reading. If it gets nine it would possibly pass on all three readings. There was not an additional innovation that goes out for second and -- notification that goes out for second and third reading. >> Alter: But presumably they would know if it comes back. So we would see if our vote passed for the six to move it so so we could continue to hear it. We could postpone it? I just want to throw those as options from a procedural perspective. >> Garza: Councilmember kitchen. >> Kitchen: I share the concerns that the mayor pro tem raised in terms of understanding better. I really need to understand better the impact on the family and I'm reluctant to move forward in the situation such as this that is split. And also is over the objection of a good proportion of the family. I would feel better if we postponed it to give us more time to think through it. And so if it's an order I

[3:17:17 PM]

would make a motion to postpone. I don't know if it's an order given on what we have on the table. >> Garza: Is there a second? Seconded by councilmember pool. Is there any discussion on the motion to postpone? Councilmember harper-madison. >> Harper-madison: I'd like to go on record saying I do have concerns about the family to go to go through this again and again and again. I share councilmember kitchen and mayor pro tem's concerns about interfering in what is clearly a family concern. But I also, this letter that I'm looking at that says with no equitable way to resolve the matter, a judge ordered the property to be sold and appointed a receiver. That all says to me that this has already gone through a body that has a greater power than we do to decide the case. It's complex, it's complicated, it's difficult. But I don't see the value in dragging this family through

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further postponement and three readings. I think we as a body are obligated at this point to provide something for them. I certainly don't see how any of us find this easy, none of us, regardless of personal connections or lack thereof, this isn't easy. Whatever decisions get made up here today, I would just like for the Rendon and delgado family to know it's not easy for anybody, this is not an easy one for us, but we're all going to have to think long and hard about whether or not it's to the benefit of either side of the family to drag this out further. >> Garza: I agree with that sentiment so I'm going to vote no on the postponement. >> Kitchen: Given the sentiment that I'm hearing, I'll pull it down. >> Garza: Okay. So all those in favor of denying the historic designation, raise your hand?

[3:19:20 PM]

>> Kitchen: I pulled down the postponement. >> Garza: Was there a second? Yes, councilmember kitchen had seconded. So all those in favor raise your hand? Of denying the historical designation. That fails with councilmember pool voting for, and I'm abstaining, councilmember Casar is abstaining, councilmember kitchen and councilmember harper-madison abstaining, the rest voting no. That fails. Are there any other motions? >> Tovo: So I would suggest we either pass this on first reading and continue to look at the conversation or a postponement. In essence it amounts to the same thing. I think this is a challenging case. And the circumstances around the -- around the sale and the probate I think makes it more complicated, but at the end of the day that's not really -- those aren't really supposed to be considerations that we're taking into account here today.

[3:20:20 PM]

We're supposed to see whether the application for historic designation is warranted based on the information we have and our ordinance. So, you know, I think this is -- this is a challenging conversation. But I'm trying to stay focused on kind of that piece of it. And you know, at the end of the day I think everybody is -- everybody who has spoken today has talked about the incredible historical significance of Mr. Rendon, and so you know, I'm very glad that our city has recognized him with the designation at fiesta gardens and would appreciate a little opportunity to look at some additional information to the extent that it exists. And so I'm agnostic on whether that's pass it on first reading and come back and consider it or postponement. So if anybody has an opinion one way or the other -- I'll postpone it. I'll move to postpone it. >> Garza: Okay.

[3:21:20 PM]

Is there a second? Councilmember alter seconds it. I will just say that I have the same concerns as before and as councilmember harper-madison. If somebody makes a motion to give it historic designation, I will also abstain, which would have the effect of it not being an historic designation and would also not -- the way I see this is there's going to be more family members brought from -- it's going to be the same conversation with more family members on one side and more family members on the other and I don't know what information could be presented to change the information that we have before us. And to start healing maybe for the family, I would prefer that we decide today. So that's why I will vote against a postponement. So all those in favor of a postponement -- >> Renteria: Wait.

[3:22:20 PM]

I'm not going to be able to support any of this. I think that we're doing an an service to the family here by taking this vote and postponing it. These are the kind of things that breaks a family up and you're just postponing the pain. And that's -- I I just don't see how -- I can't support any of that. I'm going to vote against it. >> Garza: Councilmember pool. >> Pool: Well, if we're not going to postpone it and the motion to approve it died, then -- the motion to deny the historic designation died, that only leaves us with approving it. And we already know that we only need the six votes, so there's room for people who are not supportive. And if it doesn't pass, then staff, Mr. Rusthoven, if it doesn't pass on our third

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attempt, -- >> The city will issue the demolition permit. >> Pool: Then the city issues the demolition permit. And for me that's the loss of potential affordable housing because I'm not sure what will be built there if we can't replace what is there now, it will be bigger and more expensive, and we will lose that in the eyes of some, and the city certainly, the iconic structure that is the Edward and Connie Rendon residence. So I would ask that we really think about that and the fact that we would be losing some

additional potentially affordable housing if we allow it to be demolished. We're concerned about gentrification on the eastside. We're concerned about large homes replacing small homes. And we don't know what may happen, but that's a potential. And we need six votes of

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this panel of nine in order to move past today. >> Garza: Yeah, I think we're all considering all that. >> Pool: So I needed to take a break before I made a motion because I can't talk my motion. >> Garza: Councilmember tovo has a motion. >> Tovo: We have a motion on the table to point it, but I think in light of the rest of the conversation I'm happy to pull that down, councilmember pool, if you're making a motion for historic designation, then that's a different way to resolve the question and probably is a better path at this point. So I will be the second person to pull down a postponement motion on the same item. >> Garza: Councilmember pool. >> Pool: I will make the motion to approve the historic designation on first reading today. >> Garza: Is there a second? Councilmember tovo seconds that. I will abstain for the same reasons I stated previous. All those in favor of the historic designation raise your hand? >> Harper-madison: Do we have the opportunity for

[3:25:23 PM]

questions and commentary prior to taking this next vote? >> Garza: Yes. >> Harper-madison: Is there anybody who can tell us what the appraised value of the home is? I just want to make certain that during the course of the conversation about potential for affordable housing that we're really, really careful not to incite folks who are assuming that we're not doing everything we can to create affordable -- and is there anybody who can speak to the appraised value. My apologies, Ms. Delgado, staff, somebody who works for the city of Austin. >> Pool: If anybody could speak to what was stated about the Guadalupe community development corporation, if they were going to buy it, if that -- because that is affordable housing, which is what I was basing my comments on, but I would like to have some confirmation on that. >> Staff is not aware of the appraised value, I'm sorry. \$59,200,810. >> Harper-madison: That speaks to one of my concerns here. If I may go on the record expressing part of my

[3:26:24 PM]

concern, and in part I'm basing it in my own family's experience. My grandmother when she passed she had pancreatic cancer, which is a really painful form of cancer, but she didn't tell anybody because she didn't want her family to have to -- she didn't go through treatment either. She decided to forego treatment because she didn't want to spend her last days being poked and prodded and she didn't want to have her what otherwise would be her inheritance whittled away by medical treatment. So just recognizing that that's a family member here that has 80 percent interest in a home that is valued at

\$592,000 and how much family they have and just how little we have in the way of institutional wealth that comes by way of inheritances in black and brown communities, I -- that's a consideration for me as well. I realize that what we're talking about is historic

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designation here, but much like my colleague Mr. Renteria, I do find that staff's presentation and acceptance of information, while I appreciate the effort, I don't feel like it was comprehensive, that's my feeling. I also feel like just the presentation of it seemed sort of editorialized and not just presenting facts. So it feels skewed for me, in which case my inclination is to be thinking along the lines of like councilmember kitchen brought up, what are the implications for the family here? And for me what I'm thinking is we are denying a family the opportunity to do what could very well have been Mr. Rendon's desire to have his family be able to maximize his early on investment in the city of Austin with generational wealth built by real estate, which families across the city do all the time. And often times black and brown families don't get to

[3:28:26 PM]

participate in that system. So what I don't want to do is have us inadvertently not offer this family the opportunity to do just that. [Applause]. >> Garza: Did you make a motion and it was seconded by councilmember tovo? Okay. Any more discussion? All those in favor of councilmember pool's motion raise your hand? That's councilmember tovo, councilmember pool and councilmember alter in favor. All opposed? Councilmember kitchen, councilmember Ellis, councilmember Renteria, councilmember Casar, councilmember harper-madison -- >> [Inaudible - no mic]. >> Garza: >> Garza: I was counting the opposed, opposing. Three abstentions. Councilmember harper-madison, mayor pro tem and councilmember Casar. So that motion fails as well. And that's -- this item is disposed of.

[3:29:26 PM]

Mr. Kim was here -- I'm sorry, go ahead. >> I want to say that there was a speaker here on item 76. >> Garza: Mr. Kim was here on item 76 and I apologize for that. Mr. Kim, do you want to come up? You have three minutes. >> Good afternoon. It's great and amazing to

[3:30:27 PM]

see you again the best councilmember, the best council of the whole world. Why? You made the city of Austin the best city of the whole world. Never wants to come to Austin city. So I gave flowers to mayor and city post chief. I have great, wonderful, exciting news here for you. I'm sorry for all the Rendon family and the children. God bless for them. And in the name of Jesus Christ, his children's desire and hope should be approved. Soon. I have great news for you today. This flower is for one of your members.

[3:31:27 PM]

One of your members, the best citizen of the whole world. The member told me when I was walking on the street, hey, Kim, do you have anything -- something to do? Let me know, I will help you. That councilmember is here. No one asked me that kind of question ever in my lifetime. So this flower for that councilmember. Can you guess? Raise your hand if you think you are. [Laughter]. Leslie pool, is she here?

[3:32:30 PM]

First she came to me, don't bring up to you, put it here. So I put it down. Don't forget to get it up. And I'm going to prove Donald Trump is greater than god, Jesus Christ. I prove statistically and automatically, scientifically. Number one, god didn't do anything, American Boulder. Donald Trump built the border. Practice U.S.A. And American people all of you. God didn't do it. God did nothing. Number two, god did not make we the people the ruler, Donald Trump, made we the people. God didn't do that.

[3:33:32 PM]

God said I am your king, obey my order. That's god, stupid god. How stupid it is. [Buzzer sounds] Oh, time is up. It's an exciting story. >> Garza: Thank you, Mr. Kim. Councilmember pool? >> Pool: Mr. Kim, thank you so much for the flowers. I really appreciate that. You're very kind. >> Garza: We are in recess until 4:00. >> Leslie, don't forget this. [Recess].

[3:52:24 PM]

[ Recess ]



[4:02:32 PM]

>> Garza:I'm just waiting for a quorum. So if there are councilmembers in their offices, can they come down. Then if people that are here to speak, if you can start making your way into the chambers so I can start calling folks as soon as we get a quorum. Thank you.

[4:06:01 PM]

>> Garza:we are back in session at 4:05, some members want to lay out their items on item 59. Councilmember Casar, do you want to lay out your item? >> Casar: I'll move the item, the version that was latest on the message board. >> Garza: Is there a second? I'll second it. Moved by councilmember Casar, seconded by myself. And councilmember pool, did you want to lay out your amendments? >> Pool: I think councilmember alter wanted to go first or I suggested that she go first. >> Garza: Councilmember alter. >> Alter: Happy to go first and hopefully these will be friendly amendments. My first amendment adds to the section about the report back from may 1, so it adds a clause at the end. It will now read the city council directs the city

[4:07:02 PM]

manager to provide a report back to council on the implementation of this resolution including changes to policies and procedures by may 1, 2020. My amendment adds the following language, and to provide a written report to council on the implementation of this resolution by January 31, 2021. My second amendment adds the following, after page 7, line 128, the city manager is directed to inform city council should available testing at state or private labs inhibit the ability to prosecute high-priority felony-level cannabis related trafficking offenses or violent felony charge, not a cannabis-related charge in a timely manner. Both these amendments are intended to make sure that we have appropriate information moving on to see how this resolution and these changes to policy are working in practice and make sure that we have the information we need to reevaluate down the line should that be necessary.

[4:08:02 PM]

>> Garza: Real quick, are -- I didn't want to start having the discussion before the speakers, just laying them out. >> Casar: Mayor pro tem, I think that the amendments as I've seen posted are so close to being exactly friendly that if there's just some sense that they get that it all works out, then I hope that that informs the speakers generally of where it is headed and that might change the way the testimony goes, I think it shortens it. >> Garza: Okay. >> Casar: So if y'all will entertain this quickly, I'm fine with councilmember alter's second report back date, and I just wanted to make a small change to it, and if

she finds it friendly I think this could be incorporated in, which is just there's a very small number of these felony cannabis-related trafficking cases at any given point. I believe that the city manager should be able to get this done and for this to not interfere with those cases. That's my understanding throughout this.

[4:09:03 PM]

So the small edits here are just to say we want the city manager to ensure that this works and to report back to us on progress, so of course if something isn't going well of course we want anticipate hearing that back. >> Alter: So let me just ask the city manager, part of what I'm trying to avoid is a situation that we've been experiencing with our DNA kits where we don't have capacity to process testing at the state level because we have no lab at the city level, and obviously this is a much smaller number of cases, and I'm totally comfortable with the limits that we're placing. I just want to make sure that we're not gonna get in a situation where council is not gonna know that there's a problem with the testing and no one is gonna come to us and say we have a problem and we need to fix it within a timely manner. So I don't really care which of the languages we use. I just want to be very clear that should we get into a situation where that testing has some kind of blockage at the state level for the cases we've decided are

[4:10:03 PM]

appropriate to seek that, that we're going to take actions to address that quickly and in a timely manner. Is that understood? >> Councilmember, that was would be my understanding and it sounds like there's a lot of similarity in the direction so I think the language as amended by councilmember Casar would be fine. >> Alter: That's fine. I'm fine then with that. Do you -- >> Pool: Thanks, mayor pro tem. So first off I just wanted to reiterate my wholehearted support for the resolution that councilmember Casar is bringing, in particular the revised version of it and the purpose of it, which is to make sure we're not focusing or resources on low priority marijuana cases especially in light of house bill 1325. The additional updates that have ensued since we started posting on the message board have really helped get the clarity to the issues on felony prosecutions that I was interested in. I brought my earlier

[4:11:03 PM]

amendments to make sure that we were clear about the changes we were making and also to express my desire not to jeopardize those prosecutions. Those are the high priority cases. I think that the clarity has been achieved, and so with the revised amendment that councilmember -- the revision that's councilmember Casar has brought and the additions from councilmember alter, I don't feel the need to offer any additional amendments. So I'm good to go. >> Casar: I really appreciate everybody working together on this and appreciate the public coming out. Please do testify about why you think this is

important but I assume you all want to see us vote on this and we take a 5:30 break so I'll urge everybody to talk about why this is really important. I think it's really important and if we get this public hearing done quickly enough we can hopefully get it done before dinner. >> Garza: So I thought there was gonna be more discussion and amendments. Are there any other amendments that were -- councilmember tovo? >> Tovo: No, I don't have an

[4:12:05 PM]

amendment. I just have a question. Councilmember Casar, have you passed out your revised resolution on the dais? >> Casar: I'll get that printed. We were having printer challenges but we'll get that right now. >> Tovo: Just to be clear, you are accepting councilmember alter's -- both of her amendments, the first one you've revised with the amendment that you distributed. Councilmember alter, you're comfortable with those edits? >> Alter: It was the second one that was amended, not the first one. >> Tovo: Okay. But both -- basically both of those you're comfortable with, councilmember Casar, with the amendments you've made to councilmember alter's amendments. Councilmember pool, you distributed an amendment sheet but you're not intending to move those because they've already been incorporated into councilmember Casar's revised resolution. >> Pool: That's correct. >> Tovo: Okay. >> Pool: I have distributed that looking for some additional clarity that I think that's been achieved so I'm good to go. >> Tovo: Thanks so much. >> Garza: So with that, just

[4:13:05 PM]

to make those folks in the chamber clear, it looks like there's agreement there won't be significant discussion, and this will likely pass. But we of course want to hear from you so I'm going to start calling speakers. Noel Davis. I'm going to call a couple of people so you can get on deck. Noel Davis, Emily garrick, Andrew Epstein, Warren Berkeley. Is Noel Davis here? No? So then it's Emily garrick, you have seven minutes. After Emily is Anna defreitsa. Did I get it right? Bradley hargas and Jennifer Humphrey. You have seven minutes, Ms. Garrick. >> Thank you so much, mayor pro tem Garza and councilmembers. My name is Emily garrick, managing attorney at the

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defense project. I am not going to speak for seven minutes because I'm just so excited this resolution is being presented today. I'm so thankful to the sponsors for bringing it and hopefully to the rest of the council for voting on it. This is just such an important issue for all of Austin, the Texas fair defense project, many of the people we help and work with, many of whom are single mothers, have had to suffer from the consequences of our possession of marijuana laws. They have lost their ability to drive. They have been put in jail. They have had warrants that they have had to live with for years. They've lost

their housing, been kicked off public benefits, all because of possession of marijuana laws. After this legislative session one of those laws changed and as a result prosecutors across Texas, including here in Travis county have decided they will be rejecting cases for marijuana offenses unless they come with costly testing, which is not the best use of our resources and as a result of that law enforcement departments in

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Round Rock, the Round Rock police department and Travis county sheriff's office have said they will no longer be enforcing these cases and here in Austin people are still being cited and sometimes even arrested for cases even though those cases are automatically rejected by the prosecutors so I'm really excited for Austin to join the other departments in not pointlessly citing or arresting people for cases we know will be rejected and I'm really excited for this resolution which will just commit to not wasting our city resources just so we can start spending money on testing and prosecuting these really low himself level cases again. I also just want to clarify something that has come up, leading up to this resolution about felony versus misdemeanor. So under Texas law, any amount of a edible or brownie or oil that has thc in it, besides the plant substance, is a felony, so that means this gummy right

[4:16:08 PM]

here, if it were a thc -- if it was a marijuana gummy would be a felony under state law so I'm so glad you decided to clarify in this resolution that we are talking -- when we have an exception for testing we are going to have that be felony-level trafficking. We'll still be able to be enforced, still have testing. This resolution won't I fear with that but we want to make sure people who have really small amounts of personal use marijuana and marijuana products are not going to be -- we're not going to be wasting our resources prosecuting them. Thank you again to the sponsors for bringing this resolution. I'm so happy to be here. I think this is going to be a really momentous day for Austin and really great step for it for equity and racial justice in Austin. Thank you. >> Garza: Thank you. Next speaker is Ana, and Bradley Hargis and Jennifer Humphrey. You have three minutes. >> Hi, good evening. My name is Anna Defreitas.

[4:17:11 PM]

Thank you so much for the opportunity to testify on this. I'm here in my capacity as a cofounder of survivor justice project in support of this work. I think I'll go ahead and read the comments I had prepared and offer them with the recognition that this isn't actually a contentious thing, but I would like the opportunity to put some things on public record if y'all will indulge me. So I want to be clear, we're a group that works to transform sexual violence in the community and in systems. And the reason we're

here before you today is primarily because survivor justice projects sees this as a racial justice issue first and foremost. I know that many of you do too. And that is not separate and apart from our concern that we have with sexual assault in our community. We learned through the leadership of the folks of -- spearheading this effort that possession of marijuana was the third most common booking in Travis

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county jail in 2018. We also learned that black people are six and a half times as likely to be jailed for possession of marijuana in Travis county as their non-hispanic white counterparts, despite the fact that usage is the same. So for us this is unacceptable. So we know also that poverty and the lack of employment opportunities and the lack of institutional support from police and judicial systems are all considered risk factors for sexual assault. And you'll recall that we came before this body in support of decriminalizing homelessness to clarify that people who are homeless are at far greater risk of experiencing sexual assault than of committing it. So for us, it was real obvious. When we know that experiencing poverty increases the risk of being a victim of sexual assault and we know that people of color in our community and black folks in particular

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are being jailed at over six times the rate of white folks, I just want to point out there, why are we collectively scratching our heads when we talk about the fact that only 9% of folks choose to report their sexual assault to law enforcement? For us, it's all connected. So, yes, this is absolutely about better dedication of resources. Yes, this is about the inefficiencies and unenforcability associated with testing thc, and this is absolutely the result of the legislature's not taking action. We hope they'll clarify this next session. Yes, this is a waste of law enforcement time, pursuing misdemeanor offenses we know our local prosecutors won't take up. But I just -- each and every one of those reasons alone is enough to pass the resolution. But I hope that we can be honest about the fact that this is first and foremost an opportunity to stop a racist practice of enforcing low-level marijuana possession in the name of public safety.

[4:20:13 PM]

So. [Buzzer sounding] So thanks for the opportunity to put that in the record. >> Garza: Thank you. Bradley hargas. Glen. Paul Quinzi, and the next is chasmore -- is Kristin here? >> Good afternoon, mayor pro tem, councilmembers. I'd like to note for the record it is 4:20 in the afternoon. [ Laughter ] My name is Paul Quinzi, I've been practicing criminal law in Austin for about 20 years now, started off as a prosecutor with the county attorney's office. During my time practicing criminal law I've seen a lot of changes in Austin but one thing remains the same, cannabis is very popular. And I very much appreciate

that you've taken up this issue and that it looks like you're going to pass this resolution. Part of my job is to help

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people seal and expunge their criminal records and we're talking about criminal records, a lot of people assume because this is Austin that a pot bust is no big deal because the cases are going to be dismissed but a criminal record includes records of the arrest, not just prosecution or conviction. When somebody has an arrest record it can prevent them from getting housing, a job or an opportunity to volunteer at their kid's school. By cutting down on these arrests for low-level and personal use marijuana offenses I believe you're doing a great thing for the people of Austin and living up to the values that our community espouses. So I'm so glad that you're looking forward to passing this thing, and thank you very much for your time. >> Garza: Thank you. Mr. Moore, you have five minutes. After you is Jax Hinkle and then Julie Stone. >> I won't be so long either. Well, actually, I'll just show some of -- we had a

[4:22:16 PM]

poster making party for this and I think it would be a crime not to show these. Where's the camera? Can I get a camera right here, show some of these? It looks like Greg Casar gets a like for this resolution. There we go. Councilmember Harper-Madison, you get a like. Fight crime, not plants. That's a good one. Thank you, Greg. The average age of the people who made these were 30. [ Laughter ] Thank you, Jimmy. Thank you, Natasha again. Thank you Flannigan again. Hope you get well. Hope you don't have the flu, get us sick. Thank you, Casar again. Thank you -- many things to Greg, Jimmy, Natasha, Delia and thank you councilwoman Delia. Everybody signed up to speak is in favor of this except my one good friend at the Austin Police Association but we're working on that, working on slowly getting him over to the good side

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because we think at AJC, again, like I've been saying, y'all's job is to as much as you can in your jurisdiction as councilmembers in the city to undo the legacy of white supremacy, to undo the legacy of Jim Crow, to undo the legacy of discrimination and all the things that have made -- not only this city, not only this state, but this country what it has been, so I commend you all for taking yet another step in the right direction, yet another step as we try to get towards equitable -- a future for all, and this is just a small step. So, yeah let's get y'all home to your families and get out of here. I'm looking forward to this passing and me and Kim Cassidy are gonna eat a brownie after this app I don't know what kind of brownie, but we'll figure it out. [ Laughter ] >> Garza: Is Jax Hinkle -- hang one on second. Did you need more than three

[4:24:18 PM]

minutes? >> I'm going to try to do it really quickly. I even printed out extras with a resourced speech for you guys it sounds like it's gonna pass we don't really need to do that but I do want to get something on the record. >> Garza: Just in case, is crystal Erickson Collins here? Okay. Is Sarah Nugent here? You have up to seven but feel free -- >> I will try to be brief. Thank you so much. I'm a Texas native and I live in district 6, near my capacity as executive director for Texas normal, the Austin chapter of the national organization for the reform of marijuana laws. We actively engage up at the capital during session and here locally and we focus on changing damaging policies that surround the prohibition of marijuana. The cannabis plant is made up of many different cannabinoids, hemp is

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statutorily defined as cannabis with only trace amounts of thc being .3% or less. To give some context to why what you are doing is so important at the state and federal level, at the federal level hemp was removed from the controlled substance act in 2018. Texas was bound to amend our list. This created pressure for the Texas legislature to create a hemp [indiscernible] It was signed by the governor on June 10 of 2019. Since thc is not responsible for the smell of marijuana, there's no way to tell by sight or smell if a product is legal cannabis, hemp, or illegal cannabis, marijuana. The Texas district attorneys -- county attorneys association has given instructions clarifying that the burden of proof is on the prosecution and testing is required for any convictions. At the local level many jurisdictions are doing the most they can within the

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discretion that they have. In Houston we see they have initiated diversion programs and first chance programs that have saved their city over 27 million in the first year. The dfw area dropped hundreds of cases and further prosecution is not being pursued. We see many urban areas moving to this type of policy since das are not going forward with prosecution. Agencies like the Travis county sheriffs, Round Rock police departments all stopped low-level marijuana enforcement. District attorney Moore and the county attorney are not prosecuting possession of marijuana cases without thc testing results. These are very expensive tests, only a limited number of crime labs have access and are credited to test to a tenth a percent. Decide this our understanding is A.P.D. Is tonic cite and in some case arrest people for possession even though they know these cases will be automatically rejected. When I was here before you in September I noted 86% of tex answers want to change the law from the status quo.

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63 bills were authored in the last legislative session. First bills from a former prosecutor would change an ounce or less of possession of marijuana to a simple fine supported by the Texas GOP platform. This bill had enormous support palestineed out of the house of representatives with a bipartisan super majority but the lieutenant governor prevented the bill from advanng. The laws, regulations and opinions surrounding the plant are changing at the federal level, the Moore act, which would remove cannabis from the csa and also incentivize expunging old records as well as the safe banking act, which would allow related businesses to engage in relationships with banks have both been making their way through the legislature. Here in Texas, the Texas department of banking, tdb, has given instructions to financial institutions regarding hemp businesses. The Texas department of agriculture and state hedge

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services are moving quickly to move through regulations on both the hemp program and human consumable hemp products program. Tda is going -- has their plan currently under review with the usda and once this is approved licensing for farmers, manufacturers and retailers will begin. These programs are extremely important to Texas businesses. The landscape is changing quickly across Texas and the nation and this is why it's so important that the city of Austin bring further clarity for our citizens. And it is of note I'll close on this that hemp is legal in all 50 states, 33 states have access to safe and legal cannabis for the medical conditions, over two dozen states have decriminalized possession of the plant and 11 states have legal access to adult use markets. Austin is a hub of events, festivals, conferences, so much more. Many of the visitors to our state have no idea how harsh the criminal consequences are for possession. In fact many of our own citizens do not even understand how hard they can be impacted by this. I appreciate that you are

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doing the absolute most within the discretion that you have to prevent these arrests and to make sure taxpayer funds are not wasted on enforcing this failed policy and rather are refocused where they belong, protecting our city from violent crimes and property crimes. I also want to thank my councilmember, councilmember Flannigan, who is not here today for being one of the authors and each of you that sponsored this bill, it's very important, and I appreciate that you're going to vote it forward. I tried to do that as quickly as possible. Thank you. >> Casar: Mayor pro tem. [ Applause ] >> Garza: Go ahead, councilmember Casar. >> Casar: I know that if councilmember Flannigan weren't feeling ill he would be here and thank folks from district 6 who come in from far away and another Heather Fazio and jack are all in from district 6 so I'm standing in for Jimmy to say thanks for being down here. >> Thank you. >> Garza: Julie stone. You have three minutes. >> Okay. I will try and be brief and under three minutes. I wanted to say so my name is Julie stone, I went to



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law school to be a prosecutor and prosecuted in both the state of Florida at the state level and attorney general's office and for the last 12 years was in the attorney general's office in the violent crime division. During that time I prosecuted in over 20 counties in the state of Texas and during my almost 20 years as a career prosecutor and public servant I had the opportunity to go to these very different counties and speak on behalf -- now that I no longer work at the attorney general's office and I am retired from public service, I feel that it's important to note that many of the prosecutors and many of the law enforcement officers that I speak to that cannot actually come out publicly and say that they are in favor of what y'all are doing right here are very happy with the way that things have progressed, the way things are progressing in Travis county. I believe that because our resources are so strained

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and limited that we need law enforcement to be freed up from the time intensive job these low-level marijuana arrests take up. Officers patrolling, their arrests, jailing of the people, filling out paperwork, submitting these reports to the labs to be tested, meeting with prosecutors to prepare for their testimony in court. All of these things take a lot of time and money and energy when the limited resources and finances of our labs throughout the state could be better served testing DNA, testing gunshot residue, blood splatter analysis and really going after the real serious crime where we have true victims that need justice in this case. So thank you very much for your time, and I really appreciate what you're doing. And I know that law enforcement does as well. Thank you. >> Garza: Thank you. Heather Fozio and then Phil Jero, Laurie [indiscernible] >> Thank you. My friend Sarah didn't sign up to speak but if I can

[4:32:21 PM]

have a minute of her time I'd appreciate that. >> Garza: Okay. You have five minutes. >> Thank you for accommodating. My name is manager Fozio, I'm a resident of district 6, also the director of Texans for responsible marijuana policy, which is a coalition of about 25 different groups and many individuals working to advance more sensible marijuana policy in our state. The group we work with spans the political spectrum, demonstrating the movement for reform is not about partisan politics. It's about people and the real lives that are being harmed by marijuana prohibition. One of our main objectives is to decriminalize cannabis in the state of Texas, eliminating the threat of arrest, jail time and criminal record associated with small amounts. I want to thank you all for your commitment in making this a priority in the city of Austin and bringing this forward. The legalization of hemp was the catalyst for this

resolution and similar conversations around the state. But to be clear, the actual -- the -- it is actually the state legislature's failure to decriminalize cannabis that

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brings us here today. For years county and district attorneys across the state have been trying to mitigate harms caused by these laws by using their discretion to institute diversion programs and simply declining challengers for low-level marijuana cases, this means domestic violence cases, for example, are getting the attention they deserve. When prosecutors are not allowing their offices to be bogged down with these cases. Victims of real crime deserve justice and we're unable to fulfill that duty when we're arresting people and wasting valuable policing resources. On small amounts of marijuana. We're navigating through an important time in history as we unpack the decades of harm that have been caused by these laws and create our path forward. As laws begin to change at the federal and state level we are impacted here locally. It is and will be a challenge for our law enforcement agencies and officers who need to adapt to sometimes -- to new policies, which are sometimes conflicting.

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This resolution can help to give them clear direction. Falling back on a basic standard of due process, specifically probable cause for arrest. But more than just enforcement, even in Austin there needs to be a cultural change, especially when it comes to police officers in A.P.D. No longer should cannabis consumers be considered or treated as criminals for the simple possession or use of this plant. Cannabis consumers are often young people, but at an increasing rate they're also senior citizens. They are students and parents, sick people, including military veterans are using cannabis and it is reprehensible that we still have laws on the books that would deprive them access to this medicine. This resolution is an important opportunity for the Austin city council and the city of Austin to use legal discretion to reduce the harmful impact of our failing state policies. For many years the people of Texas have wanted to see an end to these state laws that would have cannabis consumers arrested, jailed, prosecuted, and branded for life with a criminal record

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that will forever hinder their access to education, employment, safe housing, and many more collateral consequences. These lasting collateral consequences don't just impact the individual involved. But they also impact their families and our communities. This is the human cost of marijuana prohibition, and it's not worth it. It never was. Texans from all political affiliations agree it is time for reforming our state marijuana laws until the state does that. We can and must add every opportunity work on minimizing the harm they cause. This is Austin's opportunity. I appreciate the councilmembers that made this a

priority by bringing it forward and all of you for supporting its advancement, especially as we navigate some of the challenges with law enforcement. And I thank you very much for your time. >> Garza: Thank you. Phil jero. >> Philip, I first wanted to thank the opportunity to thank you all for being in

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the right side of history or at least discussing this in a civil way. I'm excited to be here today. I'm a former Texas police officer and served full-time with the pflugerville police department from 2008 to last year, 2019. I was also employed as a jailer with the Travis county sheriff's office from 2006 to 2008. During my time as a police officer I served as a narcotic detector, dog handler, tactical team member and field training officer. I'm a law enforcement instructor and taught numerous classes to other law enforcement officers to include basic academy classes. The last six years of my career were spent in a supervisory role as a sergeant, the majority of which was on parole as well criminal investigations. I hold a current advance peace officers license with the Texas commission on law enforcement. And I've decided to leave

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law enforcement last year due to medical reasons. It's something that police aren't talking about enough, the epidemic of suicide, the epidemic of trauma-related mental health diseases. It's something that needs to be out in the open. It's one of the reasons that I'm here. To bring it out in the open and hopefully that more officers or former officers will come forward. I had an honorable career and I left in good standing. I'm here as a voice for those in law enforcement who aren't free to speak their opinion. The only people you usually hear from in law enforcement are executive members, the top brass. Regular patrol officers and police officers are not free to express their opinions regarding the law, specifically cannabis. I feel an obligation to tell my story because during my career I deprived many people, hundreds of people,

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for a plant. I deprived people of their freedom for a plant. My own personal medical conditions would qualify me for medical marijuana in every state that surrounds Texas. Texas does not have a medical marijuana program that is accessible or inclusive. The Texas compassionate use program is so limited that almost nobody qualifies. People with cancer don't qualify. It has to be terminal cancer. I'm not sure how they make that decision. I choose not to take pharmaceutical drugs with side effects worse than my symptoms. I choose to use medical marijuana, even though it means breaking the law. Every time that I medicate with cannabis I choose to commit an act of civil disobedience. I'm an otherwise law abiding

citizen just like millions of other cannabis users in Texas. Relations between police and communities they serve at a very low point. [Buzzer sounding]

[4:39:26 PM]

>> Garza: Do you want to finish your thought? >> Will someone donate time? >> Garza: You can go to the clerk please. You have two more minutes. >> Okay. The origins of marijuana prohibition are rooted in racism and oppression and these laws continue to affect people of color. The reason law enforcement executives are so against relaxing laws on marijuana is it will affect their bottom line. Forfeiture and dangerous cases is a big business for police departments. This would enable Austin police officers to focus very limited resources on issues that deeply affect the community. Violent crime and property crime such as home burglary strongly affect people's sense of security. So many resources are lost enforcing misdemeanor marijuana cases. It regularly takes several hours to book a person into Travis county central booking, taking officers off the street for extended periods. Crime labs are already backed up and it would be

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impractical and costly to test evidence in every suspected marijuana case. With legal hemp it is impossible to tell the difference between hemp and marijuana without a lab test. These resources before -- focused on important things, such as ensuring every sexual assault evidence kit is tested. These resources could be used on more child abuse detectives, robbery detectives. Ask yourself, what is more important, arresting people for a plant or dedicating resources to investigating and combating real crime. We all know that Austin has been in the news for issues with how sex crimes are investigated, untested rape kits and victim satisfaction with police service. This resolution offers a real opportunity to reallocate resources to help solve these issues. Thank you for your time. >> Garza: Thank you Laurie zapinski and David king and Jeffrey Clemens it looks like. Is Laurie here? Is David king, Mr. King, you have three minutes.

[4:41:27 PM]

>> I'm donating [ saying Connolly. Matt Wallace. Dominic Silvera, Chris Harris. Is Lauren ortel here? So with Mr. King's, you have seven minutes. >> Thank you all. Hi, Chris Harris, I'm in district 4. And firstly I just want to thank you all for making this historic step today. I think this is a really great step forward in the community. It's really hard to make additional points in favor of this resolution beyond

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what's already been stated, so I'll try to be brief but I want to highlight something that happened this week. The trump department of justice released another awful memo, but buried within that awful memo on law enforcement was a really interesting nugget, which was that many police, many folks in law enforcement are struggling with the extent to which our citizens, our people, our lawmakers have thrust all social ills onto them. And I want to salute this council because along with this, along with work that y'all have done on issues relating to homelessness, along with the freedom city policy resolution, along with your investments in mental health first response, along with your investments in the sobering center, you've taken concrete steps to take things away that law

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enforcement is currently dealing with that is funneling people into a system which is causing more harm than it's doing good, that's not helping public safety but really setting people back and it's being done obviously in a racially disparate way and you've really helped to fund alternative solutions to those issues. I look forward to continuing to work with you all to fund those alternatives, to ensure we have the best people responding to each and every type of issue we see in our community and to ensure that our public safety resources are really dedicated to the issues that are impacting public safety in our community. Not to things that are really our lack of creativity and resources for other -- for social ills that can and should be addressed in other ways. And so, again, I salute you for passing this resolution. I think this is a really good start, and I really hope that our police department and its

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leadership will get on board with these sorts of changes because they are positively impacting very large sectors of our community by ensuring they don't wind up in a spiral of the criminal justice system, don't end up with a scarlet letter for life that leaves them free and open to discrimination in all forms of society moving forward. And I really hope that, again, we can continue to build on this momentum, continue to do good work on behalf of those that have been most marginalized in our community. Thank you so much for the time. >> Garza: Thank you. Jared Grimes and then Elizabeth Rome and Ramsey Seti. Mr. Grimes, you have three minutes. >> Yes, my name is Jared Grimes and I've been deeply impacted. I've been found in possession of small amounts of marijuana, and when they made hemp legal, I began to think well you take something that looks like

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marijuana and you legalize it. However, you leave it in the officers' discretion to say whether or not you're gonna take somebody to jail for it. Which seems just unfair. To leave it in the officers' discretion whether or not they want to take somebody to jail for something that looks like something that's legal or illegal. These officers are not trained medically, they're not licensed medically to make the distinction between the two, so I just thought I'd come out and share my thoughts about that and thank you all for having me. >> Garza: Thank you, sir. Elizabeth Rome. You have three minutes. >> Thank you. Hi, my name is Elizabeth Reame, an attorney licensed in Texas. I want to thank all of you for voting yes on item 59 today and thank those of us sponsoring this item. This is really important in

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the movement for racial justice and also criminal justice reform in Austin. Currently low-level marijuana citations and arrests may be merely an administrative burden for A.P.D. or the city, but for people who are cited they can have an enormous impact and it disproportionately impacts communities of color as all of you know from your background materials and all that you've worked on to get here. For youth early contact with the justice system correlates to problems later and can inhibit their educational and career goals. For anyone who is vulnerable, including people experiencing homelessness, arrests can affect their current and future jobs, parental rights and financial stability. While not relevant to the vote today I would encourage this council to support further decriminalization of low-level marijuana possession regardless of the levels or availability of testing. So please today take this step of passing this item to end unnecessary citations and in the future look for further opportunities to address inequities in the criminal justice system and

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thank you so much for what you're doing. >> Garza: Thank you. Ramsey Seti and it's Justin Atkinson and Jared Brackenridge. Mr. Seti, sorry if I mispronounce that. You have three minutes. >> The criminalization after cannabis stems from [indiscernible] Against Mexican immigrants as well as racist rhetoric against African-Americans and to this day through confirmation bias blacks and hispanics are disproportionately targeted with possession of cannabis despite whites possessing cannabis at similar rates. The criminalization of cannabis is not just a race issue but a generational issue. Young people are statistically more likely to be caught with cannabis and, therefore, incurring criminal charges that ends up hindering their overall

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future. You're destroying young people's future. These victimless crimes of possession are handled with fines, time in jail, and a damning record, all of which are based on outdated Progressive psychology that

uses punishment as rehabilitation and the question is, how are you rehabilitating people by punishing them? How are you rehabilitating people by socially isolating them, traumatizing them and putting them in cages in human zoos. That's what jails and prisons are, a human zoo. Our justice system relies on psychosocial degradation and reputation damnation as means to rehabilitate people when -- all of which are disproven by modern day psychology. Punishment doesn't equate to rehabilitation. Punishment doesn't deter

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crime either. It's the perception of getting caught that is the deterrent, not the punishment itself. Our justice system needs to be reformed to be concurrent with modern day psychology and punishment fires back. How much money are you spending on these cases? What's the quantifiable cost that the taxpayer has to pay? And what's the unquantifiable cost of ruining someone's future by damming them with a criminal record for a victimless crime. Any councilmember that doesn't vote in favor of this is by proxy a racist because the criminalization of cannabis stems from and is based on xenophobia against Mexican immigrants as well as racist rhetoric towards black people and to the state through confirmation bias blacks and hispanics are still targeted when whites possess

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cannabis at the same rate. And this is not just about cannabis. This is about a need for a broader criminal justice reform because our current system is entrenched with racism and colonial psychology not congruent with modern day psychology and is not suitable for the 21st century. Thank you. >> Garza: Thank you, sir. Justin Atkinson. You have three minutes. >> Hi, everyone. Good evening, my name is Justin, I'm a legal advocate with the safe alliance here in Austin and I have a prepared statement from the safe alliance. It is a nonprofit whose mission is to stop abuse for everyone by serving -- we are dedicated to ending violence through prevention, advocacy and comprehensive services for individuals, families and communities that may be affected by

[4:51:33 PM]

abuse. We urge the city of Austin to prioritize funds and resources towards programs and resources that support survivors of violence. Clients face challenges such as housing, and food because it may not be safe for them to do so. The survivors are -- access to basic needs and safety becomes much more difficult. We hear from clients with low-level nonviolent misdemeanor charges either traffic related violations marijuana possession that are unresolved other through fines or fees or active warrants due to failure to appear. Many clients share they have been unable to solve these due to financial concerns. Victims of violence or abuse this could be paralyzing in their safety. Clients can choose to do so if they

want. For example, clients with existing charges, warrants or other involvement in the criminal justice system may choose not to seek medical services after a sexual

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assault in fear police involvement will instead lead to their arrest. Clients may be afraid to file for divorce or custody of their child out of fear their abuser may disclose this information to the court. Safe proudly serves residents of Austin and we want Austin to be a beautiful and thriving city. Our residents need to be self-sustaining, successful and contribute positively to our community. We ask the city continue to provide funding and resources to those programs and services that results in a safer Austin for everyone. Thank you, all. >> Garza: Thank you. Jared Brackenridge and then Nathan Murphy and Mary Elizabeth. >> Good evening, members of council, my name is Jared Brackenridge. I'm from Houston Tilton, university, the oldest institution of higher learning here in the city of Austin. I come before you on behalf of many of the students at my campus. I was prior to this meeting itself I was letting them know about what was

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happening. This ground breaking change that was about to happen here. I'm proud to know many of you guys are all on the same page. That tells us we're moving in the right direction. What I will say is, when you look at marijuana, I hate to use that term because I know the derogatory form that it comes from and its implications and all that but what I will say is you have to know that there's not much wrong with marijuana, but it has been criminalized and it has been, like, given this negative connotation when it's really not for that. It's just to keep our black and brown people into jails and things like that. So I want to commend you guys for all taking the right steps on this. As we also know, many of the college students on my campus, at many other campuses and things like that, they're pursuing a degree but halfway through they get caught with marijuana in their pockets and now have a criminal charge, they can't get the jobs they've studied for. So you've studied all this time, about to graduate but now you have a criminal record such as a teacher.

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Once we have felonies and things like that, it kind of goes down the -- down the drain. But, yeah, I just want to commend you guys for doing this, and I just want to say don't stop here, keep going, just as our homelessness things that you guys have tackled, don't just stop. And when that governor, when he comes to your door and he knocks because he's gonna donot turn back around, he's gonna try and intimidate you. Move in the right direction. Thank you. >> Garza: Thank you. Nathan Murphy, Mary Elizabeth -- Mr. Murphy, you have three minutes. >> Thank you. My name is Nathan Murphy, I was born



in Austin and I've been gone for quite a while but in that time I have many degrees and I also spent three years working in Colorado with a hemp extraction company so we took hemp flower and turned it into oil which we then turned into products so I have some experience on the topics for which we are explaining and talking today. I want to first off thank all of you for your

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commitment to this issue and for taking this step. My address today, I would like to talk about the future of where we're going because from what I can understand of the Texas law, the -- as Jax said earlier, the concentrates are still highly illegal, and so when it comes to concentrating even legal hemp that comes in the form of a flour less than .3% when you remove the plant matter and you have just the cannabinoids left, the concentration levels can rise and according to the letter of the law that can be a felony for taking it and turning it into a more accessible form for people who don't wish to continue to smoke cannabis or hemp and they prefer to take a tincture or something else similar. So I just want to encourage you to take next steps and to look into ratios of thc to cb&as we move in further

[4:56:39 PM]

marijuana decriminalization and absolute legalization I would encourage you to continue to look at concentrates as another form of safer access for people who don't want to wish and for other topics. I thank you all for your time and for looking into this matter again in the future, specifically my new district councilmember Ann kitchen, thank you very much for your work. >> Garza: Thank you. Mary Elizabeth. Then Ken Cassidy and Andre disert. >> Hi. I'm Mary Elizabeth. I'm a volunteer with Austin justice coalition and I live in district 1. As you've heard arrests for low-level marijuana possession waste community resources and the law is applied inequitably. Black citizens are arrested at six and a half times the rate of non-hispanic white people. If this law is not removed

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from the books, we need to see that it's applied equitably and resources are wasted equitably and that means a significant increase in the arrests of white people. People of European dissent. I think this would increase -- this would put a dent in white supremacy and the law would be applied fairly and, like I said, resources would be wasted equitably. We all know that people on west campus, south Austin, Travis heights, Hyde park, tarrytown smoke pot. So it's not gonna be difficult to reach this goal. Thank you. >> Garza: Thank you. Mr. Cassidy and then Andre desert and mobilebly Watkins. You have three minutes. >> Good afternoon, mayor pro tem, and council. What a surprise that I'm the only nay sayer in this.

[4:58:43 PM]

It's not that I'm a naysayer because I've been in a lot of your offices lately working on Ms and fire on CBD oils. I'd much rather have my police officers using CBD oils than opioids and other forms of medication. I have a lot of sympathy for this officer here that had to retire, but the one thing I do want to try to educate you on are there are unintended consequences. Before I became an Austin policing association president I worked in narcotics for five years, organized crime and investigate the lots of different types of drug cases, cartels and lots of high level marijuana there are dozens and dozens of young kids in this city of the age of 16 to 25 that have probably 100 to \$200,000 in cash sitting under their beds right now. So it's going on around us. I've seized marijuana and that amount of money from dozens and dozens of people in this city. Those are the unintended

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consequences. We have people in this city right now suffering and I'm not going to get in your way when you go to the legislature in a year and a half to try to get marijuana legalized. That's the place to do it. We have young kids in this city right now, we just had one that testified about felony levels amount of marijuana. This has nothing to do with that. So the false pretenses are already out there, stoked by the media that it will be legal to smoke marijuana in the city of Austin now. Your chief of police has told you no, we're not. It's against the law. We have kids in this city that are going to take those cigarettes a lace them with pcp, not a lot of them. Once you have to fight someone like that, I love the snickering because once you have to fight an individual smoking pcp laced marijuana, it's not a good result. It's never a good result. But you have to think about the unintended consequences. I'll be there behind you when you go to the legislature in a year and a half. Like I said, I'm all on

[5:00:48 PM]

board with CBD oils, but just think about the unintended consequences. Thank you. >> Garza: Thank you. Andre dysert, you have three minutes. >> I'm Andrew, I live in district 10. I want to thank the council for taking this up. It will make a positive, profound effect on our community. I'm looking forward to the resources saved going towards more compassionate programming. So thanks again. >> Garza: Oh, thank you. Mobley Watkins. And then it's Michael ward and Brianna Byrd. So Mr. Watkins, you have three minutes. >> My name is Mobley. I am grateful for your time. I'll be brief. I'm also very grate that will there doesn't seem to be very much controversy on this subject among the people who will be voting on it. I'm a proud resident of district 4 and I'm also a musician in the city.

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So I have frequent occasions to find myself in really privileged, moneyed, predominantly white spaces in the city. And constantly see these substances used with impunity. And it's difficult to describe how gut wrenching and kafkaesque it is to go from those spaces to my neighborhood where I interact with people, often minors, young people, who have come into contact with the state and with the criminal justice system as a result of engaging in the exact same activities that I see rich and powerful people on the other side of town engaging in. So thank you very much for the step that you're taking and I hope it's the first of many steps in the right direction. >> Garza: Thank you. Michael Ward, junior. >> My name is Michael Ward junior and I'm from district 7. I'm here today to -- to show

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support for this bill, a lot of people are saying the same things about how this tips the scales back to equity and inclusion, but really address what we're focusing our time on. One thing I want to bring to the attention is here I saw some signs up there and I wanted to bring some down. No more pointless arrests. I bring that up because here in Austin there are a couple of challenges when we think about the population. If we continue to do as we are, we'll just divide ourselves between whites and non-whites, between educated, uneducated, between the experienced and inexperienced. And there are policies and procedures in place today that are just continuing that divide. You see it in numbers where Austin is one of the fastest growing cities in Austin -- in the United States, however it has a depleting African-American population. Yes, we're so close to Mexico, but we have declining population policies as well because people don't really see Austin as a place where it is diverse across the board. And saying yes to 59 could

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kind of tip the scales in the other direction and show Austin as being a liberal city as it speaks itself to be. Another one is criminalization equals racism. You look at how much money is being spent across on pointless policies, on time spent on resources that could be used elsewhere. Look at the homeless population, look at immigration policies, look at health care. There's other thing that you could be spending your time and resources on to actually start to see what are some things you could be spending your time on holistically. Right now I noticed when you think about the criminal justice system you think about it as silos, one by itself and one entity, but everything is connected. Everything is connected here. And we're painting a narrative that certain types of individuals are the ones that should be arrested and others are not. And you're creating a culture here in Austin that is not being reciprocated across the board. And I wholeheartedly believe that instead of us trying to have less diversity or be

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discriminating against the border, we need to have different conversations we're having. If I was in that conversation what is it that I would want for myself? What would I want for my child? What would I want for my brother or sister? And it comes down to being fair, it comes down to being equitable across the board. One thing that I will say is too many black men are arrested. I mentioned earlier about us just wasting time and realizing that, hey, if we are arresting black men, predominantly more than anyone else, then that's impacting our workforce. That's impacting families. That's impacting businesses that could be built. It's impacting families that don't have the stability. Like all these actions are building one after another and we need to realize what are the consequences that we are creating? What are the chain of events that we are creating once we are either -- [buzzer sounds] , Just isolating individuals and focusing one after the other. Thank you. >> Garza: Thank you. Our last speaker is Brianna

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Byrd. If there's anybody else that signed up to speak, can you raise your hand if I haven't called you? You have three minutes, Ms. Byrd. >> Okay, thank you so much. I just wanted to step up here and say hello to everybody. I'm a representative of jump on it, and an extension or an affiliate jump on it university. And we work with youth in the community and a lot of them come from the court systems. And a lot of them have cases similar to what we're discussing today. And to minimize the -- to decriminalize that is an important impact in their lives and what we're doing, and it would definitely be to their benefit. And I have the executive director here who would like to speak as well. >> Good afternoon. My name is [indiscernible]. I want to say briefly that we were all for decriminalizing marijuana and especially in small amounts, things like that, but I do want to emphasize

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to you guys in moving forward from that point is we need to be a lot more proactive in supporting programs in the city such as jump on it and others that are actually educating the youth on the effects of any kind of mind-altering substance, whether it be alcohol, marijuana, opioids, whatever. There needs to be a lot more education going out so people can understand the effects and the calls, the consequences and the results of any choice that you make, and that's one thing that we focus on is teaching the youth that we pass out drug information at all of our events, everything that we do, and we educate because we don't tell people what's right and wrong and whatnot to do. We want to inform them on the consequences of their choice. And I think that's going to be very important in moving forward regardless is that we put more into our educational programs that do cater to blacks and hispanics to get the information out. And so it won't be a miscommunication of oh, it's

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cool to smoke weed, it's cool to go out and break the law until it's passed as marijuana is legal it is still illegal and we still want to get that information out as much as we can to educate our youth to not be in situations where they can be arrested, detained, given a ticket or anything. We teach them to steer clear of anything that will cause them any kind of legal implications for what they do. So we support that and we support you guys moving forward on that, but you guys also have to understand support the organizations that are out there educating the youth and educating the ones that are targeted most by marijuana. >> Garza: Thank you. Those are all the speakers I have signed up. I'll just read the following folks who signed up for item 59, but are not asking to speak. David king, Bo [indiscernible], jack, seled, Al, Angela, Julie

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niche, Brooke arr. [Reading names]. Does anybody have any discussion, questions? Statements? Councilmember Casar. >> Casar: Thanks to everyone who testified on this item. Thanks to all the city staff from the city legal and the police department and everyone that has worked to get this to the place that it is. And I appreciate that this is just one step of many that are important for us to take. Before we take the vote I just want to talk about again from my perspective why it's so important. We've heard from folks that have lost their jobs because of low level marijuana offense. We've heard about clients, domestic shelter who are afraid to seek medical or legal services because of pending warrants or low level marijuana offenses. The aclu highlighted in a report a musician working in my district who lost not

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just his job, but also his driver's license so he couldn't drive to gigs anymore and quit playing music. All of those things just aren't right. There's a human cost obviously, but I think there's also a public safety cost. I think that us spending extra dollars to pursue these low level cases not isn't right, but it also makes us less safe because that instability in people's lives I think is part of what drives less safety in our community. So I think this decision isn't just right for all the reasons laid out here, but also because I think it makes us better off. So I think it's time to do the right thing. It's the right thing for criminal justice reform. It's the right thing from a common sense perspective, and it's the right thing for racial equity. We had a lot of testimony here on racial equity issues, and I really appreciate that the police department keeps good data on different offenses and makes that data available to the public, publicly posted as backup to this item is

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the 2019 citations for marijuana. And there were 432 citations citations, 201 were marked as hispanic or Latino, 163 black, three Asian, 64 whites and one unknown. So that's a total of 432. That means 84% were for black and Latino, Latina austinites who we know compose in the low 40 percents of the population in the city. So I think folks raising that social equity issue are raising a real issue in the city, an issue that isn't involved by this resolution, but I think this resolution is acknowledging that. We know we have so much more work to do and we appreciate y'all continuing to organize to push us to do the right thing. I also want to thank my colleagues for working together with me on it, even up to the last minute amendments. So I appreciate each of y'all's support. I do think it's important to know that of course we cannot change state law so this is not a change to the state law and we want people

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out in the community to know that, but it does really reprioritize what it is that we're focusing on with the goal of eliminating all the penalties as well as getting as far as we can go under state law to as little enforcement as we can go. >> Garza: I just want to make brief comments as well and they're similar to the ones I made at our press conference on Tuesday that, you know, the state created an unfunded mandate by legalizing hemp because it means that in order to enforce marijuana laws local governments have to purchase expensive test equipment that isn't widely available. The state also imposed a revenue cap which means that every spending decision that we have as a council looking forward we have to think of very carefully to determine whether it's worth limited resources. Other jurisdictions, including Travis county, have said they are not prosecuting these cases. Round Rock police are no longer enforcing these types of cases because it's not worth their resources, and others are following suit. As mentioned several times,

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the negative impact of a earn approximate is life of an arrest or citation along with the history of inequitable enforcement makes enforcing these offenses not worth it for the city of Austin. It just doesn't make any sense. We have right now federal laws that conflict with state laws because states have decided the values of their people, and it still conflicts with federal drug laws. I see this as an instance where our state laws conflict with the values of Austin and we need to use our resources the best way that we can. I respect everything that APD does, but council is responsible for deciding our policy and our priorities and how we use our resources. And I thank you, councilmember Casar, for asking me to co-sponsor and I look forward to voting yes. Are there any other comments? Councilmember Renteria? >> Renteria: Yes. It's very sad that even years back where in the '70s

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we had a person that got caught with one joint and was given life in prison. And those are the kind of things that have destroyed so many lives here in the United States. I have veteran friends that are saying that they're wanting to kill us by giving us all these opioids and painkillers, but they won't let us smoke one joint because we'll lose our veteran benefit. And that's what's been going on in this country. I wish that it was possible to legalize it so that we wouldn't be destroying lives. I had a brother that had an accident that it wasn't even his fault at work and they tested him and he had not even smoked for a week, but it was still in his blood system and his ruin, and he got -- his Europe and he lost his job and all his benefits. These are the kind of things that have been going on. I'm going to be supporting

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this, of course, but I wish that we were able to do -- go a little further, but I know we can't. It's a federal law and I just want to make a statement to the people that are watching TV here and to let them know that, you know, this marijuana law has been going on and has been destroying a lot of lives. And caused a lot of hardship to our people. And so I just -- I'm really proud to be able to support this and hope in the future that this country started realizing that we start sending people to jail -- stop sending people to jail because they got caught with a small amount of marijuana. Legalize it. >> Garza: Councilmember kitchen. >> Kitchen: Yes. I appreciate and agree with everything my colleagues have said. Thank you. I would only add one other thing and that is I wanted

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to speak to some misunderstandings that I've heard and just reiterate what others have said. This council values and our public values are continuing to protect the public from trafficking or violent felonies. And what this resolution does is it makes clear that we are continuing to focus our resources where it matters, and that's on these kinds of offenses. And that's trafficking or violent felonies. And councilmember Casar, and alter, I appreciate y'all's amendment that makes that clear, which is that we're directed to ensure that the action we're taking doesn't inhibit the ability to prosecute high level felony level trafficking or violent felony charges. And that is absolutely where we need to be focusing or resources. We do not need to be

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focusing resources on offenses that don't hurt other people, and I agree with what my colleagues are saying about the changes that we need at the state law in the future -- at the state level in the future. So

again, I just want to reiterate that this council is continuing with our responsibilities to protect the public and actually protect all the public so that there are actions that individuals take with regard to individual use. That's not harming the public and it should not be something that we're focusing on making illegal. >> Garza: Thanks for that clarification, councilmember kitchen. Did you have something -- councilmember pool? Anybody else on this side have any comments? Councilmember Casar. >> Casar: I think on that clarification point there's been some requests for it to be really clear to folks what the next steps are. Upon passage of the resolution it essentially

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holds the status quo on the fact that we are currently not investing in testing for these low level cases and will continue to not invest in that testing, so that's where we are today, where low level cases are essentially being dismissed, but now instead of the possibility of us investing in that testing and going and charging those cases later, just continuing with that status quo of those cases not being tested and then there's a request to the police department to work with law on updated policing policies as is associated with this. Now knowing that won't be investing in those tests, how does that impact probable cause? Can that result in even fewer arrests and citations? The police department will be working together with the law department with the goal of really reducing that enforcement to the greatest extent possible and those policies will hopefully be public before may, which is what is written into this. I think it's important for the community to know that there's still work to be done at the state lawyer and there are -- the state slur and there is still the law department and the police

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will work on how to minimize that enforcement are to the greatest extent under the law, but there are some places where if someone can't id themselves or there are warrants, that there may still continue to be arrests even if we wish there were not. So it's important for folks to still try to go to the legislature for -- where decriminalization and legalization with happen, but I believe we're on track to getting there and this is the furthest the city council can go to just absolutely minimize our resources to this thing that has been hurting folks to too long. Thank you guys for this. [Applause]. >> Garza: All those in favor of item 59 please raise your hand? That passes 9-0 with councilmember Flannigan absent and mayor Adler absent. We've disposed of all of today's items, but please stick around for live music. We're adjourned at 5:19. And proclamations. [Applause].

[5:36:33 PM]

>> All right. Let's do this. Joining us today is black sploitation, is a three piece outfit that leads with right us rage. They have race, gender and sexuality with music that kicks hard at conventions and boundaries



at all kinds of. The group has been praised by the fader, the 405, England's korang, okay Africa and many other publications. The Austin chronicle named black sploitation the most compelling act and described them as a cocktail and been described as black sploitation succeeds at aggressively

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anti-aggression. Black black sploitation was in black festivals in 2016, 2017 and 2018, so please help me welcome black sploitation. [Applause]. [Music].

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[Applause]. >> Casar: Councilmember harper-madison wanted to jump on the dais and jump off. Maybe next time. So if folks watching online want to see you guys at a show some time soon, where should they go? >> We're going to play south-by. We really haven't released where yet, but next time people can come check us out. >> Casar: But if people want to follow you on social media. >> On Instagram, Twitter. You can check us out, on Facebook. You can hear us on sound cloud, title, all the stream streaming. >> Casar: And if they wanted to look you up, how

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do you spell blxpltn? >> Blxpltn. >> That's how you spell the band's name. Do you want to say anything to the folks about your music? >> First I just want to say to all black and brown boys and girls and non-binary folks who might feel like this city isn't for you, that's because it isn't. [Laughter]. And the only way that it will be is if we work and fight to make it that way. Second I'd like to say it's all law-abiding tax paying citizens who consider themselves allies. Unless you're working and fighting everyday for justice, then you are upholding the status quo and the status quo is homophobic, is status quo, is racist. We must fight it or you're not an ally. And lastly, to anyone experiencing houselessness in our city, on behalf of myself and everyone here, I want to apologize to you for the way we have treated you. We see you, we respect you,

[5:44:05 PM]

we acknowledge your situation and we need to work and fight harder for you. [Applause]. [Cheers and applause] >> Casar: Thank you, man. >> Ellis: We will now read your proclamation. Be it known that whereas the city of Austin, Texas, is blessed with many creative musicians whose talent extends to

virtually every musical genre and whereas our music scene thrives because Austin audiences support good music produced by legends, our local favorites and newcomers alike. And whereas we are pleased to showcase and support our local artists. >> Casar: Now therefore I, Greg Casar, councilmember for district 4, alongside my colleague councilmember Paige Ellis and our colleagues on the dais and on behalf of Steve Adler, mayor of the live music capitol of the world, we do hereby proclaim January 23rd, 2020 as blxpltn day in Austin, Texas. Thank you. [Cheers and applause]

[5:45:05 PM]

>> Thank you so much. Thank you. This means a lot. And also really quickly, I just want to say a large up to all the people who have created small venues and bars here for us to play. And there are more interesting places for us to play music for me, that's one of the reasons I moved here is because I saw as an artist it was a place I could come and meet other people and to help me progress and make music, but also to help provide work and places to stay and stuff like that. So large up to the eastside, man, and red river for helping us and letting us play. That's where we are today. [Cheers and applause]

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[Applause].

[5:50:48 PM]

>> Ellis: All right. The city of Austin's capital contracting office is the recipient of the 2019 qualifications based selection merit award by the American council of engineering companies and the national society of professional engineers. The capital contracting office is responsible for providing procurement, contract development and execution and contract management services for all capital improvement program projects. That involve construction and construction-related activities. The American council of engineering companies and the national society of professional engineers, qbs merit award, recognizes entities and individuals who effectively use and promote qbs methods to procure the professional services of consulting engineers at the federal, state or local levels. On behalf of mayor Adler and the Austin city council, it is my honor to provide the capital contracting office with this certificate of recognition on this 23rd

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day of January in the year 2020. [Applause]. Would you like to say a few words and maybe we'll get a picture? Fantastic. They're going to say just a few words. >> On behalf of the professional engineers and private practice committee of the Travis chapter of Texas society of professional engineers, we are honored to have been able to nominate the city for this prestigious national award. We want to thank the city for meeting with our groups and helping to understand our issues, and giving us the ability to help the city with some of their challenges in procurement of professional services. They've worked hand and glove with us now for many years. They deserve this award. And I'd like to say that

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this is the second time in the last 10 years that they've won this award. They won it first time in 2009. Congratulations. [Applause]. >> Well, good evening. My name is Rolando Fernandez and I have the pleasure and honor of serving as the capital contracting officer. Behind me you will see some of my team members that everyday we go out and we do some really good work on behalf of the city of Austin to improve the quality of life of our residents. We don't do this by ourselves. This is many more of us. I wish we had many more. We're a small team quite honestly. There's only three of us and that's including some temp employees that we have to help with the workload. When I say many of us, I'm talking about the other employees in the public works department, other departments, the small minority business department, the purchasing

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office that we work really closely with as well. Together we work hand in hand to deliver the cip capital improvement projects that again make Austin the best place to live and play and work. And so we're so honored to receive this award. Thank you for this privilege to be up here and receiving this on behalf of the cco team. Just really quick, I'm a numbers guy and I just want to kind of provide some data really quick about the work that we do. So this is just one small component of the overall program that we have. Since 2016 we've issued over 100 solicitations that has resulted in over 200 plus contracts. The important number is in those solicitations we've received almost 900 submittals from firms wanting to do work with the city of Austin. That's awesome. That tells us a couple of things. Number one is that we do some really exciting work in the city of Austin that folks want to partner with us to do this work. And number two, we have a lot of great firms in the community and so we're blessed to have them here. Again, thank you so much for this award. Thank you for this award.

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And thanks to the team for the great work that y'all do everyday. Appreciate y'all. [Applause]. >> Ellis: Thank you all for the hard work that you do. You represent our city very well.

[5:56:03 PM]

[Applause]. Remember remember. >> Tovo: Good evening, I'm councilmember Kathie tovo and I represent city council district 9 and it's my honor to be here this evening alongside with my colleagues to present the following proclamation in honor of courageous Claire day in Austin, Texas. We have several members of Claire's family and friends here today with us. Unfortunately Claire was not able to be here with us, but we're so grateful to so many

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of you family members who were able to come down here. And thank you, a special thanks to Claire's great aunt robin for reaching out to the city and to share her story with us and to request a proclamation on Claire's behalf. And I also understand that today a flag flew over the Texas capitol in honor of courageous Claire day. Many of you may have visited and learned more about Claire on the courageous Claire Facebook site. It is a site that now attracts followers from around the world. And if you look on the courageous Claire Facebook site, you'll see prayers and thoughts and good wishes from places such as Australia and Portugal and all around the world. And the site has really been an opportunity for Claire to touch the lives of other people around the world and to spread information and education about dipg or diffuse intrinsic

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[indiscernible], which is a tumor that starts in parts of the grains per cubic meter affects many parts of the body, including breathing, heart rate and nerves among others. So thank you again to Claire's family to being here today to receive this very special proclamation. And it's my honor to present it on behalf of our entire city council. Be it felony that Claire Elizabeth Hernandez was born prematurely on may 26, 2015 weighing three pounds and one ounce. She spread the first 75 days of her life in the neonatal unit. And at a very young age overcame illnesses and obstacles that seemed insurmountable. Whereas upon discharge chaired was diagnosed with developmental delays and cerebral palsy, but with the amazing support of her family and therapists, and her own strong spirit enabled her to thrive. And whereas Claire enjoys helping and playing in her school class at Boone elementary where students and staff adore her.

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Whereas Claire loves playing with her toys, painting, listening to music and most of all laughing. Her laugh is infectious and her smile is beautiful. And all who meet her are instantly moved to help her, her family and her cause. Claire is truly a light who shines bright wherever legos. And whereas Claire was diagnosed with dipg, an inoperable brain tumor, on July tech, 2019 at the age of four and she brought her close knit family even closer. Her family, grandparents, two older brothers, one of whom is here with us this evening, aunts, uncles, many cousins and dear cousins, love Claire deeply and would do anything for her care and happiness. She believe necessary she is going to change the world and they are determined to fight for her. Therefore on behalf of the Austin city council and mayor Adler, it is my honor to declare today,

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January 23rd, 2020, as courageous Claire day in Austin, Texas. [Applause]. [ Applause ] I'd -- like to invite her dad to say a few words. >> I promised I wouldn't cry so I'm trying to not to. I'll apologize on behalf of my wife and daughter, she just got out of the hospital yesterday. Just don't want to take any risk. Appreciate the city of Austin for doing this for my daughter. She is -- since day one just a blessing. Just in her own right. She -- like it was stated when people meet here, she lights up the world. I mean, excuse me. Ah. I'm shaking. I'm sorry. I'm nervous. But we wouldn't be any more grateful for this. This is just amazing on what y'all are doing for my daughter, what everybody is doing for my daughter, and just the prayers and the --

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just the helping hands and just the I love yous and the thank yous and everything that comes in with dealing with cancer and dipg is overwhelming as an individual, overwhelming as a family, but it still doesn't affect or day in and day out. We fight every day for her. We fight every day, like I said, as a family and we cherish every moment we have with her. I just -- this dipg affects 300 kids a year, just about, and they call it a rare cancer. And in our eyes it's not rare. And I would like to take this moment to help, you know, bring awareness to this because only 4% of cancer fund is -- goes to pediatric cancer, and that's not a lot of money. And people around the world reach out because something something hard to deal with as a family and obviously I have family here to help us cope with what's going on,

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but I just -- the month of September is pediatric cancer awareness, month of may is gray cancer awareness, which is gray. Moving forward if you can take the time during those months to show support and love and thank you so much. This will always be in our hearts forever. Thank you. [ Applause ]

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[ Applause ]