

City Council Special Called Meeting Transcript – 06/19/2019

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Mayor Adler: Let's go ahead and convene the city council meeting. We have a special called meeting. Today is June 19, 2019. We are in the city council chambers here at city hall. It is 2:03 in the afternoon. The address is 301 west second street. Colleagues, all right, today what we're gonna do is the consent agenda, which is items 1 through 105, and items 172 through 189. Some of those items have been -- we decided we would be hearing on Thursday, tomorrow, instead of today. So those items are being pulled from our agenda today. Those are items 64-69. Also item 87 and 89, item 98, 177 to 179, 184 and I'll read those again. It's items 64-69, which are some contracting items.

[2:05:16 PM]

Item number 87, which was related to monyana properties. Item number 89 also the same matter. Item number 98, which has been withdrawn and replaced by 185. 177 to 179, which is the shelter resolutions, 184 and 185 are the homelessness resolutions. In addition to that, we have some items that have been pulled. I think by both speakers and by councilmembers. Item number 34 has been pulled by councilmember tovo, and item 78 has been pulled by councilmembers tovo and alter, and then two items, Randy street matters, 175 and 176 were pulled by speakers later today we will consider nonconsent items 190 and 191 and we'll also go into executive session and see if we can take care of the executive session matters today. Mr. Flannigan. >> Flannigan: I also want to pull 95, the water oversight committee. >> Mayor Adler: Okay. Item number 95 being pulled. Councilmember kitchen. >> Kitchen: Item number 92, councilmember harper-madison has some changed language on if I get that language in the next few minutes we might be able to take it on consent. >> Mayor Adler: Which item? >> Kitchen: 92, which is the services for first responders. >> Mayor Adler: Okay. >> Kitchen: So it hasn't arrived yet so we may have to pull it. >> Mayor Adler: Pull 92, you can put it back on.

[2:07:16 PM]

I can I misspoke, the Randy street matter was 175 and 186. I think I erroneously called out 176. Again, the pulled items I have are items 34, 64-69, 78, 87, 89, 92, 95, 175 -- I'm sorry, 98, and then 175, 177, 178, 179, and 180 -- no, I'm sorry 177, 78, 79, and 184 and 185. >> Kitchen: And 186. >> Mayor Adler: I'm sorry? And 186, yes. Mm-hmm. Yes, councilmember tovo. >> Tovo: Mayor, so is the intention today

to take up the items that were pulled today that were not noticed for tomorrow, are we going to take them up after the consent agenda? >> Mayor Adler: Yes. >> Tovo: We recap what we're intending to take up today, I captured 1-105, 172 to 189, on the consent agenda. >> Mayor Adler: One to 105, 172 to 189 and the things we think we'll still take up after the agenda today would be -- would be -- let me look at the beginning -- would be 78 -- >> Tovo: 34, I think. >> Mayor Adler: And even earlier page, yes, 34, 78,

[2:09:19 PM]

92, 95, 175 and 186. >> Tovo: And 190, 191, which are nonconsent we think we'll take up as well plus the executive session. Could you reiterate what on the consent is tomorrow? I know it's everything else, but since it's confusing and we have a lot of people here, could you reiterate the consent items on tomorrow. >> Mayor Adler: The consent items tomorrow are 64-69, 87, 89, 98, 177 to 179, and then 184 and 185. >> Tovo: Great. Thank you. >> Mayor Adler: It's are the intent tomorrow we'll also take up the nonconsent eminent domain items 106 to we will have citizen communications at noon as we do. We have public hearings, which are 108 to 115. And we'll take up the zoning matters after 2:00 tomorrow. Because they've been noticed for that time. In addition I understand in my absence you all have talked about calling the monyana items up in the morning. It would be the intent in the evening to take up 184, 185, as well as there was one zoning case I think, councilmember Casar, you had indicated you wanted to have coming up late. Mayor pro tem? >> Garza: I don't remember -- 177, I think? >> Mayor Adler: 132, maybe? >> Garza: 132, yes. >> Mayor Adler: And the shelter issue would come up in the afternoon. >> Kitchen: Yes. That's 177, 78, and 79. >> Mayor Adler: Correct. And by that, we've said by those times I just read off that's the time before which we won't take action. If we -- if people are here

[2:11:19 PM]

to testify we can discuss it, ear not limiting ourselves the ability to call it up earlier but we know we won't vote on the zoning matter or the homeless 184 and 85 until after dinner, won't vote until the afternoon on the shelter issues and we'll call in the morning if speakers want to come on the lake Austin issues. Councilmember Flannigan. >> Flannigan: So I handed out an amendment to item 182 which just adds a reference to senate bill two as we analyze education and tuition reimbursement, I'm hoping we include that on consent. >> Mayor Adler: I don't have a copy of that. >> Flannigan: I handed it out this morning -- or this afternoon? >> Mayor Adler: Okay. >> Flannigan: Should be on there somewhere. >> Mayor Adler: This is item 182? >> Flannigan: Item 182, adds a whereas on page 2 and bullet point on page 3. >> Mayor Adler: Okay. Sorry? Would you read them for the record? >> Flannigan: Read them? So the whereas that I'm adding is, the last -- adding the whereas, whereas senate bill two of 86 legislature restricts the percentage by which the effective tax rate may there is, and then under the factors for the city manager to analyze, adding a bullet point saying assessing the impact of senate bill two on the city's tuition reimbursement programs. >> Mayor Adler: Any objection to adding those amendments? Hearing none, those are added. 182 stays on the consent agenda. Any other discussion before we go to the

public? Mayor pro tem. >> Garza: Item 86 I just wanted to add the additional direction that the auditor examined the third party operating agreements. I believe we have that at

[2:13:20 PM]

the millennium center and determined if -- I believe if this is okay with the auditor, and determine if that is a good model and if it is indeed a good model to make recommendations for -- possibly for other cultural centers to have similar operating agreements. >> Mayor Adler: Which number is that? >> Garza: 86. >> Mayor Adler: That's a direction. I want to pull item number 85 until after executive session by [indiscernible] 85 is also being pulled. >> Garza: If we're voting no on consent items, you want us to note that now or aft >> Mayor Adler: Let's go after the speakers. >> Garza: Okay. >> Kitchen: Mayor. >> Mayor Adler: Yes. >> Kitchen: I located the changes to 92. It's just misnumbered. It's been passed out to everyone. It says 91. It's supposed to be 92. >> Mayor Adler: Okay. You want to read it into the record those? >> Kitchen: What you have in front of you is the -- a revised version. So I would just replace it with this whole revised version. >> Flannigan: The only change to that, if I might, is that last sentence on page 3, where it adds "And a mental health resource such as the medical school or local mental health I believe that's the only addition. >> Kitchen: That's right. Thank you, councilmember Flannigan. >> Mayor Adler: Any objection to that change being made to item number 92? Hearing none, that change is made and that is -- 92 is also staying on consent. Yes, councilmember alter. >> Alter: I wanted to confirm that we would be passing item number 1 as amended. We had some corrections to the minutes, and I want to make sure that we're passing the amended version. >> Mayor Adler: Yes. Is that posted? >> Alter: I don't know if it's posted. >> Mayor Adler: Is the amended version of the minutes posted? Were you given some changes?

[2:15:25 PM]

>> It's not posted but we captured all of the changes that were given to us, so those amendments are included in the approved -- in the version to be approved today. >> Mayor Adler: Okay. Those changes are incorporated. >> Alter: Then I wanted to add \$200 for the umlof fee waiver and note that the deficit was 582 so there's still 382 outstanding in fees if anyone else wants to contribute. >> Mayor Adler: Okay. Thank you. Yes, councilmember pool. >> Pool: I'm trying to remember how much I put in but I can add -- you need 500 how much. >> It was 582 and I nut 200 so the balance of that. >> Mayor Adler: 382. >> Pool: So there may be some others who want to weigh in. I'll add another 150 to what I think I had already put on that. >> Alter: Thank you. >> Ellis: I don't mind picking up the rest of it. >> Mayor Adler: 232 is the balance. You're gonna pick up the balance, you said? >> Pool: Minus the 150 that I'm putting in. >> Mayor Adler: I already did that. I took out your 150. I took out those. So 150 from councilmember pool, the balance at the very end there taken up by councilmember Ellis. By the way, for the changes and corrections which I forgot to read into the record, I'll do that now quickly, items 2, 3, 4 on may 18, 2019, recommended by the resource management commission on the 8-0-1 vote, commissioner Johnson abstaining and customers [saying names] Absent, item 23 is withdrawn and replaced been

addendum item. 29 postponed to August 8, 2019. So the postponement is what's on consent. Item 785 -
- item 78 is district 1, not nine. 93, councilmember alter as a sponsor. Item number 182, it's to
encourage other area

[2:17:25 PM]

employers, not employees, employers, to improve their educational assistant programs and item 191 is
the appointment ais to serve the remainder of the term of a vacated position. There are late backup in
items 2, 4, 6, 8, 15, 18, 19, 20, 29, 36, 47, 60, 7364, 68, 79, 819-8082, 85, 91, 172, 173, [indiscernible]
191. Let's see. Clerk, do we have anybody here to speak on the consent agenda? >> [Off mic] >> Mayor
Adler: Okay. Let's call up on item number 186 is -- item number 86, Jonathan viehla. Is he here with us?
Okay. Not here. I think those were -- those were the items that we had pulled. Make sure there were
none others. Is there a motion to approve the consent agenda? Mayor pro tem makes the motion.
Seconded by councilmember alter. Any comments or -- >> Renteria: On 86, what was added on to that?
>> Mayor Adler: On 86 what was added in the -- in the -- it was the second be it resolved clause.

[2:19:25 PM]

There's a list of organizations the city manager is asked to get input from, and added to that list at the
bottom it says a mental health resource such as del medical school -- >> Garza: I think that's the wrong
item, mayor. >> Mayor Adler: Oops. >> Garza: It was the direction I gave. >> Mayor Adler: I'm sorry.
Then you want to explain the direction? >> Garza: It was to examine the third-party operating deals that
we have with some of those centers and give recommendations on whether we should continue those
and possibly expand them to other centers. >> Renteria: Okay. I still would like to find out if we already
completed the loan payment at the [indiscernible] Center because that was federally funded and we had
to pay back the loan and we didn't generate the revenue back at the beginning that we thought we
were, and we always had defaulted on that -- they basically just -- the payback was just taken directly
out of the CDC funding that the feds gave us and they would just pull it and we never did get to see that
money. That money should have been directed for affordable housing, but it was -- because of the
financial condition, I'd be interested to see if it's gotten to be to the point where it's successful now,
where they can plate on their own. >> Flannigan: That would be part of the resolution but staff will
definitely give you that answer. >> Mayor Adler: Okay. The consent agenda has been moved and
seconded. Any discussion? Yes. Councilmember tovo. I have additional direction to offer on items 21 and
22, and that would be direction to staff to report -- these are the shoal creek items and it would be
direction to staff to please report back in month to council on the progress of those contracts. >> Mayor
Adler: Okay. >> Tovo: So if there's no concern I'll just offer that as additional direction. >> Mayor Adler:
Okay. Additional direction has been offered on those. >> Tovo: With regard to 50, this is a contract
relating to the airport so I'll just

[2:21:26 PM]

reiterate what I've reiterated every time we've talked about the master plan. We did add language to the airport master plan requiring that family friendly features be part of that master plan moving forward, and so I would, again, just reiterate that I hope as the master plan work begins that we will be looking at best practices across -- really across the globe about how -- about for airports with regard to family friendly features. >> Mayor Adler: Okay. >> Tovo: Next. Let's see. I do want to -- after the consent agenda, mayor, I would like to talk about postponing item 175. If you'd like me to pull it from the -- well, it's not on the consent agenda. It's up for discussion but I'd like to have a discussion about postponing that one. >> Mayor Adler: Okay. >> Tovo: I would like to abstain from 183. I have family members with land interests in that area, and have not had a chance to really review it with legal counsel to see whether it would be appropriate for know vote on it so I'm simply abstaining. Not because I don't completely support the resolution. And then lastly, I need to talk about items 31 and 33, but in a more general way, and so if we pulled them, if we could just take those up again right after. I don't want to -- there's a general issue that applies to both that I'd like to just highlight for the council. >> Mayor Adler: Okay. Which numbers are those? >> Tovo: 31 and 33. There may be another one that I'm trying to find. These are the items where we're weighing in in support of the activity bonds, and I'll have to ask staff. I thought there was a third but I'm having trouble identifying it right now. >> Mayor Adler: Okay. 31 and 33. All right. Any other comments before we take the vote?

[2:23:27 PM]

Yes. Mayor pro tem. >> Garza: I want to be shown voting no on 173. This is the amendment to the Brackenridge development agreement for the -- safeway this is where the new HEB will go, we'll be changing the entitlement, doubling the square footage from 52,000 to 115,000. I like HEB. They are a great community partner. But many districts east of I-35 have been wanting and trying to get a grocery store, a full-service grocery store in that area -- in east of 35, and we continue to build grocery stores west of 35. And here not only are we bringing a you this one but we're doubling the --footprint they're allowed to have. As somebody who represents a district who has been begging for a way to get a full-service grocery store east of 35, I cannot support allowing -- I can't support this item. >> Mayor Adler: Any further discussion? Mr. Flannigan. >> Flannigan: On item 14 I want to be shown voting no. This is the central library Falk, the old central library roof replacement. Unfortunately, this is a great item that we would be doing capital improvement but not having to go into debt to do it, stuff that the deferred maintenance funds that several of us, councilmember alter and I I know worked very hard to get that to happen but with the tax caps it seems very clear that the legislature is requiring you to debt fund all of our capital. So I'm gonna vote no on 14. I'm gonna vote no on 30, the ACC fashion incubator for reasons discussed on Tuesday and then 113 I want to be voting no. I still have lingering legal

[2:25:27 PM]

issues with this item. I support the public schools and cap metro's attempts to create revenue. I just don't think this item is the right thing to do. >> Kitchen: Mayor, that item is not up today. >> Flannigan: Not up today? >> Kitchen: Mm-mm. It's set for. >> Mayor Adler: Public hearing. >> Kitchen: So it's tomorrow. >> Mayor Adler: Anything else? Councilmember alter. >> Alter: Thank you. I wanted to make some comments on items 63, the DNA code review. This item will result in three contracts to get our sexual assault kit backlog through the second stage of analysis, including technical review and uploading into the federal coda system. I'm very supportive of the item and looking forward to seeing it pass with full council support. If you remember back to the April 25 meeting the contracts we passed then were to help increase our capacity to process new incoming DNA and it is upload eligible kits to the coda system. We discussed the fact that our sexual assault kit backlog was only cleared through the first level of analysis and still needed to go through the technical review in coda uploading before we could say the backlog was finally cleared. We were awaiting the second part of that effort and I'm happy to see it before us today. We currently have about 1,000 through hundred sexual assault kits that have done through the first review. You're current capacity at cap lab is about 30 cases per month and staff estimated that at this rate we won't make it through the backlog until 2023 and we'd risk losing federal funding. Once this contract passes or these contracts pass today, our ability to process kits and upload them into codas will increase to about 300 kits per month, with the approval of these contracts staff anticipates having the backlog complete by next fall. The sexual assault kit backlog cast a shadow on Austin and has been a weight on the shoulders of many survivors for years. I'm heartened to see a light of the end of the tunnel in what has been a very painful

[2:27:29 PM]

chapter for many in our community. I wanted to pause to recognize these contracts and thank our staff who worked on this, particularly Dana, for stepping in at the end of 2017 and leading these efforts. We still have a long way to go until the backlog is cleared. We're still moving forward with our independent third-party evaluation of how sexual assault is managed. And we moreover have a really long way to go in shifting our culture in order to get to a point where one believes survivors and we're not always standing in a room with one-third of the women have experienced sexual assault. Acknowledging that we do have many areas in which we need to approve -- improve, I do believe this contract is another piece that puts us on a better path and sets ourselves up to do better by survivors. Thank you. >> Mayor Adler: Okay. Any further comments? Yes, councilmember tovo. >> Tovo: Mayor, I think we have someone signed up to speak on the consent agenda. Jessica wolf. >> Mayor Adler: Which >> Tovo: Number 91. >> Mayor Adler: Okay. Late sign-up. Is Jessica wolf here? Do you want to come and speak? >> Good afternoon, mayor, mayor pro tem, and councilmembers. My name is Jessica wolf, I'm the deputy director of the better builder program at workers defense. I'm here today in support of item 91 to require city of Austin third-party development agreements to collide higher labor standards and sustainability requirements. Workers defense and our members thank councilmember tovo and cosponsors for bringing this forward. This is a ground breaking victory for low-wage workers and their families in Austin. I want to thank Austin city council for your continued and strong support. To our members and construction workers across

[2:29:30 PM]

the city by raising standards in the construction industry through implementing the better builder program. Workers defense we are reminded every day through the experiences and stories of our members that wage theft and safety accidents still happen every day within our town. The better builder program was created by our members to address issues like these at a industry level. Our program impacted over 20,000 workers. Some workers on better builder sites received safety training and workers' compensation for the first time and last year alone recovered over \$60,000 in back wages. Workers we thank you for your continued commitment to create good, safe jobs for the people that build our city. Thanks. >> Mayor Adler: Thank you very much. We have a motion and second on the consent agenda. Those in favor please raise your hand. Those opposed? Unanimous on the dais except for councilmember harper-madison who is not here. >> Casar: We passed the consent agenda, I wanted to thank the folks at university of Texas and staff who put this together to really focus on the saint John tract. We got this great report on the convention center and now this pivot towards addressing gentrification and under resourcing in east Austin on a city-owned tract I think is really exciting. And councilmember Ellis, your changing station resolution passes, or do I have the wrong day? He will he will. >> Ellis: It passed. >> Casar: That's really important so thank you. >> Ellis: I think it's an important step forward in the equity of all austinites. >> Renteria: Mayor? >> Mayor Adler: Yes. >> Renteria: I also would like to make a comment. The quality of life foundation has just gave the city the emerging summit

[2:31:32 PM]

leadership program. \$97,500 for our summer job placement and training service so I really want to give a shout out to that foundation for the contribution that they have made to us. >> Mayor Adler: Okay. Mr. Flannigan. >> Flannigan: We just approved the item -- spent a lot of work with commissioner cook on the Williamson county side to do pedestrian and traffic improvements for an area of my district right on the city limits where there are two elementary schools and a middle school on a very fast and unsafe road. And Williamson county is chipping in and helping cover the cost of these improvements and I hope that type of partnership with Williamson county can be a symbol as we work harder to be closer partners with our friends in Travis county with whom I would love to share costs on future projects. >> Mayor Adler: Okay. Councilmember alter. >> Alter: I just wanted to acknowledge item 96 where we establish a sister city relationship in India. I had the opportunity of traveling to puna and meeting with the mayor to sign a friendship agreement which is the pre-occurser to us. We have a large group of our community and the asian-american community and beyond working tirelessly with our economic development staff to create this partnership. I'm really thrilled to see it moving forward. Punai is a twin sister and they are going to be great things that come from stepping this relationship. >> Mayor Adler: Okay. Tons of things on this agenda I really like too. So with that said, I think we took the vote. Now let's go and pick up some items. Councilmember tovo, you had brief comments on 31 and 33?

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>> Tovo: I would like to ask, hopefully we have our housing staff here. We've spoken about this issue a little bit in the past. There was an issue my office was contacted about and councilmember alter's office was also involved. And it was a situation where we had given approval for private activity bonds. They were not seeking funding, they were not seeking -- well, they weren't seeking funding, they needed our approval for private activity bonds and we were being contacted by community members who were concerned because the residents of the complex that was now being renovated with those private activity bonds were being asked to and so, you know, because we don't want to be in the position of enabling displacement of tenants, my office brought forward, and I was universally supported, I don't know if unanimously, brought forward a resolution so that wouldn't happen again. And this was directing that tenant protections be incorporated into -- into any applicants that are required to come here to seek the approval of the city council for private activity bonds. So these are projects where we're not providing bond funding, they are not part of the tax credit funding, but they are required to come to council to seek approval. Without our approval, they wouldn't move forward. So I'm real concerned, we had a project on our last agenda that did not have tenant protections in. We raised the issue. I believe in that case it had come in before the resolution was implemented. It took a while to implement the resolution. I think it was implemented, it was passed June 15, 2017, but make maybe not implemented until January 2019. Is that correct? >> That sounds about right. >> Tovo: If this application had come in before so we let that one go. We have two more on the agenda, 31 and 33, that are also fall into this category, also don't have tenant protections embedded and I just really need to

[2:35:35 PM]

flag this was the action that we directed with that resolution and I'm -- can you help me understand what it will take to get these -- I guess why aren't they included within the two coming forward today and how can we make this right? You know, again, we certainly don't anticipate that tenants are going to be displaced with the renovation that comes as a result of the private activity bonds, but it really is our responsibility. I felt complicit in the situation that arose with the tenants who are facing displacement in the complex that had sought activity bonds, and I don't want our council to be in that position again. So -- can you help us understand what's going on here? >> Sure, rosy truelove. The items before you today are authorizing the consent of the issuance of private activity bonds by the -- by the Austin affordable PFC, which is an affiliate of the housing authority, it's not the Austin housing finance corporation issuing the bonds which is why the tenant protection efforts are not included in there, so it's a different entity issuing the private activity bonds. The housing finance corporation entity or arm of our housing authority for the city of Austin. So you are right that we don't have any money at stake with these activities and we have been in conversations with haca about the protections. Their concerns are more in terms of timing that they just haven't had time to review the request and the included protections with their legal counsel and make sure they are in compliance with the low-income housing tax program. We are working with law to determine what leverage we have with resolutions such as

these where we don't have any money at stake and we're not the issuing party but we are a required step in the process. Because it's not -- you

[2:37:36 PM]

know, we're not -- the only action required here is the not -- is basically consenting to the issuance. So it's not -- it's not going to require us actually issuing the bonds on our side which is why the protections are not in >> Tovo: Except the resolution was directly targeted to that. That's the disconnect. I just want to highlight, I'm again going to let these two move forward, but I want to be very clear, the resolution was very explicit that these are not -- we did not intend these for the Austin housing finance corporation, we did not intend these for housing -- for projects receiving housing bond funds. This resolution was very clear about capturing this body of projects that are seeking approval and won't move on without it. And so I guess I would just -- we can certainly talk more about it outside of this setting, but I would -- I just want to highlight this is exactly what we directed. It took several years to implement it and I appreciate there may be challenges to that, but the council has asked us to go ahead and do it. Hopefully we can figure out a way to immediately get that word out to any other applicants who might be seeking this same approval so that we're not in a situation again where we're approving a fourth project without tenant protection. Thanks, I know this is -- I don't mean to direct this to you, I appreciate the response, I understand we're in a challenging situation. There may have been some misunderstanding about it, but hopefully we can clear it up and move forward on it. >> Mayor Adler: Okay. Is there a motion to approve 31 and 33? >> Alter: Mayor, I just wanted to -- I worked with councilmember tovo with the particular incident but also on the resolution and I just want to affirm it was my understanding that it was this broader universe of activity bonds that were

[2:39:36 PM]

supposed to be addressed with the resolution. Thank you. >> Mayor Adler: Okay. Is there a motion to approve items 31 and 33? Councilmember Renteria makes the motion. A second? Councilmember Ellis seconds. Discussion? Those in favor please raise your hands. Those opposed? The members on the dais. Councilmember harper-madison off. Item 34. Councilmember tovo, this is yours as well. >> Tovo: I wanted to make a motion to postpone it at the appropriate time. So this -- this is the item to make some pretty significant changes, in my opinion, to our fee structure at the conservancy. It's not completely clear to me what all the elements of it are not completely clear to me and I would -- I am not prepared to support this I would ask that we postpone it just, you know, based on the information in our backup, it looks like we're tripling the entry fees for -- for adults and for children and eliminating the senior fee. And that seems like a pretty significant change. There's a comment in here that the conservancy will return -- that the entrance -- where is it? The conservancy will return the city's current revenue obligation and the parties will agree memorialize in the contract how the additional revenue will be allocated, but it's not clear we've already arrived at that formula. So anyway, I think this needs some more discussion. Up until -- it was fairly recent memory the botanical gardens were free to visit. With

some reluctance, I supported imposing a fee, but tripling it with very little council conversation is just not something I'm really prepared to do. >> Kitchen: Mayor? >> Mayor Adler: Councilmember kitchen. >> Kitchen: I understand the concerns that

[2:41:37 PM]

councilmember tovo is raising. I do -- I support this moving forward with this. I think -- the garden, it needs significant improvements. Not the least of which is making it accessible for folks through improvements for ADA improvements and things like that. And so some additional funding is needed. The plan is that the conservancy was created a few years ago to start moving towards taking less responsibility on the city for paying for it and more responsibility on the conservancy. So the conservancy has been moving in that direction. This will help them by allowing them some access to the fees. It will also help improvements to -- to the gardens. So that's the purpose behind it. So I would have to look to our staff to provide some more information on the analysis for those particular levels of fees. But I do support the purpose and I support this item. I think it's really critical for the -- for the botanical gardens. It simply cannot continue as a -- as a free item. I mean it's had some fees for a while, so -- >> Mayor Adler: Does staff want to come up. >> Tovo: Mayor, can I make a motion to postpone it? Or we can have a conversation about what the planned improvements are, what the revenue sharing is going to be. >> Mayor Adler: Let's take the motion. Councilmember tovo makes a motion to postpone the item. Is there a second to that motion? Councilmember pool seconds the motion. You can address it first. >> Tovo: I think we're taking a pretty significant action. I have no idea from the backup whether this has been reviewed by, say, the parks and recreation board. Councilmember kitchen offered some information about what her understanding is that the increased fees would go for. That's not in the backup.

[2:43:38 PM]

I would want to have a conversation here today about, you know, what are the planned improvements, what is the current revenue we've been taking in on entrance fees, which again is not in the backup. What the revenue sharing opportunities would be, what the attendance looks like. I mean I think these are the kinds of things I'm very interested to know how the attendance have varied from the time we had no fee, which was again in recent memory I think maybe 2013 or so is when we changed it. We talked about having free days once a month. I think that happened for a I don't think it happens any longer. I just think this needs a much fuller public conversation. And unless all of that information is available for our conversation here today, I would really ask the council, my council colleagues to respect my request to get that information before making a decision. These are public assets and I think it's wonderful that we have private partners stepping up to help us with this, nonprofit partners helping up -- stepping up to help us with it, but we still have a responsibility to make sure they are going to be accessibility to wide swaths of Austin and we're not setting the fees at such a level it's going to be a barrier for people. Six dollars for an adult and three dollars per child starts to be -- starts to be a little

much to go to the botanical gardens for many families in our community. Again, I would ask for the time to get some of that information. >> Mayor Adler: Staff, do you want to speak to this? >> Sure, so I can answer a couple of those questions just to give you a little background. First of all -- >> Mayor Adler: State your name. >> Amanda Ross, division manager for natural resources for the parks and recreation department and I manage the natural resources group which includes the zilker botanical gardens. We are partnering with the conservancy to look at a long-term privatization, so we're taking about ten years to work towards that. This is kind of one of the first phases of it.

[2:45:39 PM]

Currently there's about 125,000 visitors to the garden each year. And what we found is that comparing it with what other gardens, botanical gardens throughout the United States charge, that we are very much under charging for it. It currently is about 9.50 per person, if we take the city's budget, it costs about 9.50 per person entering the garden. And so that includes both children, adults. So what we come to is the idea that this would be a reasonable amount moving forward at six dollars for adults and three dollars for children. It would still be under the 100% cost recovery, it would still allow -- there is still room in between those two. And then in addition to that, we would be able to use some of those -- some of those fees, some of that additional money for the help specific improvements in the garden itself. In addition to that, the conservancy has agreed to waive any fees and to absorb those costs for anybody that would like to enter the garden that feels they have a hardship to do so. Because the garden is a community space, it is a space for everyone to enjoy, so that's important for everyone, both the conservancy and the city. In addition to that, an example would be that it also includes parking. So I think that's an important thing to mention. Currently it is five dollars for a car to park at zilker park and this is a six dollars per person fee that includes parking. There will be people who come to the garden, enjoy it and park and then go to the rest of zilker to enjoy it as well. >> Tovo: Is there a reason why this has to move forward on today's agenda versus August 8th? >> I think the goal was to try and work forward to have the transition move -- start moving forward with the transition, but if it needs to wait, we can provide official information. >> Tovo: Do you mean transition in fees or -- >> The other transition is

[2:47:40 PM]

transitioning the operation of the gate itself. Currently that's city staff and the goal would be for the conservancy to take over the operation of that and to some extent help professionalize that part of it as well. And then those funds would help them, so those additional funds would come back to the city and be a savings to the city. >> Tovo: Is that agreement in our backup? I didn't see it. >> It's not -- we haven't executed or negotiated the specific details but we have details we can share. >> Tovo: But there would be a revenue sharing agreement that you would enter into, let me say it's a little atypical when we have these kinds of arrangements, we typically have the agreement before we authorize the change. I think there are many missing parts here for my comfort level. And I would like to see what some of the other

botanical gardens are. You know, I think it's worth mentioning that our community has multiple times expressed some trepidation around privatization of our parks assets so I think we owe it so them to discuss this more fully and make sure we understand the details of that arrangement. You know, we all pay for -- anyone who pays property taxes pays for these assets through their property so I appreciate we're trying to recover the costs, but we don't do that on all of our assets. We don't do that on our libraries, on many of our parks. You know, that is a different standard than those we hold ourselves to on other taxpayer funded assets. I'm not saying these are not the right amounts, but I do believe we have more information to look at before we come to that conclusion. Including the relation -- really understanding the relationship and the revenue sharing with the conservancy. >> Garza: I just want to understand the effect of the postponement because I would

[2:49:42 PM]

support allowing councilmember tovo to get more information. >> It would just reduce the opportunity for the transition of the gate and the staff for that and we would probably put that into an October 1 moving forward with it at that point. Which gets into our slower season as well so it reduces some of the revenue opportunity with the conservancy moving forward. >> Garza: If this is approved today, how quickly does that change happen? >> We were hoping for August 1. >> Garza: So our first meeting is the 8th? So would it -- could everybody be -- I'm just trying to understand. If our first meeting is the 8th and we approve it, why would it take till -- why would it take only about a month if we approve it today, but take almost two months if we approve it -- >> We would wait for the transitioning of the fiscal year at that point to make it a little cleaner. >> Garza: Okay. >> Mayor Adler: Yes, councilmember Ellis. >> Ellis: I'm excited about a partnership like I think the zilker botanical conservancy is a good faith partner in this project. And I also have concerns about equity and making sure no matter where people live or incomes are that they do have access to zilker park and other parks in the city. Having someone who wants to step up and do these infrastructure improvements is a good thing so I'm willing to support this today. There's also needs that they have that are maybe more time sensitive like we were talking about accessibility. The cap metro 30 route drops off at zilker botanical garden, but it doesn't even have the paved platform for people who might have a mobility impairment to be able to get safely to the entrance of the gate. So there is kind of a time sensitivity to this and I

[2:51:42 PM]

would be willing to move forward with this today to allow this partnership to take place. >> Mayor Adler: Councilmember kitchen. Then councilmember pool. >> Kitchen: Can you speak again, I think you spoke to it in pass, there's a mechanism to allow anyone to enter without paying if they are not able to? >> Right, so there's a couple avenues to that. The first is that the conservancy will be working to train the entrance staff so that if someone expresses any sort of hardship, it will be posted she like it's -- the theory is a good example. -- Thinkory is, thank you very much, please enjoy third good even today and the conservancy would bear those costs so any revenue sharing would still come back to the city and the

conservancy would pay for that entry basically. And then in addition to that, the conservancy works to get grants to allow school children, their goal is to have at least 30,000 school children enter the garden and have those fees paid as well for those students. >> Kitchen: So as a follow-up then, so it sounds like the mechanism for allowing people to enter if they are not able to pay is something that's been used in other places, right? >> Yes. >> Kitchen: Okay. Well, given -- I appreciate the concerns about people being able to afford, that's really important, but I think we have mechanisms for doing that that are planned. I think that this is really important to move forward with today so I'm prepared to go ahead and move forward with it today. >> Mayor Adler: Further discussion? Councilmember pool. >> Pool: Yeah, thanks. I remember when the idea of the conservancy first came up, two, three years, because I was one of the earlier champions to get the funding underway to create the conservancy and pass along the operations and oversight and the job of raising money in order to keep the botanical gardens

[2:53:44 PM]

going because the operations there and just that asset is really important to our community. I will say I checked with my staff and we didn't have any meetings set with you all so this is -- when I saw this on the agenda, it was a bit surprising and I didn't know enough about, so I'm kind of -- I am in the camp with councilmember tovo, only in my instance we haven't had the opportunity to talk with the folks at the conservancy. I would like to know whether this passes today or it's postponed, I want to know what successes you've had on your fundraising. That was a huge part of the agreement that was first struck with the organizers of the conservancy two to three years ago. And the goal was that it would be funded through philanthropic connections. And the cost for -- that you are offering, even though it's less than what you are calculating the actual cost to be is pretty high, I think. And I think it is also -- even though you have the ability for someone to say I can't afford to pay, please let me in, they still have to -- that might be a very difficult thing for somebody to admit to someone who they don't know who is the gate keeper at one of our prime assets in the city. So I would like to have the opportunity to sit down and see the pencil and paper calculations that y'all have made and how well you are doing and what the staffing is like and what your plans are for the future and how you see taking the botanical garden into the next couple decades, 50 to 100 years. Because as stewards of that space, that's a really important -- that's a really important task that you have

[2:55:45 PM]

ahead of you. So I agree that we need to give this a little bit of time to understand more fully where the funds are coming from and how this has been all put together. And it may be that we end up with the six dollars for adults and three dollars for children, but I personally would like as well to have a little bit of time to think on this and to have the necessary conversations with the leadership of the conservancy. And I thank you all for all the work that you are doing. >> Mayor Adler: Further discussion? Yes, councilmember Flannigan. >> Flannigan: I'm prepared to move forward on this today. I agree a lot of with councilmember Ellis said, the conservancy did make it into my office in April so know if they were

able to get into every office, but they were able to visit with me and this is ready to move forward. >> Mayor Adler: Further discussion? Motion to postpone is in front of us. >> Tovo: I have some more we can see what happens with the motion to postpone, but if we're prepared to move forward today, I am going to do my due diligence and ask questions about the agreement. >> Mayor Adler: Further discussion on the motion to postpone? >> Alter: I did have an opportunity to talk with the conservancy and have been watching this for a while and I'm comfortable with the item, but I respect a colleague's request for postponement for more information. >> Mayor Adler: Further discussion? Let's take a vote on the postpone. Those in favor of postpones raise your hand. Alter, Casar, me, tovo, pool and Garza. Those opposed to the motion to postpone? The other four are against. That makes it 6-4-1. So this matter is postponed until the next meeting. >> Tovo: Thank you. I appreciate it. >> Mayor Adler:

[2:57:45 PM]

Medicaller, I would like you to take a look at as we're looking for the budget, I'm real supportive of the conservancy and make sure they start well. And I support this vote to postpone this only because of the request that don't come very often for this kind of P, but I would like you to look at the budget in terms of being able to kick off the conservancy if that's possible. >> Casar: On that same issue, I am interested in what -councilmember tovo raised as far as what attendance might have looked like when it was free versus paid. While I appreciate somebody having the -- a lot of attendance issues are about whether or not you feel you should go or not and take people or not in the first place. Just seeing those attendance numbers because in the end we might find there was any change, it's more public investment to get people there versus -- I just want to be able to measure those two pieces and then to best -- the last conversation with the conservancy sounded like a lot of efforts towards more conclusion and if we're going to have a conservancy running a city asset, we get as many people there as we can and any information would be useful as we bring this back. >> Mayor Adler: Okay. Let's go to the next item on the agenda. I think that it is item number 78. We have speakers that are signed up to speak on item 175, which is the Rainey street fund. Apparently councilmember tovo, you are going to move to postpone that. Maybe we should consider the postponement, he see whether

[2:59:47 PM]

that's going to happen. >> Tovo: Sure. This is the item to restore funding to really honor the previous direction from the city council to establish a Rainey street historic district fund. And so we received a memo back from staff asking us to that's really not what I'm -- I'm not sure if there is a difference what I'm proposing and what the staff have proposed. I would like to take this up at our meeting on August 22nd with the request that the staff go back and look at the numbers for right-of-way fees and license. An important part of the palm district master plan with relationship to this fund was asking the staff to list out the projects that generated this funding so that we could see how much would have been deposited to this fund from 2013 if the intent of the council had been realized in the ordinance. There was a gap between the direction that the council initiated and what ended up in the ordinance. And the

figure that -- I was looking for it but the figure that came back from staff seems low based on the estimates we were hearing and some of the -- >> Mayor Adler: So let me get the motion now. >> Tovo: So my motion is that we postpone it to August 22nd. >> Mayor Adler: There's been a motion to postpone to August 22. A second to that motion? Councilmember pool seconds go ahead and continue on. >> Tovo: Sure. Sorry about that. With the request that staff come back and tell us exactly all the projects in that area and how much funding from each of those projects was generated. The total that's list understand our memo is something like -- well, it's 1,779,255. I have not been able to go back to the tape, but I know someone mentioned to me in the initial estimates the fairmont alone was estimated to generate I think it was

[3:01:48 PM]

\$3 million. Thanks, Paul, I'm looking at you for confirmation. These numbers seem off to me and I think we need that additional time to understand that and we have a large number of stakeholders who want to see this happen and in the context of this meeting and tomorrow's meeting it didn't seem like the right time to have that conversation. That's my rationale for expecting. -- Postponing. >> Mayor Adler: There's been a motion and second to postpone this. I have some people signed up to speak, Mr. Saldana and -- if this gets postponed, are you okay not speaking? >> I'm fine too. >> Mayor Adler: Further conversation on the motion to postpone? Let's take a vote. Those in favor? Those opposed? Unanimous on the dais with councilmember harper-madison off. This item will be postponed to the August 22 meeting. That takes care of 175. Let's now pick up item 78, the red river straightening. Councilmembers tovo and alter postpone this. Councilmember alter, do you want to address this? >> Alter: Do you want me to go first, give her a break? I have questions for staff. So this is item 78, which I believe is an interlocal agreement with central health. I had some questions about how this is playing out. Can staff please clarify how this property is obtaining 25 to one F.A.R. In complying with requirements of the downtown density program affordability requirements. >> Robert spillar and I'm going to ask Jerry to come

[3:03:48 PM]

up. This Ila does not contemplate entitlements at this point. >> Jerry rusthoven, planning and zoning. The Ila does not grant any entitlements. That can only be done through the zoning code amendment process. What's been going on an existing council resolution directed staff to work with central health on updating entitlements for the old Brackenridge hospital campus. So I've been working with them on that for frankly the past several years. Mr. Spillar and the transportation department have been working on a realignment of red river with central health as well as another entity. So what I have been doing is observing those conversations about the realignment of red river. And when we work on the -- when we continue our work on the entitlements for the Brackenridge campus, one of the things that we agreed to do is consider the community benefits that the city is receiving from central health for the realignment of red river and to consider those when we are discussing with central health the

entitlements which we'll be bringing forward as a separate item in the future. >> Alter: I have other questions, about if you want to chime in. >> Casar: If I may, I asked the same question about the piece of the backup that mentioned entitlements, and since this Ila is about central health dedicating funding to straightening red river, which is a benefit to us both and is not granting entitlements, I have handed out a motion sheet, I don't want to interrupt the questions, but I think it's relevant here, handed out a motion sheet of something I post odd the message board which strikes all mention of downtown density programs, specific F.A.R., anything that could be construed as guaranteeing entitlements and instead just recognizes

[3:05:50 PM]

that central health is providing a significant community benefit we should consider in the future. But it no longer have any mention of those things because this is not what this is doing. >> Councilmember, that is correct. That was unintended confusion on our part. I have checked with the proposing attorney and they agree with the removal of that language. That was not the intent. If,. >> Mayor Adler: That said, is there objection to including the Casar amendment into this item? Hearing none, it's included. Yes, councilmember tovo. >> Tovo: Councilmember Casar, I'm a little concerned about the -- we typically talk about significant community benefit. >> Casar: I don't mind the word very or not, I added the word very because significant might be an expensive park or street but I think you might ask about the word very so I'm happy to take it out. >> Tovo: Super. >> Mayor Adler: Significant as opposed to very significant. Very is good and that amendment is incorporated. Continuing on in the discussion. Councilmember alter a little at can you please -- so when we're talking about there's still some parts that have to do with right-of-way. And that right-of-way is really valuable. Possibly, you know, ten-plus million dollars at least. It's also right-of-way that could be used to build workforce housing if you were to wrap the parking lot. I'm not understanding even if we have this amendment, I don't think it addresses the fact this Ila seems to be giving them that right away. >> Robert spillar, transportation department. The Ila asks for authority to negotiate and execute. The concept behind this is that the city will not be paying cash towards the construction of red river. In the process of the

[3:07:51 PM]

forthcoming or completion of the negotiations, you know, I think central health will fully define what the cost of that construction of red river will be. One thought is that we would -- that they would ask us to trade a portion of the existing red river back to them for some portion of the cost that's not within wholly within their campus about one block between 13th and 12th is adjacent to property that the city of Austin would continue to own. So there is some nexus for them to perhaps ask us to participate financially, but as I said, we don't have funding but we do have this right-of-way. In any case, any financial transaction of that order has to come back to council so you as council will have full ability to dictate the parameters of that either in kind transaction or financial transaction. And so we are well aware that council only -- only council has the authority to make those final financial transactions.

Reasons we could not bring that here today is we don't have the surveys or the quantification of that cost or potential transaction that would occur. So we will come back to council for that. >> Alter: I'm going to ask if we can maybe table this so I can get a look at that Ila because I'm pretty sure the Ila is saying they get that right-of-way, and that right-of-way is valuable and I don't -- I'm not comfortable with us -- we had several -- I mean we've been dealing with this for a lot of other negotiations and we had several parties that wanted that right-of-way to do things on, and I'm just -- this feels like it's just handing them the right-of-way. I understand that they are contributing something by straightening red river and I want to acknowledge that, but we need to recognize when there are things of value that the city has and

[3:09:53 PM]

not just give them away. So I would like to table this so I can at least see what's in the Ila on that. I have a copy, but right now with all the papers we have for 190-some items, I'm not finding it. I can either postpone it for tomorrow and try and do it -- I can try and see if I can find it. >> Mayor Adler: Without objection, let's pick it up after executive session or earlier than that and see where we are. We're going to put this to table until after executive session. >> Pool: It's more of a statement. On the Ila, just further on that, I would lookic to get from staff, if we could, a legal memo to explain to us pretty simply and clearly when we can and when we cannot use in these interlocal agreements, right, between governmental entities. We have this instance and with the size of this agenda almost through, which wouldn't have been good, there may be sorry things that might slip through because there's so many things on here. We had another example with the Lucey reed case. There was some people in the community that wanted us to do a Ila and it turned out from what Mr. Rusthoven explained that we couldn't, that legally it wasn't possible. Could I ask our legal staff to give us the parameters so we have a better understanding, and then also make sure that information gets down to the various liaisons with our land development commissions so that they also -- and the commissioners so they also understand where ilas can and can't work for us. That's great. Thanks. >> Tovo: A quick question for staff. I understand this was put out as late backup and I appreciate councilmember Casar's staff for bringing it to the attention. Is the Ila in the back up-as

[3:11:53 PM]

well? >> The Ila has not been negotiated. These are the proposed interlocal points of the Ila. We still have to negotiate that. So information that we receive here from council will certainly take as direction into the Ila. There is no Ila at this these are simply the proposed deal points as we would negotiate based on the directions here proposed by council. >> Tovo: I'll have to connect with councilmember alter about the document she is referencing. Thank you. And I just want to express my strong hope that central health as it moves forward in this process will not choose to waive -- to request a waiver of the downtown density bonus program which is allocated for permanent supportive housing. We have a tremendous need for permanent supportive housing in this community and it would -- we all, you know,

would ask our public entities to be leaders in this initiative and making sure that we're not asking for waivers from things that are really designed to serve those in our community who really need the housing and the wrap-around services. And I just wanted to express that, you know, when we learned about this yesterday, it was a great concern. I appreciate this wouldn't have affected that change, but it certainly sets up the expectation and I'm -- I want to make sure we're not in a process again where we have a very -- a very impactful deal point being put forward in a backup, in a piece of backup that comes to council very late. This is not a deal point that has been discussed at any -- as far as I'm aware, and certainly not with my office, this is not a deal point that has been discussed at any point in the process of talking about central health from the resolution I think Jerry rusthoven was describing to the conversations we've had up until today.

[3:13:54 PM]

>> Mayor Adler: Mr. Flannigan. >> Flannigan: I would just note when we work with other public entities, I think it's a fair conversation to consider the public benefits that they provide in their job, so in their case health care to indigent communities and low-income folks, so there smite be a fair argument that says their ability to maximize profitability of land helps them serve more health care needs. I think it's different from a regular developer developing something downtown. >> Mayor Adler: We'll take that back up after executive session. Let's go on to the next item. 85 after executive session. That gets us to item number 95. >> Tovo: Can I say one more thing on that topic before we get too far behind it? I completely agree, councilmember Flannigan. One of the things that concerns me about the conversation, when we were looking for a location for the sobering center and the medical examiner's location was identified and just as backdrop, many of you have heard this before, but 16 years earlier the city council initiated the creation of a sobering center. It never happened and they thought it didn't happen because there were concerns about the location. Pretty quickly we identified a good location of the medical examiner's office, there were concerns at the time that in some way we would be impacting the value of central health's tract because it would turn into an emergency shelter and there were concerns that it would look like the arch, that it would be fulfilling some of the same services and that would impact the value of central health's so I guess for me it's also win that context. We don't want to rely on emergency shelters, we don't want to be in a position of having to create more emergency shelters. The answer to homelessness, we end homelessness with housing. So we've got to have one or

[3:15:55 PM]

the other. So we need -- we really need that permanent and supportive housing. I appreciate that central house does tremendous work in our community, but I hope that they will -- again, reconsider the request to waive that and show by example that we are all committed to creating as much permanent support supportive housing homelessness in this community as possible. >> Mayor Adler: Let's go item number 95. Who pulled that item? Mr. Flannigan, I think you pulled it. >> Flannigan: We talked about this on Tuesday and subsequently staff has provided an answer to the question that my office routinely

asks about the impact on city resources, staff time that will be required, and by staff's calculation adding a new committee will cost almost \$100,000 a year. So I don't think that's where we should spend \$100,000. That's the only reason I pulled it. So I will vote no. >> Mayor Adler: Is there a motion to approve this item number 95? Councilmember alter makes the motion. Councilmember kitchen is there any discussion? 95. What did I say? Whatever I said, it's item 95. Any further discussion? I'm going to vote for this one just because it's such a large entity. I mean I see this as kind of the same way we look at Austin energy. Base it's a billion dollar company, I think this is just a separate oversight for it. I don't know how often it needs to meet meet. Those in favor of this item 95 raise your hand. I keep saying 195. It's 95. Those opposed? Mr. Flannigan no, the others aye.

[3:17:55 PM]

That takes care of item 95. Next item that we have -- let's look here. 182, I think we took care of with the amendment. Item number 186 is being postponed together with item 175, both are Rainey street. No, those are separate items. >> Tovo: Those are separate items. I was only postponing the one related to the fund. >> Mayor Adler: Item number 186 was pulled for speakers. Do you want to make a motion first, councilmember tovo? >> Tovo: [Inaudible] >> Mayor Adler: Okay. I don't have any speakers on that. 175. Same speakers. They were pulled the same is there anyone here on -- >> Tovo: Michael ableson and I think he had time >> Mayor Adler: Paul Saldana, is he here? Not here. >> [Inaudible] >> Mayor Adler: If he comes back in, we'll let him Mr. Ableson, you have time donated by Tricia Roberts. Is Ms. Roberts here? >> No, she's not. >> Mayor Adler: Then you just have three minutes. >> Okay. >> Mayor Adler: Take your time. >> I have to get my eyes on. Excuse me. We want to thank the city council and especially councilmember tovo and the mayor for allowing us to speak on this. We actually had a meeting last evening of the homeowners association presidents and of one of the developers in the area and of -- a number of the other

[3:19:56 PM]

concerned citizens in the area. I had some -- I had six minutes worth of comments to make, but I'll get it down some major points. I also had some maps here that I wasn't able to distribute, but I will enter it. The -- these are our concerns and concerns with this resolution. We're fine with having a study to examine what should be done in the neighborhood. We all know there's a problem. For example, there's about 3,000 units and there's only two ways in and out. And one of them is the fairmount intersection and the convention center intersection which is going to be expanded. The other way is another street that allows maybe three or four cars to go out at a time. So we have this tremendous quagmire. The transportation department is planning on connecting an alleyway into Rainey street and stopping it from going to river street which currently exists, that that opening can currently exist. The transportation department is planning on taking 11 feet off of east avenue for an entire block. So what is happening in the area is instead of getting more transportation and more flow, we are getting less. We are told to use public transportation. Cap metro is not planning on having any transportation within rainy. We're told to

use bike lanes. Half of our streets don't have sidewalks let alone bike lines so we're concerned about safety. We're not just concerned about pedestrian safety, we're concerned about emergency vehicle safety. We've had situations where people have been double parked and the fire department can't get its trucks to the fire. That is incredibly dangerous. There are all these types of issues going on now. On top of that, currently there are around 11 highrises in Rainey. There are another 11 currently under proposed to

[3:21:57 PM]

be developed. On top of that there's probably space for another seven to ten that could be developed. We're talking about 25 to 30 highrises and less than one quarter of one square mile. We will have the population equivalent to lakeway which has over 13 square miles and putting them in less than one quarter of one square mile. If the decision is made to close down Rainey for an hour or two, we will have -- if you live in the south part -- [buzzer sounding] -- Of the area. We will have the access road to interstate 35 is the only way that you can go south. And we're going to have the traffic of all the homeowners, we're going to have the traffic of all the people that live there, all the people that work there and all the people that come to the bars on the weekends and when they come. There's been an analogy with sixth street, please remember sixth street is on a matrix and you have ways to get in and out around sixth street. There are no residents on sixth street as there are on all we have is lady bird lake, the Trinity -- the waller creek on the other side and ih-35 on the side around us. So we need help. So we're very open to help, mayor. I want to thank the city manager for coming but he had a tour with one of the assistant city managers to show what's going on. And appreciate Kathie tovo, we had a tour and four people from transportation and one of the lieutenants from the police department came and did a tour in November. Thank you for your time. I don't know if there's any questions or -- or comments for me. >> Mayor Adler: I think we're fine for right now. Thank you. Is Mr. Deleon here?

[3:24:07 PM]

Did Mr. Saldana come back in? Those are all the speakers. >> Tovo: I would like to multi-family approval. >> Mayor Adler: Councilmember tovo moves approval of 186. Councilmember kitchen seconds. Discussion? >> Tovo: And I just want to thank Mr. Ableson and all the other stakeholders who have been raising the mobility concerns that surround Rainey for years and all the time he's put in. We see this resolution as continuing that dialogue, but continuing a focused dialogue around a specific idea that that might help alleviate some of those challenges. If we can get people who are coming downtown to spend time at Rainey to get accustomed to taking transportation network companies or cabs or coming by foot, that could alleviate some of the mobility challenges there. And looking at the map, I think -- I believe that portions of Rainey could be closed and still provide access for all of the -- all of those who are living in the Rainey area. But these are -- I want to be very clear that this is initiating conversations with the staff and the stakeholders around when this would be an appropriate, what would be appropriate times to potentially close the street, how they would close them, for how many hours they

would close, and that those conversations would happen within a very stakeholder-heavy context. So, you know, we know we have a situation that needs addressing and, frankly, we've been talking about it a long time. We've been talking about potentially piloting something like this for a while, and, you know, just two weeks ago a woman was very seriously injured on Rainey because of the constant conflicts between vehicles and scooters, vehicles and pedestrians. So it's time to act and be creative in our solutions. The palm district plan asks us to look at mobility solutions, but this is an

[3:26:08 PM]

interim conversation that I think we can have and potentially have some success. >> Mayor Adler: Councilmember Tovo, I guess with the study on the specific questions to be looked at would be how do residents get in and out during the period of time of any such pilot. >> Tovo: Absolutely. And just be clear, it's not really a study. We are asking them to launch a pilot, but absolutely that we're -- and I'll make this direction from the dais that we certainly want to make sure that residents continue to have access to their homes. >> Renteria: And mayor -- >> Mayor Adler: Further conversation? Councilmember Renteria, then councilmember Ellis, then councilmember Flannigan. >> Renteria: And I agree we need to have a study there. You know, we -- I've been working with that area for a very long time and seeing the development that has gone in there. You know, we made an agreement when we -- when the apartment -- I mean condo, hotel combo there on Rainey street that we were going to vacate that little alley so that the traffic could go in there, and that was one of the reasons why we decided to approve the development that went on so, you know, I know that, you know, there's a lot of partying going on. This young lady that got hit there was somewhere around midnight or later that night. We lost a guy that got lost and fell in the lake and drowned. So there is -- there is a lot of activity in that. I bicycle through there every day when I come back -- when I have an opportunity to come in to city hall and leaving, and I drive through there also in the morning. Not very congested in the

[3:28:09 PM]

morning because this is an entertainment district so that's why we really need to look at it and see how we can address these issues that are -- how we can address these issues at night because that's when it's really crowded. After 5:00 it just gets packed and on the weekend it gets very packed. People just are enjoying themselves and we do advertise Rainey as an historic entertainment district, you know, and people are moving in there know that that's what it is. You know, the first development happened closer to the lake and there wasn't any traffic that were going through Rainey, now there's all kind of traffic, we've got hotels, apartments, condos, and we have all kinds of -- we have another hotel going in there. So we really need to really address this issue and study this and see how we can handle this whole area in the future so that it doesn't get too far out of hand where we have more fatalities there when people are riding their scooters and cars are the ones causing the accidents there. The scooters are -- I would never get on one of those on Rainey, but they do get to Rainey on scooters. There's a crowd of people that go down there. So I really cannot support this and hope that we come back with a very good, well

thought out solution. >> Mayor Adler: Councilmember >> Ellis: I have a question about time line. I see here in the resolution it says immediately and I obviously agree with the necessity to move forward with something like this. Did I hear that the transportation department is already working toward this or involved in conversations with the community members? >> Tovo: The resolution itself is directing them to meet with community members to craft the parameters of the pilot.

[3:30:10 PM]

I just want sure if all parties were communicating on -- if you were already working on something toward this end or if our time lines were kind of synced up. >> Councilmember, Robert Spillar, director of transportation. We are currently engaging in a local mobility study related to the Rainey street project. We know that the businesses and neighborhood groups down there did hire a private consultant to make recommendations and so our study is looking at those ideas as well as other concepts and ideas. The idea of a pilot is a new one, presented through this resolution, and we'll certainly take direction from council and try to accommodate the immediate time frame. We'll -- we will start that we do not have funds identified to do that nor staff but we will redo our priorities to make that happen. >> They have been working >> Mayor Adler: Excuse me, sir. Our rules only let you come back up to the podium if one of the councilmembers invites you up. >> Sorry. >> Mayor Adler: That's okay. >> Ellis: I wanted to make sure we weren't doing two different assessments of the same problem. It seems like what's being directed here in this resolution is something that's workable for your department? >> We will make it work. So yes. >> Ellis: Okay. >> Mayor Adler: Councilmember Flannigan. >> Flannigan: I just wanted to make sure on that last be it resolved where it references electric vehicle shuttles that we're not descendantly prohibiting I don't think that was the intention. Rob, I don't know if you need specific language here or if that's considered a bicycle like any other bicycle. >> Tovo: We can add it in if you'd like. >> Councilmember, we will try -- I understand the purpose is that we're trying to accommodate non-automobile traffic as best as possible. I will say that the comparison to sixth street is somewhat appropriate because that's a safety

[3:32:10 PM]

closure and so, again, I think that the need for safety and the parameters will dictate just what can occur within a closure as we think about that, but we will certainly try to accommodate those other modes. And so yes. >> Flannigan: Great. >> In fact on sixth street we discourage bicycling through the closure once it occurs because there are too many peds in places. >> Flannigan: If we're going to consider options for shuttles I want to make sure -- shall. >> I understand. >> Flannigan: I think we would anyway. I wanted to point that out. Thank you, rob. Separately there's conversations I've had with downtown command about their issues around sixth street and the challenges that creates and I'm -- I think it's fine to let the pilot go forward but I want make sure we're not recreating scenarios and situation that's lead to unintended consequences. So councilmember tovo, I'd love to take a moment with you separately out of the meeting and see if what I'm hearing is what you're hearing about issues in your own district

so to make sure we're not getting off-base on some of the ideas we may work on later. >> Tovo: I'd welcome those. We are having similar challenges I think already because of the kind of culture that's developed around the Rainey evening. >> Mayor Adler: I'm excited at the prospect of doing a pilot just to see how this works. Different cities have taken really congested areas and done something like this in other cities, and I think it's not always predictable what the reaction is going to be or how well it works, but there are certainly examples around the world where it's opened up doors that no one had really anticipated before and it's good for us to pilot something and see what happens. So I appreciate you bringing this forward. I appreciate the earlier resolution on impress avenue to try to create that, and I hope that that gets picked up and we see how that might work in the stretch there, too, on a weekend. But obviously a pilot would

[3:34:11 PM]

need to take into account those practical issues. Any other further discussion on this issue? Did you intend to sign up? >> I did, but I didn't. I wasn't signed up. >> Mayor Adler: Why don't you gift clerk your name and --give the clerk your name and I'll give you a chance to talk. >> Thank you. Then introduce yourself. >> I just -- I felt that there was some information that was pertinent -- >> Mayor Adler: What's your name. >> C.J. Sackman. So the big red dog study -- and I know it was procured I guess by the neighborhood privately, but they did an assessment of what a street closure and pedestrian use would -- they evaluated it pretty significantly. And the concern and I think it's obviously -- the recent incident is fresh on everyone's mind, was the emergency vehicle access. With Rainey street as the only north-south thoroughfare and right now with the alley as now the only northbound, it's only 20 feet wide, not made for way traffic and if we're pushing everything on there, you can imagine if this scenario were to happen again an ambulance trying to navigate that. So there is that concern that it's been assessed and it was not included in the list of improvements that ultimately came out of that traffic study. And then the fund, which I think that might have been an item -- I believe the concern, I hope you have felt it from Dr. Ableson and a number of members of the community, is there are so many variables that make it very unsafe on Rainey street. We've been well -- I think it's been a point of

[3:36:12 PM]

discussion. I think we're all aware of all the high rises on a street built for single family bungalows and I think the concern is we've discussed and piloted and studied and then a young lady almost lost her life. And the fun in terms of -- doesn't preclude any discussions of how it's allocated in conjunction with the city, but the concern is how much time will go by with a real risk every Friday, every Saturday, and every Sunday when we have a batch of information that this big red dog study that I understand there's a separate evaluation that needs to happen, but there are very practical, simple suggestions there that I would just -- I would just urge if there's anything short-term, given the safety concerns -- and I trial and - truly believe there are, this is a very now danger. I think that's what everyone in the neighborhood -- that's why we keep coming up. So that's it. >> Mayor Adler: Thank you. Any further discussion on this

item? I assume as well with the doctor's objection or concern as well that we're not going to launch any pilot that doesn't allow for emergency access vehicles. Obviously if we have a pilot that doesn't provide access to the residents that can't provide emergency services I would assume we're not going to launch a pilot. Tag a look at those questions in conjunction with the neighborhood to see if there's a solution is a reasonable request. >> Tovo: Thanks for reiterating that. I assume when they close it for south by southwest they have some surety of being able to get emergency vehicles in and out, so I think that there is a model for how to do this. And still provide that access. But absolutely, I completely concur we need to be able to provide resident access and access for emergency vehicles. >> Mayor Adler: Let's take a vote. Those in favor of this

[3:38:13 PM]

item 186 please raise your hand. Those opposed. It's unanimous on the dais with councilmember Flannigan off and councilmember harper-madison off. The other nine members voting aye. Council, I think that gets us then to two items that were not on the consent agenda before we go into executive session. Item number 190 is the urban renewal plan implementation committee. Is there a motion to approve item number 190? And let me look at this. I think that was also -- this is approving an amendment to the urban renewal board bylaws to create the urban renewal plan implementation committee. To develop and form measures, strategies and goals to evaluate the effectiveness. This came from the audit and finance committee, and I think what we thought this was consistent with the work we had done earlier in extending this so that they could do meaningful work. Is there a motion to approve this item? Councilmember pool makes the motion. Is there a second to that item? The mayor pro tem seconds that. Any discussion? Those in favor please raise your hand. Those opposed. It passes. Thank you. Item number 191 is approve a resolution appointing an individual to the municipal civil service commission for the remainder balance of an unexpired term. So there was -- the committee interviewed candidates for this. Several applied. Three finalists were selected. They were all brought in for

[3:40:14 PM]

interviews, and the interviewing group of councilmembers unanimously made this recommendation. Is there a motion to approve this? Councilmember pool makes that motion. Is there a second to this? Councilmember alter seconds this. Any discussion? Those in favor please raise your hand. Those opposed. It's unanimous on the dais, councilmember harper-madison off. That leaves us two items to consider when we come back from executive session. Those two items are 78 and 85. And at this point we're going to go into executive session in -- in executive session we're gonna discuss I think five items, pursuant to 551.072 city council will discuss real estate matters related to 78, an interlocal agreement, central health, also item 194, which is the palm school, pursuant to 551.071, item 78, the interlocal agreement, item 195, November elections, 196, bond fund of public health facility, dove springs, and item number 85, appointments to boards and commissions. Is there any objection to going into

executive session? Hearing none, the council will now go into executive session. It is 3:41 and then we'll come out and consider those last two items. That's all we can do today. [Executive session]

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[Executive session]

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[Executive session]

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[Executive session]

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[Executive session]

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>> Mayor Adler: All right. It is 5:56, and we are back here out of executive session. While we were in executive session, we considered legal matters related to items 195, 196 and 85. We considered legal and real estate matters related to item 78. And we considered real estate matters related to item 194. It is -- we're now back. It is still June 19th, 2019. We have two matters from this morning that we need to dispense with. The first one is item number 85. Is there a motion to approve the planning commission and board of commission people? Mr. Flanagan makes that motion Mr. Renteria seconds that motion.

Colleagues I'm sure we all notice, as should the public that we're making appointments for 10 of the 13 commission positions on the planning commission for new two-year terms beginning July 1st and reaffirming the three appointments that were made in February if in case there's any ambiguity as to whether or not they've been appointed to. That gives all 13 folks being appointed. Volunteer service for this commission is critical. We're fortunate to have a group of individuals willing to volunteer their time. The city charter recognizes the planning commission member Ares who are directly and indirectly connected to real estate development. We believe at this slate of appointees we have a commission that full files the charter language and intent. In light of the charter's provision and council's desire

[5:59:21 PM]

to have a broad range of experience on the board we worked with the city clerk to develop the questionnaire that reflects backgrounds of the appointees, the questionnaires of all of those planning commission appointees are available to backup as this item and appointment agenda item and they are part of the record of council's action here the today. So the appointees are Patrick Howard. Jeffery Thompson, Yvette flores, James Shea. Robert Snyder, Greg Anderson. Patricia Seger. 85's machine moved and seconded. Any discussion. Anybody take a vote? Yes? >> I want to clarify there are other appointments on 85. >> Yes, yes. It is item 85. It's everybody that's on that list. I just spoke to the planning commissioner. Everybody take a vote. Those in favor, raise your hand. Those opposed? That leaves us just our last item that we weren't able to take care of this morning which is no. 78. Is -- and I think we're still going to be wrestling with language on that. Let's see if we can handle it so, we're going to just hold on to that. Is there a motion to postpone this or table this until tomorrow? Council member alder makes that mess council member Renteria seconds it. Any objection? Hearing none that matter will be brought up and we'll handle it tomorrow.

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Council member tovo? >> Tovo: >> Earlier we postponed the item for the botanical gardens I meant that it go between the parks and recreation board between now and when it comes back to us in August. I don't think we need to reconsider it to add that direction. That's just my request >> Mayor Adler: Sounds good. I think timing should allow for that. Sounds great. Tomorrow we're going to handle the items that we postponed from today until tomorrow. We're going to do the non-consent eminent domain items 106 to 107. We'll do citizen communication no earlier than noon. We'll do the public hear, 108 to 115. We'll do the zoning cases. We won't call the zoning cases until after 2:00. Because we netsed to do that. Still our intent in the morning to get the lake Austin cases -- lake Austin items in the morning. Hopefully in the afternoon, we'll handle the items with respect to the shelter property. And then in the evening, we won't act on the 184 and 185 until after dinner tomorrow, in case people want to come after dinner to talk. Those -- everything we just talked about is open for us to talk about it earlier than the time we set or have people speak if they are here. We won't take action earlier than that time and give a chance to speak. Council member Casar, there's one zoning item you want to be sure we aren't

taking action on until after dinner? >> My understand it's in council member Garza's district that there were a couple people

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going to to speak and the instruction was have them talk as soon as dinner was over and have them get to that with a lot more speakers. >> >> Mayor Adler: That sounds good to me. With that said, it's 5:59 -- no, it's not, it's 6:00 and this meeting is adjourned.