

City Council Work Session Transcript – 09/18/2019

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>> Mayor Adler: All right. I think we have a quorum. So, today is Wednesday, September 18th. My father's birthday. We are in chambers here at city hall, 301 west 2nd street. It is 1:16. And we're going to start today with the regular work session. I think we want to get from the regular work session to the special called meeting so we can hear from folks that have come to speak on the homelessness challenge. So I think that the work session today is primarily centered around people highlighting and

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raising issues, not so much in trying to resolve any of them. And then we have the presentation from staff on the land development code, so we can continue to air or highlight issues so people know what to expect when the code gets laid out. Do we want to go ahead and just start with the presentation on the land development code, and then we'll look at the items that have been pulled that council wanted to talk about, and then we'll end the regular meeting and move into the special called meeting. Okay.

>> Good afternoon, mayor and council. I represent the land development code team. This will be a very brief update for you all. I have been saying in all of our special called and other presentations during work session that October is going to be a very busy month for public participation. We are on track to release the

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code on October 4th. And we would like to take this opportunity to outline for you all as well as the public the activities with the specificity that we have to this point on what will be happening in October. Cheyenne is on our land development code team working on communications and is going to walk through the activities in October. And we'd be happy to answer any questions that you may have at this point on October activities, or any other items. And then I also wanted to point out that next week on Thursday we will have a special called work session specifically to talk about environmental regulations

and some administrative code regulations related to site plans. So, anyone listening who wants to tune in 2:00 to 4:00 P.M. On the 26th of September will be the last special called work session before the release on October 4th. And with that, I'll hand the presentation over to Cheyenne.

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Thank you.

>> Good afternoon, mayor and council. Like she was saying, we wanted to touch quickly on the timeline. We've been making updates weekly, making sure the community is aware when we're coming to visit you all in special called work sessions and other activities. I'm going to highlight where we're at now today. We have one next week with a special called meeting. We're working towards October 4th draft release. We updated the timeline this week to reflect the October 19th and 23rd open houses that are open to the public. I'll go into more details on those. So, very quickly, the purpose of the activities that we're going to be doing in October is to inform and educate members of the community about staff's application of your direction, as well as the code's role in the advancement of citywide outcomes, and to also answer site-specific questions and offer information on how and where people can provide

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comments. So you've got a few activities going on. First, the land development code revision open houses have been set for October 19th. That's a Saturday. We're going to be doing it in the morning through the early afternoon. And then October 23rd in the evening after work hours. Those locations -- we're working on them now. But more detail to come. And those dates are on our website. We're also hosting community office hours. People will be able to sign up for appointments with the land development code staff to meet with them one on one for 30 minutes to ask specific questions about their property or impacts in their neighborhood, that type of thing. People will be able to sign up online. And the office hours are going to be occurring between October and November. We're going to aim to go to all ten of the council districts with office hours by planning commission on October 26th, and then we will continue with more office hours after that date.

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So, look forward to that. We've also been working with your offices to the extent that you would like to host a town hall and invite us to come and deliver information or host office hours at those events. We're happy to attend. We've got three scheduled with announcements from those offices forthcoming. And then of course we have the public hearings on October 26th and then at city council at a date either the 5th or 12th of December. So, more information on those to follow. Finally, this one is a little bit less

common knowledge. We are going to be doing a public testing event. We are still working with our consultant Peter park to identify what that event looks like. It will be open to the public. And more details on that to follow as well. And then finally, just tying a bow on it, we have some communications going out already. As of right now the website has been redesigned to make it easier to access for your

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constituents. So it's still the same link, austintexas.gov/ld, but there are new features. We have the blog. 'Ve posted three already. We have another one that is hopefully going to come out this week. Anique has been working to make sure it reads well. We're launching a frequently asked questions section of our website. We've been meeting with you all, meeting organically with members of the community, meeting with boards and commissions, that type of thing, to the extent that the same questions are coming up over and over again, we are making sure we capture those and putting them into a faq. So that feature should be live possibly this week, maybe early next week. And people can submit additional questions -- not comments, but questions -- that could be added to the frequently asked questions session. That is it. If you have any questions for unique or I, we'd be happy to

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answer them.

>> Mayor Adler: That was brief. Good job. Does anybody have any questions at this point? Okay. Thank you very much.

>> Thank you.

>> Mayor Adler: Thank you both. That gets us to pulled items on the agenda. These are the items that will be coming up at the city council meeting tomorrow. This is our work session. It gives us the opportunity, councilmembers, to be able to talk to each other about them, because under the open meetings rules, we're not able to just walk down the hall and go into each other's offices. We have some items that have been pulled. I think the first one of those is item number 29. Councilmember harper-madison, you pulled item number 29 about the urban renewal agency?

>> Harper-madison: Yes. So, item number 29 about the urban renewal agency I pulled to

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get the opportunity to ask staff some questions, sort of really put me in a position to where I feel like, you know, we talk often about duplication of services, which leads to, sort of, an unnecessary use of

resources. The city has finite resources. I want to make sure that we're not duplicating one another's efforts. I want to make sure that all of our tools are useful. So much like lots of other things, sometimes things expire. So I want to make certain that the purpose for the board hasn't expired, that the purpose for the board being the steward for the plan hasn't expired, that moving forward this will be a tool that we can rely on being useful, but also fluid when and if we come to the conclusion that we don't need it anymore. I wanted to dig around in more background about the board and the purpose it serves, and what it looks like moving forward.

>> Sure. We have Jana who can help answer some of the historic questions, she's a consultant that's helping us with several aspects

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of this.

>> Harper-madison: Awesome. Thank you.

>> Should I wait for --

[laughing]

>> Harper-madison: Hi, there.

>> Yeah. So, Janet is here to answer any land use questions you may have, and Mandy and I can field any of the staff-related questions.

>> Harper-madison: I think I've already posed what my general questions are. I'd also love to have the opportunity for my colleagues to ask any questions as well. So, if you just could give us a very brief, you know, sort of where we started, how we got here and where we are now. Thank you.

>> Sure. I'm going to let Mandy cover that one.

>> Sure. We provided -- there, now I'm on. We provided a response to council regarding the --

>> I don't know that your mic is on, Mandy.

>> Can you hear me now?

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>> Yes.

>> Okay. I've got to really lean in. The urban renewal plan was extended in December of 2018. And the urban renewal agency and the urban renewal board is up for renewal September 30th. We provided some information back in December about our recommendation to not extend the urban renewal plan

past September 30th of 2019 because our feeling as staff was that the remaining work of the urban renewal agency was really two main things -- one, the disposition of the parcels owned by urban renewal agency. There are two main parcels, block 16 and 18. The other remaining work was aligning the nccd to the existing urban renewal plan. This is the only urban renewal plan remaining in the city of Austin, east 11th and 12th street, and aligning the nccd

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with the urban renewal plan is the work that Jana has been working on for several years at this point. And that work was recommended out of a 2012 very comprehensive study, development strategy for east 11th and 12th street that had an extensive amount of stakeholder input, including reaching out to owners, providing input into what they saw as the vision, and how to get there. Since that time, we have disposed of a variety of different parcels that were owned by the urban renewal agency. And again, we're down to two specific parcels, which back in our recommendation from December of 2018, we had felt like if we extended the urban renewal plan to align with the urban renewal agency through September 30th, we would be able, in fact, to dispose of those parcels through

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a competitive solicitation and request for proposals.

>> Harper-madison: Just for clarity, you said "We" multiple times. Can you clarify?

>> Neighborhood housing and community development staff. We are the staff that is tasked with the urban renewal board.

>> Harper-madison: Thank you.

>> Mayor.

>> Harper-madison: I have other questions, but I certainly don't want to --

>> Mayor Adler: Okay, Mr. Renteria.

>> Renteria: Yes. Are we obligated and required to fund this organization?

>> There has been an aspect of the neighborhood housing and community development's budget that has covered the cost associated with the urban renewal agency since the urban renewal agency was created. I think if there was -- if the urban renewal agency continued to exist but we did not fund

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them, then they do not have the resources to maintain the property that they currently have title to, nor would they have the resources to maintain the legal assistance that they need. All that is covered through the housing budget.

>> Renteria: And if they don't, what would happen to those two pieces?

>> I know that there's a legal process that would have to be undertaken, but I think ultimately the goal would be to get those properties back into the portfolio of the city of Austin or the often housing finance corporation.

>> Renteria: And another argument that has been used is that we need to fund them because there's imminent domain property within that district. Is that true?

>> So, we also have city legal staff here who may be able to answer this more fully, but through the state statute, which is chapter 374, they do have the authority of imminent domain.

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My understanding is that staff's staff interpretation is it would be hard to meet the standards based on today how east 11th and 12th street exists. It would be hard to meet the standard for exercising imminent domain. You may recall the urban renewal agency was created -- this was part of a national movement to eliminate slum and blight. Those were the exact terms. And the 11th and 12th street corridors were designated as such in 1997. A lot has changed since 1997 and the neighborhood, in fact, rapidly gentrifying. One of the things we are tasked with is getting a handle on that gentrification and preserving affordability and diversity.

>> Renteria: It's basically getting harder and harder to use that argument.

>> It would be. And we have assistant city attorney to respond if there's anything else to add to the

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imminent domain question.

>> I agree with what Mandy says.

>> Sorry.

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

>> Shannon, assistant city attorney. I agree with what Mandy has to say. Also, the funding for imminent domain would have to come from the city directly.

>> Renteria: Okay. Thank you.

>> Mayor Adler: Yes. Councilmember pool.

>> Pool: So a real quick question and answer to where the funding from the imminent domain proceedings would come from the city anyway, it doesn't matter if the urban renewal board is continued or ended. Any imminent domain proceedings -- funding for those would come from the city of Austin.

>> That is correct.

>> And just to clarify, any actions that the urban renewal agency recommends be taken specifically with respect to development of the two lots that they do maintain right now, that would also come through the city of Austin, through the city council for ultimate approval.

>> Pool: So we continue to play the role we would play

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whether they are there or not.

>> Yes, ma'am.

>> Pool: Why is this coming to us to change? Let me first ask this question. What work has city staff done with the urban renewal agency in order to accelerate the disposition of the two parcels that are left?

>> Mandy, neighborhood housing community development. The first thing that needs to happen is aligning the nccd with the urban renewal plan and making adjustments. And Jana can speak to specifics of this, making some adjustments and changes to the urban renewal plan and to the nccd. When those changes occur, then it would go through the normal planning and zoning process. We have been working with the urban renewal board on this

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since 2012. And there have been changing in changes in the urban renewal board, the composition. To be clear, there have been fits and starts of meetings, not having meetings, sometimes not meeting quorum, sometimes not having items on the agenda to discuss. After the December 2018 decision, we began meeting with the urban renewal board to restart that conversation around definitions and language, and things that need to change. Those conversations have been occurring since January. And I don't know -- we have a kind of draft work plan at this point. I don't know that we have a definitive timeframe, per se, for making those changes to the nccd. Decisions have not been made.

>> At the same time, we've been working with the urban renewal board to identify the community benefits that they would like to see that would comprise the ultimate rfps for the two lots that we have available to us.

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That conversation continues to be on going. We have not got on to a point of resolution to be able to issue the request for proposals.

>> Pool: So then why are we looking to end their work if we haven't actually gotten to the final point of these conversations, and when they have only a couple more years left?

>> So, the urban renewal plan has been extended for ten years. That's the action that was taken in December of 2018. It was always known that we would have to come back at this point to make a decision about the continuation of the agreement with the urban renewal agency, because it was on a different -- they weren't synchronized, it was on a different timetable. It was always anticipate that had we would come back at this point to make a decision to maintain and extend the urban renewal agency agreement, which calls for the creation of the urban renewal board, or if that

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decision was made to not extend that agreement, then we would need to make the plans necessary to transfer the parcels and go through that process.

>> Pool: So when we extended it in December, there was an understanding if I'm remembering right that that would happen. And the extension of the plan would happen before we would come back and then continue the board. So what has changed between December and now that we are -- that staff is looking at recommending -- are you recommending that we transfer the parcels to the city and end our agreement with the board?

>> So, the item before you is actually to extend the urban renewal agency agreement. I think there are questions from the councilmember from district 1 about whether or not that makes the most sense. And it calls back to question some of the questions we had in December, which brings back our initial recommendation, which was to terminate the urban renewal plan and to transition the properties and the redevelopment of those back to

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the city at this point.

>> To piggyback on that, one of the arguments that was articulated back in December was that by aligning the urban renewal plan and the urban renewal agency, that would create a sense of urgency for finishing off the work that was started many, many years ago.

>> Pool: I remember that.

>> In order to do the two things, really, that need to happen, which is the disposition of blocks 16 and 18, a prior to that, aligning the nccd with the urban renewal plan.

>> Pool: I think the questioning happening here today and in advance of a vote on -- tomorrow -- will -- can serve to communicate the increased sense of urgency the dais may have to that effect. But I'm not persuaded that we should do away with the agency itself, since we had talked to them in December and through this year in order to try to

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effect the work -- to encourage them to effect the work that they have been -- their mission and they've been charged to do. I am getting emails from folks who support the urban renewal agency's continuation, and allowing it to continue to its natural end. And so I haven't heard anything here today that persuades me otherwise. And so that's really all that I wanted to -- the questions that I had for you all. So, thank you.

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: The membership of the urban renewal board, am I reading some of this back that you have to be a property owner in that area?

>> I believe you have to be a property owner in the corporate city limits of Austin. And that is an aspect of the state statute that governs urban renewal plans and such activity.

>> Flannigan: I see. So, if, for example, we wanted someone who had been gentrified out of that neighborhood, lived there for a long time, but is

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now inplugerville, they wouldn't be able to serve. Renters can't participate? So, that's one of my main concerns with it, is that it feels a little too exclusive for the type of work I think we want to do.

>> I wanted to ask some questions of our consultant, Ms. Mccann. Could I ask a few questions?

>> Surely.

>> Harper-madison: So, how long have you been a consultant for the urban renewal board project initiative? I'm not certain exactly how we went about getting your services for this process, or what it

was intended for. I'm trying to get some -- it seems like if we have nccd, Austin housing finance corporation and staff, I'm interested in having a

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consultant and how long that's been a relationship, and what we've been able to accomplish during the course of that relationship.

>> Okay. My name is Jana Mccann, at Mccann Adams studio. We were first hired directly by nccd in 2013, 2014. And that was kind of on the heels -- or about a year after our firm had worked as a sub-consultant to another firm called economic and planning systems to produce the document that Mandy referred to earlier called east 11th and 12th street redevelopment strategy. And the purpose of that was to, sort of, like, really do, kind of, a review of where the urban renewal properties stood and bring up to date and really kind of dispose of the properties. And since that time, not much -- a lot had happened on east 11th street. Not so much on east 12th street.

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So there was a real focus on disposing of those properties, which I think was very successful. And the only two remaining, you know, are these two partial blocks, 16 and 18 on east 11th street. So, I was hired, I guess, just on a contract basis to work with the staff to help implement those recommendations that came out of east 11th and 12th street redevelopment strategy, primarily those that had to do with, kind of, straightening out, simplifying, clarifying the governing documents and making them talk more clearly to one another. And I think the big issue had been that every time someone wanted to redevelop a property, like through -- that was an urban renewal agency owned property -- you'd have to go in and discover the many layers of governing elements that were in

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it. That was difficult enough. But because it was very hard-wired, the urban renewal plan was -- and that is the kind of thing that we were trying to really make into more of a general zoning document. I can give you an example, if that would be helpful.

>> Thank you.

>> This urban renewal plan that was done in '99 has all these pictures. And they were meant to just illustrate, I think, the possibilities of what to do with each parcel. However, they also had some rules associated with them that were highly proscriptive and specific, like thou shalt provide 32 community parking spaces. There's going to be a house-like office on this corner of the lot. They're the kinds of

specifics that really don't belong in a zoning kind of document. I'm sorry. So, I was just saying that the urban renewal plan had tended to be highly specific and

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prescriptive to the point where if you were, you know, in today's market, you either couldn't do that thing, or if there were even things that the staff and the city wanted out of a project, it wasn't necessarily written in these very restrictive rules. So, I think almost -- this urban renewal plan has been amended I think 13 times with the 13th being the extension for ten years last December of the plan. So, it's just to say that it had a history of being amended and amended every time the city wanted to go to dispose of a property. There would have to be a very specific deal to amend the provisions from the urban renewal plan. It's very cumbersome. And so that's kind of what my role has been, is helping to get to a cleaner, more generalized zoning, which it should be a little bit more flexible instead

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of this highly project-specific state. So, yes, we've drafted a new version of the urban renewal plan that also needed to be redrafted because in 2010 the tri-party agreement was dissolved and there's lots of language and reference to that agreement. So it had to be neutralized in that way. Many things that were talked about in the urban renewal plan were no longer relevant and haven't been for some time. So we revised the plan and kind of did our, sort of, new version of it. And that's what's been being discussed over the last year, I would say, with the urban renewal board.

>> Harper-madison: That's really helpful information. Thank you very much. And I just want to be clear to assuage my colleagues' concerns about the desire to dissolve the board. Dissolution -- I don't have any commitment to the dissolution of the board. I'm trying to ascertain -- urban

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renewal goes way back, back to the days where my parents and grandparents called it urban removal. There are some really specific concerns that I have about maintaining elements of segregation and racism, and white supremacy. So I just want to be certain that as we evolve as a city, a community, and we as a municipality take into consideration what assets and tools we have available to us, I want to make certain that we are using a maytag and not a washboard, you know what I mean? So I'm just trying to make certain that we are just being as mindful as possible about the tools available to us. As the district representative for east 11th and 12th street and somebody who grew up and still lives in the immediate area, I have so much of a commitment to seeing it develop, and grow, and change, and not

be the part of town that people refer to as the part of town that's suffering from slum and blight. So, I just want to be mindful

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and make certain that moving forward we don't have this, sort of, paternalistic approach to minding poor little old east side, that we make certain that we acknowledge the city has evolved, the community has evolved and we don't need any special treatment in that way. So recognizing underdevelopment is not the same as still utilizing tools that come from segregation era Austin. So I don't have any commitment to the dissolution of the board, I just want to make certain that it's a tool that's applicable, that's useful, and that will help us move forward positively as a community. So as far as I'm concerned, if it turns out -- what's being proposed is that we extend for 12 months. If it turns out six months from now the city manager does a check-in, gauge whether or not we're making movement, even if the answer is we need six more months to get work done, I'll fine with the continuation. I just want to make certain that we're not using tools that aren't helpful. So, thank you all for your presentation. I don't have any further

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questions. Thank you very much.

>> Renteria: Mayor, I do. Also, if you could give me that information, how much have we spent and funded these two lots to get it developed? I'm sure that now we only have these two lots, I want to know how much are we spending. And we have spent since 2013 on this group to work out and develop these two lots.

>> So, right now -- Mandy, neighborhood housing -- right now in the annual budget -- this is just a ballpark, but it's about \$50,000 a year. And those funds fund consultants, attorneys, the urban renewal board has its own attorney, and then maintenance of the lots, which is primarily mowing and cleaning up. I want to say that's between 10 and \$11,000 a year. But in total -- and we can get you the exact numbers. And then of course there's staff time on top of it.

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But in terms of a straight-up budget it's about \$50,000 a year.

>> Mayor Adler: Thank you all very much.

[Inaudible] Pulled the next item. Item 104.

>> Thank you. I've got a few. This can go pretty quickly, I think, since this isn't the actual council meeting where we'll decide these things. Sitting up here feels like we're going to downshift into that mode and I don't think we need to. On 104, which is the land development standards with the different school districts, I had questions for staff about why the aid extension was five years, but the other school districts' extensions were just two years. I was told it was because aid had a big bond program they were working on. Round Rock and Leander also have

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bond programs they're working on. I wanted to ensure those school districts had an opportunity to also weigh in on the length of the extension.

>> Yes. Hi. I'm Donna with the development services department. All the school districts were -- staff recommended two years for all school districts. The current agreements are based on land development code and criteria from the 1990s. Staff recommended the two-year extension of agreements to provide time for the code and criteria adoption and renegotiation of agreements utilizing updated code and criteria. And all of the school districts except for Austin ISD, you know, accepted the two-year. And our hope is that these school districts are looking forward to being able to renegotiate the development agreements that fit well with the city today and fit well with new code and criteria. So, you know, we didn't want to hold back the other school

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districts when they accepted the two-year extension request.

>> Flannigan: Sometimes I think silence is treated as acceptance from school districts. I'm not sure they were accepted as opposed to got the notice and you didn't hear back. My intention is to go to the school board members for the school districts that overlap my school district and ensure that they have what they need. These are the same taxpayers that we have, that are their taxpayers building these projects with taxpayer dollars. And we want to make these projects go as quickly and affordably as possible and not be in the way as we get these public projects done. That's all I wanted to say on that. Thank you.

>> Thank you.

>> Pool: I have another question for staff about that item.

>> Tovo: I just want to verify my understanding based on the backup information, we're talking about projects for the bond -- projects for the school district with the case of aid, projects for aid that are funded from the 2017 bond

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project, not any future projects they might undertake with campuses that are being contemplated for changes.

>> Yes. My understanding is that within the next five years the only projects that aid is working towards are those directly related to the 2017 bond program. That's what they've explained to us.

>> Tovo: Is that actually part of the documentation in some way? Or can you check that for us for Thursday?

>> I can.

>> Tovo: Thank you. Thanks very much.

>> Mayor. I just also wanted to quickly talk about the q&a that I had submitted. And I'm in support of these recommendations and the extension of the agreement. But I wanted to take a brief moment to talk about mobility and transportation in schools, and just trying to make sure that everyone who's building in Austin is following our own plans as far as fewer single driver cars, having access to public transportation, and safe routes to school to make sure

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that we're not having a lot of traffic issues and safety issues. I just wanted to daylight that I put that out there in a q&a, fully supporting the extension of these agreements but wanting to make sure that everybody in our community is helping us work towards these goals. So, thanks.

>> Yes, thank you.

>> Mayor Adler: Okay. We'll go on to the next item. Councilmember Flannigan, you pulled that as well, 121.

>> Flannigan: I've got three or four of these but they should be quick. Item 121, the applicant will request postponement as am I, as we work through the specific details on the lot. So we don't have to talk about that too much.

>> Mayor Adler: It's being postponed.

>> Flannigan: Yep.

>> Mayor Adler: Thank you. That gets us to 128.

>> Flannigan: This one is a case where the applicant is asking for zoning. And the staff came back with co recommendations. And I have questions about the

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impervious cover being more restrictive than is currently allowed. We can have this conversation on Thursday if you prefer. I want to daylight a few of my concerns on these.

>> Mayor Adler: Okay. 135?

>> Flannigan: 135 is a little similar to that one where I think because William cannon is a project from the mobility bonds, I think the applicant's request, which has a co, grco, is appropriate. And my understanding is that the co is one of these examples where the base zonings aren't flexible enough that we have to co our way to a different type of middle space. And I think what the applicant has proposed is appropriate for this site.

>> Mayor Adler: Okay. 136.

>> Flannigan: A historic zoning. I have some questions about whether or not it meets the right criteria and the right standard when my understanding is that the current owner is the one who is requesting it. So I don't know that this is one

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that is at risk of change. And that specifically, the historical associations I think are a little bit of a stretch. I mean, it looks pretty, but I'm not sure that it really meets the criteria of giving the owner a tax break for maintenance.

>> Mayor Adler: Okay. Yes. Councilmember tovo.

>> Tovo: I just want to confirm my understanding that this is a staff recommendation. So in your assessment, it did meet the criteria for historic designation. I'm looking past the historic landmark by a vote of 6-1 and was unanimous at planning commission. I want to make sure we have the most up-to-date information in our backup.

>> That is the most up-to-date information.

>> Tovo so it was supported, so I assume given that their

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obligation is to make sure that it fills the requirements, that they also agreed.

>> Yes.

>> Tovo: Okay. Thank you.

>> Mayor.

>> Mayor Adler: Yes.

>> I already spoke.

>> Well, my question actually goes back to the previous one from William cannon. I heard what you said, but I'd like you it say it again, if you don't mind. I'm not sure I registered what you were suggesting.

>> Flannigan: Sure. The applicant is requesting grco.

>> Kitchen: Right.

>> Flannigan: And my understanding is that it is lr or gr uses.

>> Kitchen: Mmhmm.

>> Flannigan: But gr entitlement, which is very similar to that area. But more importantly for me, this is -
- we've had this conversation before about it being a mobility bond project. I think that necessarily means that we are acknowledging more intense uses and development as we make investments in infrastructure.

>> Kitchen: Okay. We can talk about this more. Because the issue is the

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entrances onto William cannon and the impact on allowing more entrances onto William cannon that can particularly cause difficulties with our mobility bond, and with our purposes along that corridor. So we can talk about that.

>> Flannigan: We might be on the same page just thinking about how to solve that problem differently.

>> Kitchen: Right. Okay.

>> Mayor Adler: Okay. Let's go on to the next item. The It one you pulled, item 146.

>> Flannigan: I handed out an updated resolution for the asian-american resource center. I posted a first version on the message board almost two weeks ago. Last night at the asian-american quality of life commission, got a unanimous endorsement for this resolution that is complementary to the master plan, and this will allow us to consider the broader Rutherford lane campus as an opportunity for, you know,

[1:57:11 PM]

city office space or some of our other needs. That site, certainly I think all of us have been to the center about a hundred times. There's a lot of opportunity in an area that is designated as a job center in

imagine Austin. It is the right place and we own the property. This is an exciting opportunity to work in partnership with the asian-american community to get it done.

>> Mayor Adler: Thanks for raising this. I appreciate the leadership on this and opening it up for the opportunity. Just clarifying for me, is the opportunity to create the housing opportunity -- I'm getting -- I want to make sure I'm not confused as to what's happening on the aarc track versus the Rutherford track.

>> Flannigan: Tomorrow there are two items. One approves the master plan, the other approves the resolution. The resolution is complementary

[1:58:12 PM]

to the master plan. We are not undoing it. We are providing staff the opportunity to consider the Rutherford site as a complementary use. We had conversations with the quality of life commission last night, and from folks in the artist community that had some concerns about whether or not this was going to change the siting of a performance center. So you can see in the amended resolution that I've handed out, it specifically calls out the performance space as part of it. It was always going to be part of it. Everyone has been in complete agreement that it should be part of it. But some folks were concerned so we added that specifically into the resolution.

>> Mayor Adler: I've handed out a resolution that speaks to a black box. I don't know if that's appropriate or not. I couldn't talk to you about that. I don't know if that's subsumed in what's happening. I've heard some people in the community wanting to make sure that's being considered. I have that. I wanted to daylight that for you. Somehow or another you need to send me smoke screens.

>> Flannigan: I can do it right now. This is our moment.

[1:59:13 PM]

What what the community acknowledged was the specific design of the performance center is more appropriate after the master plan is approved in the design phase. As we are figuring out with designers and architects what you can fit on that site, what you can afford on that site. The the \$7 million was never going to be able to build the theater. I'm going to continue engaging with the artist community making sure what we're putting on the site that the designers are considering is appropriate to the scale of the need. One of the challenges is if all you have in your city is 500-seat theaters, you don't have a place for smaller artists. I don't think the additional direction is necessary because I think we're going to let the design process take that into consideration.

>> Mayor Adler: And the design process would allow for a small and a big one so it's not direction that we need to give.

>> Flannigan: Exactly.

>> Mayor Adler: On the 146

[2:00:14 PM]

issue, that's really dealing primarily with what is it we can do on the Rutherford campus as opposed to 146 being about what we could do on the aarc property. Is that right?

>> Flannigan: Yes, with the noting there are two building sites in the master plan that don't have a defined use. There are still open questions about what those other two buildings might be. If on the Rutherford site we can do more of a parking facility, maybe this is a shared parking facility where might be more green space or community benefit. That's noted in the resolution.

>> Mayor Adler: In 146 you would envision not to just be the Rutherford center but discussions or consideration for those two additional sites would be on the aarc campus.

>> Flannigan: The idea we do this as a single redevelopment and don't have to keep going back for another 40 years, let's get this done.

>> Mayor Adler: Thank you. Thank you for your leadership in bringing this

[2:01:15 PM]

forward. Councilmember Casar.

>> Casar: As you all resolve that, the more you could post on the message board it would be helpful. It's on the border of councilmember harper-madison's district and my own. I've got a lot of communication and seen you all take the lead in trying to sort this and I really appreciate that, but the more I can understand walking into Thursday, that would be great.

>> Flannigan: Do you want more information before tomorrow?

>> Casar: I think you guys just talked about this set of clarifications. As you all get to landing on a final place, the more that that can be -- the more that can be written out or made public, I think that would be -- it sounds like you guys just clarified that issue and the more that can be made clear, that would be helpful.

>> Mayor Adler: Okay. Maybe there's a message board post so people could see it. The concerns brought to me I wanted to make sure was that we weren't making the decision about theater size or number of theaters. That's a design issue. That's what I've handed out and if the language already

[2:02:16 PM]

does that, that's great. The second issue where people were confused about whether 146 was going to up end the work that had been done on the master plan on the asian-american resource center. I hear the answer to that being no, but there are -- it's primarily directed we also have the Rutherford campus adjacent to it. Let's take a look what we could be doing on Rutherford that might impact or enable that design work on the asian-american resource center. 146 is really about Rutherford development that could be complimentary to the asian-american resource center and obviously then taking into account the fact at least two of the buildings on the asian-american resource center plan really haven't been programmed yet or identified. But both of those, both those buildings in terms of what should we be looking for on the Rutherford campus. Is that correct?

>> Flannigan: Right, and we're trying to create a space where we're not being so specific we lose the opportunity for innovation.

[2:03:16 PM]

The intent has always been -- that's why we're improving the master plan as a separate item and the resolution as a compliment.

>> Casar: I think those terms are the same I had heard they were being resolved and the better people could understand that and I think that makes it easier. So I appreciate that.

>> Flannigan: Sure.

>> Mayor Adler: Anything else? Councilmember tovo.

>> Tovo: Thank you. I think this is a really interesting idea. I need to better understand to what extent some of these conversations happen during the master plan so if it makes better sense for staff to report on that tomorrow or -- it looked like somebody was ready to report on it now. And then councilmember Flannigan, I think this is a question for you. Number 7 under your be it further resolved exploring the viability of on site senior housing, are you talking about on Rutherford or aarc campus?

>> Flannigan: There have been parts of the process where some of the feedback during the master plan said they wanted it on the Asian center resource site. Other parts did not want it

[2:04:17 PM]

on that site and the debate tends to be more about is it an appropriate location for senior housing with the lack of services and grocery stores and other things. So we worked this language out at the quality of life commission last night to say that, well, if we're going to do senior, let's make sure we're not just saying it, let's evaluate whether it's viability.

>> Tovo: So the viability is about the context of its current location in terms of the resources and services around it, but then -- but I'm still not clear what the site is. Is it the site of Rutherford or aarc?

>> Flannigan: Either and that's part of the conversation for two unprogrammed buildings, not the two that are programmed and what those uses might be. It's been an active debate amongst the community leaders. So we wanted to just resolve it during the next phase.

>> Tovo: Okay. So it's not resolving it now.

>> Flannigan: Correct.

>> Tovo: Just highlighting as an area of conversation. If I could ask the staff, there you are, could you help us understand whether

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anything that is in the ifc, whether these are elements that were discussed as part of the process? Whether the Rutherford campus and its potential redevelopment was a conversation within this or senior housing or could you shed light on any of those issues?

>> Sure. Greg with parks and recreation. I was project manager for the master plan of the aarc. During our public engagement process. Senior housing did come up and it was a discussion point related to the site the center exists on now. It's 15 acres so the conversation did come up and continued throughout the process but it was never high priority for the majority of stakeholders, but it definitely was a conversation. The sites to the south of Rutherford site is currently kind of overflow parking area for large events for the aarc.

[2:06:18 PM]

>> Tovo: Which is almost all of them. Almost every event I attend I park at the Rutherford.

>> It was never the intent to take it beyond the 15 acres. The only conversation about the Rutherford site it continued to serve as overflow parking. That was a big ask from the stakeholders.

>> Tovo: While we're talking about the Rutherford and overflow parking, what is the status of the project to build some kind of passageway from Rutherford's park to go to the aarc? I know that's been a long-time goal and I would say even -- even in the absence of the work to redevelop the site, that's something that should happen in the short term and I know was in the works.

>> Yes, and it was a big discussion in our master plan efforts. There was a desire from stakeholders to not only have a pedestrian access but also vehicular. Right now currently the department is working on the location for a pedestrian

[2:07:19 PM]

bridge, and we have funding to do that and we're working with purchasing the bridge right now to install that. That's going to be a very immediate improvement. Vehicular is probably further down the road.

>> Tovo: Further down the road, so to speak. What's the time line for the pedestrian bridge?

>> Right now our development staff is working on the bridge itself right now in terms of purchasing a bridge. So once that is done, they will site the location and go through the permitting process, and then once they get that green light to -- from the permit or the development services department, they will move forward with construction and installation of the bridge.

>> Tovo: Thanks. I appreciate it.

>> Mayor Adler: Okay. Further discussion on this? I think that's all.

>> Renteria: Mayor?

>> Mayor Adler: Mr. Renteria.

>> Renteria: I want to pull an item, item 13. I have some kind of -- I have questions on that one because the staff recommendation is for the

[2:08:19 PM]

firm that came in with the WBE at 15.8%, and the one that came in second has a WBE of 20%. And I think they lost points in the interview so I really want to find out because I think, you know, we're -- with the equity issue and fairness in the city that if we get 20% WBE, then I see that as a better firm. It seemed like a lot of the rankings they were ahead until they did the interview and then it seemed like that's where they lost a point -- the points where they came in second instead of first. So I have questions about that. I know that I didn't pull it, get to pull it right away, but I do have questions. And I might ask for a postponement if I can get the answers on this contract.

>> Councilmember, I'll follow up afterwards and make sure to get the

[2:09:20 PM]

questions answered unless you want to postpone it.

>> Renteria: Thank you.

>> Mayor Adler: Yes, councilmember tovo.

>> Tovo: Two quick things. Pardon me. It's my -- excuse me. It's my intent tomorrow to request a postponement that I hope my colleagues will support for item 24, the Rainey street special revenue fund. When it came up the first time, there are a variety of things I think that -- a couple different directions we have before us. It is my understanding that the macc board is going to address this issue on September 26. They are going to have a presentation about it and they would appreciate the opportunity to discuss the item and to contribute to -- to contribute ideas and feedback toward how we move forward on that. So again, I hope that will be supported, the request for postponement.

>> Mayor Adler: Okay. Thank you. On this issue,

[2:10:25 PM]

Mr. Flannigan.

>> Flannigan: I would support that. If there are other things to take up in future meetings, we should be thinking about that.

>> Mayor Adler: Further discussion on this item?

>> Casar: The Rainey street item?

>> Mayor Adler: Yes.

>> Casar: I recognize the posting language might have to change or other things and I'm fine with the postponement and the mac board looking at it, but I did after last meeting sort of draft up a really quick amendment that I think will get us to the consensus it seems a large majority of council got to. I'm not suggesting we move this on Thursday or it change the postponement, but I wanted to hand it out just so people had it.

>> Mayor Adler: Okay. Thank you. I'll support, by the way, the postponement request. There's also an item on the agenda, I don't know -- I think it's item number 25 is the auto aid issue that I know, mayor pro tem, you are also working on. I think that there's a possibility that will get worked out.

[2:11:25 PM]

We've been requested by the chief to postpone that item. So I just am announcing that staff is recommending that that item be postponed. So 25 would be postponed. I would also point out that also on our agenda is the -- the designation of the H.O.T. Dollars. It was originally item number 91, it's being replaced by item number 149 on the addendum. I just want to make sure everybody can see that. And I point out to councilmember alter that it includes language that you asked us on the dais at one point in a different discussion if we would agree to, which was taking out the trigger with respect to the 15% and the 15%. We all told you we would support that. I now have an opportunity to actually do that in what's happening on item number

[2:12:25 PM]

149. Further discussion? I'm sorry? Yes. Councilmember Casar.

>> Casar: I just also want to make our agenda on Thursday faster by first indicating that on 41, which is the towing fees, after continuing to review it, I still think we shouldn't raise those fees. I'll be happy to see where people end up, but I wanted to daylight that.

>> Mayor Adler: You still think we should raise it?

>> Casar: Should not. And I laid that out before. That's the reason the booting fees were raised was to encourage booting and raise the towing fees afterwards doesn't make good sense to me. Item number 108 is affordable housing. In my district there are some tenant issues I hope get worked out in the next two weeks. We have to vote on it twice, so I'm going to move to postpone to October 3rd. My hope is just to call up the housing provider quickly to urge them to try to work

[2:13:26 PM]

out the tenant issues over the course of those two weeks, so I hope to make that really swift. We could take that up at whatever time. Item number 122 is the last of the several dozen mobile home cases. My understanding is they are asking for a postponement, but -- and rather than have them all speak about why that postponement should happen, I think hearing from maybe two or three of the residents and postponing it so they can work things out makes sense to me so we can dispose of those quickly.

>> Mayor Adler: You are in favor of?

>> Casar: I'm in favor of postponing the Rainey street item, postponing the north plaza item, which is 108, with just a quick direction to the applicant to work it out. And on item 122 I'm also in favor of postponing, but if at 6:30 we can have two or three people living there explain I think it would make this faster.

>> Mayor Adler: Further

[2:14:27 PM]

discussion on pulled items? Councilmember kitchen.

>> Kitchen: I'm searching for the item number, I apologize. I think it's 125. It's the one that is the -- known as the taco pud. I wanted to -- oh, it's item number 125, 211 south Lamar. I just wanted to let people know that this is only going to be for first reading tomorrow. There are some public restrictive

covenants that relate to the use of the contribution to affordable housing that are not going to be ready for tomorrow. So there is public restrictive covenants that are working to -- that will secure the 2.5 million contribution to affordable housing. So that's just a heads up for folks. So we may be able to not have to spend a whole lot of time on that one because just -- I just want people

[2:15:27 PM]

to realize it's first reading only and that -- that the work to be done to tie that additional contribution to affordable housing is in the works in terms of the restrictive covenant document that we'll all want to review before we finalize it.

>> Mayor Adler: Thank you. Councilmember Tovo, did you have something?

>> Tovo: I did. I hate to take us backwards here, but earlier we had the presentation about the planning -- about the planning commission public hearing with regard to the land development code, and I just want to ask our staff to really do some thinking about the logistics on that day. It's the weekend, I assume that the planning commission will meet here, but I don't know that for sure, but in any ways in our downtown area on that day we have the Texas book fair, we have a street closure and parade, I believe, and some other events. And so I think it's just going to be -- if it's here on site, we're going to have to -- I would just ask staff to keep that in mind in

[2:16:28 PM]

making sure people coming to the parking garage are here for that purpose and for others.

>> Mayor Adler: Okay. Mr. Flannigan.

>> Flannigan: Item 84, the animal regulation item --

>> Mayor Adler: Which number?

>> Flannigan: 84. This might be one to consider postponement on if only because my concerns on it really related to what I heard from my animal service commissioner about lack of public engagement or public testimony at the commissions meeting. I think it might be good to let them have one more round of conversation. But if we take it up tomorrow because of the new state law, we have to allow full public testimony then and then again when it comes back to us. If that's something we would be willing to do, we might want to make that decision up front so we're not running multiple rounds of public testimony through the building unnecessarily.

>> Mayor Adler: Why does it need to come back to us again?

>> Flannigan: Because my recommendation is send it back to animal services commission because my commissioner said there wasn't sufficient at the --

[2:17:29 PM]

to hear from the public -- I'm not going to be able to vote on it given that recommendation from my commissioner.

>> Mayor Adler: I understand. Councilmember pool.

>> Pool: This is an item I'm bringing forward. The issues that are in that item actually were debated last year and also again this year and are coming through a pretty intensive scrutiny through law and our animal services staff. It also gives our new animal services officer don bland, an opportunity to move forward on some initiatives he is supportive of and gives him an opportunity to work very closely going forward with the community that is now welcoming him in as our official animal services officer. So I do know that some folks were saying that they did not have an opportunity or there wasn't much, if any, opportunity of public input that actually these issues have been debated for about a year or more. So, I did want to make sure folks were aware of that. And I'm happy to move

[2:18:30 PM]

forward with it tomorrow. We have talked with the advocates who are in support of this. We have explained the phased-in approach we're taking to those few weeks have written to us asking some questions and we've answered them. And urged them to stay engaged because the additional changes that are still out there to be discussed will be reviewed in full going forward. I would like to go ahead and move forward with this so that it shows a vote of confidence for our new animal services officer and allows that work to move forward.

>> Mayor Adler: Okay. Maybe if the postponement issue is something that's in controversy tomorrow, maybe we can just take that issue up and just have debate on the issue of whether or not to postpone. Then if the motion to postpone does not pass, we will take the fuller debate.

>> Pool: And I suppose we could see if there is any subpoena fort for a postponement tomorrow.

>> Mayor Adler:

[2:19:30 PM]

Councilmember, turn on your mic, please.

>> Renteria: I feel like I have some more questions on it. I have my commissioners also ask me questions about it and I haven't been able to get around to answering that. So, you know, I might just need a little bit of time, but if not, I don't have a problem, but I might not be able to support it.

[Laughter]

>> Mayor Adler: Sorry about that. All right, anything else? Any other items people want to pull in anticipation of that? Yes, councilmember kitchen.

>> Kitchen: Again, this is just one other item as a heads up for folks. That's item number 118. It's one we had quite a bit of discussion about at our last -- the last time we took it up. And that is the area along cannon lane that's in the middle of a neighborhood which has to do with change in zoning from -- to sf-6. I just bring that up because I remain opposed to it and

[2:20:31 PM]

I'll explain that again tomorrow. But I just might want to ask you all to look at it again. I'm opposed to it because the staff recommended against it and because it doesn't fit with our policy about what we've said should happen with zoning in the middle of neighborhoods. So again, we can talk about it tomorrow, but people might save themselves time if they look at it ahead of time and I would ask you look at it with that in mind.

>> Mayor Adler: Okay. I think we're done at 2:20. I'm going to adjourn the work session of the city council.