

# City Council Regular Meeting Transcript – 4/9/2020

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>> Mayor Adler: Thank you very much. Colleagues, today is Thursday, April 9, 2020. This is the regular city council meeting. It's happening virtually. Virtually and remotely. And we have a quorum present. I think everybody has checked in and was heard and ready to go. Councilmember tovo? I can't hear you.

[10:06:03 AM]

[Inaudible].

>> It's definitely scrambled. It's definitely scrambled. By the way, I'm call-in user 3 if you wonder to have better fidelity.

>> Mayor Adler: Thank you, councilmember pool. Councilmember tovo, we can't hear you.

[Inaudible].

>> Mayor, we'll work with councilmember tovo to get her going.

>> Mayor Adler: Okay. That sounds good. Councilmember tovo, are you okay with us proceeding before you get sound? We have a quorum. It is 10:06 and I call the meeting to order.

[10:07:04 AM]

I'm going to go through the changes and corrections real quickly, then we're going to call the speakers who have signed up to speak publicly. Everybody gets three minutes, no sharing of time

[inaudible]. But this will be speakers on everything except for zoning. We'll call the zoning speakers at 2:00. We're now going to go through changes and corrections. I have item number 3 being withdrawn and replaced by item 63. Number 4 is withdrawn, number 7 is postponed. Item number 22 is the -- continues to be the ratification of an amendment to an existing contract with

[inaudible]. A revised contract not to exceed 490,803.

[10:08:05 AM]

The other amendments and part of that [inaudible]. Item number 24 withdrawn and replaced by 73. 26, item 74, 28 by 75 and 32 by 80. Item number 33 is added by councilmember tovo as a sponsor. Numbers 37, 38 and 41 are all postponed to may 7. 68 is withdrawn and replaced by 85. 77 is withdrawn and replaced by item 87. Councilmember tovo has been added as a sponsor to item 78. I think the changes and corrections show item 83 being postponed, but that's an error on the changes and corrections. It's actually item number 82 and is being postponed,

[10:09:10 AM]

number 83 is [inaudible]. We have some items that have been pulled off the consent agenda. Those would be items 64 and item 86. Those are both pulled. Item number 36, we're going to take public comment this morning, cannot be discussed by council before 4:00 this afternoon. Because that's how it's posted. Late backup on 6, 13, 27, 30, 33, 36, 37, 38, 40, 53, 56, 70, 79, 81 and 86. Okay. That's the changes and corrections. We're now going to start bringing up speakers, but first --

>> Mayor? I think we got some late backup on item 30 and so I would like to pull item 30.

[10:10:12 AM]

>> Mayor Adler: You want to pull item 30? Okay.

>> Pool: Thank you. And everybody should have received -- mayor, could you make sure that the backup was distributed on item 30?

>> Mayor Adler: Okay. Let me see if I can --

>> It's in the backup.

>> Mayor Adler: It's in the backup?

>> Yes.

>> Mayor Adler: Confirm it's in the backup. Happy to speak to it.

>> Mayor Adler: When we get to it. It's been pulled now.

>> Pool: Mayor, one other thing, when you were talking about late backup, you didn't mention item 30, so if that -- [inaudible]

>> Mayor Adler: Yes.

>> Pool: Okay, thanks.

>> Mayor Adler: Late backup for item number 30 and it's been posted.

[10:11:13 AM]

Councilmember tovo.

>> Tovo: Thanks, I'll have to talk over the phone. We did test it and it worked at 9:00, but I think my sound doesn't work once everybody else joins. I think I may be having trouble with my internet connection. What I wanted to say earlier was how appropriate it was and how much I appreciated started councilmember alter with your son. That was lovely and thank you to him for sharing that. And I also wanted to indicate it's our colleague's birthday today, councilmember alter. Our practice is to sing. I'm not sure how well we would pull it off on a general basis, but a very happy birthday and I look forward to our singing to you when we're back together in the same chamber and the audience drowns out our voices. And mayor, I wanted to pull I believe 86 has been pulled, but I intended to pull it anyway to provide additional direction to staff based on the music commission's recommendations of last night. And I would also like to pull 79. We are having -- have an

[10:12:14 AM]

amendment to that that I'll figure out how to -- I guess we'll post it on the message board once it's finalized. But for now I'm going to pull it. Thank you.

>> Mayor Adler: So the items that I have being pulled right now are -- 86, pulled 79 and 86. So I think the pulled items are -- the consent agenda today is items 1 through 33, also items 61 through 81, and items 85 through 87. I'm showing pulled items being 30, 64, 79, and 86. Councilmember kitchen?

[10:13:26 AM]

Councilmember kitchen, you are muted. You need to unmute. You are still muted.

>> Kitchen: How about now? Okay.

>> Mayor Adler: That's great.

>> Kitchen: So 81, I don't need to pull it but I have a question. I don't know if there's a revised version. The mayor pro tem had indicated on her message board that she was adding some changes, and so I just want to make sure those are already reflected in a revised version. I didn't see them, so -- do we have speakers on 81 too that we have to pull for --

>> Mayor Adler: Yes.

>> Kitchen: I'm fine with that, I don't need to pull it, I just wanted to make sure there were two amendments that mayor pro tem mentioned that she was going to incorporate and I just wanted to make sure that was done because I wasn't sure I was looking at the right version.

>> Mayor Adler: Mayor pro tem, is there an 81 that's been filed in backup?

>> Tovo: I'm sorry, there

[10:14:26 AM]

was a --

>> Kitchen: There was a couple things I needed to post, we'll post that on the bulletin board, the two additions that I mentioned on the -- I wasn't -- you know, this is a new process. I wasn't sure if I just post it on the message board or say it on the record. What do you think is best, mayor? It was two additions about adding hygiene and adding seniors on another part.

>> Mayor Adler: Let's go ahead and pull 81 now, you can make sure [inaudible].

>> Garza: Okay.

>> Mayor Adler: All right. Let's go ahead and listen to speakers, there are other people that wanted to talk. Councilmember alter?

>> Alter: I wanted to note for 81 we're pulling it so it's fine. I had posted a couple of amendments yesterday on that and I just wanted to pull it to be able to make those

[10:15:26 AM]

amendments and legal is making one addition to those that we are getting processed. Nothing major, it's just a small edit.

>> Mayor Adler: All right. 81 is --

>> Mayor?

>> Mayor Adler: Yes, city attorney.

>> Just go ahead and state for the record the settlement amount in item 5 which can stay on the consent agenda.

>> Mayor Adler: Okay.

>> This is a eminent domain case related to a library parking lot and the settlement amount subject to approval is \$318,000.

>> Mayor Adler: Okay. Thank you. The eminent domain item on the agenda, is that part of the consent agenda as well?

>> No, sir, it's not. It's not. It will come afterwards.

>> Mayor Adler: We'll handle that separately then. Okay. Anything else? Let's hear from the public. Let's begin with Gregory -- let's first we're going to begin with the folks that have asked for Spanish translation so that the translator -- I have about

[10:16:31 AM]

eight people that have requested translation so we'll begin there. Is Carmen [inaudible] Here?

>> [Speaking in Spanish].

>> I wanted to thank you today for having me on here and for representing the hispanic community and especially the hispanic community that is undocumented.

>> [Speaking in Spanish].

>> I'm hear to ask to vote for the amendment, item 81.

[10:17:35 AM]

>> [Speaking in Spanish].

>> And 87.

>> [Speaking in Spanish].

>> We need this help right now in the community. We're in a critical situation.

>> [Speaking in Spanish]

>> Translator: The community needs the money right now to buy the basic needs.

>> [Speaking in Spanish]

>> Translator: It can be different for all of us. Some people might have different needs than others,

[10:18:36 AM]

some need medication, some need to be paying a bill that's due. Our needs are different.

>> [Speaking in Spanish]

>> Translator: We're not working right now.

>> [Speaking in Spanish]

>> Translator: And we're all following the instructions we've been told to stay at home which helps everybody.

>> [Speaking in Spanish]

>> Translator: [Inaudible] Very much.

>> [Speaking in Spanish]

>> Translator: We have the most basic needs.

>> [Speaking in Spanish]

>> Translator: And I hope that you vote for us and help the invisible

[10:19:37 AM]

community. Thank you so much.

>> Mayor Adler: Thank you. The next speaker will be Mary Lou [inaudible].

>> [Speaking in Spanish]

>> Mayor Adler: Yes.

>> [Speaking in Spanish]

>> Translator: My name is Mary Lou.

>> [Speaking in Spanish]

>> Translator: I'm here to ask you to please vote for 81 and 87.

>> [Speaking in Spanish]

[10:20:43 AM]

>> Translator: The community is in a very difficult situation right now.

>> [Speaking in Spanish]

>> Translator: We don't know what to do. We don't have money.

>> [Speaking in Spanish]

>> Translator: With this proposal we can get help to make some payments.

>> [Speaking in Spanish]

>> Translator: At least be able to move around and be able to do some work.

>> [Speaking in Spanish]

[Multiple voices]

>> Translator: And I can send them a little bit of money.

>> [Speaking in Spanish]

>> Translator: This is something that I really need and it would help me just be

[10:21:47 AM]

able to breathe and live a little bit at more ease.

>> [Speaking in Spanish]

>> Translator: That we're here in the shadows.

>> [Speaking in Spanish]

>> Translator: Think of us as immigrants.

>> [Speaking in Spanish]

>> Translator: And please vote for 81 and 87.

>> [Speaking in Spanish]

>> Translator: Thank you so much.

>> [Speaking in Spanish]

>> Translator: To all of you who have the power to help us.

>> [Speaking in [speaking in spanish]ness.

>> Translator: Thank you.

>> You are muted, mayor.

[10:22:48 AM]

>> Mayor Adler: The next speaker is Juanita Hernandez.

>> Juanita Hernandez?

>> Mayor Adler: Yeah, si.

>> [Speaking in Spanish]

>> Mayor Adler: We'll come back for her then. What about Carmen Vega?

>> [Speaking in Spanish]

>> Translator: Good morning, my name is Carmen

[10:23:50 AM]

Vega.

>> [Speaking in Spanish] Thanks thanks I'm here today to ask you to please vote for proposition 1 and 87.

>> [Speaking in Spanish]

>> Translator: It's hard times for all of us.

>> [Speaking in Spanish]

>> Translator: There's a proposal for people to help, for them to help people like myself.

>> [Speaking in Spanish]

>> Translator: We're not going to get help from the federal stimulus package.

>> [Speaking in Spanish]

>> Translator: It gives me

[inaudible] To be here today.

>> [Speaking in Spanish]

>> Translator: You know that through this proposal I can receive some help.

>> [Speaking in Spanish]

>> Translator: To be able

[10:24:51 AM]

to make my payments for the internet and for my phone, especially with the internet right now that it's something that we really need.

>> [Speaking in Spanish]

>> Translator: We need to be able to have this. It's not a luxury, it's something we really need for the classes for our children.

>> [Speaking in Spanish]

>> Translator: This would help me breathe a little bit more in peace.

>> [Speaking in Spanish]

>> Translator: It's basic necessities that we need.

>> [Speaking in Spanish]

>> Translator: A roof over our heads and food.

>> [Speaking in Spanish]

>> Translator: And they are essential to maintain ability in our life.

>> [Speaking in Spanish]

>> Translator: I ask you to please vote for proposition 81 and 87.

[10:25:51 AM]

>> [Speaking in Spanish]

>> Translator: I hope that you pay attention to us and don't forget us in these hard times.

>> [Speaking in Spanish]

>> Translator: God bless you all. Thank you.

>> Mayor

>> Mayor Adler: Gracias. What about [inaudible]?

>> [Speaking in Spanish]

>> Mayor Adler: What about Jorge Saucedo?

>> [Speaking in Spanish]

>> Translator: Yes, good morning.

>> [Speaking in Spanish]

[10:27:01 AM]

>> Translator: Good morning and I'm calling for you to please approve proposition 81 and 87.

>> [Speaking in Spanish]

>> Translator: Now that this will help very much the immigrant community.

>> [Speaking in Spanish]

>> Translator: Everybody needs help, but ...

>> [Speaking in Spanish]

>> Translator: And as usual the community of immigrants is staying in the shadows.

>> [Speaking in Spanish]

>> Translator: We need help, please.

>> [Speaking in Spanish]

>> Translator: Just like everybody else, we need money to be able to pay for our light bills, our gas bill like everybody else and our telephone bill.

[10:28:01 AM]

>> [Speaking in Spanish]

>> Translator: And we're not going to receive any federal help.

>> [Speaking in Spanish]

>> Translator: To know that we have bills to pay and we don't have a job creates a lot of stress in the community.

>> [Speaking in Spanish]

>> Translator: I think we all need that help, it doesn't matter what status we have.

>> [Speaking in Spanish]

>> Translator: Because we always use our labor, but now that we need your help, they are just putting us to the side.

>> [Speaking in Spanish]

[10:29:08 AM]

>> Translator: I ask you to please vote for proposition 81 and 87 because it would benefit very much our community.

>> [Speaking in Spanish]

>> Translator: Thank you so much.

>> Mayor Adler: Gracias, thank you. I understand that Miriam

[inaudible] Is not here?

>> [Speaking in Spanish].

>> Mayor?

>> Mayor Adler: Yes.

>> I just wanted to ask if staff could follow up with emails probably for everyone who signed up on 81 with some of the information particularly on what we're offering with the utilities and for those who speak hispanic to send it to them in Spanish because we do have programs we've already set out and that we're passing today and they may not have that information. I just want to make sure we make sure that they have it.

>> Mayor Adler: Thank you.

>> Thanks, councilmember. We'll do that.

>> Mayor Adler: Okay.

[10:30:10 AM]

>> Mayor?

>> Mayor Adler: Yes.

>> If I may, to add on to councilmember alter's sentiment, I was thinking the same thing. I would also like to make certain they are aware of the access broadband and devices by way of aid in their really, really robust effort.

>> Mayor Adler: Thank you.

>> [Speaking in Spanish]

>> Mayor Adler: Okay. Thank you. Continuing on, Miriam is not here. I think the next person I see that needs translation services is novia Castillo.

>> [Speaking in Spanish]

>> Translator: Yes, I'm here, good morning.

[10:31:13 AM]

>> [Speaking in Spanish]

>> Translator: We live in district 4.

>> [Speaking in Spanish]

>> Translator: My zip code is 53.

>> [Speaking in Spanish]

>> Translator: And I'm calling to make sure you vote for proposition 81 and 87.

>> [Speaking in Spanish]

>> Translator: That helps support the people, the family that are affected at this time.

>> [Speaking in Spanish]

>> Translator: I think

[inaudible] Can make a big change for the community at this time.

>> [Speaking in Spanish]

>> Translator: Right now I'm doing well because my husband is still working.

>> [Speaking in Spanish]

[10:32:14 AM]

>> Translator: But I have a lot of friends that are going through really hard stressful times because they worked at restaurants.

>> [Speaking in Spanish]

>> Translator: It's hard to see how the children that are going through this, they don't understand what's going on.

>> [Speaking in Spanish]

>> Translator: Because they can be left without a house because because the owners of these apartment complexes, they don't have any type of consideration for them.

>> [Speaking in Spanish]

>> Translator: We know that the community and this district is helping with a lot of things with food and things like that which we do appreciate.

>> [Speaking in Spanish]

[10:33:23 AM]

>> Translator: The biggest issue right now we have is paying the rent and getting people evicted. That's one of the biggest scares right now.

>> [Speaking in Spanish]

>> Translator: If you can please vote for article 81 and 87, may god bless you.

>> You are on mute, mayor.

>> Mayor Adler: Thank you. Is Maria Lopez here?

>> [Speaking in Spanish]

>> Translator: Yes, my name is Maria Lopez.

>> [Speaking in Spanish]

>> Translator: I'm here to ask you for a favor.

>> [Speaking in Spanish]

>> Translator: Provision 81 and 87, vote for.

>> [Speaking in Spanish]

>> Translator: It would

[10:34:23 AM]

help a lot of families like my own.

>> [Speaking in Spanish]

>> Translator: In these hard times.

>> [Speaking in Spanish]

>> Translator: That we're going through.

>> [Speaking in Spanish]

>> Translator: The federal stimulus is not going to come to a lot of families like my own.

>> [Speaking in Spanish]

>> Translator: [Inaudible]

>> [Speaking in Spanish]

>> Translator: It would help a lot our conditions.

>> [Speaking in Spanish]

>> Translator: Because we have to make a lot of payments.

>> [Speaking in Spanish]

>> Translator: As a mother I have to pay for babysitting.

>> [Speaking in Spanish]

>> Translator: Since kids are not at school, it's an extra expense.

[10:35:24 AM]

>> [Speaking in Spanish]

>> Translator: We have to pay for our insurance, we have to pay for our cars, we have to pay for medical insurance.

>> [Speaking in Spanish]

>> Translator: And we have to get it together for all that.

>> [Speaking in Spanish]

>> Translator: Please vote for propositions.

>> [Speaking in Spanish]

>> Translator: And thank you and god bless.

>> Mayor Adler: Thank you. Gracias. Do we have anyone else on the phone that needs translation services?

>> [Speaking in Spanish]

[10:36:25 AM]

.

>> Thank you.

>> Mayor Adler: Go ahead.

>> [Speaking in Spanish]

>> Translator: My call today is to have you guys please vote for 81 and 87.

>> [Speaking in Spanish]

>> Translator: Because we're all living in such uncertainty because of lot of my friends have lost their employment.

>> [Speaking in Spanish]

>> Translator: And we're one of the parts of the community that are most vulnerable because our [inaudible] Alone.

>> [Speaking in Spanish]

>> Translator: And we're

[10:37:25 AM]

always waiting just for the next paycheck to be able to cover our necessities.

>> [Speaking in Spanish]

>> Translator: Just like we help the community as well, we pay our taxes, our bills, help the community with helping for police and donations, we also --

>> [Speaking in Spanish]

>> Translator: And we're trying right now to get what we can trying to help the community with food and getting together and see how we can help them.

>> [Speaking in Spanish]

[10:38:26 AM]

>> Translator: That's very important. It would help us a lot.

>> [Speaking in Spanish]

>> Translator: And we will --

[multiple voices]

-- If they approve this.

>> [Speaking in Spanish]

>> Translator: Thank you.

>> Mayor Adler: Gracias. Thank you. All right, then, I think those are all the speakers that requested Spanish translation.

>> [Speaking in Spanish]

>> Mayor Adler: Is Gregory -- is Adam Gregory here?

>> Yes, mayor.

>> Mayor Adler: Mr. Gregory, you have three minutes.

>> Good morning, mayor and councilmembers. This is Adam Gregory with Texas disposal systems. Tds is the recommended contractor for item 17 and I urge you to award the

[10:39:28 AM]

contract but only after directing staff to remove all references to its landfill criteria matrix which I will refer to as the lcm. I'm forwarding the email I was allowed to submit yesterday for your convenience. You may recall in November of 2008 the staff chose to remove the lcm and implement their own policy despite council's directive to the contrary. At the time staff informed you council will only be asked to weigh in when the first procurement is brought forward using the list of qualified landfills. Today's item 17 is that first procurement and you are being asked to weigh in. At this year's February meeting, the commission voted unanimously to recommend that you affirmatively reject the lcm while approving the contract. I was trucked to notice the rca for item 17 did not accurately reflect this recommendation. This [inaudible] Voted unanimously to recommend council reject the lcm.

[10:40:28 AM]

I hope that you will accept the recommendations. I call the policy absurd for a number of reasons. It ignores directives of council, penalized best practices and landfill operations and resulted in the waste management MCL receiving the highest score of the landfills evaluated by staff. I think you would agree that is an absurd result. Under the staff's policy, the staff would be granted the authority to alter or completely abandon this landfill eligibility process at any time in the future for any reason deemed to be the best interest of the city. That's a quote from the staff's policy. Staff's recent efforts to gain emergency approval to use the acl for city facility waste despite the council's directives concerning that facility. This is the same staff that is asking you to give them carte~blanche authority to limit the council's options before council is even requested to make a decision. Staff seems to be insisting

[10:41:28 AM]

tds except the scoring conclusion that the tds landfill is barely legal and barely acceptable type 1 landfill scoring only 68 out of 100 points, and tds simply cannot and will not agree to sign a contract that shows we consent to that staff conclusion. This is why I respectfully request that you include in any action approving item 17 the explicit direction to staff to remove all references to the lcm from the subject contract. Thank you very much. I'm happy to answer questions.

>> Mayor Adler: Thank you. Next speaker we have is Daniel Wong.

>> Is that Amanda Wu?

>> Mayor Adler: Yes. Sorry.

>> Thank you, mayor. My name is Amanda wuug, I'm

[10:42:28 AM]

a resident of district 9. I wanted to give some background on a decision in the fifth circuit that -- for the resolution today. So we filed in 2016 in Harris county with some partners challenging the pretrial system there for the way that it detains people who are charged with misdemeanors simply because they couldn't afford to pay bail. The district court in that case found that Harris county had a systematic policy in practice

[inaudible] Pretrial detention without protections that federal pretrial requires. And the fifth circuit in 2018 affirmed the ruling that Harris county violated due process and equal protection by using money as

a defactor pretrial detention order against indigent people charged with misdemeanors and why this matters, of course, is because the fifth circuit creates the constitutional

[10:43:28 AM]

law for all of Texas and this decision applies to every court in the state including in Travis county. After the decision in o'donnell, bailed decision makers cannot use -- do not take into account the ability to pay. They have to give people an opportunity to be heard and present evidence and they have to articulate reasons for bail decisions from the record. The central constitutional question is whether a person is being detained solely because they can't pay and whether there are procedural in place. After we filed the lawsuit there was significant turn over in the courts in Harris county and the judiciary when it turned over in January 2019 took action to adjust the system and the constitutional deficiencies in rule 9. The most significant piece of the standing order is that most people charged with misdemeanors will now

[10:44:29 AM]

be automatically released on personal bond with a couple of exceptions. And under this automatic release, people no longer have to go through a pretrial services interview, a risk assessment or magistration. And so this matters, of course, for Travis county because we have a new model for what a pretrial system could look like that does not unconstitutionally discriminate against poor people. So when we observed in Travis county last fall, magistrate processing had not significantly changed after o'donnell. There was no inquiry into whether detention was necessary for public safety or protect from prosecution, people weren't given an opportunity to be heard and there are no findings on record. Recently the Travis county judges issued standing orders --

[buzzer sounding] But there's a significant

[10:45:30 AM]

issue with the process that is still being -- excuse me. I'm going to finish quickly.

>> Mayor Adler: Finish the thought.

>> Is not happening in Travis and that's what this resolution centers a lot of the process pieces around.

>> Mayor Adler: Thank you. Thank you. Next speaker is Mary mergler.

>> Good morning, I'm Mary mergler with Texas apple seed and resident of district 10. I'm speaking on item 30. Thank you to mayor pro tem garzaen an other judicial committee members for bringing this

critical resolution. We've been working in coalition with other organizations over the last year to identify ways in which the Travis county pretrial justice system needs improvement. And our research and data analysis has made it clear the pretrial justice system

[10:46:32 AM]

and money bail in Travis county is perpetuating income inequality and racial despair. While the county is taking steps to reduce personal bond and reduce the jail population, the county's actions in no way negate the need for this resolution. The county has not eliminated money bail and while it's true that while space may not be -- still more than 10,000 people who were arrested in 2018 were not released on personal bond. So the county also has not sufficiently addressed the necessary procedures eye Amanda talked about related to magistration process and even with the changes they've made, this continues to extract money from low-income communities in the form of unrefundable bail bond fees.

[10:47:33 AM]

Our conservative estimate of the amount of fees people pay the bail bond companies in 2018 is about \$3.9 million. So that number could be much higher. We've also encountered frustrating gaps in the county's data that have prevented a -- the impact the system is causing and this is extremely important in that it will increase transparency and provide answers to crucial questions by requiring data collection, by requiring a study into the she if impact the system is having, by establishing public access to magistrations, by requiring written findings by magistrates. And ultimately this increased data and transparency will allow for a better understanding of the ongoing barriers suggested in equities so we can more effect dismantle those barriers. We urge you to support this resolution. Thank you.

>> Mayor Adler: Thank you.

[10:48:33 AM]

Is Kathy Mitchell here?

>> Yes, sir. Can you hear me?

>> Mayor Adler: Yes, and you have three minutes.

>> Thank you. Hi, everybody. I'm here on behalf of the Austin justice coalition and just liberty. I want to spend my three minutes on the first two sentences at the top of page 2 of the memo you received last week -- or last night from the county. I know that's narrow focus, but I think it will say a lot. Essentially the sentences appear to credit all these programs listed, and they all are certainly ongoing efforts, with

the release of nearly 600 people. When in fact the positive outcomes reported to you last night are largely due to pandemic response. For another project I last fall did a detailed look at the monthly jail population reports using August as my year to year comparison.

[10:49:35 AM]

The jail population on April 8, 2019 was -- yeah, 2019, was 2123. This is almost exactly the same as the August of last year number of 2126, and down about 400 people or about 15% from the persistent long-time population level of about 2500 as consistently reported in reports going back to 2005. Without perfect data I credit this initial reduction to reductions in time due to the state jail court that was noted in the letter. And mostly to the significant reduction in arrests under freedom cities and homeless [inaudible]. Much of what happens in the jail is about behavior of Austin police and this city council has done a lot in this area. On March 1st of 2020, Travis reported a jail population slightly here at 2218. On April 8, the jail reported a population of

[10:50:38 AM]

1626. This 592-person reduction is in addition to everything that had been achieved by all the measures listed in the county's letter of yesterday. Why? Because suddenly the need to get people out of jail is as important as the standard considerations that have dominated risk assessment to date. I've had many conversations with people at the county and the city to the effect that we're seeing change, but the change has been slow, baby steps even. There's a hunger in Austin to really address mass incarceration and make Austin the Progressive leader we claim to be. In order to achieve the visionary we need to rethink many aspects of our system. Can we do more to address the number of arrests? Yes. Can we further reduce our use of warrants to collect municipal court debt as well as our criminal justice debt? Yes. Can we do more to quickly release people from our jail pretrial? Yes. That's the action we're

[10:51:39 AM]

focused on today. I sent you all an email yesterday and I won't go through all of that --

[buzzer sounding]

-- But I want -- okay. In closing, the interesting thing is that we have learned that we can safely reduce the jail population by about 600 and more to come. We want to make this the new normal and this resolution gives us a process to do that in conjunction with the county.

>> Garza: Thank you. The mayor has stepped off the -- not the dais, his desk. The next speaker is Emily Garrett speaking on item 30.

>> Thank you, councilmembers. My name is Emily Garrett, I am a senior staff attorney at Texas fair defense project and very much in support of item 30 and

[10:52:40 AM]

grateful to mayor pro tem Garza for bringing it. It is so important right now more than it ever has been to minimize pretrial detention given all the safety and harms that come with it, especially now with the risk of covid-19 in the county jail. Pretrial detention is public safety, detaining people before trying increases recidivism rate and forces innocent to plead guilty because being held in jail they can't afford. Makes people more willing to plead to crimes even if they are innocent so that they can get out of jail. And it results in unsafe crowded conditions and costs millions of dollars a year. It's also unconstitutional, as I believe Mary pointed out to you, keeping people in jail solely because they cannot afford to pay money bail. Travis county has taken really important steps to minimize the number of people in jail pretrial to

[10:53:41 AM]

don't pose a risk to sub safety. They have recently issued standing orders in low level non-violent and misdemeanor and low level non-violent felony cases. These standing orders are very good start, but there are many, many exceptions that are not in their county standing order. Legally the Harris county standing order parts of it should act as a model for many counties including Travis countyment one example is that in Travis county if you happen to be a probation or out on pretrial release for anything no matter how small that offense, then you don't qualify under the Travis county standing orders, and people who do qualify still have to wait to be magistrated even if they will be released on a proforma basis, which is not true in Harris county. The orders also don't require written reasons why somebody is going to be kept in jail pursuant to a money bond and the hearings are not open to the public

[10:54:42 AM]

despite the public having a first amement right to these hearings and the defendants having a right to be in the hearings. This resolution I think fills a lot of those gaps in and makes a very important stride forward in bail reform in city of Austin and Travis county. It requires written reasons why the person is going to be detained on a secured bond which is the thing that the fifth circuit requires that if somebody is going to be held in jail, then the magistrate should have to state a reason why jail is the least restrictive way to reasonably assure public safety and appearance in trial. And this resolution requires that and requires written findings on the record, which is very important. And also requires open magistration and give guidance on the definition of [inaudible]. This closes a lot of important gaps and I think is a great step. Thank you.

>> Garza: The next speaker

[10:55:47 AM]

is rojonna -- sorry if I mispronounced that. Is ronjonna on the line? Okay, the speaker after that is Linda Bailey, speaking on item 40. Linda Bailey? You all can hear me, right? Okay. Next speaker is Joyce stats speaking on item 40.

>> Yes, good morning. Can you hear me?

>> Garza: Yes.

>> Thank you, mayor and councilmembers for allowing us to speak to item 40 on adoption of the international wuii code. I'm [inaudible] For our neighborhood and I chair the

[10:56:49 AM]

Austin firewise alliance, a koa lyings of firewise leaders from Austin and surrounding communities. I strongly favor adoption of this code. Austin is at great risk from fires, most at risk in the country. Cities at greater risk are in California. This code addresses the -- we know from the camp fire that in the town of paradise 51% of the homes built to a strong 2008 code survived that fire while only 18% of those that were build before 2008 survived. It's not just the structure loss we're earned with, it's the human toll. I strongly endorse councilmember alter's motion sheet regarding vegetation management and fuels mitigation. Those who already live near the wui, we have two exception shelter in place or evacuate. Sheltering in place is chancey since many homes are not wildfire resistant and

[10:57:52 AM]

the city can't require -- many of us will need to evacuate facing the same issues that killed paradise residents who evacuated. Speaking of the huge amount of wildfire fuel along our roadways and the neglect of roadside maintenance that must be addressed throughout Austin and Travis county. In northwest Austin, trample, the roadsides of loop 360 are a model of good management. Txdot keeps medians and right-of-way clear. And if there was a fire in the trees and brush nearby, traffic could still flow safely down that road. Now look at city park road. Underbrush and grasses grow right up to the roadway. There is no way residents along city park road could ever evacuate. Spicewood springs home is just like that. The medians are choked with dense vines and brush. Roadside vegetation brushes up against wide vehicles that use the roadway. We would die using that road for evacuation.

[10:58:52 AM]

I want to stress a point made in the 2019 wildfire preparedness audit report. Adoption of this code was one of the audit recommendations. However, as they pointed out, without also adopting the Idc in which some of the international code elements were lodged, some things will be missing if the Idc is not approved. Thank you for your time.

>> Garza: Thank you. The next speaker is andrena speaking on item 77.

>> Linda Bailey on item 40.

>> Garza: What was the name? Linda -- I'm sorry, go ahead, Ms. Bailey.

>> Okay. As you've heard the 2019 report calculated approximately 54,000 Austin residences are in either high or extreme risk of

[10:59:54 AM]

wildfire. If a wildfire destroyed those homes, core logic noted the reconstruction costs could total over 16 billion. The wui code only asks to rebuild in the wui areas not those in 2 the ring of fire around Austin. The wui is a place where development will expand. My neighborhood is in the wui. When we moved my neighborhood is until the wooy. When we moved into our home 20 years ago, there was no mention of extreme fire risk. There was no mention we had a real escape route. Now my family and neighbors take continuous action to stop the risk that did not require trees to be cut down but many of us lived in fear that the existing risk will be exacerbated by

[11:00:55 AM]

increased density. We need enforcement of ignition resistant construction which is defined in the wui code. The wui code today brings what many of us in the wildfire alliance think is only a first step to increasing our protection of the we're asking for your support of the wui code and funding as presented today and the additional step of vegetation management and fuels mitigation rules to protect the safety of thousands of austinites. Thank you.

>> Garza: Thank you. The next speak was Adriana Quiroga on item 77.

>> Had you. Thaw. This is actually for item 81 and 87.

>> Garza: Okay.

>> Council members, I work at

[indiscernible]. I was a community organizer, and

[11:01:55 AM]

we work with immigrant families and children all over Texas, but I work here in Austin with families, a large number who are undocumented living in Austin. We've seen obviously the effects of covid has been dental detrimental, especially to these communities, and we've seen federal responses geared toward U.S. Citizens. There aren't a lot of protection measures for folks who are undocumented in the immigrant community. We've seen that a lot of folks that we work with are not eligible for employment benefits, nor will they receive checks from the federal stimulus bill. And I just kind of want to echo some of the sentiments that were expressed at the beginning of the phone call with community members. There is a lot of fear, of just basic, you know, paying bills, getting your basic necessities met. That's something that we've seen

[11:02:55 AM]

as well in the community, having virtual conversations with the families that we work with, that there's - many Americans, a lot of undocumented families we work with have lost their jobs, and their kids are home from school, so they're faced with the tremendous burden of having to figure out how to navigate these really hard times. Some of the things I've heard are these people having to face the scarcity of getting groceries, food, toiletries, cleaning supplies, disinfecting materials for their home to ensure they are safe and healthy. Just basic necessities, I understand through the school districts a lot of families are able to access internet, but once the school year is up, that may not be the case any longer. So access to internet is huge, especially in this time of

[11:03:56 AM]

staying updated with everything that's going on. And lastly, I would just say that this is -- this kind of relief fund geared toward undocumented families that we work with would be a huge relief, especially when it comes to paying bills like rent. I understand there's a grace period, but at the same time people are still having to face the fear of once these 60 days are up, once the pandemic is over, I'm going to have a lot of money that I owe to a lot of different companies and to

[indiscernible] As well. There's just a lot of accumulation of fear and economic burden that are piling onto the families that I work with, and pass resolutions like 81 and 87 would give back to the families and allow them to survive. Thank you.

>> Garza: Thank you. The next speaker is I yvonnea

[11:05:01 AM]

Mary on item 81.

>> Good morning, councilmembers and mayor Adler. I'm with the family Independence initiative, are not of district 4 and member of the economic commission. I'm here in support of item 81 and 87, specifically supporting the direct cash assistance portion of it. Direct cash assistance is defined as [indiscernible] into people's bank accounts. Direct cash assistance, making payments on behalf of or [indiscernible]. It refers to the right of giving people money. For reference, here are stories gathered this week. Maria lost her job in the last two weeks. She used to work as a housekeeper and in construction. He recently was let go as his type of job is no longer considered essential. They have three kids, one of them with special needs. The savings that they have are already gone, given a they had to

[11:06:02 AM]

get medicine for their kids, pay bills, car insurance, and wi-fi. They are desperately looking for some income to fulfill their basic needs, and having to be out, finding income without potentially getting infected with coronavirus because of the lack of financial stability. On the flip side, I'll tell you stories of people who received direct cash assistance or cash transfers. I hope this helps you choose. I was able to purchase groceries and pay for transportation for my unemployment. You will never understand how much this money was needed. Most important, I was able to pay to get my medication. The money given paid for my wi-fi so my kids and I could use our tablet and smartphones. It also helped get some food.

[11:07:02 AM]

Three, this cash transfer helped me a lot. I was able to pay the balance of my March rent and buy some household products. Four, I'm alone, I don't have any income, and I have the responsibility of feeding four puppies who also provide me with so much emotional support. People are trying to provide and you have the power to allocate resources that we need. Please stop guessing what people need and give them the opportunity and money for them to decide. Thank you.

>> Garza: Thank you. The next speaker is Marianne

[indiscernible] On item 81. Is Miriam -- the next speaker is Alicia torres on item 81.

>> Hello, my name is Alicia torres. I am a resident of district 3,

[11:08:03 AM]

speaking or calling out to ask all of city council to please vote in favor of item 81 and 87. As well, I will not repeat what a lot of other folks have called in and supported this item, but I do want to state the urgency for city council to understand the importance of direct cash transfers and actually what that means. I know some folks earlier mentioned, you know, what -- aside from shelter and food and utilities, there are definitely needs and some who will not benefit from the federal stimulus package, and a lot of my siblings that have kids definitely are having a hard time of getting the money for, such as paying the internet, which, yes, I understand that there is, you know, some help for. I want to reiterate that that's

[11:09:03 AM]

only for two months, and that is if you live in hard-to reach areas. The second, with long distance learning, if you have only one computer or only one tablet, you have multiple kids, go to high school, middle school, and elementary, for example, these are different, you choose which kid gets to get educated properly every other day because they don't have the necessary tools. So something like cash transfers, meaning money directly being deposited into an account, or if that person does not have a bank account, in another form, be it a card, you know, given the ability to appoint for that person to buy the necessarily tools for their child to continue their education, or for someone like me to continue to make a car payment that comes up to \$500, for

[11:10:04 AM]

example, for the car payment and the insurance, not only does it bring me at ease as far as my health, by making sure that my stress levels stay low, but at a deeper level, as someone who has lived in Austin for the last -- I don't know, 20-plus years, I grew up in Austin, it's a very strong way of also letting me know that I am actually a part of this community, that unlike the rest of the nation, you know, that Austin is going to be different and it's going to take the right approach -- right? -- Not just the popular approach, but the right approach in letting undocumented community and other folks who are not going to benefit from the stimulus, that we're not going to be left behind, that we too are going to be considered in the covid-19 recovery effort.

[Buzzer sounding] And now is the time to make that.

[11:11:07 AM]

>> Garza: Thank you. The next speaker is

[indiscernible] Munoz on item 81.

>> Hi. My name is Claudia Munoz. I am speaking in regard to items 81 and 87. I am the acting executive director at grass roots leadership. My family and I are from Monterrey Mexico, moved to Austin about 20 years ago, and my family members, most of whom live in district 7 and 4, work in different fields that make the city run. Unfortunately, by now half of them have lost their jobs, as have many of my neighbors in district 3. That means that we've been scrambling for money for food, utilities, and other things.

[Indiscernible] The first two weeks of shelter in place, calling over 100 of our community

[11:12:10 AM]

members where we identified as being extremely vulnerable, who were part of the first wave of people who lost their incomes, including people who are part of the cash economy, formerly incarcerated people who we know are kept out of many jobs, and many others. We scramble to get at least 40 of them some cash, it wasn't much, but enough for the most basic needs. There's an immediate and enormous need for us, it's really alarming because we know this will only increase as time is passing. And right now, many community members here in Austin are asking us for help. We thank you for the help that already exists. We are doing our best to direct people to those existing resources, but given the unprecedented nature of this pandemic that we are facing, we need bolder solutions. I am particularly in support of

[11:13:13 AM]

direct cash assistance, the family Independence initiative. As we heard from many speakers previously, some populations have a need and cash assistance is the most effective way we have seen to support these community members. I'm really excited and hopeful to see that you in Austin are leading the way to protect your most vulnerable residents, which again includes my family and my neighbors, so I ask that you please vote to pass items 81 and 87. Thank you.

>> Garza: Thank you. Next speaker is David Johnson? David Johnson? The next speaker after Mr. Johnson is Jason tapper on item 81.

[11:14:14 AM]

Okay. Rachel manning?

>> Hi.

>> Garza: Hi. You can speak. You have three minutes on item 81.

>> Thank you. Good morning, mayor and councilmembers. Thanks for talking to me today. I am speaking in support of item 81 and 87 on behalf of residents who are a part of undoing white supremacy Austin, and people from each of the districts in the city who are committed to ending white supremacy in our city. We are here or I am here to ask you to make the following commitment, make rightful equity and explicit goal of this initiative in locations around the country that are measuring racial outcomes of this crisis, the virus has the most critical impact on communities of color. Second, prioritize past transfers over other in-kind forms of

[11:15:15 AM]

assistance. Cash helps people buy exactly what they need. And you've heard a lot about what those various types of things could be today from other folks testifying. And third, the family Independence initiative is an organization -- it has the infrastructure to handle this, 100% of the fund can go directly to the most vulnerable families in the area, no overhead or operational costs, which really will make sure -- [audio difficulties] -- Receive notes with attached funds from the federal government. There is no safety net for undocumented families. People who live in a cash economy and contractors, informal or formal small businesses that may not have insurance. These lines aren't fully drawn on the lines of race. People of color are much more likely to be included from the federal stimulus package. This public health crisis is

[11:16:17 AM]

[indiscernible] Our city's racial inequities. We want to give funds to the residents of our city who are likely to struggle during this crisis. One of the ways in which white supremacy functions is through paternalism, when those of power think they are capable of making decisions for and in the interest of those without power. Turning to nonprofits will do payments or offer services, white supremacy in action. One of the ways is to trust people to make their own decisions. I don't need to say any more. You've heard from several directly impacted people who have told you about how items 81 and 87 and particularly cash transfers could help their families during this crisis. It's about safety, it's about justice and it's also about fairness. It's also a measurement of our humanity. If we can reclaim humanity throughout this cases we can build a better world when this is all over. Thank you.

>> Garza: Thank you. The next speaker is Rachel

[11:17:20 AM]

Shannon. Okay. The next speaker is con Consuela pradis on item 81.

>> Yes. I'm here. Can you hear me?

>> Garza: Yes. You have three minutes.

>> Okay. Thank you. Good morning, mayor and council. Thank you for your leadership in these crying times and for prioritizing equity and the people most directly impacted by the current crisis. My name is Consuela pradas, I live in district 2 in southeast Austin, 78744. I support item 81 where funding can be diverted to the family Independence initiative. I also support item 83. I would also like to speak about the land development code, the most directly impacted low income renters have not been represented in the market rate initiatives. The city needs to protect and ensure low income renters are not

[11:18:22 AM]

displaced. In addition, and due to covid-19, the city should consider an intervention to the housing authority section 8 program which normally and currently has an opening to their application process every three to four years for housing and is currently closed. In addition, the city's public housing program is on their usual backlog waiting list. The city could open the section 8 application process now, and the public housing waiting list to over immediate relief for low income and displaced residents of Austin. I would also like to address the inequities due to covid-19 that seniors are currently facing. Due to the fact that currently there are no openings for new clients, but the meals and wheels program at this time, and there are currently no city systems in place to feed these impacted seniors on a regular basis during this crisis. In addition, the elderly and

[11:19:24 AM]

disabled residents currently living in public housing facilities that heavily -- that rely heavily on donations of day old bread and other food items which are normally brought into these facilities are no longer being delivered due to covid-19 and has created a food shortage to those residents who are unable to shop for their food. In closing, I would like to say this crisis is an opportunity to elevate the changes we need most and can do without hesitation. Thank you for your immediate attention to these matters and thank you for offering solutions to these desperate needs.

>> Garza: Thank you. The next speaker is Miguel riones on item 81. The next speaker is patches bashear on item 81.

>> Hello. Can you hear me?

[11:20:26 AM]

Should I -- it on speaker?

>> Garza: We can hear you.

>> I live in district 2. I'm here to show my support for item 81 and 83. The last thing people need at this moment is to lose utilities during a global outbreak. Please take this burden off struggling families by approving item 83. I also urge approval of item 81 using the family Independence initiative. There's plenty of evidence that giving cash directly to those in needs is far more beneficial and efficient than specific food and resource help as people know the needs of themselves and their family best. Cash transfers through family Independence initiative will encourage Austin's poorest to play a larger role in sustaining our local economy. Cash will have a multiplier effect that ripples throughout the economy. Please allow people access to cash for goods and services within the community. Let's empower people to choose what what can best be served with the fund. Our current situations only

[11:21:27 AM]

highlights the inequalities we've discussed throughout this year's land development code meetings, without our personalized input, marginalized people will not feel in control of their lives. If you give cash payments, it will directly benefit people's unique needs, whatever they may be. Thank you.

>> Garza: Thank you. The next speaker is Cynthia Vasquez on item 81. The next speaker is Patsy buesa on item 81. It's my understanding that Ron

[indiscernible] Was disconnected. Is she back on the line? Ronjana? Okay. Rebecca Vasquez on item 81?

[11:22:35 AM]

>> Was it Vasquez or Sanchez?

>> Garza: I'm sorry, I have Rebecca Vasquez, but if it's Sanchez and you're speaking on item 81, go ahead.

>> Okay. Great. Good morning, everyone. I want to speak in support -- I just want to throw my support, I won't be talking about item number 30, but I will be talking about item number 81 and 87, specifically in support of direct cash assistance. My name is Rebecca Sanchez. I work and am in relationship with a lot of really great folks at [indiscernible] Leadership and communities of color united. And personally, our family is one of thousands who are scrambling to figure out how to make sure everyone remains above water for this uncertain amount of time. We had a conference call together naming all the immediate needs and bills to be paid, organizing a family is very different, and

[11:23:37 AM]

with a collective energy, we made it -- we made sure that everyone, all 30 folks that I include in my immediate family, my brothers, my sisters, their children, can make it through at least the end of April. And that's it. What we've done on a small scale, I've seen folks in the community replicate over and over again, it's been beautiful to see everyone coming together doing our best to satisfy the unique needs of many, and I'm not talking about just internet and electricity, I'm talking about continuing to pay immigration attorneys, translating court documents, car payments, insurance, this is expensive, diabetes medication. Items 81 and 87 are necessary, and they're necessary to alleviate burdens on the folks most at need right now. So I ask that you trust in the people as you expect folks to

[11:24:38 AM]

trust new and provide direct cash assistance to Austin residents and vote yes on items 81 and 87. Thank you.

>> Garza: Thank you. We have about six more speakers, just for my colleagues. The next speaker is Rick [indiscernible], item 86.

>> Good morning, thank you mayor and councilmembers. My name is Rick carnie, chair of the city of Austin music commission and represent district 2. I want to thank the staff for facilitating our emergency meeting yesterday. We realize we're all in unprecedented emergency situation and this is especially true for the musicians, venues, small businesses that make up the Austin music community. I want to update council on our meeting and express our support of item 86 with the following addendums. One, that additional funds are searched for before using the

[11:25:39 AM]

live music fund. If the live music fund is used, music condition support is contingent on replenishing the live music fund. Two, the music commission remains a advisory group be formed to guide the distribution of the fast relief funds. Three, the music commission supports the music commission serve as chair of the advisory group. Four, the music commission recommends a third party be used to distribute the fund. And five, the music commission recommends future stakeholder input be collected. Just to give you some more insight into rationale on this is the Austin music commission recognizes the urgency in bringing about funding for emergency funds for musicians in the music industry and that the reason it recommends the available funds from current sources be brought forward. This includes hot funds previously designated for music. The Austin music commission notes this is a one-time use of these funds and a live music working

[11:26:40 AM]

committee will continue working in recommendations for future use of hot funds. The Austin music commission also notes that staff capacity may be at limits and we recommend an outside third party may be needed to establish eligibility criteria for use of these funds. Additionally, that outside parties be designated to participate in the funding decision-making process that have subject matter expertise in the the -- music industry. We had eight present at the meeting and this was our unanimous vote. We wanted to update you all and thank you all for your consideration and hard work in these trying times. Thank you.

>> Garza: Councilmember tovo, did you want to --

>> Tovo: Yeah, thank you, Mr. Carnie, I appreciate all the ongoing hard work the music commission has done. My staff has been in touch with many of you and we have worked to

[11:27:40 AM]

provide some direction. I'm not sure -- we tried to fit some of it into the resolution, and we're told it works better as direction, but it will accommodate, I think, some of the main points that the music commission made in its meeting last night. So thank you for -- really, for the idea. I think it was the music commission who first suggested this idea of emergency assistance, and I think it's a very good one. I think that there's a very appropriate source of funding for it because it does exist and it could be made immediately available, and so I appreciate the additional guidance from so many of the stakeholders that my staff and I have spoken to throughout the week, and especially -- especially the work of the music commission to help us be most successful and most efficient.

>> Thank you.

>> Garza: Okay. Thank you. The next speaker is don Ballou

[11:28:43 AM]

bassus --

>> Thank you. Mayor, good afternoon. My name is John, I'm president and CEO of Texas taxi. We operate the yellow cab. We're in support of item number 75 which is our franchise renewal. I want to commend your staff for their ability to help us and guide us through the process. It made it very simple and easy. Over the last few weeks, obviously there's a lot of stress in the city. Yellow cab has remained open and operational with a process in place to sanitize the taxicabs and provide continued service for the community, including the aba community which we operate, 20 Ada vans. We continue to operate and work with various elements within the city to provide -- we're in discussions with transporting some homeless people to some shelters, as well as some other programs we have standing up in San Antonio and Houston where we

[11:29:43 AM]

take low-risk inmates that have been released from jails to permanent housing. So we're willing and eager to continue to work with the city. Mayor, one side note, and the staff, we had spoken about this, you know, the tax cab community has suffered tremendously over the last three years with tncs and other transportation options. There are three solid co-ops and taxi companies out there. I understand that there's some smu applications for two additional franchises to be considered. Mayor, I'd ask that you take a consideration and pause this, possibly have a further detailed study to see if they really need more taxicabs out there. I know that a lot of the companies sit at the airport at taxicab stands for an extended period of time. They're overloaded. Drivers get frustrated and they can't make a livable wage. So if possibly you could have your staff evaluate moving

[11:30:43 AM]

forward on these two additional new franchises, it would keep the taxicab businesses in some level of competition with one another, with men and women that have invested a lot in the community. I thank you very much.

>> Garza: Thank you. The next speaker is Shane Johnson, speaking on item 81 and 83.

>> Hi. Can you hear me?

>> Garza: Yes.

>> Okay. Great. Thank you. Hi, everyone. This is Shane Johnson at

[indiscernible]. I live in district 3. First of all, I'll be speaking for my job, I'm a clean energy organizer with the Texas

[indiscernible], and my boss and I have developed some remarks about item 83, use of

[indiscernible] Measures.

[11:31:44 AM]

These are really needed given that some austinites and children working from home are stuck at home without a job anymore and do not have control of their energy use providing this release is really important and it's good as a short-term measure to ever eliminated the higher rates. Our understanding, at the end of the fiscal year, September 30th onward, the council would return to the current rate structure, which is important to encourage energy efficiency. While my understanding is that all austinites who were disconnected in late February and early March before the policy stopping utility disconnections was enacted, we think it might strengthen the ordinance if you specifically mention as

well reconnecting previously disconnected customers. And we hope that city council, once we're sort of beyond this

[11:32:45 AM]

immediate crisis response period, we hope that city council can take a closer look at expanding energy efficiency measures, the coming months may be the most important time to look at this, given a -- that so many people are stuck at home and folks don't have that kind of money anymore, especially the many people who have lost their jobs. In addition, you know, I want to commend Austin energy for reaching out to -- and having reconnected over 200 households so far, but it's also not publicly clear how they're reaching out so I want to make sure that you all and Austin energy are aware there are so many different community organizations that would be happy to spread the word to their members or constituencies. And I think this is particularly important for folks who don't speak English or Spanish. I mean, it's really important, the city is providing a lot of services in Spanish, but there are those folks who don't speak

[11:33:46 AM]

either of those languages and we need to make sure that they're being reached, while I want to echo what mayor Adler said in the community forum, while we're not duplicating efforts during this crisis time. Lastly I'll now be speaking as an individual, so just personally I want -- I hope that you all pass items 81 and 87, we really need to do this to protect Austin's most vulnerable, and specifically need you to list the family Independence initiative as the recipient organization for direct cash assistance. As so many other folks previously said, the cash assistance is so important for relief right now. Thank you.

>> Garza: Thank you. The next speaker is Joe Catherine Quinn speaking on items 81 and 87.

>> Hi. Mayor pro tem and council, thank you for the opportunity to speak today on these items.

[11:34:48 AM]

You know, our current -- unfortunately, our current economy really excludes so many, which is why this -- these items are so needed, and I appreciate your public service during this unprecedented in our lifetime crisis. Thank you for keeping the wheels of city government going forward. These items are, in particular, crucial to our client population, which really is represented in every single district across the city, because our mission is to prevent and end homelessness. And we know that homelessness exists everywhere, across the city. And this assistance that's being offered in this item is particularly critical to the homeless population and to those who are at risk of losing their

[11:35:50 AM]

housing, and there are so many more people right now who are at risk of losing their housing than there was before the crisis started. This is not only important assistance, it's very time-sensitive that we get it going and get it in place. So I applaud the way that this item is structured with the notion that we want to get it out and do it in a manner that gets it in the hands of people asap. And I support both the direct client assistance in terms of direct cash distribution, as well as other means of supporting people. We have just learned -- and this is preliminary data at this point, but we have just heard from our sister city, Boston,

[11:36:50 AM]

that they are seeing infection rates among the homeless population at seven times the general population. So we're really, really concerned that if we're not able to continue our work and to ramp up our work to house people experiencing homelessness, we are going to see some devastating impacts among the homeless population. So thank you again, and I am fully in favor of item 81 and ask for a unanimous vote. Thank you.

>> Garza: Thank you. The next speaker is Francisca Acuna on items 81 and 83.

>> Hello, mayor and councilmembers. Thank you for accommodating this meeting within this crisis. My name is Francis Acuna and I'm

[11:37:53 AM]

a district 2 resident. I'm in support of items 81 and 83, and also 87. And item 81 and 87, I ask that funds are allocated to family Independence initiative as direct cash assistance on behalf of low income residents that are greatly impacted by covid-19, and do not qualify for any other government resources or assistance. I would also like to address my concerns about the land development code and ask that all of you look outside the box and think of the -- and ask you to see the residents as your family members, as your children, your parents, brothers or sisters, and that you would -- and what you would do to protect them from injustice, inequities, and mistreatments. The land development code needs

[11:38:53 AM]

to address permanency to avoid displacement and protect existing affordable homes, particularly ensure that low income renters are able to find and/or stay in their homes without a fear of being displaced because of inaffordability. This code needs to ensure that infrastructure is approved before any development is approved to prevent flooding, displacement, pain and suffering for residents. It also needs to protect and replace trees to build a healthier community. And my recommendation to accurately build an equitable just and transparent code needs to be inclusive where the people experience. We need to engage them in any process that affects them. So please consider cash funding directed to family independent --

[11:39:53 AM]

Independence initiative, community input in the land development code, and consider adequate infrastructure to mitigate flooding, and affordable housing for the low income, most vulnerable, long-time residents. Thank you for your service and your advocacy for your communities.

>> Garza: The last speaker I have is Mikea Reynoso speaking on items 81 and 86.

>> Good morning mayor, mayor pro tem, and councilmembers. I'm president and founder of Austin, Texas, musicians. I'm also a proud resident of Windsor Park in district 1. Thank you for the commitment to our city during this crisis. Our entire music community is watching closely at how this process is being handled. At a time with confusion and fear we're depending on city leaders to provide assurance. We believe in the process set

[11:40:54 AM]

forth by councilmember Flannigan at the last council meeting are a good start to helping all Austinites with regard to communities like ours, and

[indiscernible] In that process. Unfortunately the same cannot be said for councilmember Tovo's item 86 today. We were only informed about this item after it was added as an addendum. No community groups representing Austin's music community were consulted until after it had been posted. While we appreciate the urgency and interest in helping, the resolution as it's currently written does not offer a clear path to actually helping Austin's musicians, it's venues, or many workers who represent the folks helping us make music behind the scenes. The commission resolution that's been referenced as the idea was not fully vetted by a proper music commission process and received next to no input from community stakeholders. Particularly concerning what appears to be a legal hurdle, the resolution is currently written pour this money to be disbursed based on qualifying musical performances. That is not [indiscernible] But

[11:41:55 AM]

instead deploying musicians and should remain attar patently of the process set forth by the live music fund working group. We emailed the council a joint letter this morning with our organization [indiscernible] Housing opportunities for musicians and entertainers, and the Clifford [indiscernible] Foundation expressing this same message. We ask that you continue to put a pause on this, continue to work with stakeholders in the music community with produces set forth in original item 91 from two weeks ago, which each of you worked so hard to engage in the music community on and ascertain immediate needs to utilize the staff to help guide the community towards federal stimulus money and charities such as the & with acf, as well as other sba programs. The true cost of a return to our music economy, to resemble anything such as normal, is going to need much higher than any solutions that are currently proposed. We must work together to find new

[11:42:56 AM]

and innovative ways to help Austin music come back stronger than ever and truly lead the way for the rest of the music industry. We would also like to express our thanks to mayor pro tem Garza as we are very happy with item 81 and what it does to allow for nonprofit musicians to access

[indiscernible] Quickly. Thank you for that work. We encourage you to continue to engage us and fellow members of the music community as we move through this crisis. We're all in this together and when the lights do come back on we will need Austin music more than ever. Your commitment to helping us is so appreciated. Thank you.

>> Garza: Thank you. Councilmember tovo?

>> Tovo: Thank you, I appreciate your feedback. I wanted to just address with you a few of the items. I know that you've had multiple conversations with my staff this week, and I've had conversations with you as well. So I just want to make that, number one, make that clear, that

[11:43:57 AM]

my staff has worked extensively in the last week with you and with others to ensure any concerns -- to give support to your organization, as you know from our conversation, we did reach out to you and haven't heard back. This was an attempt to respond and bring forward a recommendation for new music commission which made what I think is a very good suggestion. I'm looking back -- we have two measures, and I apologize, you and I had this conversation yesterday as well, but we have two measures on today's council meeting that really take number 91, which, as you said, is a very strong resolution, it sets us up for all kinds of actions. It doesn't necessarily include enough specific descriptions to actually implement. And one is the item that mayor pro tem Garza brought forward for

[11:44:59 AM]

direct assistance, that's certainly covered? 91 from last meeting, but is much more specific, and the same I think can be said of this one. In looking at the language in 91, it talks about uses -- you know, reassessing other uses of hotel occupancy tax spending that are not currently assigned to active projects, and that is, in my opinion, where this -- this resolution fits in. And so, you know, I just wanted to make that clear, that I see this working in concert, not in opposition to the earlier past motion, but it is certainly the case that we have \$1.5 million in that live music fund that could be utilized. At the end of the day, I'm afraid we're not going to have enough city resources, federal resources, and state resources, potentially, to assist all of the people -- to assist all of the people that we need to. I'm eager to see this funding be used to meet this immediate need. Again, I appreciate -- I know you had some concerns that you raised, and they were in some ways

[11:46:00 AM]

parallel to what the music commission raised last night, and I just want to make it clear that I'm not sure if you had heard the earlier conversation, we intend to provide direction today indicating that it would be our expectation that the manager would work to replenish that fund if it passes today, to provide that immediate music -- that immediate financial assistance, and that it would be -- that there would be, as you've suggested, and others have, used in the most -- distributed in the most efficient way possible, and that may be through outside organizations that we could work in partnership with, and then a few other points that respond. So I wanted to make -- provide that additional information, especially in case you hadn't heard that that additional direction will be coming.

>> Thank you so much, councilmember, and I appreciate your commitment to this.

[11:47:03 AM]

>> Garza: Councilmember Flannigan?

>> Flannigan: Yeah, we were starting to debate item 86 of, or if we should reserve our comments for later?

>> Garza: We're not debating 86 right now. You can reserve your comments for later. Mayor -- I guess I can ask, are there any other speakers on the line that were not able to speak? I believe those are all the speakers, mayor.

>> Mayor Adler: Mayor pro tem Garza, thank you very much for doing this colleagues, we're now going to take a vote and discuss the consent agenda, at which point we will take our lunch break and come back to handle those and other items. I'm showing the consent agenda being items 1-33, 61-81, and 85-87. I'm showing items that are pulled are -- I think we need to pull 33

[11:48:06 AM]

as well, 30, 33, 64, 79, 81, and 86, are the pulled items. Is there a motion to approve the consent agenda?

>> Kitchen: Mayor?

>> Mayor Adler: City council member harper-madison moves to improve the consent agenda. Is there a second to the consent agenda? Councilmember alter seconds it.

[Indiscernible] Councilmember kitchen.

>> Kitchen: I'm sorry, you were muffled on my end. I couldn't hear, did you say -- was 30 the first one? 30 and 33?

>> Mayor Adler: Yes, pulled items are 30, 33, 64, 79, 81, and 86.

>> Kitchen: All right. Thank you.

>> Mayor Adler: Councilmember Flannigan? People need to move --

[11:49:08 AM]

>> I need all staff to mute your telephone. If you're on the conference call for staff, please mute your telephone. Thank you.

>> Mayor Adler: Thank you. Councilmember Flannigan?

>> Flannigan: I think 83 for an amendment. It's not on the consent; right? 83 is a hearing?

>> Mayor Adler: I don't have 83 as a consent item.

>> Flannigan: All right. Thanks.

>> Mayor Adler: A consent item. Anyone want to say anything else on the consent agenda before we vote?

>> Tovo: Yes, mayor, I do.

>> Mayor Adler: Yes, councilmember tovo.

>> Tovo: I wanted to quickly comment on two items, one number 80, the measure I sponsored with councilmember Garza, pool, and alter, an earlier resolution that mayor pro tem Garza had brought forward. During the land development code discussions, we had -- I had brought forward an amendment to

[11:50:08 AM]

create -- create a loan program, as well as some other -- some other measures designed to make it more possible to build ads, to kind of break down what we were hearing with one of the main barriers to building ads. I know certainly none of us want to see construction of any sort -- well, I'll speak for myself, I certainly want to see non-essential construction not moving forward at this point, and so it seems a little bit odd to be taking this out, but this is a measure that I had committed during the ldc process to bringing forward separately since it couldn't be voted on in that process, and I just want to call my colleagues' attention to that and to thank my co-sponsors for their work, many -- much of which overlaps with this resolution. So moving forward. Then I wanted to thank ae and our water utility, at our last council meeting, I had brought forward a measure to ask our utilities to look for ways to

[11:51:09 AM]

mitigate the impact on our rate payers, that was sponsored by councilmembers pool, Casar, alter and mayor Adler. I really appreciate our utility's fast work on this and the creativity that they brought to that measure. They did their work with compassion and with efficiency, and measures that they're bringing forward I think are going to have [indiscernible] Positive impact on helping out

[indiscernible] And of course our manager.

>> Mayor Adler: Okay. Any comments before we vote? Councilmember alter?

>> Alter: Thank you. I wanted to speak briefly to two resolutions that I sponsored, items 78 and 76. Item 78 is calling on the governor and our state leaders to institute vote by mail so that everyone can exercise their civic duty and to have their rights

[11:52:13 AM]

protected during this unusual period. We have a duty to protect democracy and protect our public health, and I hope that our state leaders will join us in making this happen. I'm proud to raise my voice with the league of women's voters and many others who have called for these kind of changes at this time. Item 76, I wish I did not need to bring forward. This is a resolution that condemns violence, hate speech, racism and misinformation during the covid-19 pandemic, and expressing solidarity with Chinese and American -- Asia Americans. I want to thank the community leaders who worked with me on this resolution, including Amy mock, Alice [indiscernible], Richard [indiscernible] And countless others. I shed a lot of tears in those

[11:53:13 AM]

conversations and I think it's really important that we as a council understand and express that we have a special responsibility not to stay silent in the face of hatred and violence and discrimination against any of our constituents. I want to thank my co-sponsors, mayor Adler, councilmembers tovo, Flannigan, and Casar. I also want to tell the community that I could have asked any one of my colleagues, and every one of them would have said yes immediately. We, as a community, benefit from the contributions of our Asian and Asian American neighbors. They have called Austin home, raised their families here, small businesses, nonprofits, first responders and so much more. During this time we have a special responsibility to care for one another and always remember a shared humanity. We are in this together. And I must say that I'm disappointed and saddened that

[11:54:14 AM]

any act of hatred or xenophobeia has occurred in our city but I'm heartened by the response. We're a big community but we have to acknowledge that we have a history in our country and our city of racism and xenophobeia and it's incumbent upon us to speak out and oppose it whenever we can. Together, we can build a stronger and fairer Austin, but especially now we need to come together and not be silent. Yesterday my family and I celebrated passover and recited the story of exodus from Egypt, remembering to know the feelings of the stranger, having ourselves been strangers in the land of Egypt. To all our austinites, especially those who may be fearful during these times, I think I speak for all of my colleagues when I say, never doubt that you're valued and welcomed as important members of our community.

[11:55:14 AM]

Thank you.

>> Mayor Adler: Okay. Thank you. Any further discussion? Let's take a vote on the consent agenda. Those in favor of the consent agenda, please raise your hand. Those opposed? Unanimous, the consent agenda passes. Colleagues, it is 11:55. We will come back at 1:00. We will handle the pulled items and the other items. At 2:00 we will stop what we're doing and take public comments from the people that have signed up for the afternoon. There's about six people that have signed up to speak. Mayor pro tem Garza, when you did this, you stopped with the speakers, are [indiscernible] --

[11:56:14 AM]

you called the public hearing speakers?

>> Garza: I did --

>> Mayor Adler: Called them in the morning so what I'm going to do is I'm going to just ask, is there someone on the line that wants to speak about -- all call this again at 2:00 in case a public speaker it is to speak then.

>> There are no citizen speakers online.

>> Mayor Adler: Sounds good. That makes that easy. We will come back then at 1:00, do the pulled items, the other items, stopping at 2:00 for public speaking, finish the pulled items, and then we will do the zoning. And with that, we're in recess.

[City council is in recess]

[12:50:43 PM]

...

[12:58:29 PM]

[Music].

[1:05:10 PM]

>>> >> >>>

[Music]

[1:07:38 PM]

>> Mayor Adler: I think we're all here. Councilmember Casar, are you here?

>> Casar: I am.

>> Mayor Adler: Here at 2:07 I'm going to convene the city council meeting on April 9th. Colleagues, we're going to start real quick with two non-consent items that are going to be quick. 34 and 35 [echo].

[1:08:40 PM]

... We can't call up until 4:00 because we were -- the public hearings we can get, I don't think anybody is here on those. So those will be the last two and -- fast items. And then the others will go. So when we do public hearings after the non-consent that will be 49

[background noise]. And then we have the public hearing item.

[Echo]. Let's begin with item number 34, which is the eminent domain item. With respect to 34, it's a

[indiscernible] Item. Is there a motion to the effect that the city council of Austin authorizes the use of the power of eminent domain to buy the property as set forth in the agenda at the current meeting for the public uses therein

[1:09:41 PM]

described. Is there a motion?

>> Renteria: I move.

>> Mayor Adler: Councilmember Renteria makes the motion. Is there a second to that motion? We need a second.

>> Tovo: Mayor, I'm sorry, can you announce what number this is?

>> Mayor Adler: This is item number 34. It's the eminent domain item. Moved by councilmember Renteria, seconded by the mayor pro tem. Any discussion? Those in favor of this item please raise your hand. Did anyone -- again, I don't have a big screen that shows me everybody. Is there -- there it is. Please raise your hand voting for this. Those opposed please raise your hand. It's unanimous on the dais. This item passes. That gets us to the ahfc

[1:10:43 PM]

agenda so I'll recess the city council meeting here at 1:10 and here at 1:10 I'm going to reconvene the Austin housing finance corporation meeting.

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

And now we will reconvene the Austin city council meeting here at 1:12. Again, we're doing this remotely here on April 9th, 2020. We have three public hearings. I don't think we have anybody signed up to speak on these three public hearings. This is items 39, 40 and 83. We cannot call up item number 36 for action until after 4:00 P.M. I think because of some notices that

[1:12:44 PM]

we sent out. There's first item number 39, is there a motion to close the public hearing and to approve this item? Councilmember harper-madison makes the motion. Is there a second? Councilmember Ellis seconds the discussion? Those in favor please raise your hand? Those opposed? Unanimous on the dais. That gets us to item number 40, which is the the wildfire code. Is there a. Does staff want to make a motion on this -- make a presentation on this item before we give the councilmember a chance to go over it.

>> We will be prepared to make a short presentation.

>> Mayor Adler: Okay. We'll let you make a short

[1:13:46 PM]

presentation.

>> So under the supporting documents there's 14 slides. I think it's about the eighth thing under item 40t has a powerpoint, if anybody wants to follow along. I'm going to go through it quickly here so we can get to the business at hand. So first of all, I'd like to thank y'all for bringing this up to the council and I want to also thank the citizens that supported this on the call-in earlier today. We really appreciate all the help from all the community.

>> [Inaudible].

>> On the line also today is fire chief Joel baker, chief of staff rob buyers, assistant director ronelle Paulson. Assistant chief Brandon wade, wildfire manager justice Jones and wildfire coordinator mark baker. Okay. So I'm going to go ahead and clock on the slide 2 here,

[1:14:47 PM]

which talks about how we got toward this adoption. So may 12th, 2016 the was a resolution that was passed for Austin to look at adopting a wild land urban interface code. November of of that same year the fire chief recommended the adoption of a model code. 2016 through 2019 the Austin fire department wildfire division initiated a process that included public outreach, communication and education. 2019 we launched a comprehensive state process and gathered input, balanced competing interests and developed a code that meets the stakeholders' needs. On the slide 3, we decided after reviewing everything, looking at everything, that we wanted to bring forward the 2015 international

code council, international wild land interface code. It's a comprehensive code. It's a code that when amended will be balanced and respect our environment while providing us the

[1:15:47 PM]

needed protection to our citizens. The code with amendments when combined with the risk maps developed by AFD will apply the code where it's most needed at a level they is appropriate for the conditions in the given locations. Moving on to slide 4, it talks about the three types of ignition sources when we're talking about wildfires. Especiallier attacks, surface fires and crown fires. The primary focus of of this code is ember protection. The number one way of reducing how homes are lost is by providing ember protection on the homes. It's also the most cost effective way for us to provide the needed coverage. Slide 5 shows 52 of Austin has what we would consider elevated or high wildfire risk. This is just a quick map that shows where those areas are located throughout town. And what the levels are.

[1:16:57 PM]

This is where this code focuses primarily, structural hardening. If you look here you can see it shows the percentage of structures as they are located close or further away from wild land urban interface areas, so this gives us real numbers of structures and their locations. We'll go on on to the next slide, which is slide 7. And we'll break that down by council district. So you can see with the zone 1, which is within 150 you can see how many structures in each district. Zone 2 is the 400 feet and zone 3 is 1,000 feet. That gives us some real numbers and some real number of structures that you can see how it impacts the city, how it impacts each district. Slide 8 shows us a percentage of the total area of town and properties that

[1:18:00 PM]

are developable near wild land areas. So these are things that are able to be developed or redeveloped. Ignition construction for new structures would have an impact as we a lot of area that is developable or redevelopable. So moving on talking about ignition resistant construction as this is kind of the big push in this code. New and modeled structures in areas would be required to meet the new code. It would require ember protection throughout, ember protection includes class a roofs, vent screens, decks and fences around underfloor and closures. It would have requirements to areas closer to the wild land. Admission exterior doors, windows, also defensible space in when the most hazardous conditions exist. Basically what this does is provides us a way of protecting structures because we know that ember

[1:19:02 PM]

protection is the number one way to prevent the spread of wildfire from structure to structure. In addition to that on to slide 10,, some you are our key stakeholders are the environmental admission, the building and fire code board of appeals, the greater Austin home builders association, the real estate council of Austin, lots of city, county, state departments, agencies and programs. Lots of neighborhood organizations. Actually, almost too many to name. You can look in our backup materials and there's some more extensive lists located there. So in addition to getting feedback from the stakeholders, the Austin fire department, we move on to slide 11, we're still going to continue to do the things that we had been doing in the past. We're going to maintain our quick and initial response. We're going to continue to train. We're going to continue to have proper equipment. Looking for ways to enhance

[1:20:03 PM]

our equipment, looking for ways to increase our training. Always looking to improve our firefighting force. But along with the fire fighting force we do need the help of the code that will really help protect structures. So in addition to the code and in addition to our response there are other things that are still going on. If you go to slide 12 you can see that we still participate as part of firewise U.S.A., there are more than 1500 structures recognized nationwide.

-- Organizations recognized nationwide. There are over 100 in Texas. And of that there's 18 in Austin. So this is an education program that includes the community. It brings everybody in. It allows us to educate, allows us to help them develop safer communities with communities participating. So this is a big deal and this is something that we've really pushed over the last several years. It gives us a lot of help from the community. It also helps bring awareness to what the problem is.

[1:21:06 PM]

So moving on down as I move into slide 13, what we're looking at for the implementation of this code is that it would be effective January 1st, 2021. The ordinance would take effect, that would give us time in the next fiscal year to be able to hire the folks that we need to get things going. We'll have a dedicated team for permit and review and inspection. We're going to work on incremental hiring to balance the workload and cost so that we're not hiring all the staff upfront. We're going to look to balance that based on the workload. We estimated the start-up cost of \$1.5 million for fiscal year 2021 and we are also looking at a fee structure that will be implemented to offset as much of the expense as reasonable. We're working with budget office and some of the methods that csd has used in the past for trying to recover fees, we're looking to do something along those same lines. So then I get to slide 14 which is where we say thank you for considering this

[1:22:07 PM]

today and thank everybody for all the hard work. This has been going on for a long time. We spent a number of years and uncountable amount of resources working toward getting a wild land interface code in place. Pill open up for questions. Sorry if I went a little fast. I was trying to get through it. This phone interaction is a little awkward. I appreciate y'all listening.

>> Mayor Adler: You did fine, thank you. Colleagues, anyone want to say anything? Councilmember alter.

>> Alter: Thank you, I would like to move passage of the wui code with the direction that I posted to the message board last night.

>> Mayor Adler: Is there a second to the motion to approve this? Councilmember Flannigan seconds. Go ahead, councilmember alter.

>> Alter: Thank you. So we've had a number of occasions to talk about wildfire and we've been working towards this code

[1:23:07 PM]

for a really long time. This adoption really recognizes that Austin is one of the top at-risk cities in the nation.

[Background noise].

>> Alter: Is there someone else talking.

>> Mayor Adler: People on the line need to mute their phones. Go ahead, councilmember alter.

>> Alter: Thank you. So as one of the top at-risk cities in the country for wildfire, it's really a matter of when and not if for Austin. And I'm excited that we're moving forward with adoption of this initial wui code. It really does, as the chief mentioned, represent years of work on the part of the department, the community, staff in general and the stakeholders. I want to thank them all, I want to give a shout-out to two of my constituents, Joyce and Linda, who have been working tirelessly on

[1:24:07 PM]

this. I want to give a little bit of context for my direction because while this is an important step forward, it is not the complete package that we need to have in terms of codes that help us to mitigate the wildfire risk. So there are a number of aspects of the international wui code that are included already in our fire code and there are some aspects of it that are better placed within the land development code and that has kind of been the plan. Give then we have not moved forward with the land development code revisions, I will continue to work with AFD to ensure that the pieces that were in the land

development code are able to come forward. The other piece that is left out of the wui code as we're adopting it today, also there's an international model code and we are missing the pieces on vegetation management and fuels mitigation. These are really key aspects

[1:25:08 PM]

of how we reduce the severity of fires and how we make them more manageable for our first responders. What my motion sheet does is directs the city manager to continue and deepen those discussions that we've begun, but we're not ready to adopt yet. Sue R so it directs them to incorporate and adopt substantial wui code like the vegetation management and fuels mitigation into our wildfire prevention efforts. We could not have to choose between public safety and our environmental goals. This is not an either/or situation. My direction includes extensive stakeholder engagement to ensure folks are educated on what these strategies mean and how they can be tailored to Austin's topography. I think this is an important step. I believe that the clerk has distributed my direction, item 40, and I posted it last night.

[1:26:10 PM]

So I'm happy to answer any questions on that as well.

>> Flannigan: You're on mute, mayor.

>> Mayor Adler: There's been a motion and a second. Thank you. Any discussion? Councilmember Flannigan, councilmember pool.

>> Flannigan: Thank you, mayor and thank you, councilmember alter. This is a really critical issue as councilmember said, my district, much like district 10, has a lot of this wild land urban interface and some very at-risk neighborhoods. There was a lot of work in the land development code that was positive, that was going to touch on this, but in a number of ways, but I think this is the type of change that cannot be delayed. So I'm excited and I'm really thankful to city staff for the very long process you took, but now that we are at least at this stage of it we can start adopting these provisions and get as much protection as we can as quickly as we

[1:27:12 PM]

can for these parts of our community that are under threat in what is more of an inhe have Ta billty than something that can be ignored. And even in the crisis we're in right now nothing is going to stop a wildfire from starting, certainly not a pandemic. And we need to make sure that we're doing everything

we can to be prepared for that. So again, thank you to staff for bringing this item today and I'm really happy to support it.

>> Mayor Adler: Sorry, I'll try to do better. Councilmember pool.

>> Pool: Thanks. And I wanted to thank councilmember alter for bringing this item and for moving on it and to all our staff and the fire department and the various other city departments that worked for a number of years on this item. And let me make sure, can you guys hear me okay?

>> Mayor Adler: Yes.

[1:28:12 PM]

>> Pool: Great. I wanted to ask, I had a note from my appointee to environmental commission. She's chairing the urban forestry committee, which is a subcommittee of the commission, and evidently the environmental commission had worked pretty hard on a couple of amendments to the wui. I'm assuming they have been included in this, but I am not sure. Given our fractured approach as far as documents and everything, the link that I had didn't go to the particular document that she was referring to. If they're not included, councilmember alter, I'd be happy to work with you on bringing this back and have it included after you have a look at that to see, but I wanted to make sure that maybe you had already seen it. Thanks.

>> Mayor Adler: Okay. There's been a motion and a second. Any further discussion?

>> Pool: Sorry, that was a question to councilmember alter.

[1:29:13 PM]

>> Alter: I think it might be best if staff speak to that specifically. They had indicated that they had addressed the concern. I don't have them memorized, but I think some of them may fall into the fields management mitigation and some of them were incorporated, but I think that's really a question for staff to provide the exact information on.

>> Pool: Is staff available?

>> Yes. Mark baker is going to answer that one for you right now.

>> Yes, councilmember, this is mark baker. We were able to incorporate many of their conditions. Many would be covered in criteria. And a few we're probably not able to accommodate, but certainly took care of the majority of them.

>> Pool: That's great news. And if we could talk later offline after the meeting is over today and so I can understand which ones were not able to be included and

[1:30:14 PM]

understand the reasons for it, that would be great. Thank you so much, and again, thank you, councilmember alter, for bringing this item.

>> Mayor Adler: Okay. Any further discussion on this item? Let's take a vote. Those in favor of item 40 and closing the public hearing please raise your hands? Those opposed? Unanimous on the dais. Let's go to the next item, which is 83, utility rates. No one signed up to speak again. Is there a motion to approve the rates? Mayor pro tem Garza makes the motion. Is there a second? Councilmember harper-madison seconds it. Any discussion? Councilmember Flannigan.

>> Flannigan: So I posted an amendment to this item on the message board earlier today, but it is what I brought up on Tuesday at the

[1:31:14 PM]

work session. And -- let me read it for you. It adds language to line 38 directing the manager to also talk to third-party utility providers. So the actual language begins with, the city manager is authorized to develop guidelines for verifying eligibility and enrolling customers claiming financial hardship due to the pandemic and my amendment adds this statement arranged to work with other utilities providing service to city residents to facilitate their development and implementation of pandemic assistance programs.

>> Mayor Adler: Any objection to the inclusion of that amendment? Councilmember alter.

>> Alter: I don't really -- I don't have an objection. It just seems like we're talking about an ordinance so it seems like it would be more direction to the city manager than actually putting it into the law. I think substantive everybody wants to -- wasn't to accomplish makes a lot of sense, but procedurally it seems like

[1:32:14 PM]

it's direction rather than an ordinance change per se. But maybe [indiscernible].

>> Mayor Adler: Any further discussion? There's an amendment that's been offered. Does anybody have any objection to it being included? I understand the reservation, your objection to it being included. Councilmember tovo.

[Background noise].

>> Tovo: Okay. I checked it at the break and it was working again, but it is no longer. Yes, I wanted to ask our legal department about that. And I can say also if -- I know that other utility companies have come forward and made similar agreements not to cut -- not to disconnect customers and other things.

[Background noise]. Some of that collaborative work may already be happening, which is

[1:33:15 PM]

different from adopting changed rates, so those are two questions. One for our legal department about the impact we're putting -- [background noise] A request of that sort into the ordinance rather than just offering us direction and what would be the recommendation. And then the second question is one for our utility.

>> This is Ann.

>> This is Andy with the city law department. Can everyone hear me? Yeah, I understand the concern from councilmember alter. I worked with councilmember Flannigan's office with this yesterday and I agree this could be -- this could be couched in terms of direction, but it's also in the ordinance. It is part of a findings provision and the way it's couched with the city manager being authorized to develop these guidelines, it also seems consistent that we could include something like this to expand that authority to also include being mindful of working with third-party utilities.

[1:34:15 PM]

So I think from a legal perspective there's no harm in including that in the ordinance.

>> Tovo: Thank you, Andy. And I don't know if you can speak to my second question or if that's something that I need to direct directly to the utility, but are they undertaking such conversations already?

[Multiple voices]

>> This is Jackie Sargent, Austin energy general manager. Can you hear me?

>> Mayor Adler: Yes.

>> Tovo: I sure can. Thank you, Jackie.

>> Yes. So we -- our members, Austin energy is a member of the Texas public power association, and the other municipalities around the state are in conversations and we're checking with each other to find out things that each other are doing. Pedernales and bluebonnet are both members of the Texas public power association so they are

[1:35:15 PM]

included in those conversations. And it's my understanding that they both have suspended disconnections and are working with customers for payment arrangements and such. They recognize the hardship of this pandemic. Additionally, pedernales has a member assistance program, and they are reviewing that at this time.

>> Tovo: Great, thank you. And I made some comments earlier when it was -- I thought it was still on consent. I just wanted to appreciate the work that you and your colleagues at Austin energy and at Austin water did to come up with -- to come up with this response for a council resolution and in addition to the other ideas that you brought forward. So thank you very much.

>> Thank you.

>> Mayor Adler: Councilmember alter.

>> Alter: Thank you. I appreciate that clarification from legal. I didn't have a chance to ask that before. I had one question on part 7 I think for Ms. Sargent.

[1:36:17 PM]

So part 7 says the energy change --

>> Mayor Adler: Before we get to part 7 I have an amendment offered by councilmember Flannigan. Does anybody have any objection to that being included? Hearing none, the Flannigan amendment is now included. Councilmember alter, proceed.

>> Alter: Thank you. So for Ms. Sargent I had a question on part 7 that says the Austin energy charge for -- energy charge for Austin energy residential service is set at blah, blah, blah. Almost all the other parts have an end date of September 30th for the changes. This is part of our conservation efforts and I'm just wondering if there's an end date for that or how you're thinking about that in light of other goals that we have once we've moved through the pandemic period?

>> I also have on the phone on me deputy general manager and chief financial officer

[1:37:17 PM]

mark Dombroski so I will address this and if there's any clarification or additional information, mark will chime in. So what that is doing is setting that rate and establishing it at this time and we would come back to council with an ordinance to change rates or do something. I don't believe that you can just set an effective date on a rate but we have to actually come back to council for action and we'll be looking

at that in the budget process and we'll be managing it and watching our finances as we work through this pandemic. Mark, is there anything you would like to add?

>> No, that's correct.

>> Alter: I would like to point out that I'm pretty sure that the item on the Austin resource recovery did say like after this data goes back.

>> I believe that was for a fee.

[1:38:19 PM]

For the second

[indiscernible].

>> Alter: I didn't mean to interrupt the deputy.

>> I would add that we're going to continue to look for opportunities to assist our customers so either we'll bring back another package in the future or we'll come back through the end of the fiscal year asking for authority to revert back to the five tiers that we have currently.

>> Alter: So the expectation is that right now because we're setting the rate, we have to just set it that way, but the intention is -- assuming we move through this pandemic to go back to our pricing that supports conservation afterwards.

>> That is correct. We would not recommend changing rates unless we do a full rate review.

>> Alter: Okay.

>> Mayor Adler: Okay.

[1:39:21 PM]

Commode. Councilmember tovo.

[[Indiscernible].

>> Mayor Adler: We can't hear you. Sorry.

>> Tovo: Yeah. I just wanted to say that I share the interest in making sure that we come back and revisit the tiers because I know that we did have a conversation in the Austin energy committee about potentially proposals that would collapse some of the tiers and I definitely want that to happen within a larger review process. So I would ask to provide the additional direction to the manager to please do bring this back for consideration as soon as it seems feasible, even though there's not a time frame listed for its expiration. Just in follow-up to what -- rather than I want to be sure that that will happen

that we will have an opportunity to relook at those. So I think it is absolutely the right thing to do right now. And I'm in agreement to it. I do want to go back to those five tiers.

[1:40:23 PM]

>> So this is Andy Pirney from the law department. If I could interject and comment on that. These rates are amending the rates set forth in the budget ordinance, which already expire at the end of the fiscal year. So in the sense there already is a built-in expiration in the sense that like any of the city's rates, they are going to expire October 1 and so future rates will just need to be addressed in the budget process like we would any rates for the upcoming fiscal year.

>> Tovo: Good point. Okay. Thank you very much, Mr. Pirney.

>> Mayor Adler: Thank you. Councilmember Pool.

>> Pool: Yeah. I just wanted to weigh in and say that I'd like to revisit the five tiers in the future after we get through here. And if I'm understanding assistant city attorney Mr. Pirney, you're saying that this particular rate

[1:41:23 PM]

expires October 1st anyway, the end of our fiscal year, and that is the reason, a, an additional reason why you don't have an ending date of September 30 on this item, on this particular rate? Because it's going to expire anyway?

>> That's correct. Because -- that's correct because this ordinance, if you'll look down towards the end, it's actually -- as far as the rates are concerned, it's an amendment to the current fees and fine schedules in the fiscal '20 budget ordinance.

>> Pool: Okay. So essentially all of the rates that are listed in this particular ordinance expire at the end of this fiscal year, whether it's noted as September 30 or not?

>> That's correct. And the provisions that do have the expiration dates, those are provisions, for instance, in city code that are per set wall in nature, so those types of provisions have the September 30th expiration, but the rates already have a built in

[1:42:27 PM]

expiration.

>> Pool: Very good. Thank you so much. That's very helpful.

>> Mayor Adler: That's item 83. There's been a motion to approve it and close the public hearing. Those in favor please raise your hand? Those opposed? It's unanimous on the dais. That item passed. The other things that were set for public hearing, item 36 we're going to take up after 4:00. Item 37 postponed to may 7. Item 38 postponed to may 7. And item 41 proposed to may 7. All right. I think that gets us then to the pulled items. The first item pulled was item number 30. Mayor pro tem Garza, magistration item. Make a motion.

>> Garza: I move item 30.

>> Mayor Adler: There's a motion to move item 30.

[1:43:28 PM]

Is there a second? Councilmember harper-madison seconds the motion. You can address it first if you want, mayor pro tem.

>> Garza: Sure. Echo].

>> Garza: Sorry. This item is about regards the Ila that the city has can with the county because the city provides magistration services for them. It is about pretrial detention. And by and large it provides value statements by the city of what we want to see in the process. As part of that Ila, we revisit that Ila and we are dual do that -- due to do that. So the resolution addresses things that we should be talking about and we should be implementing at a minimum. Things like basic constitutional rights and interpretation services for people magistrated.

[1:44:29 PM]

It includes numbers of austinites that will go through pretrial detention. For those -- I know I've been deep in this issue, but it's for people when you're arrested and you do go to jail and you haven't been convicted of the crime that you are in there for, and there is a large effort throughout our country because there's evidence that shows even spending one day in jail how that can affect your ability to provide for your family, R., and all the collateral consequences that come with getting en59ed in our criminal justice -- entwined in our criminal justice system. So while I will say that the language was different than the current revised system, because of concerns from our law department and because we cannot say we understand, but we cannot tell judges what to do, much of the language is aspirational end

[1:45:31 PM]

goals and that is purely within our pure view as councilmembers, as policymakers, including the value statements of what we think is important to have in those discussions. So that's just a broad overview. It's in line with the work that our official committee has done and -- our judicial committee has done and in line with showing our jail population has in fact been decreasing much as I would say -- some of that from the work of this council in, for example, our freedom cities policy. So I'll address -- I'm assuming councilmember pool is going to bring up the items she added to the backup and I'm really grateful that she did because I think those are important things to be part of the record. But I'll speak to that when she thinks she has some comments to make.

>> Mayor Adler: Thank you. Further commission?

-- Further discussion on this item? Councilmember pool.

>> Pool: I posted --

[1:46:35 PM]

thanks, mayor pro tem, for making the amendments that law had requested. They were also addressing concerns that I had raised on Tuesday. You have all looked at the two amendments that I have put photon the message board? I think the city clerk had distributed them also. I have two small amendments to make to this and then I can make some comments. Would you like me to lay out the two amendments? I'm hoping they will be assumed as friendly. Mayor, should I lay out the two amendments?

>> Mayor Adler: I think you should. Councilmember tovo, were you trying to interrupt before she laid out the amendments?

>> Tovo: Can I just ask a question about where those are? We have so many things that have been recently posted on the message board that I think it would be helpful for the public and for council if we could just spend a moment and you could help us know exactly where those are. Councilmember pool, your amendments. Is it item 30 amendment, so it's fourth down on the

[1:47:37 PM]

message board at 11:49.

>> Pool: That sounds right. I'm not looking at the message board myself. It was posted by Alicia [indiscernible].

>> Tovo: Thank you. I found it now.

>> Mayor Adler: Does Katie have copies of these?

>> Pool: She does. And they were drafted by Lee Crawford in legal, so he also has them.

>> Mayor Adler: And Katie has emailed it out to the council? The two pool amendments? Okay. Why don't you layout your amendments?

>> Pool: Okay. So the first amendment simply adds a new be it resolved at line 201 of the resolution which I'm working with version 2. Is that the correct version, mayor pro tem, version 2? Mayor pro tem?

[1:48:49 PM]

>> Mayor Adler: I want to make sure she's on the right version, councilmember tovo.

>> Garza: Version 2 is the correct version.

>> Pool: Great. So the new be it resolved, if you're able to access the message board or if Katie has now emailed it around, we did ask that it be sent around before lunch, be it further resolved prior to presenting any proposed amendments to the interlocal agreement to the council for approval based on this recommendation -- on this shall provide council with a financial analysis showing the cost to the city of each proposed amendment. So that's the first one basically. That speaks to a concern that I raised on Tuesday about getting a financial estimate for the cost. For some changes -- I think we all support and share in our support. Amendment number two, the first sentence of the be it resolved section of the resolution, again version two, this one is at line 174

[1:49:53 PM]

174, inserts the who's in jail why working group. So the wording is be it further resolved and this is the exist willing language, the city manager is directed to engage with Travis county through the working group process described in the interlocal agreement. And then this is the new phrase, and with who's in jail why working group created by the Travis county commissioners' court with city participation, and then it goes on to the existing -- the existing resolutions language. So the first one simply asks for financials and the second one is to include another key working group. And again, I can speak to these further.

>> Mayor Adler: I see them now. So there's two amendments from councilmember pool. The first one is to add a resolved -- additional be it further resolved clause. Is there any objection to this amendment?

[1:50:56 PM]

Hearing none --

>> Garza: I'm sorry.

>> Mayor Adler: It's be it further resolved prior to presenting proposed amendments, and [indiscernible] Council for approval. The manager shall provide the council will financial analysis showing [indiscernible] To the city.

>> Garza: So I think there's like a misunderstanding of the process of this resolution calls for. Because it's asking to have this discussion at the Ila, in the Ila working group. And on one hand I think it's obvious that if some eventual agreement and some eventual agreed Ila was a significant cost, that would obviously be brought to the council. So I just -- is this asking before an Ila is agreed to that cost estimate is brought before the council?

[1:51:57 PM]

Because you couldn't agree -- you couldn't agree to an Ila with any cost over \$50,000 that wouldn't be brought to the council.

>> Pool: Sure. The Ila itself is primarily concerned with fiscal matters relating to central booking and so it seems relevant to have and appropriate to have those numbers in your pocket when talking about expanded or changed operations because we all would like to see additional defense counsel be available to arrestees, but we need to know where the cost is and who would be bearing the cost before we we -- so that we can actually implement these good and necessary changes. But that's the first one. And then the second one is include --

>> Mayor Adler: Hang on. Hang on before we get a second. Let's figure out what we're going to do with the first one. Further discussion on the

[1:52:58 PM]

first one. Councilmember Flannigan.

>> Flannigan: Thank you, mayor. Yeah, I agree with the mayor pro tem, although I'm fine adding this in because I think this is something we should be doing on every decision that we make as a council, including ifcs and I often ask that question in q&a of the effect of policy decisions that we're making before we adopt them. So I'm really glad to see some agreement on the need for that analysis before we move forward on different items.

>> Garza: And mayor?

>> Mayor Adler: Mayor pro tem Garza.

>> Garza: I also want to make sure that the county has provided some cost estimates, but they have not included in that, to my understanding, cost savings that would be -- if we're in fact magistrating these people because we implement a Progressive policy reforms in the process, it would be a lower cost of if -- that's just one example of

[1:53:58 PM]

providing council at magistrating. So yes, obviously we would approve any additional cost, but it's not just a matter of taking the county's cost estimate. I think that needs to -- that's the purpose that we're sitting down and talking to the county to understand what that -- what exactly that cost is.

>> Mayor Adler: I haven't heard any objections, so in the absence of objections, the first amendment is included. The second amendment from councilmember pool is to add language into the be it further resolved clause that the words and with the who's in jail and why working group created by the Travis county commissioners' court with city participation. Any objection to that amendment being added?

>> Garza: Mayor, I'm sorry, where are the amendments? They're on the message board.

>> Alter: I think Jeanette just sent them to all of us,

[1:54:59 PM]

otherwise it was an 11:52 mail from Jeanette.

>> Mayor Adler: Jeanette sent them out to mayor and council staffs at 11:52. I think it's important to talk about who is on that committee because for the city's participation who was on that particular committee, and we couldn't find out who on the city side was on that committee. So obviously we want to make sure we have someone on that committee representing us.

>> Mayor Adler: Okay. Any objection to including that language? Hearing none, that language is included as well. We have a motion and a second to pass this item.

[1:55:59 PM]

Let's take a vote.

>> Garza: Mayor. Go ahead, councilmember pool.

>> Mayor Adler: Councilmember pool? Does anybody else want to address this before we take a vote? Councilmember pool, do you want to say anything?

>> Pool: Yeah, I was deferring to the mayor pro tem.

>> Mayor Adler: All right. She deferred to you. So I'm calling on you.

>> Pool: Very good. Well, I wanted to note that Roger Jeffrey's memo on the magistration resolution that we got this morning was really helpful and informative. It recites the many reforms that are underway both historically in Travis county and recently with the active participation of the city of Austin. The memo further repeats and emphasizes the desire to continue to slab rate with the city that's already happening. And I think that's really important too. I raised a couple of points on Tuesday, the cost to the programs contemplated in the resolution and existing collaborative efforts. And the recognition of Chris owe

[1:57:01 PM]

existing collaborative efforts. My staff did work with law with the two amendments that I brought and I appreciate them being viewed as friendly. They were intends as such. A little bit of background, the first amendment relates to financial estimates. You'll note that Travis county justice planning has pegged the estimate for defense counsel alone at more than \$2 million at the county level. This is county revenues. The cost to the county is likely higher than that. The thinking is it could be as much as four million. Mr. Jeffrey's memo item eyes the various activities that are affected and it's a really comprehensive listing. I mentioned earlier it was a helpful and informative memo and I further commend that memo to you. But my point here is that the county through current work group efforts at pursuing grants to fund these necessary and desired additional efforts, so my first amendment would insert the words financial estimates in the direction to the city manager because if we are looking for grants

[1:58:01 PM]

we may be able to piggy grant on that grant effort too and the sooner we know that the quicker we can get involved in writing up grants, which are obviously a long process. And there should be some good successes at the other end because there seems to be effort at the state level to provide the funds for pilot. I also want to note in the alternative county attorney Escamilla notes that Texas status don't obligate counties to accept city arrestees after magistration. And I think this is important and I really want to emphasize this. The o'donnell case that's mentioned in the resolution was also discussed by speakers this morning. It's now at the fifth circuit. And the county executive notes that if the circuit court rules that arrestees are entitled to appointed council at magistration. It protects the major portion. And these costs should be borne by the city of Austin because

[1:59:02 PM]

the majority of bookings are from -- arrests. So that's another reason why I have requested financial estimates and also the collaboration with the county so that we can continue to have a productive relationship with the county and again share in their search for grants in order to fund these efforts. If the city moves in this direction and I want to note there is a history, the past history that city itself did the magistration, we did not handle over the arrestee until after magistration. And that is where the city used to pay for the magistration, which we don't now. But if we do shift to doing city magistration then we will need to know the fiscal note so we can then fully implement this resolution so that we know how the process is, will be handled and we will have adequate funds for that. So that's the first part of the

[2:00:04 PM]

financial estimate to give you a little deeper the understanding of why I am emphasizing that because I think it is really key. The second anticipated anticipated which I appreciate the inclusion of, it is the point that Mr. Jeffrey raises on page 1, they are working on the provision of defense counsel and imagine investigation. The Ila booking and working group which is mentioned in the resolution is working on existing fiscal issues, so including both groups, it is a good idea, it covers both operational, programmatic issues and fiscal issues in the other working group. I do note that the city is already participating in both of these efforts. I did not try to find out who on staff may be the participant and a mayor pro tem you indicated you weren't able to identify who from the city is participating. I think that would be really great to know who it is, because it is really important work. And, again, I support the work

[2:01:06 PM]

that they are doing. I think we all do. So I will end by saying how much I appreciate and support the efforts by elected officials and staff and community advocates to encourage criminal justice system in Travis county, such as efforts have a really long history, I mentioned Ronnie Earle on Tuesday, who brought restorative justice principles to this county that made us a leader in the state if not nation on criminal justice reform, particularly at a time when it wasn't necessarily at the front of everybody's agenda. So these efforts have a long history and in fact that's how I first met Kathie Mitchell and scothenson through the criminal rights and advocacy efforts back in the 1980s also:so with regard to the coordination of work between the city of Austin and Travis county, I believe that much work is happening and we all agree that much more can be done. The city is an invited

[2:02:06 PM]

participant in these collaborations. I do hope and expect that we are taking advantage of that invitation. We are partners with the county. We talk about that a lot. We are partners in these collaborations. And these collaborations are good and should continue:thank you.

>> Mayor Adler: Thank you. Counselor Flannigan.

>> Flannigan: Yes, I just want to note. I think it is another time to acknowledge that as Travis county is our partner that it always -- I think it is always important to note there aren't city taxpayers that aren't county taxpayers. We are actually -- everybody is a member pair and constituent of the county. Half of my district is in Williamson county but nonetheless the 95 percent of the city of Austin being in Travis county also represent as pretty sizable portion of their tax base which funds the county so I don't know that we really need to get who into who is paying for what under the current crisis. I think we have to get beyond whose budget is paying for which

[2:03:07 PM]

thing when the city of Austin voters end up being the voters that vote and elect almost the entire commissioners court in addition to being a majority, vast majority of the tax base. So, you know, I think we want to move forward in partnership with the county on a lot of things this included. >>

>> Mayor Adler: All right, let's and, let's go ahead and take a vote.

>> Mayor I would like to talk.

>> Mayor Adler: Mayor pro tem Garza gar so I want to thank council member pool for adding the memo to the record. I think it is important that the record shows much of the work with that has been .. -- That been doing.

>> Garza: I also need to point out that much of that work that has been done is because of the work of our criminal justice reform advocates. You know, cost is often brought up when we -- when this was brought up when the discussion about the public defender's office was happening. I kept close tabs on that and that was often the concern.

[2:04:08 PM]

It is going to cost too much. It is going to cost too much. And I am thankful for the criminal justice reform advocates who kept pushing and now we are going to have a public defender's office and this is just another example of our criminal justice advocates coming to the city and expressing to city leaders, hey these are the things that are important. In addition to the fact, if in fact the county's numbers are correct and it is going to cost \$4 million to provide representation for people of magistration, if a court decides it is someone's constitutional right to have representation at their magistration, it is incumbent on the city to cover that cost if we are covering the cost to allow someone to have a constitutional right.

And we can't get there unless we have the discussion. This resolution is about having this discussion, it is about having a discussion about how the system affects our black and

[2:05:08 PM]

brown community, the disproportionate amounts of our African-American in our jails at any given time. And so it is important to have

-- to show work that has been done, in fact in working with the municipal court, jut statistic man talked about it was Richard Moya, county Richard Moya who did a lot, who started a lot of this criminal justice reform efforts .. And we are simply building on that. I think the county memo also shows that in fact there is a problem because if there wasn't a problem, we wouldn't, there wouldn't be all of this work and discussion, and I would hope our partners at the county would be, instead of frankly what felt like a very defensive response to the work that we are trying to continue, would have said, we are ready to go, thank you for these -- thank you for these efforts, we are ready to continue to work with you. So I want to thank the advocates who worked on this resolution,

[2:06:09 PM]

to continue that work, to push us to be more Progressive, to push us to continue to decrease the population in our jails and to address these racial disparities in our system.

>> Mayor Adler: Great, thank you. Let's take a vote on this item. 30. Those in favor of item 30, please raise your right hand. Those opposed. Those abstaining. I think everyone is in favor. How did you vote, council member pool?

>> Pool: Abstain.

>> Mayor Adler: 10 votes in favor, one abstention and number 30 passes. Now before we go to item -- we are past 2:00 o'clock I want to call speakers that may have signed up for this afternoon in soak -- zoning. I am going to -- do we just have one speaker signed up other than the applicant representatives? Is that right?

[2:07:10 PM]

>> Mayor this is Jeanette. Yes, that is correct.

>> Mayor Adler: Okay. What I am going to do is call item number 56. We will go through the consent agenda. The to see whether these items need to stay on these items for discussion or not. Let's invite speaker who is here to speak, is Sean -- here?

>> Yes, sir.

>> Mayor Adler: Why don't you go ahead. You have three minute.

>> You are speaking on number 56.

>> Yes. On item 56, this is the -- this is Sean filling ton, some may know me as shill on Twitter, 56 is about castle hill, some of you guys may know that has the graffiti wall, it has been up zoning for proposed condo development there. As described, this development is up against a hill. We have got hills all over this

[2:08:12 PM]

neighborhood. It is part of the backup for this item you will see a memo from staff basically saying that implementing a pedestrian connection in the alley adjacent to this property would not be feasible, basically because the hill is too steep. I am a big proponent of density and walkability and I tend to like stoning like this and I want more walkable neighborhoods but the channel that we run into in our neighborhood over and over again is we have got hills. It is a hilly neighborhood. There are hills all over the place. And so the project gets built. Somebody tries to put a sidewalk in. The city staff comes in and says, no, you can't build a sidewalk there because the hill is too steep. And then so the person says, okay, I guess we won't build a sidewalk and no sidewalk gets built and that happens over and over again and it is happening

[2:09:12 PM]

on this project and happened throughout the neighborhood, and so it is a big problem, you know, to say that, you know, we are going to continue doing these up zonings but we can't have pedestrian activity, we can't make this a walkable area, a walkable community because the hills are too steep, so it is not Ada compliant. And I also want to say, you know, I don't think that is right. So if you look at the staff memo, it doesn't actually say it wouldn't be Ada compliant, but it says it may -- there might be an Ada problem. I think it is a bad reading of the Ada, I think if you look closer at the Ada you see sidewalks on a street that is on a hill can be at the same grade as that hill. It stays Ada compliant as long as you are staying at the same grade as the street. And so I think that the staff is interpreting Ada the wrong way

[2:10:18 PM]

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[laughter]

>> Someone might have their phone not on mute.

>> So the sidewalk should be able to get built on a hill as long as it is the same grade as the street. I think the committee is doing the wrong reading of the the Ada here and in fact this is not a sidewalk. This is an alley which for the purposes of the Ada counts as a street, it can be at a grade steeper than what normally would be allowed for an Ada sidewalk, just like a street can be at a steeper grade, so I think absolutely you could do a connection there. Also, you know, I think some people hear about sidewalks on a hill, their mind goes to the Spanish step or something really like over the top. That is not what I am advocating for. The rest of the alley there is a gravel path. I think a travel path in that area would be an improvement over what is there now and then you can be on the hill and be

[2:11:19 PM]

fine. The other alternative I think is to do what the planning commission suggested when they recommended this item, which was to require that the northern portion, the compatibility zone on the northern side of this property would make it unfenced and be a similar result and connects up to 11th street, keep it unfenced. You know, again, it is not ideal but it will at least allow for some pedestrian connection in the area. I think that would be great. And so the bottom line is, you know, I am a supporter of density, I think that a lot of

-- the zoning of the project is great. You know, I think the developer has been very up front and reasonable and I like the I go and I think he is going to do a nice project there but I would just really urge and ask you guys to require, you know, some pedestrian connection, some pedestrian improvement in this area if we are going to be up zoning stuff, you know. I don't know I don't think it is appropriate to say, yeah we are

[2:12:20 PM]

going to up zone everything around here but we are not going to allow pedestrian improvements. We are not going to build sidewalks because it is too hilly, you know, we are not going to do this stuff. And, you know, I don't want to trash the Ada either. I support the Ada and I support the goals. I think, you know, we should make stuff accessible and try to do that as much as we can. But I think city staff is taking the wrong approach and reading the Ada the wrong way and that you can do this in an Ada compliant way that similar allows pedestrian connectivity and makes it work. So, you know, again, I think allowing the up zoning is great and I hope you guys do that but I really, really hope that you include some requirements for pedestrian connectivity and improvements along with it.

>> Mayor Adler: Thank you.

>> Thank you. All right. So.

>> Mayor Adler: So I think the other people we have are people

[2:13:21 PM]

that are applicants. Let's do the consent zoning consent quickly.

>> Mayor council this is Jerry with the finance and stoning department. The consent agenda for zoning today we will start with item 45, this is Rd for approval on first and second readings. The next one is 0159. June 4th. Item number 47, 2020-0 010. This is applicant request for indefinite postponement. Item 48. Is 2017-0 a 21, post bone. To April 21st.

>> The next is 167, a postponement request by the staff to may 21st. Item 50 is npa 190021.02 this is

[2:14:23 PM]

also postponement request by the staff to may 21st. Item 51 is C 14-0 110, postponement requested by the staff to may 21st. Item 52 is C 14-0 008. We are offering a this for consent approval on first reading only. Item number 53 C 14 the-2019-0 129, staff request to postponement to April 21st. 54.

Postponement to April 23rd. The next is 007, staff requested postponement to may 7th. Item 56 is the case of the gentleman just spoke of, C 14-2019-0 51, staff is offering this case for consent approval on second and third reading. Item number 57 is C 14-137, postponement request by the

[2:15:23 PM]

applicant to April 23rd. Item 58 is case npa 005-.001, request by the applicant to may 7th. Item 59 is C 14-2019 -- 0029 related case also requesting applicant postponement to may 27th which is related to the airport items you already postponed. Item number 660, C 14, 2020, 001, staff is offering this for consent approval on second and third readings. The applicant offered two over lays which I will read them real quick. One is that the height within the grmu area be limited to 40 feet and the second one is all commercial buildings will be within 300 feet of the Kenny falls parkway. So with those two additional cos I can offer that for consent approval on second and third reading. And finally on the addendum, item C 14-0 011, I can offer that case for consent approval on all three readings. And mayor if I could I have one

[2:16:23 PM]

more item that is not on the zoning list but it is a practice and zoning item. It is item 82 on the addendum, the central health overlay, staff would request postponement of this item to April 23rd. And that's it.

>> Mayor Adler: Okay. The consent agenda would apparently be all of these items. Items 45 through 60 plus also item 82. No one signed up to --

>> Mayor Adler:.

>> --

>> Mayor Adler: -- To approve the consent agenda.

>> Tovo makes the motion. Is there a second to that? Ellis. Any discussion?

>> -- Did Gerry and say 84?

>> Mayor Adler: 82.

>> 84 as well.

>> Mayor Adler: Consent gone third reading.

[2:17:24 PM]

Discussion on the consent ag agenda. Council member Flannigan. Fan flan thank you, mayor. Gerry what was the last case you add out where you added co's?

>> That was the bluff case item number 80. Jeff Howard was the applicant, he has been in discussions with some opposition that spoke at the last meeting. He offered them those 2 cos. They have not responded to them yet. He offered them up to try to address the concerns that they had, when we had the public hearing.

>> Mayor Adler: So there is item 60. You said 80, I think by accident.

>> Yes.

>> Mayor Adler:.

>> I am sorry, yes.

>> Mayor Adler: The applicant is adding, co to the zoning case but he has not heard back from the folks whose issues he was trying to address; is that right?

>> That is right.

>> Mayor Adler: Okay.

>> I want to be shown as voting no on 56 and on 60 and I don't

[2:18:27 PM]

know why we would adopt cos if we don't know it is actually addressing anyone's concerns.

>> Mayor Adler: Thank you. Any further discussion on the consent agenda? Council member kitchen. Council, you are muted, councilor.

>> Kitchen: Okay. So I wanted to make sure I am understanding. All of these are consen -- all of these including 56 --

>> Mayor Adler: That is correct?

>> Kitchen: Okay. Okay. Thanks. I just wanted to -- I have some concerns about 56 from what the speaker had raised. So I would defer. That is in district 9, I think. Member tovo may have some member on that or the staff may have some comment. My concern was the question that was raised about the Ada and the

[2:19:27 PM]

application of the Ada in this circumstance.

>> Mayor Adler: Okay. Thank you.

>> #02: This is Jerry westhoven, the connection spoken of is an additional pedestrian connection, it is not the code required, you know, sidewalk or anything like that. It is for an alley that exists on paper adjacent to the property and there was a desire to provide a connection there, but the public transportation, the Austin transportation department feels that the physical characteristics of that, the slope of that site makes that alley makes it such that it would not be a good idea to construct it for pedestrian connection.

>> Thank you.

>> Mayor Adler: Anymore discussion on the consent agenda. It is moved and seconded.

>> You are.

>> Member pool.

>> Pool: I had voted no on

[2:20:29 PM]

first reading. And I want to continue to vote no on.

>> Mayor Adler: It has been postponed to April 23rd: any further discussion -- >> >>

>> Pool: I am sorry.

>> Mayor Adler: That's okay. Let's take a vote. Those in favor of the consent agenda, please raise your hand. Those opposed. It is unanimous on the virtual dais I have been told to say, subject to the comments that have been made in the record. And the votes have been cast. So that is all of the stoning which means that all of the applicant representatives no longer need to speak. I don't think we have anybody else signed up to speak; is that correct?

>> That is correct, mayor, for zoning. Thank you.

>> Mayor Adler: Thank you. All right. Let's pick back up, then, with the pulled items. Let's go to item 33. Mayor pro tem.

[2:21:29 PM]

>> Can you say what we have left?

>> Mayor Adler: Yes, council member, 63, 64, 79, 81, 86, and 36. Which has to be taken up after 4:00 P.M. Okay? Let's move now to. Financial institutions. 83.

>> 33. The only reason I pulled it is because -- mayor, you mentioned the -- helping folks file their tax returns and how that could

-- I mean you can speak to your amendment but we incorporated that into 33 and we have posted it on the message board as well as in the backup as well, and so I just -- I didn't realize it was in the backup and that's the only reason I pulled it, but it is the updated verdict with your

[2:22:30 PM]

incorporating your addition, mayor. So I am sorry. If you can recognize me, I move item 33.

>> Mayor Adler: Okay. And just by way of ten second commercial, mayor pro tem thank you for including this in your motion. A lot of the federal moneys that are coming to us are going to be just checks that are written to people that desperately need it, not everybody desperately needs it but it is a check. But in order to be able to qualify for that check, in has been a suggestion you have needed to have filed an income tax return. They have a lot of people in the city that just haven't filed returns for lots of different reasons, including the fact that they haven't made enough money in order to be able to pay tax it is or give anything back. But someone who hasn't filed for that reason will not be eligible for one of the checks. So I really appreciate this effort to ask the manager to negotiate a contract with foundation communities to continue a program that they

[2:23:31 PM]

run, which has been great, with the hope that we could pull down an additional \$30 million to folks who that otherwise would be able to receive that money. So thank you for doing that. Mayor pro tem --

>> Mayor -- >>ly move 33.

>> Mayor Adler: Mayor pro tem moves item number 33. Is there a second to that? Harper Madison seconds that. Mayor pro tem do you want to address that?

>> Just real quick, we didn't mention a specific partner.

>> Garza: Just in case there is another organization that can also provide that work. So we left it open.

>> Mayor Adler: Point well-taken. Had you mentioned a particular partner I would not have voted for it because I think it is important for us at this level to keep all of these open. So thank you for pointing that out. It has been moved and seconded. Further discussion?

[2:24:32 PM]

Yes, council Renteria. Of those in favor of item 33, please raise your hand. Those opposed. Unanimous on the virtual dais. That gets us to item number 64. Which is the ability to discuss and take an action if requested the I would imagine without any direction you would work on past directors and just move forward with filing an appeal in this lawsuit; is that correct?

>> Typically we would do that. This case I know has a lot of strong opinions and we welcome the opportunity to -- with council, if that's what you would like. I know you are trying to implement the goals of the council --

>> Mayor Adler: You are fading in and out, ma'am.

>> I am sorry.

[2:25:33 PM]

We do recommend filing an appeal in the lawsuit. There are many things we can do to move forward in revising the land development code. The lawsuit would be --

>> Mayor Adler: And that is good for us to discuss this if people want to, and -- but we don't have to take action in order for that to happen, because that would be the natural course, given the prior action, unless I am wrong about that. But what I would say is that I support the appeal, but I think that the real emphasis and attention right now needs to be us all discussing these issues and trying to see if there is a good resolution for the community that enables us to get to a better place 0 outside of and without

regard to that appeal. I think it is important to have the appeal just to have some legal questions decided about how comprehensive -- but I do

[2:26:34 PM]

not that to slow us down or hinder us from continuing in our discussions, conversations about how to be able to advance the ball. That's where I am on this. Any further discussion on this issue? Okay. Yes. Council member alter.

>> Alter: Council member pool were you going to make a motion?

>> I am sorry. We are on 64; is that right?

>> Mayor Adler: That is correct.

>> Yes.

>> Mayor Adler: Council member pool, do you want to make a motion?

>> Pool: I do.

[2:27:34 PM]

So my motion is to -- -- I have so much stuff in front of me. I move to direct the city manager to take no further action on the appellate court regarding the Acuna versus city of Austin case.

>> Mayor Adler: Is there a second council member alter seconds that motion. Would you like to address it?

>> Okay. It is pretty much --

>> Mayor Adler: You are muted.

>> I think it is not to appeal speaks to our support for the findings in the 200 first district court, judge -- spoke fairly concisely and briefly to the issues, the procedural

[2:28:34 PM]

issues. The findings were with that the city of Austin had not in fact followed state law. I agree with that finding. In fact, some of us on the dais have argued -- publicly and privately against the chosen path that the city has taken on the land development code by expert -- by denying -- where the plain interpretation of the law in the local government code and state statute clearly said

-- do open the door for -- of individual property owners. Additionally, the notice that was offered clearly the approach that the city took really did not follow our state statute, and the judge briefly, concisely and I think elegantly pointed that out. And so absent -- absent to any precedent for the city to base this appeal on, and knowing that an appeal to the third court is

[2:29:37 PM]

strictly de Novo and that the facts are the facts that were laid before the court as provided, by the breach, I don't see that any other decision could be rendered. I recognize that there is a chance of that and I think that is the roll of the dice that may be happening a here, and we certainly can have the dice rolled. I do not support rolling the dice for fiscal purposes and for time constraint purposes. An appeal will take months before it is heard. Now we are looking at April 17 as the deadline to file that appeal and so that is in front of us and I recognize the need for us to make a decision here today and so that is the basis for my motion that we move not to --

>> Mayor Adler: Motion and second.

[2:30:37 PM]

Any further discussion. Council member -- none, a vote, those in favor -- council member kitchen.

>> Kitchen: I don't support the appeal. I don't -- I also -- I don't think there is the right time to pursue an appeal. I think it is an expenditure of resources that are not appropriate and necessary at this time. So -- and then I would just like to say that I do think it will be a while before the community is able to focus on the ldc revision and when that effort is reinitiated, and I believe it needs to be reinitiated but when it is reinitiated, I am hopeful and I look forward to working with my colleagues in a way that is collaborative.

[2:31:38 PM]

You know, I have long advocated and others have too for finding common ground and especially now, even with what we are going through, I really believe that the true measure of our ldc effort is how well we build consensus, how we foster mutual respect and how we listen to the community, and I think that is how the city is going to be successful in achieving our goals. So right now, all of us are focused on the health and safety of our community and we will continue that focus and work very hard together to do what we can for our community. I just, as I said before, this is the -- I don't think it is appropriate. I don't think it is the right time to put resources into this appeal.

>> Mayor Adler: Thank you. Any further discussion? Council member alter.

>> Alter: Mayor, I appreciate

[2:32:41 PM]

the chance to continue to work on this and look forward to do that. That's why we discuss this in executive session and I will be really brief. I just don't believe this is the time to be fighting a residents in court after their right after a judge has ruled in their favor. I believe that judge -- is right.

>> Mayor Adler: Thank you. Anyone else? Let's take a vote. Those in favor, council member pool's motion please raise your hand. It is pool -- kitchen and tovo, those opposed, please raise your hand -- on the virtual dais. Any further discussion. Council member alter.

>> Alter: I would like to move to make a motion that the city manager file a motion with the court to extend the deadline to appeal in in the city of Austin

[2:33:42 PM]

judgment for a minimum of 30 days and preferably 90 days.

>> Mayor Adler: We have a motion. Is there a second to that Mo motion?

-- Seconds it -- council member alter, if you want to.

>> Alter: I just think that we shouldn't be spending city resources on this right now, and I feel like this is an inappropriate action --

>> Mayor Adler: Further discussion? Okay. I also believe that since we have the opportunity to postpone this, that's a normal and stepped to proceed with the court case. Given what we are all in the middle of and what our community is in the middle of right now, I don't think it is appropriate to move forward and I think it is more appropriate to postpone this, just as we have many other things.

>> Mayor Adler: Mayor pro tem gar Garza.

[2:34:44 PM]

..

>> Garza: I just want to speak to the fact that we are not choosing to do this during this crisis. There are legal timelines that require us to make a decision. So I don't want anyone -- I know nobody purposefully is saying that. This is not a choice to be having this tough discussion during this time. This is a matter of legal lines. And just as I have leaned on and

-- leaned on legal staff when they believed that we were not violating state law, I continue to support their recommendation to appeal. On that note, the law -- if we can, in a public forum, talk about the motion and the timelines and what the -- what you believe the court would grant if, in fact, you believe a

[2:35:47 PM]

90-day extension is something that would be granted.

>> We certainly can ask for an extension to file the notice of appeal. I don't know what the court would do. Typically there is a few day extension process. The appeal is a long period of time. I think we estimate an appeal would last 10 to 12 months. So changing it 30 days on the front end will not affect necessarily it that long.

>> And so I just want to make sure for timeline purposes, if the court denies that, I support an extension asking for an extension. I agree with with the concerns about bandwidth, but if the court denies that, the assumption is that the legal would -- with what they are recommending; is that right? Which is an appeal.

[2:36:47 PM]

>> That is correct. On the vote, you already voted, so yes, we will go forward with the appeal.

>> Mayor Adler: My sense is, I kind of support this. I don't think anything changes in 30 or 60 days. Seven member of the council -- I think that has been established. I think the appeal then goes forward. I would really rather us spend our time and energy -- focused on trying to address the issue of where we might be able to get together and see if there is something -- something that would get support in the interest of the city. And I would rather us as council members and our staff. We need to be focused on that, but I don't think that the -- making a decision about whether or not to file the appeal. I would just assume us put our

[2:37:48 PM]

energy in discussions and debate in an area -- council member kitchen. You are muted. Go ahead.

>> Kitchen: Sorry. Can you hear me now?

>> Mayor Adler: Yes.

>> Kitchen: Okay. My computer is not unmuting. So you can hear me?

>> Mayor Adler: Yes. We can hear you. You just muted.

>> Kitchen: Hear we go.

>> Mayor Adler: Now you should talk. Talk.

>> Kitchen: Thank you. Guys. I will get the hair hang of it. I will respect what everyone is saying. We do have the authority to ask the court to delay and I have -- to postpone or extend the deadline is a better term. And I think that there are two reasons to do that. I think that the time that we

[2:38:51 PM]

spend on an appeal right now is not the best use of our time. I also think it is important that we allow more time for -- if anyone wanted to tell us what they thought. So that's why I think that it is appropriate for us to ask for an extension.

>> Mayor Adler: Thank you. A vote on the motion -- council member alter and pool.

>> Pool: So I am curious if we file the appeal, and -- has invalidated the actions we took under first and second reading and have directed us specifically to provide notice and provide protest rights to property owners, what is the city's position on po notifying

-- I am -- not the notification about changing of the zoning,

[2:39:51 PM]

but the notification for protest rights, what actions will the city take at this point to notify property owners that they have protest rights, according to the ruling by the court?

>> Council member pool there is nothing we will do at this moment. The ruling is public, people know what the judge has said and there will be a lot of conversation about it. There are things, I believe, that the land development team, the manager would be contemplating bringing forward. I think we are going to try to have a third vote on the proposal. We wouldn't allow you to do that, because that wouldn't be consistent with --

>> Mayor Adler: Inspect --

>> We will bring further, you know, options to the council in the future about what we can do. But we will not recommend and will not -- proceed with anything that would be a violation of the court's order, certainly.

>> Mayor Adler: Okay. There has been a motion and a second. Council member alter, anything else? We will take a motion.

[2:40:52 PM]

Those in favor of council member alter's motion, please raise raise your hand. Alter, kitchen, pool, tovo, those opposed F on the virtual dais. Further discussions on this item? Okay. At least go on to item number 60

-- 69. Council member tovo, I think that is your item.

>> Tovo: Thank you, mayor. There is an item about which we have posted an amendment and the amendment comes after lots of conversations with a variety of people, including our human resources and our management. I am sorry. I have lost the exact language

[2:41:52 PM]

of the amendment. It takes place in the last -- I have it up. Would you like me to read it, council member --

>> Thank you. That would be super.

>> Okay. So it is line 83, it says the council expresses its intent to modify the expanded family medical leave act policy to ensure that city will pay an eligible employee 100 percent of their regular pay rate for the number of hours the employee would otherwise be normally scheduled the city management is ordered to return no later at April 21st, 2020 the operational procedures to accommodate this intent.

>> Mayor Adler: Okay.

>> Thank you so much, council member alter and want to ask the city manager if that language resolves some of the questions

[2:42:54 PM]

that has had come forward from

--

>> I also want to ask a direct question. As the language in the resolution indicates, we do want to be sure that we are not taking action that impairs your ability and responsibility to assure operational effectiveness, and what we are trying to address as I know you know and I know you have worked hard to recognize the needs our employees have right now, this is an taken to make sure that those who do need to access 100 percent of their salary have the ability to do so if they are unable to work, but hopefully this language addresses some of the concerns.

>> #02: Council member I appreciate the additional consideration you gave for this resolution. As you know, things are changing quite rapidly, and we are still

[2:43:55 PM]

awaiting further clarification from our federal partners at the department of labor and so as we get more information both internally and from our other partners, we will take those into consideration, but I will just leave it at, I thank you for the amendments and I am happy to support that.

>> And in your opinion, can provide you with the authority to maintain operations in the way that is necessary -- for financial functions of the city of Suze?

>> Yes. The only other small change that I would ask would be online 74, where it says to return council to approve the proposed exemptions. I fully intend to return to council, but depending on typing we might have to make those in real-time and so I would return to council with those exemptions and depending on if there is a council meeting or if we have to

[2:44:55 PM]

have a special call, but I believe that the phrase to approve could just say "With." I would ask if you would consider that change as well. But I think the broader attempt and sorry the intents of this is completely in alignment with what you have heard from our hr director and from management. We are certainly continuing to ensure that we are supporting all of our employees in this environment. Thank you. And thank you for that.

>> Mayor Adler: Okay. Is there a motion to approve this item number 79? Toe electromakes that motion. Is there a second to that motion? Council member alter seconds that motion. Is there any discussion? Council member Flannigan.

>> Flannigan: Thank you. My staff and I posted a very similar amendment to the message board on this item Tuesday

[2:45:55 PM]

morning and I do think it probably substantively addresses those concerns but I just wanted to be sure that that last point that the city manager brought up was addressed, in my amendment I amended that line 71, and it wasn't clear to me what the conclusion of that was in terms of how this -- this is going to be used by staff. Will the managers still be required to come back to council for approval before oar will he be allowed to report any exemptions and then we can take action as a result?

>> I think I will ask especially my cosponsors on this item to weigh in on that suggestion to. To eliminate the language, returning for approval, and allow it to be reporting to council those exemptions.

[2:46:59 PM]

>> I think council member Flannigan, just to summarize, I think your proposed amendment with regard to that language is similar to what this manager suggested.

>> Yes.

>> If I understand correctly.

>> Flannigan: I believe so, yes.

>> So council member tovo, you are asking for our thoughts on this?

>> Tovo: Yes, I would just like to hear from the dais about that.

>> Mayor Adler: Council mayor kitchen, do you want to -- council member kitchen, do you want to --

>> Yes.

>> Mayor Adler: Does anybody on the dais want to say something. Council member kitchen.

>> Kitchen: I think that the language, city manager, would you repeat that language again? Just so we are all clear.

>> The -- backup version 2, I believe, has line 74 -- 74 and

[2:48:03 PM]

it would delete the phrase two approve -- to approve and replace it with the word "With." So return to council with proposed exemptions and does the reporting like we all are certainly committed to. And then with that reporting the council would have an opportunity to make any policy changes from that. My concern is just the timing issue that we want to make sure that we are able to do this and then we can certainly make the council -- they would have the ability to make changes after that.

>> Okay. Thank you a.

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

>> To my understanding of what the word with means in this case, council member kitchen, I think, and -- this is causing some static, I think. So my understanding of what the

[2:49:05 PM]

word with means in this case is that the manager would bring these items forward to us if you anticipate them and if they are coming in time for a council meeting, but a case where on an emergency basis you need some people to come to work for a critical purpose, that you would report to us if there was that kind of an emergency, but that the default is not that you just report it to us either way. It is that if there is a timing issue we are not going to get in the way but if you anticipate it you would try to get it in front of us as a council. Is that a fair understanding?

>> That's a fair description, yes.

>> I am comfortable with that kind of version.

>> Mayor Adler: Okay. Any objection to those words being amended? Hearing none, that is incorporated. The motion that is in front of us has been seconded. Is there -- hearing none, let's take a vote. Those in favor of this item 79,

[2:50:07 PM]

please raise your hand. Opposed. It is unanimous on the virtual dais. That gets us then to Garza. Is it 81 or 87? >>

>> Mayor Adler: 81.

>> I guess we can take both together.

>> Mayor Adler: Let's take up 81 and 87.

>> Garza:ly move 81.

>> Mayor Adler: I think 87 was probably passed as part of the consent this morning. Does that make sense?

>> Wellness then we will talk about 81. We passed the budget amendment.

>> Mayor Adler: Yes. Why don't you make your motion on 81.

>> Garza: I move passage of 81.

>> Mayor Adler: Is there a second to that motion, 81? Council member Casar seconds it, discussion on 81. Okay. If you want to --

[2:51:09 PM]

>> I don't know what more. Just we have heard a lot from our community that families need help now. We looked at various ways to get families to help that they needed as quickly as possible, the focus was

on equity and expediency, working with our public health department and understanding -- and various departments, economic development, budget, I want to thank all of the staff that have worked for this past week and a half on this issue, working closely with council member Casar's office as well. It seemed like the fastest way to get families help as quickly as possible was through our current social service co contracts. Those -- we specifically did not name a specific organization in that we just didn't feel like it was appropriate to name specific organizations, and that

[2:52:09 PM]

our public health can work through and decide which organizations they think are best to get folks basic needs, such as food, diapers, and financial assistance to help them through this time. It prioritizes hard to reach communities, minority communities, LGBTQ, we added senior, it also follows the guidelines of what are already our public health guidelines which are -- one of those being there are a lot of them, eligibility requirements but one of those being you have to be below the 200 percent poverty line. I have spoken with public health, there was a question by council member Alter about agility and how you prove that now and director Hayden who I believe is on the line and can speak to that more for role, in that there are flexible ways, it does speak to make it flexible for appeals to show that they meet the eligibility criteria,

[2:53:13 PM]

that they are low income and we realize that there is infinite need right now, but also understanding we have finite resources. I am grateful to our community partners, this complements all of the work of organizations throughout. It has been so heartening to see our community coming together in a variety of ways and helping people and this simply complements it is work and I think it creates an equitable approach that it is not just a flat amount check that people are getting. It will help our partners kind of craft a package for family and unique needs in the public crisis and the public portion of this. We don't want families to think no food on the table, no diapers, no basic needs unless they put themselves at risk and we already have spoken about the disproportionate effect we are seeing on our African-American and Latino community of this --

[2:54:14 PM]

during this crisis. And so I added -- and councilor Kitchen, I posted the revised version and find adding, including showers language we added the seniors language, and with regards to, I accept council member Alter's the building capacity concern as friendly, I only had concern about the other amendment that prioritizes those who are positive -- who have tested positive only because I am already, it is already in the resolution and I am not sure about HIPAA and privacy concerns if we were asking people to tell us that

they are positive in order to prioritize their ability to receive these funds. And so I think I have touched on everything I wanted to touch on.

[2:55:15 PM]

>> Mayor Adler: Any further discussion on this item 81? 81? harper-madison and theming council member Renteria. You need to unmute your screen, Ms. Harper-madison.

>> Mayor Adler: Can you hear me council member harper-madison? You are on mute. There you are.

>> Harper-madison: Yes. I couldn't find it for a minute. I couldn't unmute it. Thank you. I appreciate you recognizing me. I would like to first start by saying I am really, really -- I really appreciate those who took the time to testify and talk to us about the immediate need. It certainly helps to see the human side of this aid. I would like to say I really

[2:56:20 PM]

appreciate mayor pro tem Garza for working so hard toward -- I think one of the people who testified earlier said something about doing the things that are hard, not popular. And I think -- I think this work that you put in is definitely going to help to highlight a need across the board regularly, outside of us having -- I think we can all agree we are facing probably the biggest challenge that any of us have ever seen. We have to choose, like the mayor said, between the bad choice and the bad choice. On the one hand, you certainly recognize that lots of us have our own -- we don't personally feel that feeling of, you know, absolute inability to cover the cost of your existence and that of your families. I would like to say, this was

[2:57:20 PM]

surprisingly a difficult one for me and in part because I am recognizing like Mr. Hack know said in our work session when he said, this is the tip of the iceberg. And I have heard people describe where we are now as the infancy of this situation that we are in, and so I just think so much about, you know, us absolutely making certain to leverage every single available program and free option and be careful about sending, but -- although it gave me pause, I certainly think this is the right direction and I am happy to support it.

>> Mayor Adler: Thank you. Any further discussion on this item 81?

>> Yes, mayor.

>> Mayor Adler:.

>> Yes. I really want to thank Delia for

[2:58:22 PM]

her leadership on this. But I saw also -- I will make a couple of comments about, I haven't been touching base with our neighborhood centers because we normally distribute our food for the people that live in the neighborhood there so a lot of these people don't have vehicles to go up and pick up packages and if you are doing that already, the centers where we can distribute food, then I really want to thank you and really, we need to make sure that we do all the things that we have in our power to make sure that food gets distributed to people that are -- that don't have vehicles. I'm supporting this.

>> Mayor Adler: Thank you.

[2:59:22 PM]

Councilmember kitchen. Richard I want to say thank you to mayor pro tem and to everyone who worked on bringing this forward. I said during work session I think it's a very good solution working through our social service agencies. And it works very fast to get help to people. So -- and thank you, mayor pro tem, for including that additional clarification on the essential hygiene. The reference to showers, etcetera, that the mayor pro tem spoke to is in the amendment that was sent out to everybody and also posted on the message board. So thank you.

>> Mayor Adler: Councilmember Flannigan and then councilmember alter.

>> Flannigan: Thank you. Yeah, I think this resolution does a lot of really good stuff. And it is really important since it comes with a budget

[3:00:22 PM]

amendment to actual identify the funds. It seems like an actual step moving forward. Two comments that I've got is for the public I think there's a little bit of confusion about the city's role. And we often find ourselves in the city of Austin having to take on things that maybe cities shouldn't have to do because our state and federal government doesn't really help up the way we want them to and our constituents still want us to. In this case, though, we're filling a gap. That is the intention. It wouldn't make a lot of sense for the city to duplicate a federal program that is on the way, but we're really looking to seek the folks who aren't going to be accessing those resources. And that's really important because as a city we are not deciding between people based on their status or their demographics or their age or anything. We're concerned about people and concerned about them and all of our

community being able to survive this crisis. So I've had a few constituents contact me with concerns about this, but I just want to reiterate this isn't about trying to

[3:01:24 PM]

reproduce what the federal government does, but fill in the gaps because, you know, the federal government is a blunt object and even when it's working well, which I don't know that anyone would argue that it's working well, but even when it is there are going to be gaps and that's exactly why we have different levels of government. So I'm glad to see us moving forward on this. And the other thing is as staff builds the system to work with our social service providers, I hope that we are also encouraging providers that are participating in this fund to also connect their clients with every available free resource that might exist in the community. Not just federal programs, but every program that we're seeing stand up. We want these dollars to reach as far and as wide as we possibly can. And so if you've got one group setting up free internet for a couple of months, then we should be encouraging folks to set that up while we help allocate these dollars to things that can help address these needs. So I hope to see that

[3:02:24 PM]

included when the staff is working with our social service providers on this program. And so I'll definitely be supporting that.

>> Mayor Adler: Thank you. Councilmember alter.

>> Alter: Thank you. I want to thank mayor pro tem for the clarification and the resolution. I want to go back to what you said so I can clarify. I appreciate you accepting the direction. In our conversations with director Hayden I did want to clarify that when we talk about capacity building, it's very specific for building our capacity to deliver what we're asking them through rise so it's a lot more likely to be a technical assistance thing than a full capacity building engagement like they do elsewhere within their budget. So I just wanted to clarify what the intent was in terms of the [indiscernible]. And if they need to do more they can do more, but that was the intent.

[3:03:25 PM]

I also appreciate the mayor's office for working not just for one organization. I think given the amount of money that they're talking about, I think it's important that we're looking at multiple organizations, particularly for the financial assistance. I did want to speak to the amendments and hope that we can accept them as friendly. So there were two amendments related to making sure that we were getting assistance directly to folks who are covid positive. And mayor pro tem, I don't know if you saw, but in

working with legal we added to the second amendment while maintaining appropriate confidentiality. So what I'm trying to do here is make sure that we execute a contract quickly if we need to with providers that can get assistance quickly to people who have tested positive or need to quarantine who otherwise might not be able to do that for lack of these

[3:04:25 PM]

supports. But so that they can do that in a kind of one stop way if they can find a provider who could help them with that. That might be some of the medical social workers. All of this would be done within the confines of the confidentiality requirements and most of these non-profits have confidentiality requirements that they abide by as well. And it doesn't describe that. I agree with you that what I'm saying does not conflict with what you have in the resolution so they could in nearly do this, but I wanted to specifically call out the need for this because what I am hearing from our physicians and what I understood from our health director was that the next step in this process beyond the stay in place order is much stricter approaches to quarantine in eyeslation and

[3:05:27 PM]

that -- isolation and that requires us to have facilities in place for that. And I think the whole thing is about facilitating the stay in place and doing that. But I really wanted to highlight the need for meeting those needs of people who are in that isolation/quarantine situation. So I know -- I know it may be additive in your mind, but I think it would be really important to highlight that.

>> Garza: May I speak to that, mayor?

>> Mayor Adler: Yes, mayor pro tem.

>> Garza: I just want to make sure that -- it specifically says when it mentions eligibility for relief and the providers will determine eligibility. And the bullets, the second one specifically says talks about hardship related to the covid-19 pandemic which may include and it starts to outline all this different -- and one is for

[3:06:29 PM]

the need in quarantine after possible covid-19 exposure. So if you adopt think your intent is in there, then I'm happy to accept. I also want to point out they would still have to meet the eligibility requirements that they are below the 200% poverty level.

>> Alter: Right. So we have tried to address that because you have all these people who are eligible for rise funds. That's why it says if they're eligible for rise funds and among those to prioritize those who have tested positive. That's why I did it separately because it -- you have to be eligible for rise funds. So it's a positive and it's a possible situation.

>> Garza: I believe it's in there, but I'm happy to accept that as friendly.

>> Thank you, I appreciate it.

>> Mayor Adler: Any objection to the inclusion of that amendment?

[3:07:32 PM]

That amendment is included.

>> Alter: I wanted to clarify there were two amendments. We just spoke about the second one. The first one was allowing the program.

>> Mayor Adler: There's no objection to the first one. Is there an objection to the second one?

>> Garza: I thought I already spoke to that. Was that about the capacity issue?

>> Alter: I just wanted to make clear that we have the direction, that you did accept, but my amendment there was a part one and part two. And part two we talked about it and the first part was the service provider. The way the mayor said it I wanted to clarify that there was a part one and two on my sheets. I wanted both of them accepted, but I think you accepted both of them. It was just a clarification with the way that he said it.

>> Mayor Adler: I was picking up one at a time, but let me pick up both. Any objection to either of the amendments offered by councilmember alter. Hearing none those are incorporated. Further discussion on this item 81? Yes, councilmember Ellis.

>> Ellis: I just wanted to take a quick moment to thank

[3:08:32 PM]

the sponsors on this. I think it's a really creative resolution. It's going to help a lot of people in need. I also think that it shows how well our social service providers are already operating within our community to be able to really leverage their capacity and their communication and their networks in ways that will make us more nimble as a city. So I really appreciate the way the sponsors and co-sponsors have written this. And really appreciate our social service providers for being able to bulk up during a really difficult time and expand the services or further the services that we're already providing to our community because I think that allows us to be very quick and to help as many people as we can as quickly as possible.

>> Mayor Adler: Further discussion? Mayor pro tem -- [dog barking]. Respect to 81. The delivery system for this is trying to take advantage of existing delivery systems that social service,

[3:09:35 PM]

non-profit organizations might have in communities where this is best targeted. But it doesn't necessarily require all those social service organizations to be ones that were already doing business with your ordinance or resolution allows for the staff if it's appropriate to use those organizations that we don't already have a relationship with, is that correct?

>> That's correct.

>> Mayor Adler: And second, there are some people with organizations who are advocating for people who are felons and not eligible they feel for some of the federal programs. If those people are hurt by this virus and otherwise qualify with the new requirements in this, would they also be eligible to be recipients of this fund?

>> Garza: Yes.

>> Mayor Adler: Any further discussion of of

[3:10:36 PM]

this item before we vote? Councilmember Casar.

>> Casar: I want to thank not just the sponsors, but the whole council for this. Just like some of the other items that we worked on today. I know that so many different members of the council could have co-sponsored. And just everyone's support in this time is so important. I just -- I know so many of us are hearing from constituents that are so distressed and under -- feeling so much doubt and fear at this time. And this council stepping up to do -- take such a big action and put together such a significant fund so quickly I think is really meaningful. It's going to help tens of thousands of people. And there are other cities and counties in Texas that are looking towards the actions that we're taking today in order to model their own funds in this moment. And so we're helping people in our community, but I think we'll also be

[3:11:36 PM]

triggering more help from our folks across the state. So thank you to each of you and we'll do everything that we can to make sure that this help gets out there fast. Manager, please do work to get -- to get this help out to everyone as quickly as possible.

>> Garza: Mayor, can I add?

>> Mayor Adler: Before you close, I just want to say that [indiscernible] This moment in council passing this item. As councilmember Casar says, there are certainly people around the state that are wrestling with whether or not to do this, but it goes beyond that. There are cities around the country that are looking for this action. I'm particularly proud of it. Mayor pro tem, do you want to close us out?

>> Garza: Sure. Yeah. I just -- I think this is a big deal and I'm really proud of this council. Not only the co-sponsors, because I know every single

[3:12:36 PM]

one of you, if I didn't have the ability to keep it to five, I would have said yes to this. So I just want to thank all of you for the

[indiscernible]. Director Hayden I have been in close contact with and she believes that we could roll this assistance out in about two to three weeks. And I'm really excited about that time frame. She mentioned -- I think she's on the phone. If she wants to speak to -- I know we're getting a lot of questions about how do people apply, where do they go to get assistance? And she mentioned possibly putting out a press release either today right after we pass this or I guess tomorrow. So are you on the line, director Hayden?

>> Hello, this is Stephanie Hayden.

>> Yes, director.

>> Yes, I am here.

[3:13:39 PM]

>> Garza: Do you know how we'll get the information out. If people are asking council offices how they can apply for this assistance, how they'll do that?

>> Yes. I'm going to be working with our pi O to get something sent out first thing tomorrow and then that way if they had questions they can send it in to our mail box that we'll have set up.

>> Garza: Great. Well, thank you, again -- happy public health week --

>> We're going to be working with the equity office as well.

>> Garza: Okay.

>> Garza: I was saying happy public health week. And lastly, I would be remiss if I didn't thank Cynthia in my office who has done a lot of heavy lifting. We had three items on this agenda and she did a lot of heavy lifting.

[3:14:39 PM]

And when one aide is helping you on one thing, that means all the other people in your office are helping as well. So to Katherine and rose thank you so much for all your help during these last couple of weeks to get us here and of course to all the staff and councilmember Casar and everybody's office for working with us on this.

>> Mayor Adler: Okay, thank you. Those in favor of this vote on item 81 please raise your hand. These opposed? It is unanimous on the virtual dais. That leaves us two items. One can't be taken up until 4:00. The other remaining item is item 6. Councilmember tovo.

>> Tovo: Thank you. I'd like to go ahead and move approval. And I also have some additional direction that I think will address some of the requests that we've heard. And I'll talk about those as appropriate.

>> Mayor Adler: Okay. You're moving approval to an

[3:15:39 PM]

item that is in backup?

>> Tovo: Correct.

>> Mayor Adler: Okay.

--

>> Pool: Mayor, I'd like to second.

>> Mayor Adler: Moving item 6 that is in backup. Councilmember pool seconds it. Councilmember tovo, do you want to discuss it further?

>> Tovo: Sure. I guess I want to talk -- so number one, I would start by saying, you know, I want to just quote what mayor pro tem Garza says a little bit earlier. There's certainly infinite need and a finite resources. And this is, as I mentioned this morning when we had several speakers on the phone, an understand that was [indiscernible]. Let me start by saying there are two components of this resolution. There are two directions being enacted. One deals with an emergency relief fund. One deals with what I regard as a really good idea that Shannon Haley on my staff came up with that says no

[3:16:40 PM]

relationship to the emergency relief fund except

[background noise]. There was some confusion about whether those two items are tied together, ie, whether one is contingent on the other, and it's not. And I can address that point.

[Background noise].

[Indiscernible].

>> Mayor Adler: Somebody needs to mute the phone. And now we can't hear you.

>> Tovo: Not at all?

[3:17:42 PM]

>> Mayor Adler: Now we can.

>> Tovo: Mayor, I know you brought up some amendments and I would request that we talk about them one by one. I would like to address a few things that we've heard about. And my staff has, as I mentioned earlier --

[background noise]. To try to really understand what their request was. And this is an attempt to take an existing pool of funding that has been set aside for live music, to support live music. It was set aside for and allocated for longer term efforts for sustainable investments in our music community and our vibrant music community and our music infrastructure. It has about \$1.5 million in it currently. And this resolution would direct our manager to think of ways in which to make

[3:18:42 PM]

that available through emergency grants or assistance to musicians in the community who have been so very impacted by it, by the current crisis. It does not -- we have language in the resolution that I hope makes this clear. It is not suggesting that this is anything other than a temporary use of it. I am absolutely committed and I believe this council is committed to making sure that this fund is available for those kinds of longer term sustainable infrastructure investments. It does not in any way negate the work of the stakeholders who have been thinking about and working toward how this should be used in the future. It is simply acknowledging that we have infinite need right now among our residents, including and especially -- let me just say including within our music community. And these are individuals who need the assistance now

[3:19:44 PM]

and this would -- this would enable the process to begin. It does not foreclose opportunities to work with partner organizations. One of the things we heard from multiple people is that it may be most efficient and most effective and quickest, which is Michael -- which is my goal, to take this funding and give it to an organization that works with musicians or something like the Austin community foundation, which could distribute it using some of their existing mechanism. I think there are several options,ham, hamm, of partners that could work with the city in getting this money to people who need it immediately. And so there is language in the resolution that speaks to that. I think that was one issue, though, that was causing some concerns and questions and so I want to highlight where that language is. At one point we had made

[3:20:47 PM]

specific language and then re' advised by legal to make it more general. So that language that allows for that

-- that language I shall point to in a minute, but let me say that it's definitely the intent. And the additional direction that I would add here today is that the manager. Consider the following. Just again to make it very explicit. Working with community partners, especially partners serving individuals within the music industry and relying -- essentially partnering with them to diverse funds and assistance where that provides the most expedient method for doing so, funds or assistance if

[3:21:48 PM]

that provides the most effective and expedient method to doing so. And the second bullet point that the manager consider are the recommendations adopted by the music commission on April 8th, 2020 yesterday. This has been distributed to your offices, I believe. And it's being posted on the message board. So again, it was always the intention of the resolution that the manager have the ability to consider what the most effective and efficient means of getting this funding into the hands of people who need it now is. I think I've addressed the question about what L this would be a long-term reallocation of this funding. It isn't. And then lastly, and I look forward to hearing if there are questions from my colleagues. But I do want to point to the two bullets. As I mentioned, one is about the emergency assistance fund. The other is the idea that Shannon Haley on my staff had when we reached out to

[3:22:49 PM]

the music and entertainment division, they had been brainstorming and had already some conversations going on with stakeholders, including visit Austin, about ways to really bolster our support of our music

community. We have all of us, I think, are aware that many of our musicians in Austin are doing livestreaming performances. And in those ways bringing in some really necessary funding. We wondered whether our atxn could feature some of those performances. There are some ways in which we can do that, but I think it involves some more conversation. But the intent would be to partner in such a way potentially with visit Austin that those live presentations on atxn could link up with the work the city of Austin is doing to promote those musicians across the country, even the world. So that during this period of time where we can't have live concerts in real

[3:23:50 PM]

venues, we would be partnering with other stakeholders and other partners within the city of Austin to see how we can best help our musicians promote their work and bring in that necessary income. So that second bullet is again entirely different from the live music fund. I think one concern I heard was that it was -- that those were tied, but if you had a grant you then had to have your work online. Absolute not. They are two separate ideas linked by the singular mission of trying to help our musicians survive this period where so many have suffered a loss of income. So in closing, and again, I look forward to addressing any concerns or questions. In closing I would just say I think it's critical. We have this money available. We do have finite resources. I think it's important to get it into the hands of people who need it and who need it now. We can't use this funding for other kinds of purposes

[3:24:51 PM]

because of the requirements under state law, but it is my understanding that it can be used in this manner. And should be. Thanks. As we all know, many, many people are suffering.

>> Mayor Adler: Further discussion on this item? Councilmember Flannigan.

>> Flannigan: Thank you, mayor. That was a lot to unpack at one time. I have a couple of concerns that I share with the speakers this morning. Part of the challenge with this item for me is that it and on such a late addendum that we weren't even allowed to talk about this on Tuesday at work session. Which is really unfortunate but it actually has a couple of other side effects which I want us to all be thoughtful of as we try to adapt to this new way of doing business. Because we cut off speaker

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input Wednesday at noon, anything you put on late addendum is also not -- not only does it inhibit our ability to speak about it on Tuesday, it only gives the public 48 hours to sign up to speak, which is challenging. That is not under any circumstances sufficient public engagement. It's additionally challenging when some of us are doing a good job putting things on the message board and engaging

with the rest of our colleagues. And then to hear from folks like the Austin Texas musicians and haam and Simms and others that this wasn't work that they had been incorporated in, not even the work before. That it was all done in the last four days, which is a little concerning. I really hope moving forward we're not making this a regular practice to bring items on this late, late addendum because it does cause so many issues I think -- I know how much we all care about trust in the

[3:26:53 PM]

community and how much we care about public engagement and public participation and I would hate for us to take actions that inhibited the public's ability to do that. There are some policy concerns I have about this that are reiterated by our speaker this morning. But I also want to point out that the music commission's recommendation does not say to use this money right away. It doesn't make this something that should be

done first: In fact, they kind of go out of their way to say that this should be a tool of last resort. So given that I'm also curious why this needed to be on such a late addendum and given so little time for conversation and debate. I worked with a lot of folks in the music industry over the last month, including the night that the mayor so correctly and courageous yes canceled south by southwest, including talking with folks

[3:27:53 PM]

about how the city could support livestreaming and how the economic development department might help folks and musician dozen that. If you read the letter from nikea reynosa and others, they know that the challenge with that, I think why staff has been appropriately methodical about it, is you end up getting into the challenges of hiring musicians, which is not necessarily the same thing as a program that the mayor pro tem put out in the item we just adopted. So I think the item we did just adopt as our music industry folks said, that is the thing that will help most musicians in need in their daily lives and ability to get access to resources in order to make it through kind of this critical time period. But if we are doing about supporting musicians, then I think we should listen to the musicians that are saying this is not something that needs to be done right away. In fact, it's an option of last resort. And that we should continue the work of the music

[3:28:53 PM]

commission as the live music fund working group who are looking to see how this fund can be used to support the music industry and to support our local musicians in a way that is above and beyond what the mayor pro tem's rise fund accomplishes. So I maintain that I have a lot of concerns with this both on

the process and the policy side. You know, all of the concepts that direct the manager to go explore are all sufficiently covered under the item from two weeks ago. So I just don't know why we would move forward on an item that so diplomatic -- so significantly hinder our own ability to debate on Tuesday and the public's time to sign up and speak.

>> Tovo: Mayor, I'd like to address several of those concerns.

>> Mayor Adler: Okay.

>> Tovo: Let me note, while I appreciate your comments, I hope that you respect that we're all trying to respond to the current situation. Let me note that the item that we just passed for

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15-million-dollar expenditure from our gender was also on the same addendum. We're all doing the best we can to respond. I am certainly trying to communicate through the message board as much as possible, but when it's a good idea, which I believe this is, and there's an immediate need, I think it calls for bringing it forward. I don't think we need to get into the discussion of who we've reached out to and who we didn't. We have had various discussions today and have been able to resolve some of the concerns that may have been centered with you, including one I just mentioned about the absolute commitment and making sure this is not a permanent change, number one. And that there would be an exploration of working together with community groups. I think also many things that we're going to be addressing, including the item we just passed, could be covered by number 91. But that kind of very general language about a lot of things doesn't necessarily focus staff's attention on specific

[3:30:55 PM]

programs that would make a difference. As the item we just passed did. In terms of emergency financial assistance that would fall under the umbrella. As what I'm describing would fall under your resolution's measure about working to identify -- I don't have it in front of me. I read it earlier this morning, uses for the hotel occupancy tax for projects that weren't allocated. So I believe we have safeguards in here that are appropriate. I believe again there's an immediate need. I'll call your attention to the music commission's language which was that additional, if contingent on additional funds are searched for before using the live music fund. And if the live music fund is used, music commission support is contingent on replenishing the live music fund. I think that's a conversation that we need to have with our convention center or with the manager about whether it would be

[3:31:56 PM]

possible to replace that 1.5 million. And certainly I think the manager and others are all involved, actively involved in looking for whatever additional funds throughout our budget. But this is funding that is available only for the purpose of supporting the music industry in this city and promoting tourism and to me this seems the most immediate need right now for that use.

>> Mayor Adler: Okay. I want to -- so my sense is everybody on the dais wants to support the musicians and artists in the city. In looking at this, and I posted an amendment, what I was trying do is get us to the place where we could have something that would be able to be passed for

[3:32:59 PM]

someone who has been able to work with knowing that everybody wanted to get this done. This is a group of people who are at risk and we want to be able to help. The posting language for this item is really, really new and it limits the kind of amendments that we could make for this because the posting language is approve a resolution related to the use of the live music fund for emergency assistance for musicians. So the only thing we can talk about here is using that fund for musicians because that's how it's titled then and posted. So I was trying to figure out how to work within that because I want to help musicians as a susceptible group, but I don't support using the live music fund for that purpose. Because I think that industry is something that as we move out of the recovery is going to be one of the things that really needs to lead us as we move

[3:34:01 PM]

out of this. And we have some money that can only be spent on that and I was really proud to sponsor the resolution that created that live music fund and that we all participated in. So I don't want us to use that money and when the -- when the resolution came out, almost everybody I knew within the music industry called and said absolutely, we need emergency support, we would love to have support, but please, please don't use that fund. Don't use that money. We have a working group that's talking about that. And regardless of what happens with the emergency, we still need that institutionally and for the infrastructure that we've been arguing for for decade, decade and a half. And we finally now have in position. And I'm real sympathetic to that. From what I hear, as you're laying it out today,

[3:35:02 PM]

councilmember tovo, I'm pleased to see that that's your intent too. That it's not to deplete the fund. It has a real specific value and a real specific purpose. So I'd like to go through the amendments that I have here and I don't think that they are inconsistent with anything that I urge you to say. And if they are inconsistent with what I heard you say, then I would need to better understand it. So posted on this

item as an amendment that's in backup is this. The first question I asked, by the way, was could we use the two percent money. Remember, this was the two percent that we said would be devoted to music at the time that we authorized getting that additional two percent in taxes associated with our direction to pursue the expansion of the convention center. And if the only reason that we could get the two percent is because we authorized the expansion of the convention

[3:36:03 PM]

center. The question I asked was can we get this money because we're escrowing the other two percent. And the word that we got back from legal is that yeah, the balance of the two percent, not the 15% for art or the 15% for art in public places. That has to be escrowed because that can only be spent on convention center expansion. And the only reason -- I said do we have to escrow the 15% for art and 15% for historic preservation and the answer was no because we have authorized proceeding with expansion of the convention center. And of course, we did that saying that we wanted it if the will of the council was to do -- I don't remember what the number was, 10.8 or 10.5 a year, whatever had the urban placement component to it. But it's only because we authorized the expansion of the convention center that we can access those funds. But even with that I think that the amendments that I

[3:37:04 PM]

had here, one, just two whereas clauses because you talked about the live music working group and some subsequent action so I just included the subsequent action including that happened yesterday. I ask the city manager not only to consider, but to make recommendations to that there's an active element to that. I took this and turned it into informed because I don't think we should be guided by the feedback of the music commission but I certainly think they should inform the work. I don't want to delegate that to them. And then I put in two clauses that I think are similar to the direction that you're talking about where it says that we all want to help these beneficiaries but we don't want to use this money. If there's any other money we can possibly use to be able to do this, and I'm pretty sure there's other money that we can use. There's emergency money that we can use, there's money similar to what we just did or the other action.

[3:38:05 PM]

You know, some of the people that would benefit from this would also benefit from the item 81 that we had, but I also recognize that the priority for 81 is that they might not be helped by other programs so they might not be able to reach to everybody. But I want the manager to know going away from this to not deplete this fund if there was any possible way to avoid doing that, any other ways that we can access for emergency purposes the federal money, general fund money, whatever it is. But I thought I

could put that in and still live within the -- rather than directing it come from a different funding source, which I think would take me outside of the posting language of the resolution that you file, I think it's consistent with that posting notice to say, okay, use this, but we don't want it to come from this if there's any other place that it could come from.

[3:39:07 PM]

And I said the manager expected to first utilize other funding for this emergency, not limited to other disaster funds and other emergency assistance. And then I included a cause here, more directed toward the concerns or issues raised by councilmember kitchen who I know also said we have creative artists, music artists that we want to be able to address as well. I don't think that's the germane heading, which is only about using the music fund for musicians. So I put in a language that said as the manager is also finding, emergency funding for other artists and artist venues so as to keep that concept alive in a way that I thought might still fit within the title. An then included with what you also said is your direction that if I don't think it will be the only place to find that money, that we would have a plan for replenishing that money so that it was a available for everything that we've wanted that fund to do for

[3:40:08 PM]

the last 10 years. So for that reason my hope was, and I'll move these if we need to, but my hope, councilmember tovo, was that they're consistent with what I heard you say in terms of of --

>> Tovo: Some of them are. There is definitely one we need to discuss. If we could take those up separately. Absolutely, happy to accept the whereas's. I think that adds factual information that's realment. Make recommendations on --

>> Mayor Adler: Does anybody have any objections with those additions being made, two whereas clauses and the recommendations made? Hearing none, those are included. Continue on.

>> Tovo: I'm going to let councilmember kitchen, because it was her idea and I think it's a useful idea, speak to the last piece. Please know that when we turn this in at 1:00 on Friday and had just missed the deadline for posting on that day, we did forward new

[3:41:11 PM]

posting language with councilmember kitchen's addition that would have addressed this. There was a mistake, as happens now and then because we're all working way too quickly on way too many things, but there was a mistake at the agenda office. And the posting language did not get changed, which is why the posting language is not broad enough to potentially include councilmember kitchen, and I'll let

her address that issue. And then if we could come back to your other amendment. And I'll just ask the question now and maybe you can think about it. I mean, clearly we have need of a lot of -- [background noise]. We have many needs right now now. And -- there are multiple opportunities for finding this money somewhere else. And what I would like to come back to in a few minutes with regard to that question is which are the funds that you would suggest. Yes, we have the \$15 million

[3:42:12 PM]

from the general fund. I'm not sure we could increase -- you mentioned the general fund as one potential source, but that's also needed to support people who wouldn't qualify -- if we could do 16 million or 17 million in emergency assistance from the general fund, that would allow us to reach more of the community who couldn't access this emergency music fund. So while yes, I'm sure we could find \$1.5 million somewhere else in the budget, it also has probably multiple other demands for those dollars as well. And so maybe you had a couple of different funds in mind that you could come talk about. But anyway, councilmember kitchen, I'll yield to you to talk about your piece.

>> Mayor Adler: Okay. Councilmember kitchen.

>> Kitchen: Okay. So I appreciate your efforts to add a clause as a nod towards the artist

[3:43:13 PM]

provisions that I included. The mayor pro tem explained what happened with regard to the posting. We tried to make the language fit. I think that the way that you are saying it also fits. I would suggest some additional changes to the clause that you did so that it says, as the manager is also finding such emergency funding and rental assistance for other artists, artist venues, such as the creative space

[indiscernible]'s program. And the reason that I think that is helpful is just a little bit of background for people. The cap, the

[indiscernible] Space assistance program is directly on point for this issue. It was created to prevent displacement among Austin artist venues. It does also apply for live

[3:44:14 PM]

music venues and performance spaces, in addition to creative artists. There are a number of barriers in the way that it is -- in the way that it is administered right now, barriers to addressing concerns that artists have as a result of covid. And so I think with this kind of direction it's helpful for the city manager to understand that we would like the cap program to be looked at also. For example, it does -- cap

program does address rental assistance, but only for substantial increases in rent, which is not what we are dealing with right now with regard to covid.

>> Flannigan: Mayor, I don't want to interrupt councilmember kitchen, but I don't believe we are posted to talk about cap today. Ms. Kitchen councilmember Flannigan, if you would let me question.

>> Flannigan: I have a

[3:45:14 PM]

question for law. It's kind of a point of order.

>> Kitchen: May I finish, mayor?

>> Mayor Adler: And I understand the point of order. What I'm going to say is it's not -- to the degree that this does not direct spending of csap, then it's going to be allowed. To the degree that it's seeking to direct the use of the csap, then obviously it falls outside. But I want councilmember kitchen to finish so that we can hear which one of those it is.

>> Kitchen: That's why I used the term such as to address the concern you just raised, mayor. So rather than take people's time, I just wanted to help people understand why I think this is important. And we'll be happy to share more details at another time.

>> Mayor Adler: So I appreciate you being okay with exchanging the clause rather than moving it up. I don't have a problem with

[3:46:14 PM]

funding and rental assistance. I do have a concern about directing money out of cap for the same reason. Because I -- what I want to make sure is that we're not observing those artists during this crisis only to exit the crisis and lose them and be faced with the same danger of losing them that we had coming into the crisis. Let's continue the conversation. Yes --

[multiple voices]

>> Mayor Adler: City attorney.

>> I want to make sure as we go through this it's always a challenge to edit from the dais, but I want to ask when we're trying to decide about words that let's use the page and line numbers. Since we're on the mayor's amendment what I understand so far is the changes that he has made on the first three pages are all acceptable.

[3:47:15 PM]

Lines 50 through 55, line 57 and line 63. And now you were talking --

>> Tovo: I'm sorry, go ahead, Ann.

>> And now you were talking about page 4 of 5.

>> Mayor Adler: Yes, the last resolved clause is stricken. And councilmember kitchen was proposing line 73 on page four where it says funding such emergency funding, she was suggesting we add the words "And rental assistance." At the end of venues she had a comma, such as the cap.

>> Tovo: Mayor, as a matter of --

[indiscernible]. I want to be very clear. Your draft that you posted on the message board has stricken out passages, but not marked them out on your copy. And you have proposed something very different. And councilmember kitchen, you are amending the

[3:48:16 PM]

mayor's, which I've not accepted as friendly. I think it's markedly different from what I'm trying to achieve. So I think that it's hard to see if you're just looking at the mayor's copy because he didn't strike out -- I don't believe his version shows the strikeout on the passage from ours, which you're a co-sponsor on, that have been eliminated.

>> Mayor Adler: I didn't intend to do that.

>> Tovo: I may be wrong about that.

>> Mayor Adler: What's taken out?

>> Tovo: I apologize. It's the immediate use -- you were just adding to it. It still has the immediate use. Okay. I apologize. But you are proposing language that I've not yet amendment [indiscernible].

>> Mayor Adler: Since we have it on the floor I'm going to move my amendments as a amendment. Is there a second to my amendments?

>> Tovo: Mayor, I've accepted several as friendly. You don't need to do those.

>> Mayor Adler: I was going to move it so you

[3:49:16 PM]

would be able to talk about it. Councilmember Renteria seconds the amendments. So we continue to thaws. The amendments have been accepted on page three of five. That gets us to page 5. What we're

talking about right now at your suggestion, councilmember tovo, is the issue of Ann kitchen's as far as. Ann, do you want to address this?

>> Kitchen: First off, councilmember tovo, I apologize for getting out of order in terms of that. I have not yet accepted -- I want to hear what you are accepting in terms of yours. So I was just giving her some feedback. So I think perhaps at this point I will wait for you and the mayor to work through your section and then mayor I would like to revisit again the language that -- to the extent that we move forward with your language I would like to

[3:50:17 PM]

revisit this again.

>> Mayor Adler: I understand. What is in front of us right now is my amendment to the tovo motion. Councilmember pool.

>> Pool: I'm looking at what you had posted at 1:00 this morning and it does have cap in there and it struck through lines 81 through 86, pages four and five. Is that the piece that was not included because the caption wasn't broad enough?

>> Mayor Adler: Yes.

>> Pool: Okay. Kathie, councilmember tovo, is this the piece you were referring to as far as the cap not being part of your original document, which is the piece that councilmember kitchen was adding? Is that correct?

>> Tovo: Correct. She added it and I thought it was very aligned. And we changed the posting language to accommodate it. Unfortunately that change just didn't get reflected because we were all moving so quickly.

[3:51:18 PM]

>> Pool: And that error was not a result of yours or councilmember kitchen's actions, but something that happened at the staff level, is that right?

>> Tovo: Correct, but I understand we're all working on millions of things at once, and we're in an emergency. Everybody -- I understood why it happened.

>> Pool: Agree. And I also understand that law was looking for a way to allow us to have this conversation about the kitchen amendment. Has that been resolved. City attorney?

>> So you all are asking the manager to go and explore various options and come back and you all are owe oak hill he will have to bring options back to you to take an action. I think the posting language was

not broad enough to talk about it originally. But it's -- you all are trying to work through that, I can tell, by giving -- making changes.

>> Mayor Adler: Further discussion on the amendment

[3:52:18 PM]

that's in front of us. Let's go through this in order. Okay. So we're going to talk about now are the amendments that are on page four of five, line 67 to 76. We're not getting why yet to councilmember kitchen's issue wrap to cap and -- with respect to cap and artists. I proposed those two because I think they reflect the intent for the money coming out of this was to build infrastructure, as we're coming out of the virus we're still going to need that money. I want us to find the money somewhere else in order to hand to to the music commission and someone else asks us to do. They've been working on this. I'd let them continue that work. It says if in the last resort this was the only place it could come from, which I don't believe would be the case, then the manager needs to have a plan to replenish it.

>> Pool: Mayor, again, I would -- sorry.

>> Tovo: Yeah, I have a discussion.

[3:53:18 PM]

>> Mayor Adler: Councilmember tovo.

>> Tovo: I have discussion. Number one, I think I would ask you to consider some different language because then -- in essence you've said -- it's an effort to -- what I'm trying to do is get our manager's eyes on these and whether it can be in partnership. At least one of the organizations who was cited this morning as being in opposition I had a very good conversation at the break with one of you or board members who went back to the executive director. There was frankly I think a lot of confusion potentially, some misinformation in the community about the resolution and I was able to address those concerns. You know, I think that what I am hearing is a fair amount of support for getting this money moving quickly. There certainly was part of the music commission's recommendation was that there be - that it be remr. Renteria initialed. So I'm happy with -- I am comfortable at 74 with if

[3:54:23 PM]

this funding is used, the manager must -- [background noise].

>> Mayor Adler: Excuse me, I think there's someone on the line.

>> I'm on the council meeting, yay.

>> Tovo: So I would accept 74 if it reads this way: If this funding -- if the live music fund -- the last clause. If the live music fund is used to initially fund the Austin music disaster relief fund, the manager must set forth a plan for replenishment. So taking your second clause and then adding the manager must set forward a plan for remr. Renteria initialment. And cutting if there is no funding, other funding available for this purpose. Again, I think that of course they could find \$1.5 million somewhere, but there would be something else that's not getting funded. And I would like the manager to consider the use of of

[3:55:24 PM]

this funding because it is very restricted under state law. We can use it to promote tourism, to put heads in beds. I think sustaining our musicians through a health and financial crisis is a super use of that money right now. We are not using all the money that was budgeted for that fund. I think it's budgeted to come in at 3.5 million this year. Obviouy there will be a big decrease. It currently has 1.5 million. Even if we can just put half of it into emergency assistance right now I think that would be a step. I'm not sure what we've achieved if what we've said is please consider using this money, but we don't want you to. I'd rather you just voted against it in some ways than have a line in there that says the city council doesn't want to do what one of the two actions that the resolution is directing. But again, I would just say we know the need is immediate. I don't mind some language in there saying if there are

[3:56:26 PM]

other appropriate resources identified, please come back and let us know. But I think your language is just -- undercuts one of the two main actions that I'm asking the manager to consider. So I wonder if you -- I apologize that we didn't have an opportunity to talk about this. This is -- I mean, I know you have a strong interest and have done strong work in this area. I appreciate your leadership. It's one of the reasons I invited you to be a co-sponsor. I thought working together we could iron out any differences. Unfortunately now we're doing so in a super awkward virtual dais, not only are we editing on the dais, we're doing so on 11 different daises. But --

>> Mayor Adler: How about if we do this --

>> Tovo: That's what I would do to 74 to 76. I don't know if you have a specific fund in mind. I just think we're in the middle of a crisis. We need action. And while we've asked our staff to look at this and this and this, and these

[3:57:26 PM]

kind of assistance programs, providing them with something specific to investigate is of great value. If we want to actually get that money to people quickly. So could you look at 67 to 73 and come up with language that is more like not the manager is expected to utilize. The manager is recommended -- the manager should first come back and recommend other potential sources, something like that. That would be something I could accept.

>> Mayor Adler: I'd be fine if the manager was to go away and come back with how to help this group. And to take a look at 91. And I think that EdD is trying to do some things right now with the authorization of 91. And I don't know if Veronica is on the phone, but she could probably talk about those. I am fine with the manager going -- us giving him the direction to say we want to help these people. Come back to us at the next council meeting and tell us

[3:58:28 PM]

the best way to get emergency help to these people. And I would be supportive of that. Maybe the best thing to do is to postpone this for two weeks so that we can work together to see if there are other funding sources available for this. That might be actually the best way to deal with this now. Because if there's any other way, I don't want to use those funds. So -- because at the back end of this virus stuff if we're going to preserve that community in our city it's going to need an infusion then. It's going to need the help then. And I don't want us to eat the seed corn at this point on that. Maybe the best thing to do, Kathie, would be to postpone this for two weeks.

>> Tovo: Well, I just think that --

>> Mayor Adler: Let's get some other people who didn't get a chance to talk. Councilmember Ellis.

>> Ellis: Yeah. I think we all fully intend to help the musicians right now that are experiencing a lot of stress and a lot of financial uncertainty.

[3:59:28 PM]

This is not usual how we create policy like this. It seems like as much as we want to help quickly that it hasn't fully been vetted through staff. The music community hasn't had time to have their input. Right now a lot of people are trying to figure out how to get food on the table and not everyone has the ability to be able to tune in on such short notice. So I think the intent is very good. I think we all know we want to help musicians, but I really worry about the status that this particular resolution is in, making sure that everybody is clear on what it does and answering those questions. I think there are other ways to fund it and I do want to support the live music fund and make sure that it continues to grow healthily so that we have a good balance of what is temporary assistance right now and how much is long-term planning. So I'm really uncomfortable with moving forward with this at the moment, but I think it means well. I don't think it's fully baked right now.

[4:00:33 PM]

>> Mayor Adler: Would you like a chance to speak on this? Councilmember kitchen, then councilmember tovo.

>> Kitchen: I hear what everyone is saying. I've got a suggestion for the way that this language -- if there's sort of a will to do that. So, mayor and councilmember tovo, I would suggest just, instead of 67 to 76, I would take some of that language and I would say if the live music fund is to initially fund the Austin music disaster relief fund, the manager must set forth a plan for replenishment of the live music fund. The manager is requested to first utilize other funding available for this emergency, including, but not limited to, and then just go on with the rest of the statement. So I think that might catch both of y'all's intent.

>> Tovo: I need you to read the second part.

[4:01:34 PM]

I might be open to that. I would just ask -- I guess I would like to better understand -- number one, I would like us to all acknowledge that we're trying to respond quickly because the needs are immediate, as I said earlier. We made a decision today to fund 15 -- take \$15 million out of our general fund, and it's the right thing to do because it's necessary, we have the money available, and it's the right thing to do because people need it. I guess I need help understanding, yes, we absolutely need dollars afterward to help rebuild and do that sustainable chain within the music industry but we have musicians who hey not -- who may not be here to benefit from that if they don't get immediate assistance because they may have to leave that profession. So is the will that I'm hearing to keep that money sitting there while we continue to work to figure out what that long-term

[4:02:35 PM]

change is and not use any of it in this immediate crisis?

>> Mayor Adler: I think we need to deal with the immediate crisis but it doesn't do us any good to have the artists sustained through the immediate crisis if on the back side of this, we don't have ability for them to be able to be part of the rebuilding. So we need both pieces. We need an emergency now to make sure that they can sustain themselves, and we need the back piece, people need to know exists. As people do right now -- we need them both. I don't want to fund one with the other. I want to give instruction to the manager to go and make sure that we can do both of those two things.  
Councilmember Flannigan.

>> Flannigan: Thank you, mayor. I'm going to move to postpone this item to the next council meeting and if I had a second, I will speak to it.

>> Mayor Adler: Councilmember harper-madison seconds that motion.

>> Flannigan: Thank you, mayor.

[4:03:35 PM]

I grow with councilmember Ellis. I think this is a really challenging way to create policy. I do -- you know, I think there's a little bit of confusion amongst us on how this even came to pass. I am super empathetic to the challenges of the posting language and the timing of submission. The item was also not posted to the message board on Friday so, you know, the public was not given an opportunity to really look at it before it came to the council meeting, and to that point, you know, it was not on the same addendum as the mayor pro tem's item 81. That was on the Friday addendum. So there were a lot of opportunities to engage in a broader conversation that were missed on this. And I think given that the commission's direction and what we're hearing from the community is saying that we shouldn't rush to spend this live music -- live music fund, I don't see the harm to take an extra two weeks to

[4:04:36 PM]

make sure we're vetting the concept. I've also -- I think there's a little bit of confusion on the communication side for some of us. It is possible that we are hearing different things from the same groups because we're definitely interpreting what they're saying differently. So I think the two weeks is really necessary.

>> Mayor Adler: There's a motion to postpone. It's been seconded. Further discussion? Are.

>> Harper-madison: Mayor, I have a suggestion, if you're going to postpone it, would you simply withdraw it and bring it back in two weeks rather than have the same concerns?

>> Mayor Adler: So that we can have different posting language.

>> Yes, sir.

>> Mayor Adler: Be fine with that.

>> Tovo: I would just -- I'm sorry, mayor, you and everybody else's screens have disappeared from mine so I can't talk and recognize -- but I would like --

>> Mayor Adler: Let me ask the city attorney, if the only way out of this box now is to postpone this item, if I'm still going to let the vote happen on

[4:05:37 PM]

the postponement, that does not stop anybody from filing a new ifc in two weeks that has broader posting language, and that could become the vehicle then that actually moves forward. But the motion to postpone would be a way to resolve where we are right now. So I'm going to continue that on the floor. Councilmember tovo.

>> Tovo: So you and I were talking about your language. Councilmember kitchen proposed some different language that I think might be acceptable, might meet your concerns, as well as mine, and might actually get some action started on this, on this review. I -- I don't -- I'm not sure what box you're talking about except I think perhaps it's the creative phase assistance program, which I would suggest could come back independent of this, could be removed from this section or adapt the whereas, as councilmember kitchen suggested earlier, and then we can actually get some work beginning on this. So I'm not sure that we're --

[4:06:38 PM]

that the posting language -- I don't -- nothing that was said today limits us in terms of the posting language from making a decision about [inaudible] --

[background noise] I would request that we work through [inaudible] --

[background noise] The way our system requires us to work. Again --

[background noise] I think councilmember kitchen had a good suggestion for 67 through 73, and that [inaudible] --

[background noise]

-- Makes it clear that the manager --

>> Mayor Adler: I think somebody needs to mute their phone.

>> Tovo: The manager should do

[4:07:38 PM]

this work in collaboration with our [inaudible] Representative. Somebody asked where this came from. It came from our music commission. They made this recommendation several weeks ago in a meeting for which they didn't have a quorum. They forwarded it to us. They met last night, passed it unanimously with the other elements that we discussed, including a request that if this is used, that there be a replenishment. It does have significant support for some kind of emergency financial action.

>> Mayor Adler: I support that, but I think we may be disagreeing from a policy standpoint, which is why I'm going to support the postponement because I don't want to use the live music fund if there's -- I don't want the manager to go --

[background noise] I can't answer the question of where it really comes from, I haven't had time to take a look at that. I think over the next two weeks we would have the opportunity to be able to determine if there's, in fact, other places for it to

[4:08:38 PM]

be able to come from. If not, then we would know that answer. But I think two weeks would give us the opportunity to see if there's another way for us to hit this emergency need that we need.

>> Tovo: Well, mayor, if I need to ask the manager, what would be the action asking -- if we don't take action asking the manager to do that work, I'm not sure what we've gained in that two weeks. If we could pass this language we agree on, then we're actually directing the manager to do that work and to do that second bullet, which I don't believe there's disagreement about. Explore those collaborations with visit Austin, with the music and entertainment division to see if there's an opportunity to have a promotional digital interface. That's a completely separate issue that would benefit from also having those conversations begin now and not in two weeks. I don't think we're in disagreement. The manager has direction today to go look at those other

[4:09:39 PM]

funding, then he can come back and provide us with that, at least we've started that task.

>> Mayor Adler: So I think -- I think we just give the manager the direction to do that. I have language here that does that. You don't like the language that I have that does that. It says really clearly, this is an emergency, we want to be able to do that, please don't use this fund -- we don't want to use this fund, emphatically we don't want to use this fund, but if this is the only fund we can use, you have to give us a plan to pay it back. You're not comfortable with that. But if you use the fund, check for others, too, but if you use the fund, replenish it. But I also think that between this and 91, I think the manager over the next two weeks, come back to us well within that two-week period of time with a recommendation on how to proceed. And the last bullet point, which we could have, clearly doesn't

[4:10:40 PM]

fit under the posting language but I was going to let that one go because it didn't actually direct anything other than an exploration. And if we were going to say that the first two are just exploring stuff, if we

could just say, manager, in the next two weeks, come back to us with how we address the folks in the music industry, I'm comfortable with that. And you can consider anything you want to consider and come back to us with recommendations. And then there being be an ifc that you could bring next week, councilmember tovo, that I would love to help support on you if I had the opportunity to do that, that then built on whatever that work was that the manager did over this two-week period of time. But what's in front of us right now is the motion to postpone. Councilmember kitchen --

>> Tovo: Mayor.

>> Mayor Adler: Yes.

>> Tovo: I was just simply saying we were very close to some agreement on the language. I would ask -- I would ask my colleagues for the respect of considering this today if we can get to an agreement about

[4:11:43 PM]

language that accommodates your concern but still allows work to happen. And I will -- I will ask councilmember kitchen to email me that language that she just suggested so that we can read it aloud. I think there's a way to have -- there's a way to get to an agreement here today if we entertain that possibility. And I think we all care about the music community. I would say that our commitment to supporting the music comm community, I hope we could demonstrate by working a little harder to see if we can get to a consensus on this.

>> Mayor Adler: I didn't follow what Ann said but if she wanted to email that to me, I'd take a look at it too. Ann?

>> Kitchen: To reduce the confusion, I am right now withdrawing my reference to cap and I will come back at the next meeting with -- so with regard to the other language, I will email it to both of y'all. I can read it now if you'd like

[4:12:45 PM]

or I can email it to both of you. We might want to take up the last item and then come back to this if you want.

>> Mayor Adler: That's just got to be postponed so it's a 10-second deal. You want to read out your language?

>> Kitchen: Sure. It starts with line 75 and it says if the live music fund is used to initially fund the Austin music disaster relief fund, the manager must set forth a plan for replenishment of the live music fund. Then it goes up to line 70 and starts there and goes the manager is requested to first analyze other funding, including, but not limited to, federal disaster relief fund or other emergency assistance. Period.

>> Tovo: And, mayor, I have a couple of suggestions that might

[4:13:46 PM]

solve some of your concerns. We can change some of councilmember kitchen's language to, if the live music is recommended to fund and the manager is requested to first consider, so that the decision won't have been made today, it'll just be a directed, thoughtful process for which the manager can come back to us at our next meeting and report. So I have a few tweaks to councilmember kitchen's that I think, I hope, that gets to the concerns you raised.

>> Flannigan: Are we debating postponement or are we bathing the item?

>> Mayor Adler: It's a tough call because in the nature of debating a postponement is the pros and cons of postponing, it's germane for somebody to say I don't think we should postpone because I think we could work this out.

>> Flannigan: But the worth smithing I think is not germane.

>> Mayor Adler: Okay. We have a motion to postpone, it's been moved and seconded.

>> Tovo: [Inaudible]

>> Mayor Adler: We have language --

>> Tovo: Mayor, just so I can read it together, I think it is

[4:14:47 PM]

absolutely germane because it's an alternative to this one. It would say, if the live music fund is recommended to fund the Austin music secondary relief, the manager must set forth a plan for replenishment. Therefore, the manager -- oh, sorry, I think those are reversed. Therefore, the manager is requested to first consider other funding, other available, et cetera. So just the tweak to Ann's, to councilmember kitchen's would be instead of saying the manager is -- you know, must -- anyway, I think you get my point, the manager is requested to consider using other funding if the live music fund is recommended to fund, the manager must set forward a plan for replenishment. Not making a decision. It's leaving forward those other options. It's simply asking him to consider what funding would be available and if the recommendation comes back as live

[4:15:51 PM]

music fund, the manager must set forward a plan for replenishment. I really think that it's

[inaudible] --

>> Mayor Adler: So what we're asking the manager to do, to come back over the next two weeks with a recommendation on how to fund this, look at other funding sources, what if he comes back and says this is the fund to use, and he has to come back with a plan to replenish?

>> Tovo: Precisely.

>> Mayor Adler: Councilmember Flannigan.

>> Flannigan: We are still getting emails from music groups asking to delay, including the CEO of hamm so I still want to reurge my motion to postpone.

>> Mayor Adler: So help me, councilmember Flannigan, if all this is asking for is the manager to come back for something in two weeks, isn't this effectively a postponement except it's a postponement but it's asking the manager to come back with recommendations also, in addition to considering this in two weeks?

[4:16:53 PM]

>> Flannigan: And I'm talking to -- I'm talking to the leaders of organizations in the music community and they are asking for delay, that they have an opportunity to participate, and I want to honor their input. So I still think postponement is the right move.

>> Mayor Adler: And I don't think there's anything that precludes their ability to be involved in that, to give the manager and staff direction, as you're considering taking emergency action, that you speak with the stakeholders involved, with councilmembers, come back to us with a recommendation in two weeks of how you think we should do emergency relief for this industry, and if you came back and said we wanted to use -- you recommended using the fund, then you would have to tell us how you would replenish it. I'd hope of course, stated pretty soundly, I don't want a recommendation that uses that fund, so my hope and expectation would be that they'll find

[4:17:53 PM]

something else. But, Mr. Flannigan, what I'm saying is, I think that it is a postponement. I think it honors your request for the postponement, it honors the community's request, because we're not deciding anything. It has to come back in two weeks. The only difference is, we're giving direction to the manager over that two-week period of time to come back with how something like this would be funded. Is that a fair compromise?

>> Flannigan: As I said, mayor, I am listening to the leaders of the music industry, the organizations that are working on this, and they are still urging me to move this postponement.

>> Mayor Adler: Got you. Okay. What is in front of us is a motion to postpone. It's been moved and seconded. Any further discussion on the motion to postpone? Let's take a vote. Those in favor of postponing, please raise your hand. Mr. Flannigan, harper-madison, Renteria, and Ellis.

[4:18:54 PM]

Those opposed, raise your hand. The balance of the dais. Postponement doesn't work. The thrust of this is to come back with a way to fund this.

>> Harper-madison: Mayor, may I try to repeat back what I think you have said? We go to the page that has your two paragraphs, two dots, now it becomes one. If the live music fund is recommended to initially fund the Austin music disaster relief fund, comma, the manager must set forth a plan for replenishment. Period. Therefore the manager is expected to first consider other funding available for this emergency, including, but not limited to, federal disaster relief funds or other emergency assistance.

[4:19:55 PM]

I don't think you need a therefore in front of that. Kathie, are you all right with that language?

>> Tovo: I am. I appreciate the work on it.

>> Mayor Adler: Anybody object to that amendment being added? That amendment is being replaced for the two bullet points in the amendment that I have. The last be it further resolved clause is deleted. Let's take a vote on the motion. Councilmember kitchen?

>> Kitchen: Can you hear me?

>> Mayor Adler: Yes.

>> Kitchen: Okay. Sorry. I'll be voting for this. I will bring back a separate resolution next time, and city manager will continue to work with staff, which we've started working with, but we will continue to work with staff on the cap fund and other possibilities for artists.

[4:20:56 PM]

>> Mayor Adler: Okay. Let's take a vote on this item as amended. Those in favor, please raise your hand. Those opposed? No, is Ellis and Flannigan. The others voting aye, it passes -- councilmember harper-madison also votes no. So with an 8 to 3 vote, this item passes --

>> Mayor Adler: Mayor, I'm going to vote yes on that as amended.

>> Mayor Adler: So 9-2, harper-madison and Flannigan voting no, the others voting aye, it passes. The last item on our agenda is the public hearing on item number 36. Item number 36.

>> Good afternoon.

>> Mayor Adler: Are we supposed to pick this up now? We're not postponing this, we're taking action; is that correct?

>> That's correct.

[4:21:58 PM]

>> Mayor Adler: Okay. I call item number 36. If staff want to present this?

>> Yes, thank you, mayor. Good afternoon, mayor and councilmembers. I'm Victor aldene. For your consideration is item 36, case fpc 202-00-0687w, a proposal for a business called neighborhood goods, 1007 south congress avenue. The applicant has requested a waiver for [inaudible] Found section 4-9-4a of the Austin city code. The applicant has proposed a retail store with an accessory restaurant selling alcohol at this location, which is situated across south congress avenue from the Texas school for the deaf, a

[4:22:59 PM]

public school. Measured property line to property line distance is approximately 127 feet. Section 4-9-5 of city code allows the city council to waive the distance requirement. Staff received no letter of the support or opposition from the Texas school for the deaf and recommends approval of this waiver. The backup includes a staff report on this case and an exhibit map. I'm able to answer any questions you may have for staff regarding this case. Thank you.

>> Mayor Adler: Okay. Is there a motion approve this waiver, item number 36? Councilmember harper-madison makes the motion. Is there a second? Councilmember Ellis. Mayor pro tem Garza.

>> Garza: I just wanted to explain my abstention, that I believe I either abstained or vote no on most of these waivers.

[4:24:00 PM]

I'm always concerned when -- is it the school for -- which school is it that's close to here?

>> Tovo: School for the deaf, I think.

>> Garza: The deaf? The state school that's close to here, they seem to not chime in, and that always concerns me because it's my understanding there are students at that school that are from all over the city, and just that -- you know, I wonder if their parents are aware that there was never my opposition to alcohol waivers, if it was an aisd school, I'm sure there would be clearer opposition. So I'm just going to abstain.

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

>> Alter: I'm also going to abstain.

>> Mayor Adler: Okay. Councilmember pool.

>> Pool: I'm abstaining also. Abstaining also.

>> Mayor Adler: Okay. Take a vote. Those in favor of the waiver,

[4:25:02 PM]

please raise your hand. Kitchen, Flannigan, Ellis, harper-madison, Casar, and me. Those opposed? Those abstaining? It's the other -- is it the other five on the dais? One, two, three, four -- we're missing somebody.

>> Renteria: You didn't count me, mayor.

>> Mayor Adler: Okay. How did you vote?

>> Renteria: In favor.

>> Mayor Adler: 7-4, that item passes -- 7-0-4, that item passes.

>> Tovo: Mayor, I just want to be sure you captured me abstaining too. This is councilmember tovo.

>> Mayor Adler: I did. I captured you.

>> Tovo: Okay. Thank you.

>> Mayor Adler: I missed one of the yes votes and that was councilmember Renteria. That done, guys, that is everything on our agenda. Here at 4:25, this meeting is

[4:26:03 PM]

adjourned.

[5:00:10 PM]

>> Afternoon, I'm Dr. Mark Escott, the interim health authority for the city of Austin in Travis county. I first wanted to upde you on our numbers as of yesterday evening, regarding