

# City Council Regular Meeting Session Transcript – 10/31/2019

Title: City of Austin

Channel: 6 - COAUS

Recorded On: 10/31/2019 6:00:00 AM

Original Air Date: 10/31/2019

Transcript Generated by SnapStream

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[10:11:42 AM]

>> Mayor Adler: All right. I think we're set to go. Let's begin with reverend Anna shouse. Thank you very much. Would you come on up, please? Joined today by the reverend with us from unity church of Austin. Thank you so much for joining us. >> You're welcome. Thank you for inviting me to be a part of your opening ceremony here on this crisp Halloween day. It is good to be here with you. As we begin this day of deliberation, input, and discussion, I invite you to begin with a quiet mind. So I'm going to share with you this poem by Mary Oliver, which is just a beautiful poem and invites us into an imagery of quiet and peacefulness. And this poem is snow geese. Oh, to love what is lovely and will not last. What a task to ask of anything

[10:12:44 AM]

or anyone. Yet it is ours, and not by the century or the year, but by the hours. One fall day, I heard above me and above the sting of the wind a sound I did not know. And my look shot upward. It was a flock of snow geese, winging it faster than the ones we usually see. And being the color of snow, catching the sun so they were in part, at least, golden. I held my breath, as we do sometimes to stop time when something wonderful has touched us. As with a match which is lit and bright, but does not hurt in the common way, but delightfully, as if delight were the most serious thing you ever felt. The geese flew on. I have never seen them again.

[10:13:45 AM]

Maybe I will someday, somewhere. Maybe I won't. It doesn't matter. What matters is that when I saw them, I saw them as through the veil -- secretly, joyfully, clearly. And so my prayer for all of us today is that we see everything as through the veil, clearly and joyfully and freely. Many blessings. >> Mayor Adler: Thank you very much. As we start, councilmember Renteria, you want did a request? >> Renteria: I request a moment of privilege. I'm here to ask the Austin housing authority -- their housing residence commissioner wants to address us on this very important event. So I would like to ask Mary

[10:14:47 AM]

oflojo to come up. >> Good morning, mayor. I am Mary and I am a resident of Chalmers court in east Austin, president of the resident council and resident commissioner for the housing authority of the city of Austin. I'm here today with friends and neighbors to invite you all to the best affordable housing party in town next Thursday. Please join us at our grand opening at Chalmers south, the first phase of three phases of redevelopment. I now live in the brand new, beautiful Chalmers south, which has 86 new units, two, three, and four bedrooms with modern appliances, a new boys and girls club, and thank the lord, central air conditioning and heating. This was a long summer. We were all so grateful to say good-bye to cinder block walls. This is phase one and there are still two to go.

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Phase two is a redevelopment of Chalmers east. Phase three is a redevelopment of Chalmers west. The 150 units currently on this site will be redeveloped to nearly 400 affordable units in east Austin, providing a home for seniors, individuals with disabilities, families with children, and transitioning homeless. So, next Thursday, November 7th at 10:00 A.M., we have a lot to celebrate. Mayor Adler, councilmember Renteria, and a congressman will be there. We will be celebrating two milestones. First, we will cut the ribbon on the 86 new units south, phase one. Then we will cross the street and hand you a shovel to break ground on construction phase two, Chalmers east. Mostly we want you to know how much the residents of Chalmers courts appreciate your ongoing support of our redevelopment. Your support has given us

[10:16:49 AM]

dignity and a place of pride and joy to call home. We hope you all will celebrate with us next Thursday, November the 7th. Thank you. >> Mayor Adler: Thank you very much. >> Thank you. >> Mayor Adler: Should be a great event next Thursday. Thank you. [ Applause ] >> Mayor Adler: Colleagues, we have probably one of the safest prospects for a meeting that we've ever had here today, because we have visiting with us a whole group of fourth-year medical students here at del that wanted to see how government works. If we're going to have any really hard debates, that would be the time to do it. We're

really excited. Would you all stand up here? These are our next doctors. [ Applause ] >> Mayor Adler: You'll find that -- you can sit down. You'll find that city council

[10:17:49 AM]

meetings are probably the most riveting things you ever, ever come to watch. [ Laughing ] >> Mayor Adler: I'm going to go ahead and then convene our meeting here today. >> Mayor Adler. >> Mayor Adler: Yes. I'm sorry. Yes. >> So, two weeks ago we had a really brilliant opportunity. We stood in this chamber and read a proclamation in honor of Annie May City, born in 1914 in the midst of the Jim Crow era, outlived and overcame explicit racial hostility and grew up to build an arsenal of democracy. After World War II, she dedicated her life to caring for all ill and infirm at Brackenridge hospital. She traveled the world and wrote so moving poetry. Ms. City achieved fame -- or never, I'm sorry, achieved fame or celebrity, but she lived a selfless and resilient life that can serve as a model to us all.

[10:18:50 AM]

I am sad to report that Ms. City passed away this week, just days after her 105th birthday. And I'd like to take a moment of silence in her honor this morning. >> Harper-Madison: Thank you for indulging us, and our deepest condolences from the city of Austin to her friends, family, and the congregation at her church. Thank you, mayor. >> Mayor Adler: Thank you. And thank you for giving all of us the opportunity to be with her just a few days ago here in the chambers. Timing. >> Harper-Madison: I thought it was fitting that we celebrated her 105th birthday at our last council meeting and were able to give her the proclamation and watching her smile so big in her dress and heels. It was a beautiful honor. The timing was wonderful. I feel privileged that we had

[10:19:51 AM]

that opportunity. >> Mayor Adler: Thank you. All right. Colleagues, it is Thursday, October 31st, 2019, Halloween. It is 10:18 and we are going to begin this meeting, we are in city council chambers here at 301 West 2nd Street. We have a full day with the exception of the mayor pro tem, who will be joining us shortly. Let's take a look at the agenda we have. Just to note, we have a 3:00 hard stop this afternoon. And I think it's do-able. So let's keep working in that direction. The consent agenda today is items 1 through 34, 51, 50 and 51, and 53 and 55. 52 is a blank. There is no 52 on our agenda

[10:20:52 AM]

today. So it's 1-34 and 50-55, but no 52. Changes and corrections, item number 2 should not have a district designation. Items 13 and 23, rather, postponed to November 14, 2019. Item 33, recommended that that be postponed. The suggested date in this as it appears now on our consent agenda should be November 14th, 2019 as opposed to a date in December. Items number 9 and 36 have been withdrawn. There is not going to be an Austin housing finance corporation meeting today. And we have three items that I'm showing as being pulled at this point. Item number 18 is going to be pulled to be taken up after the public hearing.

[10:21:52 AM]

Item number 38. Item number 24 is going to be pulled to be taken up with planning and zoning item 44. And councilmember pool is pulling item number 20. With respect to item number 2, mayor pro tem Garza has handed out some direction with respect to that. It's direction consistent with the testimony that she had given to us at the work session that we had on Tuesday, asking for Austin energy to report back to council on October 15th on the things that she discussed. This language is acceptable also to Austin energy. So this direction will be part of item number 2 on the consent agenda. >> Mayor. >> Mayor Adler: Also --

[10:22:53 AM]

>> I missed the meeting because I was out of town on business, and so I don't know what direction you're talking about or what the context was. >> Mayor Adler: Okay. >> Pool: May I have some time to read it? >> Mayor Adler: Yes. >> Pool: Thanks. >> Mayor Adler: And it's been handed out. On the boards and commission, item number 29, we have two that I want to read into the record as part of this. Chad gray as councilmember kitchen's nominee to the construction advisory commission, Chad gray. And also, councilmember Renteria is nominating huoyang to the asian-american quality of life commission. So those are both made part of the consent agenda. We have nothing that's pulled by

[10:23:53 AM]

speakers at this point. Is there a motion to approve the consent agenda? Councilmember pool, are you okay? Did you have a chance to read the direction? >> Pool: It looks good. Thank you. >> Mayor Adler: Okay. Is there a motion to approve the consent agenda? Councilmember alter makes the motion. Any discussion? Councilmember Casar? >> Casar: Mayor, I had a constituent sign up on 18 on consent, but it's been pulled because it's paired with the public hearing. Is it right to just think that after consent, since it's the next-lowest item that it will be pulled up right next? >> Mayor Adler: We'll go ahead and do that so that person has a chance to speak, but then we'll hold on to the item, because we have to wait until after the public hearing. >> Casar: I imagine we'll take the public hearing immediately. >> Mayor

Adler: Can we do that, there's no time on the public hearing? >> Casar: Maybe we won't speak now. >> Pool: Mayor. >> Mayor Adler: Yes. >> Pool: The question I had on

[10:24:54 AM]

item 20 has been answered, so we can put item 20 back on consent. >> Mayor Adler: Okay. 20 is back on consent. There is one item on our consent agenda this week that's entering into an agreement with the state to help facilitate cleanups under overpasses. As you'll recall, this is something that the state used to do and then they turned it over to us to do a few months back. It sounds like they may be offering to help us again. If that happens, I hope it happens in a constructive way. But one way to make it constructive is the violet bag program that the city is using to help make it easier to facilitate people being able to clean up areas in which they seem to be a successful program. But there's a desire now to

[10:25:56 AM]

actually put containers and receptacles there to help facilitate that. We can't do that without an agreement with the state. I think this is also on the Texas highway commission's agenda for their meeting today as well. So, manager, thank you and our staff for continuing to prioritize making sure that we keep areas as clean and healthy as we can. Yes. >> Harper-madison: I have comments about the consent agenda. She says -- first of all, she says, good morning and happy Halloween. I originally planned to pull item 2 to add the direction I discussed at work session. My staff will pass out the direction on the dais. If there is no opposition or need for discussion, I will not need to pull it and I am fine passing it on consent without me there with the additional direction. If there is opposition, I ask that we pull the item. She also says, I had also planned to comment on items 8

[10:26:57 AM]

and 20, as I am assuming they will remain on consent. Item 8 will help finish the Moore's crossing station so it can open on time. Both items 8 and 20 will help get the design and construction under way for the Travis county station in councilmember Ellis' district. The areas of greatest need for new fire stations have been identified, and Travis county -- I meant country -- and Travis country was at the top of the list because of lagging response time. It was followed by Moore's crossing because of the response times and because of higher insurance rates in an already-underserved part of town. While the road has been long to get to the place where we have definite timelines for construction and dates our constituents can look towards for when these stations will open, I am extremely grateful to staff for being responsive to us on council and to the residents

[10:27:57 AM]

who came up to city hall and made it clear how badly they needed these fire stations in their areas. Analysis and reports and maps are one thing, but when our constituents take the time to come here and tell us about the real impacts on their lives, that reminds us all, both staff and council, why we do the work we do. On the Moore's crossing station in my district in particular, we approved the staffing for a temporary fire station nearby in the budget to serve the del valle/moore's crossing area. Since that station opened on October 1st, we've will ever already seen the impact. Less than a week after it opened, someone was in cardiac arrest. They were reached in less than four minutes. The patient got to the hospital for treatment. That's just one incident where a lower response time may have been the difference between life and death. So, thank you to AFD, ems, public works, capital contracting office and every

[10:28:59 AM]

department that helped us make progress on the construction of these stations, because that hard work will literally save lives in these areas. >> Mayor Adler: Great. Thank you. Councilmember alter. >> Alter: Thank you, I also wanted to comment briefly on items 8 and 20 and thank the staff involved in moving those forward. There were five fire stations that were identified in need. And I look forward to us moving forward on the list. I know we're getting closer to purchasing land for the Davenport 360 station and I look forward to us addressing the needs that have been identified and appreciate the staff's work on moving all of these forward. >> Mayor Adler: Councilmember Ellis. >> Ellis: I'd also like to make a few comments on item 20, which authorizes the office of real estate to move forward with the Travis country fire station. Staff has been working dilliently with constituents to identify the best location for

[10:29:59 AM]

this new fire station. It is an aggressive timeline to construct five permanent fire and ems stations over six years, and having this station make substantial progress is, Jr. Veryexciting for my district. Travis country is one of the areas that routinely falls out of the eight-minute response time and adding a fire and ems station in this location is going to be really pivotal in ensuring for the wildfire safety and other fire safety measures that are necessary in Travis country. So I hope we can meet our timetable to begin construction by next summer, and are very excited for our neighbors a little bit further away at Moore's crossing to be able to get their station up and running, and then to move it along for the other fire stations. So, thank you. >> Pool: Mayor. >> Mayor Adler: Yes, councilmember pool. >> Pool: Since we have comments on 20 and I had a couple of questions, I wanted to let everybody know what the question was. That was, what is the planned emergency route to get back north towards southwest parkway to serve Travis country. And would this require the construction of a new road. And we did get a confirmation

[10:31:01 AM]

from real estate that there is an easement across the back property that will be used, which is why I didn't feel like I needed to pull it and ask the question. But given the context and the additional commentary, you know, we're looking at this fire station as very necessary. But we also had some concerns about access for our trucks. I see our office of real estate folks out here. Thanks for getting us answers to those questions, appreciate it. >> Mayor Adler: Okay. We have some people that have signed up to speak on the consent agenda. Let's see if they want to speak. Is Tim Arndt here? Would you like to speak? >> [ Off mic ] >> Mayor Adler: Okay. >> [ Off mic ] >> Mayor Adler: If you're going to speak, you need to come up to a microphone, if you want to speak. >> I'm sorry. I was going to be brief.

[10:32:01 AM]

>> Mayor Adler: Brief is still okay. [ Laughing ] >> And we like -- >> I served on the low-income task force a few years ago as Kathy Tovo's appointee. I just wanted to say that I think Austin Energy is listening to you all, and give them a compliment for implementing the multifamily program and the people that they have on the ground are even listening to you -- Stephanie Grund, Singh, Garza, they're implementing the program that y'all are asking them to do. So, be proud of what they're doing. And CPS Energy in San Antonio doesn't even have a multifamily program because it's so difficult. So pat yourselves on the back for having one. >> Mayor Adler: Great. Thank you very much. >> Thank you. >> Mayor Adler: Is Mr. Hirsch here, Stuart Hirsch? I had you signed up to speak on

[10:33:03 AM]

item 29. >> Thank you, mayor and members of the council. Stew from district 2. As you consider points to boards and commissions this week, and in future weeks, I ask you to praise the efforts of the planning commission at its special call meeting in October. The PC listened for hours on a Saturday to many citizens who acted as if city was proposing the readoption of code next, and if city staff was not following council direction on policy matters for what I like to call code new, which is what's pending before you. My councilmember calls current regulations code now, and I like that name, so, what we're trying to do is replace code now with code new. As a former city staffer and as a private citizen, it was painful to observe hours of

[10:34:04 AM]

criticism of a proposal that clearly aligns with imagine Austin, the strategic housing blueprint, and council action in may of 2019. It is not a perfect document, but the proposed code will improve as the planning commission reviews our suggestions prior to making its recommendation for a new land development code. So, as you consider your appointments to boards and commissions that offer proposed changes to city code, please appoint Austin residents who will listen politely to all who testify before deliberating on recommendations to this council. Please acknowledge the remarkable efforts of the planning commission this week not only Saturday, but Tuesday night they were here until 11:30, and all the deliberations they made last year for codenext, and have them as a model for your future appointments to boards and commissions, as people who will sit and listen and take into

[10:35:05 AM]

account our suggestions before they make recommendations to you. Kudos to the planning commission. >> Mayor Adler: Thank you. Council, that gets us back up on the dais. We have a motion and a second to approve the consent agenda. The pulled items that I have are 18, to go with item number 38, and 24 to go with item number 44. Other than that, the consent agenda, which is 1-34 and 50-55 but not 52, is before us. Yes, councilmember Renteria. >> Renteria: When the government comes and the state starts cleaning the underpass under 35, 183, and all the other state highway, I wish that he would open up that beautiful park right in front of his governor's mansion and allow them to camp there so they have a place -- our homeless people have a place to stay. [ Clapping ] >> Mayor Adler: Yes,

[10:36:06 AM]

councilmember Casar. >> Casar: On the item related to the txdot trash receptacles, mayor, I think you summed it up but I do want to put a fine point on it that I think that we agree with the state that litter under our bridges and overpasses should be cleaned up. And I think we all agree -- or I hope that we all agree there's a really big difference between litter and people, and that litter needs cleaning up, but people need help. And I hope that we work together on both of those things. >> Mayor Adler: Okay. Further discussion before we vote? Councilmember kitchen. >> Kitchen: I just want to make a quick comment on a previous speaker, Mr. Hirsch. Thank you for bringing that up. Our planning commission is a body that does a lot of very useful work for us. And it's difficult to spend that kind of time. And I appreciate their efforts, too. I don't know that we thank them enough. So, I want to thank you for bringing that up and just -- I'm

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sure that the whole counsel -- council shares that sentiment. >> Mayor Adler: Those in favor of the agenda raise your hand? Unanimous with the mayor pro tem off. Let's hit the agenda. Let's first go with



the public hearing, item number 38, which you are correct, can be brought up anytime after 10:30, which we just cleared. >> Mandy Demayo, neighborhood housing and community development. We have two companion pieces, agenda item number 38, which is related to -- it is a public hearing for the redevelopment of a property called the oaks on north plaza. And my understanding is that we have one speaker signed up.

[10:38:12 AM]

>> Mayor Adler: Let's go ahead and call the speaker. I'm going to call up both items 18 and item 38 together. We have one speaker who has signed up on both. Is Lynelle Espinoza here? Ms. Espinoza. >> Good morning. My name is Lynelle Espinoza and I'll testifying on items 18 and 38 related to a tax credit application and private activity bond request for haca and the related companies. The companies manage the property I live at, oaks on Lamar, previously San Maria village. I'm a member of the San Maria village tenants association. And my tenants association, and the associations of two other properties managed by related,

[10:39:13 AM]

pleasant hills apartments and Riverside homes we have been working to improve conditions at our properties. And we have all had problems with related and how they treat tenants, and communication with us. All of our tenants associations agree that we want the best for Austin renters, including the north plaza renters. That's why we have been meeting with related over the last few weeks and the help of councilmember Casar, and haca to get commitments on how they will improve our properties. We thank councilmember Casar for advocating on our behalf. As a member of the smb tenants association, all we ask for is from our owners and managers, is a safe home, repairs done on time, open communication with the residents, respect for those of us who speak different languages, and to be treated fairly. It hasn't been easy, but we are glad the related management is

[10:40:13 AM]

finally acting in good faith to address our concerns and concerns of the residents at other properties they own. And to make our property a better place. And we are thankful for willingness to reach a written agreement with us showing that their commitment to make our home a better place. I only hope that it doesn't stop there and they continue to improve in the future. Thank you. >> Mayor Adler: Thank you. Is there a motion to close the public hearing on item number 38? I think that's just a public hearing -- and to approve item number 18. Councilmember Casar makes that motion, seconded by councilmember Renteria. Any discussion? >> Mayor. >> Mayor Adler: Yes. >> Casar: I want to thank Ms.

Espinoza and the folks at hasta for their work on this, along with the staff at related and the staff at haca, especially Mr. Gerber.

[10:41:13 AM]

What was brought forward to us were some really serious concern from the a variety of tenants at a variety of properties, I think related took those concerns really seriously. We had a really long all-afternoon meeting. We even got rained on some. But it was -- it showed really important work of how ten tenant associations bring their issues forward and work with the city and the housing authority and private partners that we can make things better for everyone. So I hope and look forward to this property's rehabilitation in my district being a really good one, and for things to go really well for the people we're trying to serve there. We'll hold everybody to that agreement that got put together. I'd like to thank everybody that was involved for making this thing better. Thanks to everyone. >> I should also mention that there is a representative from related companies here, if there are any specific questions. >> Mayor Adler: Okay. Doesn't appear to be any questions. It's been moved and seconded.

[10:42:14 AM]

Let's take a vote. Those in favor of closing the public hearing? Passing item number 38. Please raise your hand. Those opposed? Unanimous on the dais with the mayor pro tem off. Thank you very much. >> We also have item 18, mayor. >> Mayor Adler: Okay. >> Which is the resolution consenting to the issuance of the private activity bonds. >> Mayor Adler: I called both those up because they were related. We approved them both. >> Thank you. >> Mayor Adler: Okay. So, we've taken care of those. Let's pick up item number -- 24 we can't pick up until we get to 44 on zoning. Item number 35 is reappointment to the central health board. I think that comes from a committee. That comes from the health committee. Do you want to lay that out for us? >> Sure. I wasn't prepared to. But I can make it up.

[10:43:15 AM]

So, item number 35 is our reappointment of Mara to the central health board of managers. >> Mayor Adler: Okay. And in that regard, I guess the committee discussed this and talked about various nominees, and this is the recommendation? >> Correct. >> Mayor Adler: Thank you. Is there a second to that reappointment? Councilmember tovo seconds that. Any discussion? Councilmember harper-madison. >> Harper-madison: Oh, would just like to say -- I guess this is in alignment with the recognition of the planning commission. Folks like Mara, who volunteer their time and dedicate their time to the betterment of these boards and commission and make certain that they are as diverse and productive as possible, we want to say thank you for her continued service and effort. And to all the

folks who serve on our various boards and commissions, thank you very much. >> Mayor Adler: Okay. Councilmember tovo, did you want to say something? >> Tovo: Really I just also

[10:44:16 AM]

wanted to extend my appreciation, as we had an opportunity to say a few words at the public health meeting about her work. And she's really just been a tremendous asset to the board, and is at just about every community event that central health sponsors, as well as lots of other ones, and is really doing a great job of being a good liaison to the community and a good voice for the community on central health board. The vote to re-appoint her was unanimous. >> Mayor Adler: Okay. Councilmember Flannigan. >> Flannigan: Thank you. I also had an opportunity to take to her -- talk to her in my office and it was exciting to see as we reappointment board members, an opportunity to talk about the future of our regional work in partnership with these agencies, the relate of life under tax caps, the ability to have the work related to health take our community to a new level. And I couldn't be more excited to see her reappointment to this board and to have that conversation with our other appointees. >> Mayor Adler: Okay.

[10:45:16 AM]

Sounds good. Let's take a vote. All in favor of approving item number 35? It's unanimous on the dais with the mayor pro tem off. That gets us up to item number 37, which is a public hearing. It's an ordinance. I have no one signed up. Is anyone here to speak on item number 37? We don't have anyone signed up. Is there a motion to approve this item number 37? Councilmember tovo makes that motion, is there a second to approve it? Councilmember harper-madison seconds it. Any discussion on the motion to close the public hearing and to approve item 37? Those in favor, please raise your hand. Those opposed? It's unanimous on the dais with the mayor pro tem off. Colleagues, we had several things that were shown to be on executive session today, but there's no need for us to meet on any of those.

[10:46:18 AM]

Is that correct? >> That's correct. 39, 40, and 43 are withdrawn and we did 41 and 42 on Tuesday. >> Mayor Adler: Okay. So we don't have to address 39-43 here today. So, item number 24 we can't pick up until we do 44, and that's after 2:00 P.M. The other items are zoning items that come up no earlier than 2:00 P.M. So at this point, we are done for this morning. We will come back at 12:00 P.M. For citizen communication. So without objection or comment, we are in recess until 12:00 P.M. See you all back down here. Thank you.

[12:07:10 PM]

>> Mayor Adler: All right. It is 12:06 let's go ahead and do citizen communication. Is Trecia Roberts here? Come on down. You'll have three minutes. Is Judith Ruder here? Is Judith Ruder here? No? No? What about Staci Livesay? >> Here. >> Mayor Adler: So you'll be up next. Go ahead. You have three minutes. >> I'm Trecia Roberts, a resident of 26 years in the Rainey district, where I have watched explosive developments substantially change the character of my entire neighborhood. Despite many requests, high density construction has continued in Rainey without any form of a master plan. Each project seems to be approved in isolation, with no thought given to its effects on those who live, work, and play there. Think of it this way. The Austonian, a well known

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downtown landmark is 56556 stories high. Currently within Rainey we already have the equivalent of three and a half Austonians. In addition to the Mac, 15 bars and several restaurants. When currently approved or proposed construction is completed we will quickly reach the equivalent of 11.5 Austonians. This will happen under current zoning restrictions. If new proposed codes are adopted building heights in Rainey will become unlimited, greatly multiplying problems in our small area of little more than four square blocks. Without a master plan, there are no plans for infrastructure improvement. In 2016, Big Red Dog surveyed Rainey's mounting traffic issues. Their data revealed that existing streets could safely accommodate 9,000 daily vehicular trips. However, on Thursdays,

[12:09:13 PM]

Fridays and Saturdays, there were already between 24,000 and 29,000 daily trips. Three years have now passed. And nothing has been done to improve traffic flow when currently proposed construction is completed, daily vehicular trips will be approximately three times greater than those in 2016. This means that we will begin to see 100,000 trips per day on roads that should only support 9,000. We have no bike or scooter lanes, and with long stretches of sidewalks missing, pedestrians are forced into the streets. Certain roads are presently restricted to one lane, and this worsens as more construction begins. Moreover, the city continues to vacate alleyways and to reduce the widths of

[12:10:14 PM]

existing streets. Traffic movement is slow and dangerous. Scooters abound on the few sidewalks and in the roadways. Bikes weave in and out of the heavy congestion and road rage is a frequent occurrence. This is an accident-prone area, where the movement of emergency vehicles is highly restricted at times. We are applying for you to work with us now before it is too late. [Buzzer sounding] To ensure Rainey is a pleasant, safe place for everyone to live. >> Mayor Adler: Thank you. >> Thank you. >> Mayor Adler: Thank you. [ Applause ] Staci Livesay. Why don't you come on down. Judith ruder? What about Tom Jones? Is Tom Jones here? >> Yes. >> Mayor Adler: Why don't you come on down. You'll be next. Go ahead, ma'am. You have three minutes. >> Hi, my name is Staci Livesay. And I have an urgent request for you on behalf of the current stakeholders in the Rainey maintained, as well

[12:11:14 PM]

as the future stakeholders in the Rainey district. As my neighbor trecia Roberts eloquently pointed out we are experiencing significant mobility issues in the district now and we know that is only going to get worse. If you've been to Rainey any time recently, you know you exactly what I'm talking about. So here's the request. Let's increase the access points in this very small area, and let's actually improve mobility. We can accomplish this by punching Rainey through to Cesar Chavez and cleaning up the alleyways and activating them so traffic can flow in those alleyways. Instead of implementing the shared streets program, we would -- which would actually reduce the ability for traffic to flow and mobility, we would like to have the sidewalks widened, which would allow for pedestrian safety, which I know was the goal of the

[12:12:15 PM]

shared streets program, and we actually have an idea that we could do that in a way that honors and celebrates the hispanic and mexican-american culture that's been a part of that district for so long. I can envision a scenario similar to second street outside of the jw Marriott, where you have an artistic motif that actually celebrates the history and the culture of that area. Lastly, let's connect red river to river street and actually make that a throughway. That's the only opportunity that we have to connect the Rainey district to the rest of the downtown grid. And why the we can also do that in a way that can calibrate the history of that district. Perhaps we could name it something unique and celebrate the mexican-american leadership that's been a part of that community for so long. You know, Renteria road might be a fun way to

[12:13:16 PM]

consider that option. But what's at stake if we don't act now? What's really at stake is that the supports of the mac are not going to be able to get to their facility for their events. Developers will have

decreased ability to maximize and lease and sell their projects. The residents will have difficulty getting in and out of their condos because the ride shares will be staging in front of them. Businesses will have issues getting deliveries in and out of that area. And last but not least, the homeowners and property owners have -- there's a possibility that the property values could go down, which would actually decrease your tax base as a city. As a community we have an opportunity here. And if we act now to create this infrastructure in a way

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that celebrates the history of the area -- [ buzzer sounding ] -- We won't leave it up to happenstance. Let's not leave this as an example of we didn't build it but they came anyway. >> Mayor Adler: Thank you. >> Thank you. >> Mayor Adler: Mr. Jones, if I'll give those to the clerk. She'll hand them out. >> Tovo: Mayor, do we have another speaker on Rainey today? Is Judith ruder speaking as well? >> She's speaking on a different issue. >> Mayor Adler: Michael Abelson looks like is speaking on Rainey district. >> Tovo: Perfect. >> After Mr. Jones, is Ted gault here? Why don't you come on down. You'll be next. Go ahead, sir. >> Good morning, my name is Tom Jones. I appreciate the opportunity to be here this morning. Although I wish I was not here. I have been building homes in Austin for almost 30 years.

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Ivan in Austin for about 40 years -- I've been in Austin for about 40 years. I build mainly in Travis county, western part of Travis county off bee caves road. I do have one lot left, and this lot has a transmission line easement on it. I have been trying to build my septic system on this transmission easement like I have done for the past 25 years in this subdivision. Austin energy has led me to believe that there's a way that I can build my septic system on this property, and they have their needs for the easement and I have mine, and we could share those needs equally and I can proceed with my home building. This is my last lot in the subdivision. It's a 61-year-old subdivision, about an 80-year-old easement. There are high voltage transmission lines in the

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easement. The entire subdivision of about 200 lots is entirely built out, and this is one of the last lots in the subdivision. Austin energy has now changed course and told me I cannot build under any circumstances on this lot. That is the taking of my property. It's gonna take this property off the tax rolls. It's gonna take a much needed home out of the school district. It's gonna leave me without a job, and I would like for the council to either sponsor an agenda item to vote on whether or not I can build on this lot or whether the city wants to buy it as the city has done with another similar lot in this neighborhood or whether I can provide important tax revenue for the city and the county. There's no reason that I

cannot share the rights to this easement with Austin energy. I've told them that if they have to drive their truck on

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my septic system, that I will pay for the repair costs, and they said no. They first said that they need 25 feet to drive their truck on, and then they came back and said, no, we want the whole easement to drive our truck on. In the case every 90 or 100 years they have to replace the power poles, one of which is on this lot. The only other power pole in the subdivision is owned by the city of Austin. So if I can't build on the lot, it comes off the tax rolls. It's gonna cause a big legal problem for a lot of us, including me. I want to avoid this. I just want to build this last lot, this last home, under what's necessary -- [ buzzer sounding ] -- And compromising in cooperation with the city. Thank you. >> Mayor Adler: We'll be done here in about 20 minutes. Can you wait and talk to me? >> I'm sorry. >> Mayor Adler: We're gonna be wait here in about 20 minutes. Can you wait and talk to me?

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>> I'd be happy to. >> Mayor Adler: Thank you. >> Thank you, sir. >> Mayor Adler: All right. Let's go to the next speaker. Is Ted gault -- yeah there you are. Okay. Is penny Adrian here? Okay. You'll be up next. Go ahead, sir. >> Mayor Adler, fellow councilmembers, back in January 28, I worked with you guys in regards to graffiti abatement and efforts from the city council to address this issue plaguing every district, okay? It's something that we tend to ignore, look the other way on, but it's at an epidemic level right now that affects the well-being and just the influence to our youth, to the well-being of my happiness to enjoy this city. You look to the left and I see you a big graffiti tag. It's such a frustration to see this going on. And I know it's a global issue. I know it's something that there's an art form to it, but our -- Austin was supposed to be weird and creative, not vandalized and disrespected like it's being

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right now. So this affects every citizen that their trash cans are written be on, every block. It's ridiculous how bad it's gotten right now. So in conversations you put me in contact with sly and I talk to with him, talk to Chris baker over at the other ones, start thinking about how we can kill two birds with one stone, being able to have some homeless people that want to work to get involved with some trash cleanup, to get involved with some graffiti removal on there. I lack the ability to be able to have resources to get sprayers. I got paint spotlights through the Austin resource recovery center but I've been talking with txdot and other locations like that that could really make a big difference and impact on that. So I'm asking the council -- I've talked to each and every one. Jim Flannigan directed me to talk to state

representatives and so on to possibly help curve the distribution of the spray cans themselves. That seems to be the biggest problem, is the spray cans

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these kids are ripping off. They're not all kids. There's '04-year-olds out there doing it too. The whole concept of the plan was to educate, eradicate and enforce. You guys have two guys that go around to erase graffiti for the whole city. That's not enough. You have one detective that investigates on there and it's not his top priority to investigate it. He's looking at murders instead of a low priority, which is graffiti, which is a bigger issue because if you really look at the reason of all this stuff, there's a big drug issue, there's meth that they're doing, there's -- I mean, it's a big problem if you look at the whole picture of what's going on with this and how it affects your city, and the impact. You look at baby alca pull cos on 35, that's felony vandalism taking place and the police officers I've talked, to they can't do anything because it's a class C or class B misdemeanor, and then if they do get it to go to a

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court, the municipal court judges just throw it right out. We really need to look at that stuff because it's felonies taking place and they're not being addressed in that direction. So I'd appreciate if any of you councilmembers would like to get with me, Spencer, I've talked to Christopher before. Why the I have a good game plan if we can sit down. [Buzzer sounding] Obviously I can't do this in three minutes but I'd love to talk to you and see if we can work something out with the contacts I have. >> Mayor Adler: Thank you very much you. >> Pool: Mayor. I wanted to let the city manager know that before you came on board here, my office worked with at the time pard director Sara Hensley extensively on graffiti and she did a whole lot of work assembling information on the teams and how they go out and dealing with graffiti and how we have engaged residents to also help with that because it's difficult to keep ahead of that particular ball rolling. So there's probably information to be had in the files somewhere that can

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give you some of that background to help with that information. We do have programs and efforts and services along those lines, and Sara Hensley did a good job of accumulating all that information. >> [Off mic] >> Mayor Adler: That's okay. Hang on, hang on. Misadrian, you have three minutes. Go ahead, you have three minutes. >> Hello. I'm penny Adrian, and I know that you can't solve the housing crisis at the city level. I know that this crisis was created at the federal level and is perpetuated at the state level all around the country, especially in Texas. I know that all you can really do is provide harm reduction, which is why I deeply appreciate the moral courage that you showed in June when you chose to decriminalize our unhoused neighbors. And I believe that you care



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about our unhoused neighbors because that was a big political risk to do that, and that's why I'm here again, asking you to fund or even consider funding Lily's place, which would be a non-sectarian nonprofit that would operate within donated church sanctuary space. I contacted Laurie Harrison and she seemed to think it was a good idea but then she quit so that's why I'm back here speaking with you all today. I know I can persuade my church central Presbyterian to donate our sanctuary space if the city guys to provide funding for staff and insurance. Our church does not have a lot of money. A big warm beautiful sanctuary with views that could protect hundreds of unhoused women from cold rain and violence. Because of the viciousness of groups like Take Back Austin and the downtown Austin alliance, our homeless neighbors are under

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threat from citizen and state violence and the Austin chamber of commerce is being used as a cover for Governor Abbott's cruelty toward unhoused neighbors living in terror of having their homes destroyed and personal possessions thrown away. I'm hoping allowing our homeless sisters to sleep in the church will provide a counter narrative to the hatred perpetuated by the local media and local hate groups. There was a severe lack of shelter for single unhoused women and a deep desire among homeless women for spaces safe from sexual violence, exploitation and harassment. Please consider funding Lily's place or something like it and I will do everything I can to persuade my church and other churches to open their doors to the most vulnerable among us. You will ease so much suffering if you do this. Thank you. >> Mayor Adler: Thank you. Ms. Steiner. Is Michael Abelson here? >> Yes. >> Mayor Adler: You'll be up

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next. >> Good afternoon, fellow Austinites. Last month, the highly respected journal Science published results of a long-term exhaustive study on how wild birds are faring. They're not faring well. For every four birds we used to see 50 years ago we now see fewer than three. The number of birds is in a rapid downward spiral. Scientists have been able to pinpoint the causes for this with empirically and technically derived data. Loss of habitat, global warming, leading to food shortages within birds' ranges, things we'd expect. But closely following those the study revealed that cats are killing off birds. Cats kill between 1.4 and 3.7 billion birds a year in the U.S. And Canada. This matters to all of us because birds affect human lives in important ways. The presence is a measurable

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factor against stress, anxiety and depression. They provide visible and audible beauty and improve our perspectives. They help control mosquito and crop destroying insects and are responsible for distributing seeds that provide flowers. Throughout history birds have been iconic to the owl and the robin. Cats are also loved by us. They're the favorite animals of many people, including me. They are family members. They warm us with their paws, make us laugh with playful antics, can be the best snuggler. They are exposed to the hottest days and the coldest, windiest and wettest nights, to destructive parasites and painful, debilitating

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infectious diseases. Their crippled and maimed or killed by traffic, other animals and even some people. If feral cats manage to get old they lose their ability to hunt and starve to death. Cats are not native to this continent. They are an invasive species. As such, they have an unnatural advantage over our birds. One outdoor cat kills many birds, especially in the spring, which is right around the corner, when baby birds are at the stage they come to the ground. Some species as young as ten days old. With our new knowledge of the plummeting bird populations it is irresponsible and unacceptable for our city to continue its practice of trap, trap, neuter and release cats back outdoors. Not only is it not kind, it is cruel to cats and fatal to birds and the diminishing and extinction of birds is a tremendous, unfathomable

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loss for humans. If we cannot properly house cats in homes, we must either provide them with protection and comfort in a system of enclosed sanctuaries around town or with a painless death. >> Mayor Adler: Thank you. >> That's the kindest and responsible thing we can do. >> Mayor Adler: Thank you very much. >> Thank you. >> Mayor Adler: Is Angela Garza here? >> Yes. >> Mayor Adler: Why don't you come on down. You'll be next. Go ahead, sir, three minutes. >> My name is Michael Abelson. I also live in Rainey. I want to thank you for this opportunity. I would like you to keep in mind one number that I'll come back to later, 7,320,000. I'm here today to continue the comments that Tricia and Stacy shared with us and I'm not alone as you can tell from all the people standing in the back. Tricia went over how overburdened our streets are. Stacy talked about discussions that atd, excuse

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me, has given. We hope that you actually fund them and implement them as far as the alleyways and making Rainey go all the way to Cesar Chavez. There is a plan regarding shared streets. We have a

concern with that. For some reason we seem to be compared to sixth street, which is a business district. We are a residential area with businesses in it. To compare us to sixth street is really inappropriate. All right? Also, so we really want you to reconsider that. We have a task force made up of 11 citizens that are leaders within Rainey. We are getting together with atd on Monday. We were just invited to do that earlier this week. We've been engaged especially over the last year with the city. Thank you, Kathie, for coming and taking a tour around with your staff and atd staff and police department. Thank you, city manager cronk, for doing the same winning with one of your

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assistant managers. We've talked with atd and sent two resolutions to each of you regarding things we're requesting of the city. We've put together the shared streets task force. We've also put a task force together to try and keep the \$100,000 that's in the Rainey fund because we direly need those funds to do things within the district. To date, not much has happened even though we've been asking for over ten years for help from the city. We've been told to walk. We've been told to bike, use public transportation. We have no bike lanes. We have dire need of a lot of sidewalks. Is not coming into Rainey. They've told us in the future they're not coming into Rainey so the only alternative we really have is cars but you've already heard the overburdening regarding that. On top of that atd is narrowing our streets instead of creating new ones. If you add the 11 high-rises under construction right now to the ten already there, we will have equivalent to an australian on every street in the district.

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There's only two ways in and out except for the third way that unfortunately goes to councilmember Renteria's district so they'll be overflowed. We have two asks. Work with us now. We are organized actually the neighborhood association and rna is combining so we have one citizen group. We're working with the business coalition, starting to work with the mac. Our second ask is please keep the far at no more than 15 to one, all right? The projected or recommendation is for it to be unlimited. Why the 7,320,000? If the density of the entire city of Austin was the same as the density that will be in Rainey when all this current construction is done, the population of Austin would be 7,320,000. >> Mayor Adler: Thank you. >> All right? We think we've done -- >> Mayor Adler: Thank you, sir. >> We think we've helped a lot regarding density and we -- >> Mayor Adler: Thank you very much for coming down and meeting with us today. >> Tovo: Mayor if I may?

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>> Mayor Adler: Councilmember tovo. >> Tovo: I want to thank those of you from Rainey for taking time to come down today and continued advocacy on this issue. I understand and hear your frustrations and

concerns about that area as we've had an opportunity to talk about here at council. There are some really significant mobility challenges that you and others and business owners in the area have raised, again, and again and, city manager, I would ask -- I know your transportation staff are working with the Rainey neighbors but it is, I think, really well past time that we need some changes there. As part of the palm district master plan we asked that mobility in that area be a primary concern, and focal point. So I know to our Rainey neighbors, I know coal kitten and Eric Pollack from our transportation department are here and able to talk with you briefly afterward. As one of you referenced, there is an intent and interest in meeting together with the Rainey neighborhood -- the Rainey

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neighbors and business owners, and we're hopeful that that study will be complete soon. It was intended to be complete in September. The staff did ask for -- did find some areas that needed revision and so that's revised and hopefully completed soon at which point there will be additional opportunity to talk with the staff about that. I know Eric and Cole can probably fill you in and my staff member will be back there, too, if you want to meet with her briefly, too. Thanks again for coming down. >> Mayor Adler: Thank you. Misms. Garza speaks is Anthony walk here? >> First my name is Angela Garza, and y'all know I'm involved everywhere, like, everywhere so I won't even begin there. The first thing I want to start with is gratitude for each uno of you. What you're having to deal with at a federal and state level and because I was a land use chair and got to see first hand of what you're having to deal with on growing pains it's incredible y'all are holding

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up as much as you are. The thing I do want to bring -- I have -- I've really worked hard. I'm not really at east Austin concerts or any of those matters or anything like that because I'm usually here trying to figure out what the middle ground is for everybody involved. It's tough because you're not gonna make everybody happy. It's just the way it is, right? But if we were actually all together, working together, I have found by engaging people and actually asking them their ideas and how we can actually work together, work with developers to actually create, you know, hand in hand with people so that we can create inclusive solutions would be awesome. But the thing that I want to say from an east Austin point of view, we need west Austin's help in this matter too. What I saw in codenext in three drafts they removed their affordable housing from draft three and I was watching these drafts and watching these drafts. And we need them to help us out. Will, I mean, it can't just all fall on east Austin.

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And that's important. So -- I know that everybody wants to push all of the actual developments in east Austin and everything like that and keep our people further. I've attended so many land use meetings already and open houses. In all fairness the way we choose our manager is that we have a citywide town hall and I think it's only fair that we not make this decision during holidays when people are -- should be worry about their families and they actually need to understand what is going on. I saw the movie zoned out. It gave me more visual than anything I had seen on visual. We need something visual. So we can see what's happening across and what's best practices happening across town and actually working, right? So I think it's fair that we have a citywide town hall on the zoning changes and I don't think it's fair that we're making this decision like in December. And people still -- a lot of people that I speak with don't know what's going on. They don't know what's happening.

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So that's why I'm here as an ask, in all fairness to the community, the way we chose our manager, the way we went through that process, that we can see visuals, similar to zoned out but there's it's just it hasn't been put into visuals for us so that we can see it clearly, concisely, and understand how we want to fit in part of that and how we can become part of the solution, inclusive solution with that. And we need to bring our affordable housing back. We need real affordable housing solutions to put families in place back where they belong and I realize a lot of that affordable housing was pulled out because of federal decisions and state decisions. [Buzzer sounding] Thank you so much. >> Mayor Adler: Thank you. >> Mayor, may ask Ms. Garza a question? >> Yes. >> Harper-madison: So the director of that film blatantly and openly said there's content that is absolutely unequivocally not true in black and white, said it in a quote. So I wonder -- because I agree with you.

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I think it's very important that more people be a part of the conversation. I mean, when we're talking about the revision of a land development code it affects everybody in the city. We all should have equal access to equal, factual information. I wonder would it be helpful, in your mind's eye, if there was just sort of the antithesis to inaccurate information or would it be helpful to take that film and go this part, this part, this part, this, this, this, those are all not true. This is actually what's happening. Or would it just be more helpful for us to have content that just says this is what's happening, this is what's being considered, this is how the process looks, this is how you can contribute. I'm curious how can we make that content more consumable for the laymen? >> I think first of all people need to understand all the work everybody has been doing because we have been doing a lot of work on the ground. I know you and I, too, have connected in so much of that. I think the fair thing to do here is to have that open

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house town hall and have both sides at the table, you know, and with their visuals showing. And you can challenge those people, say is this correct? Because if you're misinformation five informing people out there we need to know you're misinforming us as well. So I think it's fair to have the panel there and let the people decide based on the visual facts, on both sides of this coin. I think that's the only way to do it. Because if we're gonna be a real democracy, real admonition then we need to see both sides of the coin visually right in front of us. >> Harper-madison: I appreciate that. Thank you very much. >> Mayor Adler: Thank you. Thank you. Mr. Walker. You're our last speaker. >> Thank you, mayor, Austin city council, city manager and everyone who made it a point of their business to making it out here. I want to wish everyone wishing to help in the

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greatness of spirit. I wish I had about 30 minutes so we could talk together as a group, talk about some solutions to real problems. Because in order for me to come down here to talk to y'all, I'm not getting paid. In fact I lose a whole day's pay just to come down here to have a dialogue with y'all. When you're a elected official that makes you a governor of the people for the people and by the people which means you have the duty and responsibility to respond, to respond, respond to the critical needs of the people. When that government body needs fails to do that it needs to be formed or abolished. As the saying goes, it ain't no fun when a rabbit got the gun, which means for a certain period of time people would seem to have the upper hand on you. I want to talk to y'all for a few minutes and talk to our leaders. Class is in session for a few minutes. There was a agreement made many years ago. You have to ask yourself what is the future of this gentleman's agreement now we

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are in gentrification, what's going on in Austin, Texas. Because in the agreement it says we will have one African-American serving on Austin city council. That sounds beautiful. Whoever that he or she may be, if they're not gonna stand up and say what needs to be said and fight for the best interests who they serve and all they're doing is window dressing and I'm being real with you, I've been in a lot of places in my lifetime but I have not been where I've seen so much racist and hatred in a say, capital city. We have south by southwest, Austin city limits, Texas relays, but I want to give you history on Texas relays, in the past in the '80s and '90s it used to bring 40 to 50,000 people strong. [Indiscernible] Investing money into their city. This one particular Saturday, relay weekend, the highland malwho served many people who stay east of Austin, the general manager

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said you know when African-Americans coming to Austin today so we're gonna close early. The malopen at 10:00, closes at 1:00 A.M. The bar on six street that stay open to 3:00, 4:00, said the African-American are coming to Austin, Texas, we're not gonna open our bars at all. That's disrespectful. The police department showed up on sixth street and rides [indiscernible] So when the black people came to Austin they said to themselves, black people in Austin, Texas? They made the point clear they never want to come back to this city. Ever since then it's never been the same again. I know that when y'all done with y'all budget and come in with ideas, who is at the table? Who says what needs to be said, fights for what's in the best interests of all people? I'm for changes as long as positive change for everyone. I'm not worried about what's going on in Washington, D.C. Or national level. I'm worried about what's going on at the local level. [Buzzer sounding] Start at a local level,

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every citizen -- Texas is a lone star state in America. One nation, under god, with liberty and justice for all. >> Mayor Adler: Thank you, sir. >> May god bless us all. >> Mayor Adler: Thank you. >> Is there any questions for me? Happy Halloween. >> Mayor Adler: Thank you, sir. Those are all the speakers we have. It is 12:42. We're going to take a recess and we'll be back here at 2:00. [ Recess ]

[2:07:17 PM]

>> Mayor Adler: All right. It is 2:08. We can pick this back up. We're now resuming our meeting. Do want to take us through the consent agenda? Atmosphere. >>. >> Mayor and council, first item is item 44, a discussion item. As will item a 45. Item 46, ready for consent reading on all three readings. Item 47, this case is ready for consent approval on all three readings. Item 48 is c14-2019-0117, ready for consent approval on all three readings. Item 49, c14-2019-0100, this case has a neighborhood postponement request to November 14. >> Mayor Adler: Is there any objection to the postponement on 49?

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>> Not that I'm aware of. >> Mayor Adler: The consent agenda will have that postponement incorporated into it. 46 through 49 are the consent items. We have no one signed up to speak on these. Is there a motion to approve the consent agenda? Councilmember tovo makes the motion, councilmember Renteria seconds. Any discussion? >> Alter: I thought you said 45 -- >> Mayor Adler: 44 and 45 had not been pulled. >> Alter: I thought you said 45 was on consent. >> No. >> Mayor Adler: Discussion on the consent agenda? Councilmember Flannigan. >> Flannigan: Shown voting no on 46. >> Mayor Adler: Any further discussion? Let's take a vote. Those in favor of the consent agenda, raise your hand. Those opposed? Unanimous on the dais with councilmember Casar is off the dais, others voting yes and with the comments made. That gets us to the last

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couple items. 24 and 44. I'm going to call up together. This is third reading, council. We've already -- we've had public testimony on this question twice now, this is our third time. There are 12 people that are signed up and we have a hard stop in 51 minutes. If we give three minutes to the people that are here, one, two, three, four, five, six, 18, plus the two, 20, 24, we're probably about 40 minutes, 35, 40 minutes in testimony. Do we want to give everybody three minutes at this point? Do we want to give everybody two minutes? I'm concerned that with a 3:00 stop, we're going to start and not be able to resolve it. I would propose we go two minutes on testimony instead of three and donated time would be a minute.

[2:10:23 PM]

That way we could make sure we can make a decision but we can hear from everyone. That's what I'm going to do. Let's go ahead and have testimony on this. Do you want to call it real fast and we'll bring up the applicant. >> This kiss is for the lot located at milky way drive. This is third reading and staff has prepared an ordinance based upon an ordinance approved in second reading. That ordinance is in your backup. The fire department is here as well as people from the development services department if you have any questions. >> Mayor Adler: Does anybody want to say anything from the dais before we call up the speakers? Let's bring up the applicant. >> I'm sorry I forgot to mention, also on the dais a letter we received yesterday evening from a church that owns property adjacent to this property addressing an access issue. >> Mayor Adler:

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Mr. Flannigan. >> Flannigan: Just to remind folks the letter handed out is not relevant to the case in front of us because we are not making a determination of ownership of rights-of-way or ownership of access or ownership of property through other adjacent lands, we're not making that determination. Today we're just telling staff when those determinations are made what can and cannot be allowed. >> Mayor Adler: Okay. Let's bring up the applicant. We've had everybody speak at this point rather than five minutes, I think as we're paring everybody back, three and a half scales that directly. Does that work for you? >> Yes. Mr. Mayor, Jeff Howard for the applicant. I think we've covered this extensively the last two public hearings so I'll just reserve my time for rebuttal and answer any questions you may have. >> Mayor Adler: Sounds good. >> Alter: Mayor? >> Mayor Adler: Yes. >> Alter: When we met last

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time, we asked them to present us back with two versions of the ordinance. What was put in the backup is one version of the ordinance so I have a slightly different C.O. Which I will pass out so that if folks are coming to present are talking with respect to my motion we talked about it last time, it requires there could be two access streets or access points to an external street unless there are no more than 30 units. And also makes it more than -- it has to be considered by the fire marshal as part of that. But so that my colleagues have a chance to review that, I'll pass that out now. >> Mayor Adler: Okay. Thank you. Is razelle papalowski here? You have time donated from

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Valerie Meyers. You have three minutes. >> Thank you, Mr. Mayor and city councilmembers for this opportunity to speak. My name is razelle papalowski aen I represent long canyon and chair of the firewise committee I stand before you in opposition to the original ordinance request from Dr to sf-6, but as Alison alter just mentioned, I would like to express my support of her amendment to that ordinance. What I have to say is that when you all as city councilmembers were voted into office, it was because you convinced your constituents that you were going to work to protect their welfare and public safety. And indeed that should be your paramount priority especially in matters that involve considerations of

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wildfire, people's lives, homes and property. And yet in this matter we have members of this city council who seem to have shifted their priorities and support this pre-existing, I should say the proposed change which represented infringement on the public safety of not only the people who would be buying those town homes and not only the residents who live immediately around them, but also the residents who live in river place as well as all the other surrounding communities in this wildland-urban interface. Why is that? Why would you have ignored the pleas of your constituents who were trying to alert you to the very real and grave danger of living in a community with one point of entrance and egress to the main highway in the event of emergency evacuation? Why would you consider ensnarling these residents with even more vehicles than recommended in what would be a catastrophic situation? Wildfire spreads quickly

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especially in spaces like the 2222 corridor and impacts many communities. We have to look no further than the images we are currently seeing on TV of the wildfires in California to understand the

devastation that is wrought. What other interests can be more important than the lives of the constituents when you have been alerted by the Austin fire officials of the inherent dangers of this wildland-urban interface. Development is necessary and inevitable, but do it as already prescribed and recommended by our fire officials. I become suspicious when common sense logic and safety of welfare is cast aside. Any other consideration can be construed as criminal. Fortunately only those officials who actually demonstrate that they have earned our sacred trust of making every effort to protect our welfare and public safety will remain in office. Please consider that

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decision today -- [buzzer sounding] -- Resonates within each -- and please consider that your decision today resonates in every resident that lives in today's -- in Austin's wildland-urban interface. >> Mayor Adler: Thank you. >> And these vote in favor of the ordinance as it now stands as represented by councilmember alter's amendment. >> Mayor Adler: Thank you very much. >> Thank you very much. >> Mayor Adler: Is deb Smith here? Yes. And is Ted gaunt here? So you have two plus one plus one so four minutes. >> Thank you. My name is Tom Smith. I am the president of 2222 cone and also a homeowner. Cona has already submitted to letters of opposition on the first and second reading to this. We in general are supportive of the river place

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homeowners association and their position on this case. Also although we have not reviewed Alison alter's amendment in detail, we are supportive of the direction her amendment is taking so we have conditional support if the ordinance version 2 is amended according to Alison alter direction. And basically other than that, we just want to say we're opposed to it as posted. We're hopeful that Alison alter's amendment will be accepted, and if that is, we'll have conditional support for going forward with that amendment. >> Mayor Adler: Thank you. >> Thank you. >> Mayor Adler: Is Brian showers here? Come on down, sir. You have time donated from Scott Crosby, and you have time donated from Brenda Langford. You have four minutes. >> Thank you. Going into second reading when CM Flannigan told us he wanted to work with the

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neighborhood and district 10 to come up with a good compromise that would allow as much development as possible but keep us safe, we were skeptical but were pleasantly surprised when the ordinance his office drafted and did exactly what he said. Took them, removed any options for variances exceptions and even tightened some of them up. At his direction we took this to our neighbors, hoa and 2222 cone and are able to say we 100% support this, but frankly would be surprised that the developer

would be willing to compromise after all this time. His response was that the developer's concerns didn't matter because this is what it took to have a minimum level of safety. We were very surprised coming into second reading when that draft had been changed to add specific loopholes and exceptions that would allow milestone to develop the property as originally intended and violate many of those concerns. Fortunately we still have that original option here

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today and I thank councilmember alter for keeping that as an option on the table for us. When all of this started, I couldn't math only some of the things I saw from neighborhoods like Riverside, why would people protest and get arrested rather than working through the process. I was naive then and I'm not anymore. In this case we have a zoning request that was not recommended by our experts and city staff, was not recommended by our zoning commission, is opposed by a signed petition by 100% of the neighbors, yet that value it petition process appears to be a paper tiger that's easily skirted. It violates many of our zoning principles. It goes against ordinances, against our ideals of compact and connected and rules we have for safety. It includes multiple quid pro quos that have been presented with a nod and wink between a donation to habitat for humanity and tax revenue through annexation. And it's been unanimously opposed buoy the 100

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neighbors on river place, the 4,000 people in river place, the 100 on milky way and the tens of thousands represented by 2222 cone. Yet we're still here today and looking at this development. You are all here because you are smart, intelligent and you understand nuance. Our city faces many problems including housing affordability, but also dangers from wildfire and safety. The right answer is not turn the dial to 11 on every zoning case and pack inasmuch as possible. We ask you to use that intelligence and use that nuance to look at what is the right amount of development here. As a neighborhood we've compromised on everything we can possibly think of in terms of type of zoning, number of units, lot size, everything we can with one exception. Our health and safety. So we ask you here today to look at that and say what's more important as we look down the road, looking back and and saying we got a

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couple dozen extra very expensive homes on out in the hill country and to do so the only thing we had to sacrifice was the health and safety of our citizens who elected us and who we are representing. With that I ask you to please support the motion as put forward by Ms. Alter. It may be inappropriate zoning but it is not recklessly dangerous. Thank you. >> Mayor Adler: Thank you. [Applause] Is Randall Jamison

here? You have time donated from Chris Anderson and Janet Krentz. You have four minutes, sir. >> Thank you very much for the opportunity to speak. I'll try to move through this quicker than I had planned. I've been here before and talked about the level of risk that the parcel of property presents. It's at the highest level of every metric that has been

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identified by Austin fire department wildfire division. I've shown you simulations of the Austin wildfire department has run to show that catastrophic possibility of fire in this neighborhood. In 2016, council passed a resolution to identify wildfire risk, adopt the wui code and adopt wildfire protection plans and develop evacuation plans. So far the only thing that's been completed or undertaken at this point is identifying the risks in the city. The wui code has not been adopted, the community wildfire protection plans have not been developed in the communities, and there is precious little done with consideration to evacuation. Right now the city is in this focus of high density development and it's admirable, however, putting high density development in the high wildfire risk areas is unconscionable.

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Councilmember Flannigan's conditional overlay B is just an arbitrary numbers, there's no signs, no data behind it. We need to use factories analysis, we need to use the science that we have presented to us. We know the risks, we have the science, we as a council have committed to keeping the residents safe. And yet we're not. We're not integrating risk models in our planning, we're not mitigating risk in the communities, and we're not looking to the experts in emergency evacuation and traffic flow mapping. You know what's going to happen. Each and every one of you know what's going to happen. This is steiner ranch at dusk after the steiner ranch fire. Still bumper to bumper. And if you do support or vote for councilmember Flannigan's C.O., you are ensuring that's going to happen. Today is a sad day if you vote for councilmember Flannigan's C.O. It's a sad day for river place residents.

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It's also a sad day for all of the residents in the city of Austin who live in high wildfire risk areas. And unfortunately I hate to have to say it, but it's going to be a sad day for each and every one of you because if you vote for councilmember Flannigan's C.O. In the state that it's in, then you'll be responsible for people's demise. Thank you. [Applause] >> Mayor Adler: Thank you. Is joys stats here? Come on down. You have two minutes. >> I'm Joyce Stotts, president of the Austin firewise alliance. A collection of 30 neighborhoods who are working on preventing damage from wildfire, damage to people, damage to property. I've given you two things as handouts, one of which I sent you yesterday by email, which is a statement of support to the river place community from the Austin

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firewise alliance. When polling our members, the overwhelming majority of those who responded are in favor of the neighborhood's concerns. And so I would translate that to being in favor of councilmember alter's alternate C.O. The other thing I've given you is an extract from a report done for the Travis county transportation department where they have simulations done to see how much time it would take to evacuate portions of the county. They split the county into four Zones and you can see that in the maps in front of you. You can also see the conditions they were expecting with respect to evacuation. For these parts of the county, you can't assume public transportation. You can assume that every resident who is going to be leaving will be leaving in their own car. That means there are going to be lots and lots of cars on the road. You also see on the next page some of the conditions true of the area around

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river place. How many schools, how many people. We have something like 81,000 people in that area of the county who would need to be evacuated. What you see on the next page is a set of scenarios run as part of the simulation. The shortest amount of time to get people out of these neighborhoods is if everybody leaves at one time. I fully expected that phasing it would make things go more smoothly, get people out faster, but turns out that's not actually the case. However, they may want to do phasing for other reasons. For example, to be able to get emergency vehicles in and out as well as getting people out of the area. What you see on the last -- [buzzer sounding] -- Charts is the amount of time it takes to evacuate these four Zones. And it ranges from two hours at the very best to more than a dozen at the worst. So if we allow a lot of density in these wui areas, we are condemning a lot of people to death as we try to evacuate them in times of a wildfire.

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>> Mayor Adler: Thank you. Those are all the speakers that we have because the applicant -- does the applicant want to close? >> Thank you, Jeff Howard for the applicant. We've discussed the issue of fire safety and there's no question it's very important and timely discussion. And we certainly take it very seriously and I believe the ordinance before you also takes it very seriously. We have agreed to comply with the international wildlife urban interface code that's incorporated into a public restrictive covenant, and that represents lesson learned from California. That represents the best thinking from your professional staff as a result of those studies Mr. Jamison referred to. We've also agreed to incorporate firewise rights and that's incorporated in a public restrictive covenant as well. And finally, this will not be a high density project under any scenario, and in fact the proposed ordinance ensures that will be a very low density if we can't get

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secondary access. If we do get secondary access, then everyone benefits. All of the 1100 homes in river place will benefit from that additional secondary access, I believe, and I think everyone is united in that goal. With that, that's all I have and I'll be happy to answer any questions you may have. >> Mayor Adler: Thank you. That brings us up to the dais. Councilmember Flannigan. >> Flannigan: Thank you, mayor and thanks everybody for coming out today in the middle of the day. I know that's not always easy. I'm glad to hear that all of the other parts of the C.O. Are be adopted, the wi, the parts in the restrictive covenant, all of that is going to make this a much better development than anything that currently exists in the four points area. We've had a lot of conversations with folks in the community and there are 4,000 homes, as I often

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hear, there are 4,000 homes in river place. And what we're talking about is 30 to 60 more unless there's full secondary access, which even councilmember alter's C.O. Would allow. What we're really debating is this third option. There's no additional access and no changes to milky way, you get 30 units, steam to be agreement on that. There's full secondary road into this development and you can get the entitlement under the zoning. We all seem to be in agreement on that. This third option seems to be the difference, what is the buildable scenario with emergency access only. And we are not, as I said earlier, making a determination about whether or not that emergency access exists. That determination is made later. But we're saying the difference ultimately is if emergency access can be delivered to this site, then you can get what the code defines as the desirable

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level of traffic on milky way, not a number that was invented by anyone but in the code in section 25-6-116 about operating levels for streets, that 1200 trip count. That to me seems to be the object are active question. -- Operative question. I understand the frustration. My parents lived in river place. I have aen look history with the neighborhood. My father passed away while he lived in river place and I remember my mom being on the news because of how long it took the ambulance to arrive. Since then, fire stations and ambulance stations have been built, more public service has arrived, more road projects are occurring, 2222 is being expanded right now. With a project that was approved by the voters in partnership with the city of Austin. So the infrastructure is coming and I think just this last question is the operative question as I speak to my colleagues, whether or not emergency

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access should grant this mid point between 30 and the base zoning. So that I think boils down the question. Mayor, with your permission I will make a motion. >> Mayor Adler: Does anybody want to debate before he makes the motion? >> Alter: He can make the motion. I have questions for the fire marshal. >> Mayor Adler: Go ahead and make your motion. >> Flannigan: I'll moving adoption with the revised ordinance. >> Mayor Adler: There is there a second? Councilmember Casar seconds the motion. Discussion? Councilmember alter. >> Tovo: When you say the revised ordinance, are you talking about the one councilmember alter brought or the one in the backup? >> Flannigan: When you look at the agenda item backup, there's a posted and revised ordinance. It's the revised ordinance posted to backup. >> Tovo: That's what I was asking, to clarify whether it was the one posted to backup or the one

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councilmember alter distributed. Thank you. >> Mayor Adler: Councilmember alter. >> Alter: I would like to amend that motion and then I'd like to ask some questions of the fire marshal. So I would like to amend the ordinance -- or the motion to amend part 2 of the revised ordinance to delete subsections a1 and a2 and amend subsection C to read including but not limited to the appropriate travel lane width. So that follows what is on my sheet. >> Mayor Adler: Okay. And this shows -- >> Alter: That would keep the restrictive covenant and all the other parts of the wui code incorporate into that and the part B of the revised ordinance as well. >> Mayor Adler: Okay. The amendment, the alter amendment has been made. Is there a second to the alter amendment? Councilmember tovo seconds the alter amendment. Do you want to open questions? >> Alter: Yeah, I had some questions for the fire

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marshal if he is here. >> Flannigan: Mayor, could I make a quick comment? I'm fine with the language change in part C. That sounds like a good and reasonable change and so I think the part B changes is probably the object are active debate. >> Alter: And before I ask questions of the fire marshal, I just want to point out there's more of a nuance to the difference. Mine is talking about access, not just emergency access. So the discussions that we've been hearing about the access involve emergency access with access that's just something that like a fire truck would be using or somebody would be using in case of a emergency, which is not the same as access that somebody thinks of as the access, and in this case I have serious questions about whether such an emergency access could be safe given the topography and the nature of the fire in that area, putting an emergency access in the area that is in extremely high risk of fire is not the same thing as access.

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>> Mayor Adler: Before you ask your question, is there any objection to the amendment being taken as approved with respect to the C? Hearing none, that amendment is incorporated into the base motion. It is no longer part of the amendment. Go ahead. >> Alter: Thank you. Thank you for being here today. I appreciate it. My first question is when we increase population in wildfire areas, does that put households at risk in event of wildfire? >> Tom bogey from the fire marshal's office. Obviously with limited exits, additional people do add risk. Just the nature of, you know, evacuation. >> Alter: So that leads to my next question which is does increasing population density create challenges in the event of an evacuation? >> Absolutely. Additional people provide additional vehicles and additional folks that have to be evacuated. Increased density in some

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areas would result in maybe extended evacuation times, but, you know, that being said, that's -- there's a lot of -- a lot of area in west Austin that it's developed heavily and it's not ideal now, but, you know, anything we can do along the way to improve things as we get into the wui code later would help us slow down house to house spread and some of those things which would eventually hopefully allow us to be able to increase the number of folks -- or the amount of time we have for evacuation. >> Alter: Thank you. It's my understanding that this particular area is extremely high wildfire risk. Can you tell us in your professional assessment what is our wildfire risk in this area. >> As we rate wildfire risk, it's a high risk area. It's high in the areas because we're located directly next to balcones. It's high because of the terrain in the area as well. And then also another consideration is the evacuation routes.

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So all those things make it a very high risk area. As indicated in all our wui maps and studies. >> Alter: So this might have been partially answered by Ms. Stotts, but I want to hear from you. Has the department done any modeling or thinking on what would happen in event of an evacuation? >> So we've done modeling, there's been different models in different areas. Modeling obviously we set the parameters for what the modeling is. I have not done -- I personally have not done any of the modeling in that area. Our wildfire division has done some modeling in the area, depending how you set the model, where you start the fire, there are potential evacuation issues no matter how we do it. So it's a consideration. >> Alter: Does 2222 allow for rapid evacuation of the existing population? >> I don't know that I can speak to that exactly. You know, looking at the -- you know, the evacuations that were done in that area during the steiner fires, I'm concerned about

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evacuation of any area in west Austin, to be honest. >> Alter: Okay. Since you brought up the steiner fires, that was a fire that happened in 2011. That folks had to utilize the same feeder roads of 2222 and 620. What lessons are relevant to this case? >> Just for any case with evacuation, the things that are relevant are we know it's going to take time and anything we can do to improve the area and improve things constructionwise and fuels mitigation, any of these things we're able to do in the future would allow us greater time to evacuate. Additional roads would be great too. You know, that's just a longer term solution. >> Alter: Thank you. So my last question, we have two proposals, one would require two public access recognized in the event more than 30 homes are constructed. The other would allow more than 30 homes to be constructed so long as emergency only road is

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constructed and/or the daily trips don't exceed 1200. Do you have any thoughts on which of those as a fire marshal you would prefer for fire truck and resident evacuation? >> We like the idea of the emergency access if that's our only choice, but obviously additional roads that folks travel that they can use on a regular basis that they are familiar with, you know, familiarity helps with incidents when it's an emergency. So obviously the best choice is a full road, but emergency road, you know, may be our second best choice. >> Alter: Thank you. I would agree it's better than nothing, but of the two, the one with the two public access roads would be preferable. >> Absolutely. If two public access roads would be preferable. Obviously we want folks to be familiar with the road and something they are used to and not just something they have to think of in event of an emergency. It does provide us access,

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which is, again, better than no one and I know you understand that. >> Alter: Great. Thank you very much. >> Mayor Adler: Further discussion? On the alter amendment. Yes. >> I just wanted to note that councilmember alter's motion sheet identifies the two subsections of a as small a and small B, just so the clerk is clear so that the ordinance -- passes and matches the current ordinance in backup it will be a1 and a2, not a and small a and small B. >> Mayor Adler: Thank you. We'll go ahead and incorporate those changes into the amendment in front of us. Small a becomes 1, small B becomes 2. Further discussion? Mr. Flannigan. >> Flannigan: One thing I think, councilmember alter, when you were reading the subparts 1 and 2, you said

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and/or, but obviously it says and so it's not -- emergency access or, you get up to 1200, you have to have one to get the other. Just for that clarity. And I would add, you know, I think we're all concerned about emergency through-put and evacuation scenario on 2222 and 620. There's a lot of conversations

happening about that in steiner ranch. I assume those same conversations are happening in lakeway. But we've -- we've approved tax credit projects for new apartment buildings on 620. And we didn't talk about this. The questions about evacuation capacity on the state roads is something that I've already brought up with our state representative, are representative Goodwin, something I hope we can talk about in the legislature the next session because so much of the area facing high wildfire risk is in etj

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where these types of regulations don't apply. This is not the end of the process, this is really the beginning to make sure that the state is measuring and so that in the future a fire marshal can say whether or not 2222 is sufficiently built for emergency access. There are so many homes in this area right now, we are talking again about the difference between 30 or 60, 70 homes. The bigger questions about emergency access need to be handled with the legislature and in my hope some level of land use control in those areas facing that level of risk. >> Mayor Adler: Councilmember alter, is what I understood councilmember Flannigan correct? Three years, one access point, one public access point, one public access point plus an emergency

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access. There agreement as to what can be built on this property in the first and third scenarios? One access point and two public access points? >> Alter: I'm not sure that there's -- I mean, there's agreement that if they don't have an access point, they would only be able to do 30. What is not clear is how all of that is taken care of under a sf-6 without a C.O. That essentially makes it have to follow the same fire process that has to happen under sf1, which I believe is what staff and zoning recommended in the first place. In doing this, I'm allowing with mine that if they do get a second access, they can do the larger amount of units, but it's ensuring there's not a loophole for them to get out of it and to have a -- just an emergency access as opposed to an access point through it, as I understand it. Now, as you recall, at our

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last meeting we had some confusion which is why we asked them to put both of the options forward. That is my understanding of part of the difference much it. And I would think about it differently then than Mr. Flannigan's approach. I'm saying that under no circumstances can they have more than 30 units if they don't have another access, a second access that is safe. >> Mayor Adler: And if they have a second access, second public access, if that gets established. >> Tovo: Then they have the rights that are under the sf-6 zoning, plus the part of the C.O. That's there that is specific to construction for wildfire. >> Mayor Adler: So I'm correct then that there's agreement take if they were able to get two public

access points and who knows whether they can actually get them, but if they did, they could do the sf-6 with the C.O. Fire protection elements. If neck only get one public access point, can't get

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anything more than that, there's agreement they could build up to 30 units. So the issue is do we let people get to 1200 trips with a public access point and with only an emergency access point. If they are able to get that. >> Alter: His would allow them I understand to get more than 60 with just an emergency access. Mine would require a full access and it can go -- the rough estimates we have are at about 100 units. >> Mayor Adler: About 100 with the sf-6. >> Alter: Yes. >> Mayor Adler: From staff perspective, what is the total number of units that would go on this if you had the 1200 trip limitation? Do we have a feel for about how many units that is? >> Good amp, mayor and council, development services department. I believe the answer is

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approximately 100 dwelling units would -- that would hit the 1200 hit limit for milky way. >> Mayor Adler: Okay. Thank you. >> Alter: Mayor, if I might just add one thing, the letter that we received is from Austin Christian fellowship which I believe is the autism center, and the part that's relevant here is they were removed as a valid petitioner, I'm not sure what's going on with them not being able to speak, but it says the church states the applicant has no right to enter, possess, otherwise encumber the -- without express consent of the church which consent has not been given. So it's not clear that they have access that's possible at this point. >> Mayor Adler: Okay. Further discussion? Mr. Flannigan. >> Flannigan: I think as I said at the beginning, if the adjoining property where emergency access would be granted is not going to be granted, most of this debate is moot because it's at the 30 minimum. I want to ask staff a

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question about -- and a clarity on the number of units with emergency access. So the number of units with the 1200 trips. That includes the current 25 units on milky way. >> Yeah, councilmember, that's what I was about to clarify. The way the ordinance reads, it says at a levelful development that would not achieve over 1200 a day on milky way. We think there's already 400 trips so closer to 800 new trips, which would be probably closer to around 80 new condos as opposed to 100. >> Flannigan: My question on that calculation, what is the staff determination on 25 units -- is it 25? I keep saying that number. >> The number on milky way -- >> Flannigan: 27? >> I would have to look. The rough number is nine point something. >> Flannigan: But the houses on milky way have a

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much higher -- >> See if we have an existing count. We generally make presumptions based upon a national accepted number. I don't know if these are -- higher level than that. >> Austin transportation department. So on this particle road, we had done a two count and the existing traffic is about 400 daily trips. And that's based on the existing counts. And for new developments, based on the manual, one single-family unit generates about ten daily trips. It's an estimate, it's not 100% accurate. >> Flannigan: So you see my question. If the homes on this -- in this neighborhood be in this particular street in my estimation because it lacks bike routes to places, it lacks the pedestrian links are very long, it's a 100% car dependent area, homes on this street generate more than ten, would it not stand

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to reason that new homes at the end of milky way would also generate more than ten? >> That's plausible. >> Flannigan: Plausible is a tough word when it comes down to the site plan. So this is -- I mean ultimately my question for staff, when you do the site plan, are you looking at a number of that could apply in any neighborhood in the city or are you looking at the two count number that estimated traffic in this neighborhood? >> So in general for traffic studies, we rely on the estimation that is based on the manual that doesn't take only one site, it takes into account like hundreds of sites all throughout America. Based on that there is a curve that provides like how many trips a single family could generate. It's not based on one point. Any development we do not really look at that particular, in this case on

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Mickey milky way, we looked at the existing trips and applied the I.T. Manual to estimate the future trips in this case. >> Flannigan: Does planning staff have anything to say about that? >> I think I would just add that, you know, we have a process, but your concern, the one you raise is valid. That we have two counts, it's actual on the ground data, and then we pair that with I.T. Trip generation information. As he said, it's aggregated over hundreds of cases. That's our process and we don't typically go outside that. >> I think the code gets us to look at the I.T. Trip generation manual for trip estimation. >> Flannigan: That sucks. That's not great because the trip counts that you are going to get and the number of trip -- you are going to

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get in one neighborhood is going to be very different in another neighborhood especially when talking about areas that lack all other access points. When we were doing this analysis in our office with the neighborhood, we looked at the trips it was generating and thought that staff was going to say those are the trips that get generated in this neighborhood. >> I think it depends on different factors and we have a one guidance cannot cover all the cases, but it's plausible that could vary a little bit. It's very difficult to pinpoint that this is going to be the exact trip generation for a particular development. >> Flannigan: So thank you. I have a question -- >> Alter: A question on the trip generation. It's my understanding part of the challenge with sf-6 which is part of what we're trying to address you have an opportunity to build condos and condos by the I.T. Count have even less trips so you can do more

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units. Is that correct? >> That is correct. >> Alter: What is the difference like for a condo unit in terms of the trip? Eye don't have it like handy at this point, but we can double-check. >> Alter: So that unit estimates have to also take into consideration that they can have condos as the structure which then increases the number of units there, but because they have to use the nontwo method that's going to increase the number of units allowed by having sf-6. And I'll yield back to my colleague, but I just want to point out that we had our zoning commission and our staff recommend something that was lower than what I'm recommending in terms of density and that my amendment is in between what the applicant is asking for and obviously Mr. Flannigan's is also below that, but mine is less dense than his. I just want to point out it's already going above and beyond what our staff and our land use commission had recommended in this area.

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>> Flannigan: As the mayor pointed out, I don't think that characterization is quite accurate because we're at this point proposing the same thing but for this third option. And so what I would like to do if law feels that it's an appropriate addition to subpart 2 is to have generate traffic that will not exceed 1200 trips per day on milky way drive as measured by existing tube count traffic levels. >> From the law department, that's okay. I just need to know if that's something that the staff feels is appropriate. >> Councilmembers, I think it's a simple concept. I totally understand what you are saying. It would deviate from the standard process which is using the standard national formulas. But it's not impossible to do. We could take these in two

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counts or do a newer -- new count, two count when they submit the site plan. >> Flannigan: We're deviating from standard practice in a lot of ways on this case because of the wildfire issues and because

of other issues. And so procedurally, mayor, I would like to add that, however you think procedurally we should do that. >> Mayor Adler: Mr. Flannigan wants to change on his base motion and add a clause to the scenario where it would be limited to 1200 -- adding the clause as measured by the tube count for that road. Any objection to that being added into the base motion? Councilmember alter? >> Alter: When was the lags tube count done and what was the number? >> Again, Austin

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transportation department. The last tube count was done I believe on September 2, 2015. And the daily volume was 407. >> Alter: Thank you. Mayor, I'm not sure if that amendment is out of order while my amendment is on the floor. If we have to vote on my first. >> Mayor Adler: And we certainly would. I was asking if there was any objection to changing that in the base motion. >> Alter: I might have a change if my amendment doesn't pass. >> Mayor Adler: Okay. So there's an objection to that being added so we'll continue on in the alter amendment. You will have an opportunity to do that later. Does that change -- okay. Continue on on the alter amendment. Yes, councilmember kitchen. >> Kitchen: I may have had a similar question that you were about to ask. So I'm trying to follow. So by talking in terms of

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existing tube count, does that mean -- what does that do to your estimate of the number of units? Because we were talking before about approximately 80 since there's 20 on the ground now. >> Councilmember, what I think it would do is lower the amount of units they would be allowed because it turns out the existing homes are higher than the existing average using the formula. That would mean fewer units because there's more traffic on the street than we anticipate. >> Kitchen: Do we know how many it would be? >> Fewer by the -- >> Kitchen: I'm just asking you to do the math so I don't have to. >> About 20 off the top of my head. >> Renteria: So you're talking about approximately 60. >> Yes. >> Alter: Over 100 by the current setup if you have condos. >> Mayor Adler: If they had two access points, two public access points, they

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could do over 100. If that change in the amendment, if you have one access point, you can do 30. If you have one access point for emergency point, it's going to be 60 or 80 depending on whether that change gets accepted. And if you have two access points, then it's just over 100. >> Alter: I'm not sure we have that at our final math, but -- >> Mayor Adler: Close. But we're on the alter amendment at this point. >> Kitchen: I just wanted to understand order of magnitude. I know it's not exactly the number of units. >> Mayor Adler: The alter amendment is still in front of us. Further discussion? Let's take a vote. Those in

favor of the alter amendment please raise your hand. Councilmember alter, kitchen, pool, tovo, harper-madison, is your hand raised? No? Tovo, pool, kitchen and alter. Those opposed please raise your hand. It's the balance of the

[2:58:21 PM]

dais. The amendment -- and mayor pro tem abstains. The amendment does not pass. 4, 6, 1. Now the Flannigan amendment, he is asking to change the base motion. Councilmember Flannigan is asking to amend to add the clause on option B considering the ratios or the tube count numbers. Is there any objection to that being added to that motion? >> Alter: I hope it would be a friendly amendment which would be to change it to use the existing tube count or the whatever you call the manual, whichever is greater. >> Mayor Adler: Okay. Any objection -- so it's using the existing tube count or the manual, whichever is the greater limitation on units. >> Excuse me, mayor, would it be okay if we used the tube count taken at site plan when the application came in? >> Mayor Adler: Okay. Without any objection, it

[2:59:24 PM]

sets that time to be co-extigent. So that in essence what we're looking at is 30 units with only one public access point. If there's a public access point in an emergency, it's going to be in that 60ish range. If it's two points, it would be the hundred, or thereabouts. Further discussion on the base motion? >> I have -- >> Mayor Adler: Yes. >> So, my understanding of what this emergency access would be sounds like a crash to me. And I have often been against those. But I will say if there has been -- if there was an example of when something like that is necessary, I would say this is one of those times when -- or

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maybe the only time when an emergency access that has a crash gate is appropriate. I was -- I'm glad to hear that my colleagues are supportive of two -- more than one access point. And I hope that when we continue to have this discussion about other cases, that we can support more than one access point when it comes to neighborhoods closer to, you know, our urban core, because while this one is a different case because it's wildfire, and while there's -- it's just -- there's distinctions that can be made here. But I think we also need to support two access points and not crash Gates when we're talking about other cases, especially when we're trying to put density in areas that our imagine Austin plan has suggested, which has happened several times. There's lots of neighborhoods in my district that have crash

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Gates that don't have access to other outlets because of neighborhood concern. >> Mayor Adler: Okay. All right. Let's go ahead and take a vote. Those in favor of the base motion as amended, please raise your hand. Those opposed? Voting no are alter, pool, and tovo, the others voting aye. It passes. It's 3:01 but I think we can take the last item in front of us. Council, let's try to do that. >> Mayor Adler, there was the issue on item number 28. >> Mayor Adler: Let's do this. We need to reconsider item number 28 so we can vote again. Councilmember harper-madison needs to abstain on that vote. Is there a motion to reconsider item number 28? Councilmember tovo makes a motion. Is it seconded? Councilmember Renteria seconds it. Any objection to reconsidering? We'll reconsider item number 28. Let's go ahead and take a vote.

[3:02:30 PM]

Councilmember alter. >> Alter: I wanted to make sure we passed the annexation part. >> Mayor Adler: Is there a motion to approve item number 28? Tovo, seconded by Renteria. Let's take a vote. Those in favor? Those obtained? Harper-madison abstains, lowers others vote aye. The vote we took a second ago, we called up both those items together. So item number 24 and 44 were both in front of us. And both passed. >> Just to clarify, item 24 was to approve second and third readings of annexing the acres we just discussed. The zoning case was the third reading. >> Mayor Adler: One was on third, the other was second and third reading, both passed by a vote. >> Ready for 45? Number 45 is the 15th amendment to the crossing P.U.D.

[3:03:30 PM]

I don't believe we have any opposition. The applicant is here. The reason this is a discussion case is this amendment was filed to change the parkland dedication requirement in the original P.U.D., which identified a specific parcel to be purchased for parkland education. I believe that that parcel changed ownership over time. The applicant presented the amendment to identify a different piece of land to purchase for parkland dedication, with the agreement of the parks department. The reason that -- the difference here has to do with the zoning and platting commission, which recommended that a trail be dedicated as a part of the P.U.D. Amendment. And the applicant is in disagreement about the requirement for that trail, as well as the standards that that trail be built to, the standards that are identified in the P.U.D., or to the city trails master plan. So the applicant is here. And I have a representative from the parks department here as well to discuss the differences.

[3:04:32 PM]



>> Mayor Adler: Okay. We have no one signed up to speak on this matter. Is the applicant here to speak? The issue before us, whether we use the commission recommendation or the staff recommendation, with respect to parks. Is that correct? >> Yes, sir. >> Mayor Adler: Okay. Why don't you go ahead. >> Thank you, mayor. Good afternoon, councilmembers. I realize I'm standing between you and your Halloween plans, so I'll be very brief. As Mr. Rusthoven mentioned, we recommend this be adopted by deleting part six of the ordinance. The proposed P.U.D. Revision is not being sought for any increased entitlements, changes in uses, or alteration of environmental requirements. My client developed 557 lots under the pioneer crossing P.U.D. We're just trying to develop the last 160 lots. During the course of getting

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some subdivision approvals, staff interpreted the ordinance as requiring dedication of land we do not own. And so as a result -- and that's the land right there, w23. We don't own that land. And we've been asked to secure its dedication. After over two years of efforts we have been unable to do that. The owner does not want to dedicate it. So we filed this P.U.D. Revision at the suggestion of the city legal department in order to clarify that we were not required to dedicate land we didn't own. And in the course of that, we were asked to address some additional parkland issues. And we've agreed to dedicate an additional 8.11 acres, which is right here. That's shown. And we've also agreed to widen some sidewalks to provide access.

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And we will be constructing a pervious trail over a portion of the trail, already required by the P.U.D. These homes will start from the 270s to 310s in terms of cost. So they're way below median home prices, which are over \$400,000. We would just like to finish these homes per the current entitlements. We're not asking for any additional entitlements. We're giving additional parkland. And the recommendation would add hundreds of thousands of dollars for a half-mile trail and these last 160 units just simply can't afford that. We're asking for staff recommendation on all three readings. I'll answer any questions you may have. >> Mayor Adler: Questions? Is there a motion?

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>> [ Off mic ] >> Mayor Adler: Councilmember harper-madison moves the -- staff recommendation on all three readings, is that correct? >> Harper-madison: No. I didn't move to do anything, if you'll give me a moment, please. >> Mayor Adler: Okay. >> [ Off mic ] >> Mayor Adler: That was not me. >> Harper-madison: Yes. I will make the motion to follow the staff recommendation on item number 45. >> Mayor Adler: On all three readings. Is there a second to that motion? Councilmember Flannigan seconds that

motion. Is there any discussion? Let's take a vote. Those in favor, please raise your hand. Those opposed? It's unanimous on the dais with

[3:08:38 PM]

councilmember alter off. Those are all the items that we have. And I hear at exactly 3:08, this meeting is adjourned.