

City Council Regular Meeting Transcript – 08/27/2020

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[10:04:35 AM]

>> Mayor Adler: Let's go ahead and call to order today's city council, Austin city council meeting being handled remotely. Today is August 27, 2020, the time is 10:04. We have a quorum present. I see councilmembers alter and kitchen, the mayor pro tem Garza, councilmember Casar, councilmember Flannigan, tovo, pool, harper-madison, Ellis and Renteria and myself. Before we get into the changes and corrections, touch real briefly on the hurricane Laura and what happened.

>> Appreciate that. Mayor and council, you know, early this morning an historic hurricane Laura hit

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landfall in Texas and Louisiana and we just wanted to take a quick opportunity to provide an update from Juan Ortiz, director of homeland security and emergency management on both the status of the hurricane and the efforts that we have done locally. Juan?

>> Thank you, city manager. Mayor and council, my name is Juan Ortiz. For the last couple of days we have been working, shifting from a covid response to responding to hurricane Laura in support of Texas by providing shelter locations to all the evacuees from the Texas coastline. Some of the guests we have received also include areas in Louisiana as well. Today we are running operations, the more than -- more than 16 hotels that we are supporting across the region as well as the

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traditional shelter that we opened last night at the convention center, and we continue to receive vehicles that are going through our reception center that we are operating at the circuit of the Americas track. As of last night we received -- we have filled over 1,000 hotel rooms and an estimated number of guests that goes beyond 3,000 guests. When we look at this response compared to other hurricanes, we looked at hurricane Harvey both before and after landfall. We had a total of 850 guests that we supported during hurricane Harvey, and today we are over 3,000 and this was before landfall, so we're doing three or four times more than what we had done in hurricane Harvey.

[10:07:43 AM]

And we're doing it in a covid environment that we're facing right now across the city and state, nation and we are providing three meals a day. We're also providing information to our defendants of what's happening back home, and then also providing to those travelers that are moving on to other communities further inland like the dallas-fort worth area, we're providing assistance that includes gas to get them to -- are able to have enough fuel for trips back home. We're now beginning to shift and to look at what areas of Texas are open and we're finalizing plans to make sure we have a good plan how we're able to assist those guests that are able to go back home and return them safely and make sure that they have all the resources they need to help their transition back home.

[10:08:43 AM]

Those who are not going to be able to go back home in a timely manner, multi-resource agencies open and working with volunteers to provide the resources we can while they are staying here in the communities until they are able to go back home. That's the end of my report.

>> Mayor, I'll echo the thanks and appreciation to our staff, you know, obviously in a time of covid, but to now go above and beyond and we just had incredible employees that are really taking that extra mile and making sure our community is safe, not only our community but our surrounding communities and the entire state of Texas. With that I'll turn it back to you, mayor.

>> Mayor Adler: And I want to thank staff as well for jumping on this. More people than what we had anticipated arriving. Evacuation work better, I guess, down on the border, and it's anticipated, isn't it, Juan, that people are

[10:09:43 AM]

going to start moving back as early as tomorrow on buses. We'll give people breakfast and a travel lunch, but a lot of people are going to be returning. And I think that one of the key messages today is that if you are in the city and you arrived and then you checked in, it would have just been the head of

household to check in, you will need to check in again so we know all the family that was staying with us as a guest during this period of time.

>> That is correct, mayor, and we'll be working today to make sure that all the information that we need to ensure we account for everybody that needs the space on the buses is accounted for. And then also we're developing flyers and information that we're going to be distributing to all the different hotels we utilize as shelters so we have information that drove themselves whether they paid for their own hotels or

[10:10:43 AM]

whether they were paid for by local communities, have information for them so they know what options they have and in assisting in the recovery from hurricane Laura. I forgot to mention, this is something that the city could not do by itself. I'm thankful for the help and cooperation that we received from Travis county, hays county, Williamson county, city of Round Rock and all the different community partners that helped Austin, the American red cross, Austin disaster relief network and the Travis county and central Texas volunteer organizations active

[inaudible] And with the state of Texas division of emergency management and department of public safety. Really it takes a village to help make sure that all of the guests that are fleeing the coastal areas are well taken care of and we have

[10:11:45 AM]

numbers we have not seen in quite some time and we worked real hard and when situations really took that collaboration and the relationship that we had with all these communities to come up with solutions that met the need.

>> Mayor Adler: It did. You guys did a good job on top of everything else you are dealing with. Manager, thank you as well. All right, colleagues, heading into our meeting here, changes and corrections. A lot of items. Item number 9 is in district 9. Item number 11 was reviewed by the water and wastewater commission on August 21st. No recommendation was made due to lack of quorum. Item number 12 on August 21 it was recommended by the airport advisory commission on 8-0-0-3 vote with commissioners Hendricks, saulmon and Stoller absent.

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Item 25 was withdrawn. Item 31, it's to approve an ordinance aprofessorring the negotiation and execution of a community facilities and cost reimbursement. Item 34 is postponed. Item 31 on August

21 it was recommended by the water and wastewater commission with a 7-0 vote with commissioners castlebury and Williams absent. Item 42 withdrawn. Item 47 on August 21, it was recommended by the water and wastewater commission 7-0 vote, commissioners Moriarty, Castleberry and Williams absent. Recommended by the airport commission with Hendricks, saulmon and Stoller absent.

[10:13:49 AM]

Item 48 and 64, on a 7-0 vote. Item 69 is withdrawn. Item 82 postponed to September 17, 2020. Item 84 withdrawn. Item 86 is going to be taken up with items 122 and 123, so this item 86 is not on the consent agenda. It wasn't on the consent agenda to begin with, but we won't be taking it up this morning, we'll be taking it up this afternoon. Item number 99 is in district 8. Item 10 3 is in district 3. When we get to the Austin housing finance corporation, item number 5 is being withdrawn. We have some items being pulled from the consent

[10:14:49 AM]

agenda. I pulled item number 24. That's the interlocal agreement with university of Texas. I did that because university of Texas, Dr. Gardner was signing up to just speak with the group and I pulled it so she could speak with that item to us before hopefully it passes unanimously. But that's the only reason I'm pulling that. Item number 57 pulled by councilmember Flannigan. Again, I think that item number 34 was pulled at one point, but item 34 is being postponed until next week. We have some late backup in items 4, 5, 8, 17, 18, 25, 31, 38, 42, 71, 79, 81, 85,

[10:15:49 AM]

86, 87, 88, 99, 100, 101, 103, 104, 105, 106, 107, 109, 111, 112, 116, is 22, 123, 125 and 130. Colleagues, I think that for the order today generally we have about positive minutes' worth of speakers, giving the speakers this morning that have signed up three minutes to spe, there are about ten that have signed up to speak. Once we're done with the speakers, we will vote on the consent agenda and then we will consider the pulled items 24 and 57. When we're done with that, we'll move to the non-consent items. That would be the Austin housing finance corporation meeting as well as items 81

[10:16:51 AM]

through 89. Hopefully we can take care of those things before lunch, hoping to break for lunch at that point hopefully between 11:30 and noon. And then we could after lunch reconvene our executive session that we had started on Tuesday -- not reconvene, but go into executive session at 2:00. We would take zoning speakers and do the consent vote and then discuss cases that have not been postponed. The intent is to give speakers two minutes this afternoon as part of zoning, to not have the applicant speak in that initial group but have the applicant available to speak when their items are called up

[10:17:51 AM]

and to give them five minutes to be able to present their case. Comments, colleagues? Yes, councilmember alter.

>> Alter: Good morning. I wanted to just ask for clarification for item number 83 on the airport overlay. Staff via email told they that was going to be postponed. I don't see it listed on changes and corrections, and if we are going to discuss it this morning, I would like to know that so I can be prepared. That's the airport overlay.

>> Mayor Adler: Right. It was postponed. Is it being postponed?

>> Yes, I'll confirm that again, but yes, that was the direction that we sent last night, so that was an omission on the changes and corrections.

>> Alter: And that's fine, I just wanted to understand we have a lot going on and dealing with a hurricane, I

[10:18:52 AM]

just wanted to make sure I didn't have to be prepared for that conversation if we weren't having it. Thank you.

>> Mayor Adler: Item 83 will be postponed. Councilmember tovo.

>> Tovo: Thank you, mayor. Just to signal I have comments and some direction that I hope will be supported on several different items that are currently on consent. If you would like me to pull those, I could, but I think I could resolve them quickly and I hope there won't be controversy over them so I think they can remain on consent. I also wanted to just clarify something with regard to the zoning. I heard you say that the applicants are going to be not heard in that initial batch. Are the people there speaking to the case going to be then heard before the applicant's presentation?

>> Mayor Adler: Yes. That's how we've done it so far because we just pull the people to speak early. It's just hard to do by

[10:19:53 AM]

number, so we pull those folks collectively.

>> Tovo: I didn't realize that in the past we had pulled -- maybe because we've mostly postponed our zoning. In the past I think the presentation has also happened and the applicant has as well. I don't know if we can work toward a different situation in a future meeting, but I think it makes best sense if we have the applicant's presentation and those responding to that case together. So that they are in conversation with one another. Sometimes questions are answered or, you know, concerns are raised that respond to that information. So we need to figure out, I think, a different way of talking about our zoning during this period.

>> Mayor Adler: Okay. And I'm open to anything else as well. So let's talk later about maybe a different -

>> Tovo: Sounds good. It sounds like it would be too challenging to achieve it for today.

>> Mayor Adler: I think people are set up differently for today. Let's touch base on that.

[10:20:55 AM]

And councilmember tovo, before -- do you want give your directions on these pulled items before the speakers speak or should we have the speakers speak and then when we are our conversation on the consent agenda then you can have those?

>> Tovo: That sounds great. If any of the speakers are speaking to any of the issues I'm raising, maybe I'll comment at the time. But otherwise speakers first sounds good.

>> Mayor Adler: Sounds good. Councilmember kitchen.

>> Kitchen: I have comments on three items that I can wait until after the speakers. That's just to give you a heads up. I don't need to pull them. Items 10, 16 and 38.

>> Mayor Adler: Okay. Sounds good. Colleagues, are we ready to hear from the speakers on the consent agenda? In fact, they can speak at this point in time on any item other than the zoning cases, which will be called this afternoon. All right. Let's go ahead and do that.

[10:21:56 AM]

Is clerk with us?

>> Yes, mayor, we're ready. If any of the speakers in the queue have not pressed zero, do so now. The first speaker is Nicole mead. Nicole mead.

>> I do not need to speak. The item I signed up for is being postponed.

>> Thank you. The next speaker is Michael Perez.

>> Can you hear me?

>> Yes, please proceed.

>> Good morning, mayor and city council. I'm a constituent of district 10 and I am speaking to you today for the firing of chief Manley for his inaction and letting

[10:22:58 AM]

police brutality still happen. We need a change of leadership. I also want to put -- having our city manager cronk fired for inaction and complacency. He did not good for our city and does not care about black and brown bodies. We aringilled and there are no actions taking place -- there are no actions taking plays with the chief nor the city manager who --

>> Mayor Adler: Do you want to speak -- sir, do you want to speak on any of the items that are pulled today?

>> Yes. I'm speaking on item 34, which is the police section of it.

>> Mayor Adler: That's the item number 34 is the grant for the -- whether we should accept the grant or not?

>> Right. Right. And I do have a right to speak on that topic of the police. So that's all I wanted to say and I wanted to voice my opinion and concern about

[10:23:59 AM]

that, about getting chief Manley fired and cronk fired as well. And I yield the rest of my time. Thank you.

>> Mayor Adler: Thank you.

>> Robert Nathan Allen.

>> Mayor Adler: It's important that speakers that have signed up speak to the items that they have signed up to speak about as opposed to treating this as an opportunity just to give community input. So if everybody could please make sure they speak to the items they've signed up on. Please go ahead.

>> Robert Nathan Allen. Robert, please be sure --

>> Can you hear me?

>> Yes, please go ahead.

>> Thank you. Hello, council. Thank you all and thank you city staff for your time today. My name is Robert Nathan

[10:25:00 AM]

Allen and I live and work in district 7. I first wanted to thank councilmembers harper-madison and pool and their staff. They've been incredibly responsive and helpful from local initiatives providing tens of thousands of meals to aid and other people especially in east Austin. I'm voicing support for 132, 134 and 139. Specifically and collectively these items will allow communities in east Austin to have access to vastly needed testing services that are needed on the help our entire city stay safe. If one person in one neighborhood in one zip code doesn't have safe and sees I access to testing regardless of what current CDC may say, our entire community is at risk. What's more, this project is a partnership between Austin area urban league and central Texas allied health. They both represent these communities and they will be able to help place medical

[10:26:01 AM]

staff that looks like the populations served in these communities, specially east Austin and provide the wrap-around services, the infrastructure and that single point of contact for black community members, brown, Mexican community members and develop that workforce of black and brown future medical staff that is sorely underrepresented especially in Austin. Collectively once again 132, 134 and 139. These three I would like to voice my strong support of it. I highly encourage you if you haven't looked closely at it, look closely at it. It has been months that this has been in the works and it has been needed for months. You have the ability to make it happen in and out and get these resources, make them accessible for every one of our neighbors, everyone in our city. Thank you for your time and

[10:27:02 AM]

continuing to work for our city and community. I cede the rest of my time.

>> Nadia barbuck. Please unmute your phone.

>> Thank you, councilmembers. My name is Nadia. I am voicing support for items 132, 134 and 139. I support central Texas allied health institute in their proposal to provide mobile health clinics on the east side of Austin. This project, a partnership from Austin area urban league and central Texas

[10:28:03 AM]

allied health places medical staff that looks like the population served right in the heart of east Austin. It also provides wrap-around services at that single point of contact with community members and develops a workforce of battalion and latinx future medical staff. In Austin medical facilities are located almost entirely west of I-35. Covid-19 testing sites have been almost entirely on the west side of Austin. This project addresses that gap. Austin public health has tried to address this issue through pop-up clinics in partnership with local groups. This project takes that further to fully address the many needs of the community while meeting them right where they are. What's more, for many good reasons historically, statistically, people of color are more likely to seek and get better outcomes from doctors of color, but access is limited. According to Harvard, and I quote, currently despite being approximately 13% of

[10:29:04 AM]

the U.S. Population, black people constitute only 5% of all doctors and 10% of nurses. That's according to the Harvard business review. Most cities in the U.S. Are experiencing higher rate of impact by communities of color, most but not all. The cities that have done it well have programs that look like this project. Please vote yes on items 132, 134 and 139. Thank you, councilmembers.

>> Betty Louis.

>> Hello, my name is Betty Lewis. Thank you for allowing me to speak. My concern today is for the police. Items 32 through 39. I'm not sure if this is addressing the defunding of the police, but I am a property owner and feel like all this should be put to vote by the taxpayers of the

[10:30:04 AM]

city and of Travis county. I support reversing this defunding of the police, that they would have the monies that they need to have all of it. We are feeling unprotected and our neighborhoods, I don't want a security guard or a social worker coming if I am in need of help. The police officers are trained and they know what to do. So I am asking very kindly that this reverse, that all the monies that were taken from the police department be returned to the police department, that policemen be hired, good policemen, good policemen, and there are a lot of good people out there. So I'm asking that today and that it be done quickly, in

[10:31:05 AM]

Jesus' name. You all be blessed today. I'm praying for you all.

>> Carlos León.

[Speaking in Spanish] First and foremost [speaking in Spanish] For letting me speak for items 34, 35 and 36. Rationale and details follow. Taking money from APD to fund abortion care is alien, anti-human and ass backwards. Without law and order, Austin becomes Kenosha. Though the Wisconsin governor said we should not tolerate any violence against any person. Written house would be applauded in Texas for legally defending himself from armed thugs, chasing and attacking him, protecting private property from them. Based on video evidence online, charging Kyle with first-degree intentional homicide is upside down and insane. The abortionists deserve

[10:32:05 AM]

that because life begins at conception. God bless constitutional law, second amendment and president trump sending National Guard to stop looting, arson, violence and lawlessness Kenosha police appear unwilling to do. Do not handcuff our officers from legally protecting us from such evil here because all lives matter. Therefore project safe neighborhoods' goals of improving the local justice system and fostering safer neighborhoods through APD's existing partnerships with the U.S. Attorney's office makes sense. Especially now. Implementing evidence based strategies aimed at reducing violent crime including enforcing gun laws and identifying sub sets of individuals or organizations responsible for increasing violence as well as developing evidence based and data driven intervention and prevention initiatives. Which may include street level outreach and conflict

[10:33:06 AM]

mediation to reduce violence makes sense. Funding officer overtime operations and hiring a videographer to improve education around and awareness of violent crime also will happen. Amen. Funding the continuation of the vola project to help APD defeat violence against women, by hiring someone to work with key personnel to implement more effective police, court and prosecution policies, protocols, orders and services to prevent, identify and respond to violent crimes against women and develop and promote local policies enhancing best practices for responding to sexual assault, domestic violence, dating violence and stalking is right on target. And so is APD's sexual assault evidence project working in tandem with Vala. Full speed ahead with all of

[10:34:07 AM]

this to make Austin great. In Jesus' name I pray, amen. Thank you, lord. God bless Texas, the united States of America and constitutional and above all

[speaking in Spanish] God's word, trump 2020.

[Buzzer sounding]

>> Doug Harrington.

>> Hello, this is Doug Harrington. Only trained police should be handling the 911 calls. Police can be trained by outside agencies to increase skills regarding varying situations. They should be able to make decisions on redirecting calls requiring special needs, but the handling of the 911 is a high-trust responsibility. It needs to remain clear who handles these important calls. The police have shown

[10:35:08 AM]

themselves very proficient. This role must remain in their area of responsibility and control. Do not muddy the parties, do not redirect funds from this important service. Thank you very much for your attention.

>> Janice Bookout. Janice Bookout, please unmute.

>> Yes, hi. Council, mayor, thank you for your hard work during this crazy time. I'm speaking on items 132, 134 and 139. You know me as someone committed to operationalizing sustainability. This is how I spend my time in service of our community. I'm speaking on behalf of the community resilience trust, also on behalf of

[10:36:10 AM]

measure to support items 132, 134, 139. I want you to know these items are very personal for me. I spent long hours advocating in as many ways as possible for this project to be funded. Why? Because Austin needs clinics led by people who look like them. There's a lot of data to support that statement. You've heard from a couple of my colleagues. After months this project funded through items 134, 132 and 139 will finally allow this to happen. This project from Austin area urban league and central Texas [inaudible] is a special project because it does place medical staff that look like the populations served in the heart of east Austin. It provides the wrap-around services at that single point of contact with community members and develops a workforce of black and latinx future medical staff. I spent you files, an email. I really do appreciate your work during this time and strongly encourage you please vote yes on numbers 132, 134 and 139.

[10:37:10 AM]

Thank you.

>> If there are any speakers in the queue, please --

>> Mayor Adler: Councilmember harper-madison.

>> Harper-madison: I just wanted to, the last speaker said something I think is important for us to acknowledge. She said she does this work advocate for community either paid or unpaid. I think this would be a good opportunity to acknowledge that we see all the work you all do for your communities in advocacy for your communities, especially the unpaid part. So thank you.

>> If there are any speakers in the queue that have not pressed zero, please do so now. Mayor, that concludes all the speakers.

>> Mayor Adler: Okay. Thank you very much. Those were all the speakers on the non-zoning items. We'll call the housing

[10:38:11 AM]

finance corporation speakers when we -- let me back up. Do we have anybody here to speak on the housing finance corporation?

>> No, mayor, we do not.

>> Mayor Adler: Okay. Thank you. I'm going to recess the city council meeting at this point here at 10:38. I'm going to convene the Austin housing finance corporation meeting here on August 27, 2020. We're doing this meeting virtually. A quorum of the board of directors is present. We're going to come back later and consider the agenda, but I did want to make sure that there were no speakers that had signed up to speak on any action being taken today. Let me ask that question again. Do we have any speakers to speak on any of the Austin

[10:39:12 AM]

housing finance corporation items?

>> We do not, mayor.

>> Mayor Adler: Okay. Thank you. So with that, I'm going to recess the Austin housing finance corporation meeting. We'll come back and pick this up later. I'm going to reconvene the Austin city council meeting here at 10:39. We have a quorum present. We listened to speakers on non-zoning items. That gets us to our consent agenda. Today's consent agenda is items 1 through 79 and also 132

through 142. Pulled items at this point are items 24 and 57. I think we have some councilmembers that would like to make comments on the consent agenda. Councilmember harper-madison.

>> Harper-madison: Thank you, mayor. I'd like to be shown abstaining on item number 66.

>> Mayor Adler: Okay.

[10:40:15 AM]

Mayor pro tem Garza.

>> Garza: I'd like to be shown voting no on item 66.

>> Mayor Adler: Okay. Councilmember Flannigan.

>> Flannigan: Also on 66, I want to be shown as abstaining and I just want to add a comment that, you know, I represent the city on the capcog board, and I understand this is a grant that's run through the capcog process, and the additional information we got from staff that talks about this being part of a grant program that benefits the ten-county area. That's not really the conversation I ever hear being had at capcog about these grants and it raises a lot of questions for me about our other jurisdictions also getting criminal justice grants that are going to benefit Austin, like it's a balanced thing

[10:41:17 AM]

for the region, or are we taking on a lot of responsibility for the region and effectively subsidizing a ten-county area by staffing and training on equipment we get from a grant but there's still staff involved and other folks. As I said Tuesday, I would -- I think we'll take this up in public safety committee about this regional resources and the costs related. And then also I'm concerned about this being assigned to APD when it seems to function primarily as search and rescue mission or function, which is more of a type of function as the mayor pro tem talked about Tuesday. I'm going to abstain on this. A lot of questions to work through.

>> Mayor Adler: Sounds good. Councilmember Ellis.

>> Ellis: I would also like to be shown as abstaining on 66. I've got a few questions about it that are in line with what my colleagues have already reiterated.

>> Mayor Adler: Okay. Anything else on the consent agenda? Councilmember alter.

>> Alter: Thank you.

[10:42:18 AM]

I wanted to, first of all, ask if in the near future staff can provide us an update on the coronavirus spending framework and there's some additional grants that we received but we've also spent certain items. It's getting a little bit challenging to keep track of everything and I think an update could be helpful so that we can track carefully where we are in terms of that spending. So I would just ask the city manager if we could have that in the near future. And then I wanted to briefly comment on item 11, which is related to water forward. I believe this is a very important step in advancing a particular piece of the water forward plan, which is the development of the

[10:43:18 AM]

aquifer storage part of water forward, and I want to thank our staff for moving this item forward and acknowledge the hard work of our water forward task force members and the environmental advocates for their contributions to making this idea come to fruition. I also want to acknowledge the leadership of councilmember tovo and her office over many, many years for being tenacious in setting us on the path to pursue is greater water resource plan. This contract is the first in a series of steps which will take to develop our aquifer storage and recovery infrastructure and I'm really excited to see us move to forward. Thank you.

>> Mayor Adler: Thank you. Further conversation on the consent agenda? Councilmember tovo.

>> Tovo: Thank you, and thank you, councilmember alter, for recognizing my leadership and that of my staff, but also the community advocates who really drove this direction and all of our staff who

[10:44:19 AM]

worked so hard to implement it. I too wanted to just say a word about that contract. It's very excited. I think this is such a critical and important new direction for our city in terms of assuring our safe and consistent water supply for our area. I had a couple -- as I noted, I had a couple things I wanted to ask my colleagues to accept in the form of direction, but between the water forward and another item on here talking about providing, making sure that we're getting bottled water and other kinds of necessary supplies to individuals who are experiencing homelessness since water is sort of present on our agenda today, I wanted to just take this opportunity to thank our city staff. If you've been in the downtown area, you may have noticed our water fountains are installed. This is a measure that I brought forward, I believe it was unanimous on the dais, and our Austin water

[10:45:19 AM]

utility really worked hard to get those in place. In a timely fashion. And so at fourth and Trinity right now the convention center, you will see one of those water fountains has now been installed. When I went down there after getting the email from director Meszaros, I got -- hopped in my car and went down to see it and there was somebody at that time using it. It's already fulfilling its intended purpose of making sure that visitors and those who work and spend time in our downtown have access to fresh water, especially in this climate that's really critical. It also included a little section for pets to drink at the bottom. So thank you so much. But I also really wanted to acknowledge the leadership of our assistant director Chris Chen who worked so hard on this project prior to his passing, his very unexpected passing. And so thank you again to the water utility and to

[10:46:24 AM]

Chris Chen for such good work on that necessary piece of infrastructure. With regard to -- and also just wanted to highlight for the public number 15 on our agenda, which is providing additional caseworkers through grants through the downtown Austin community court. They are going to be working with individuals who are in our [inaudible] Who are experiencing homelessness. It's been a great thing to see awareness of and advocacy for individuals who are experiencing homelessness really spread -- spread to a much spreader swath of our community and I appreciate and am excited by that more general advocacy and so I wanted to make sure people saw that that contract was moving forward and is going to do a lot of good. For 16, I would like to propose the following direction. So back in I think marchish,

[10:47:27 AM]

June, it's all kind of blending together, this council passed a resolution that I brought forward creating -- asking staff to take the next steps in creating the music disaster relief fund, but there was another item in that resolution about creating a music portal, exploring the possibility of creating a music portal that would -- and it was pretty general. Our staff have worked pretty closely with visit Austin. Visit Austin had, of course, been doing work like that to promote our local artists, our local musicians, business members, but our city staff have been working with my staff, Shannon Hally, who had generated the idea as well as visit Austin staff to flesh that out. It's coming along and discussions are very exciting. We're hoping it's going to be a piece of infrastructure that makes -- that makes access more available to all of our artists in the community and so that it's

[10:48:27 AM]

something that you don't need to be selected for, but you can benefit from. And I can talk more about where they are in those conversations, but the electric I would like to propose is -- it had gotten -- it was thought that it might be helpful to have some more formal direction from council to continue the

pursuit of that and ask visit Austin to come back in the spring with a report on where they are and what a potential budget would be like for implementing this to a fuller scale. And we have received word from visit Austin that they are comfortable with that direction and on board to support it. So the direction I would propose is that our economic development department continue to do the work needed to determine the infrastructure and capacity building required, to bring a plan back to us in the first quarter of 2021, no later than March 31, for a plan to launch a robust

[10:49:29 AM]

marketing plan along with the budget. And we have funded that language to EdD for any feedback they have and again shared it with visit Austin and it's my understanding they are comfortable with that too. Again, it's not creating the portal, but it's continuing those conversation I'm asking for them to return pretty quickly in March with a plan and budget for what it would take to execute this. The way it's taking shape is really, as I said, exciting and I appreciate the great thoughts of our EdD department and visit Austin about how we can -- how we can really support our individual artists, but how this might also be a project that could benefit our venues. So that during this period of time they will -- we are using this potential tactic and strategy and developing it so that we are helping those individuals bring in some additional revenue. We're also using it as a way of supporting our brand here

[10:50:30 AM]

in Austin to encourage visitors to come back. And again, as I mentioned initially, using it at -- creating it in such a fashion individuals could use it in other settings so they have the ability to promote themselves and get that additional revenue. So it's still being fleshed out. If it sounds general, that's why, but this would allow us to take that next step.

>> Mayor Adler: Any objection to that direction being added? Hearing none, thank you, councilmember tovo, that direct is added.

-- That direction is added. Councilmember kitchen.

>> Kitchen: I had a comment on number 16 too.

>> Mayor Adler: Go ahead.

>> Kitchen: Okay. So I just wanted to reflect on the record the conversation that I had with visit Austin and to thank them for the innovative

[10:51:32 AM]

thinking they are doing around how they as an entity can support our music and creative industry and want to reflect on the record they have intentions, from my understanding with them, that the marketing budget as well as other parts will be continuing to think about how they can support local businesses as well as creatives. One of the examples they gave me is how they are supporting musicians with events in other cities that can be done virtually now and how their effort to advertising was assisting in that effort. And so I want to just put on the record that it's my expectation and my understanding from them that that is their intent. That in all ways possible they will continue to be -- within the confines, they will continue to use their dollars to the greatest extent possible to support our local and music and

[10:52:32 AM]

creative industry as well as local restaurants because that is what makes up the fabric of the city, and if we don't do everything we can as a city to maintain that environment, we're not going to be a city that continues to be one that people [inaudible]. I want to thank them for their creative thinking in that area and put on the record that that is their intent.

>> Mayor Adler: Thank you. Especially important given what we're going through. Any other comments on the consent agenda? Councilmember alter.

>> Alter: Yes, I am to add one thing to item 16, and I appreciate councilmembers tovo and kitchen emphasizing the work for our creative sector. In my conversations with visit Austin over the marketing plan, I learned about some programs that they are doing virtually that councilmember kitchen touched on. She emphasized their ability

[10:53:32 AM]

to be hired virtually for places outside of Austin, but I just -- I have asked them to prepare some material that I can share in minus letter to help us get the word out that you can hire Austin musicians virtually and they already have a portal set up where you can do that fairly easily, and I just think if you are thinking about your meeting or thinking about how do I celebrate that birthday, to the extent that you are able to hire a musician for that kind of event, even if it's virtually, that service could be really useful, and I just want to make sure other people were aware about it because if you've been like me and very focused on council the last few months, you might not have seen that opportunity and so I wanted to make sure that was out there because I was pleased to learn of it.

>> Mayor Adler: Great. Any other further comments on the consent agenda? Councilmember tovo.

[10:54:34 AM]

>> Tovo: Mayor, I would like to ask for some direction under number 24. This is an interesting new direction and I appreciate our staff for bringing this forward. This is the interlocal with U.T. Typically we consider those interlocals one by one --

>> Mayor Adler: We've pulled this item.

>> Tovo: I apologize. I'll hold my comments.

>> Mayor Adler: Councilmember Casar?

>> Casar: I wanted to note for the council and public that we're authorizing a lot of dollars today here on the consent agenda to go to communities that have been hardest hit by covid-19. We've got -- we have the rise dollars being allocated to being able to get to people who lost income and jobs, and I appreciate mayor pro tem's leadership on that along with support of the whole dais, along with

[10:55:35 AM]

dollars being targeted to highest risk families, that is people that would most likely be hospitalized with covid-19 people who have lost so much, you know, including a family member because of covid-19 and then targeting those communities that we know even as cases decline in the city overall are still being so hard hit. I've been in meetings with constituents and groups of folks in some of those hardest hit neighborhoods and it is really striking how you can be in some --

[indiscernible] Where everyone has a family member or loved one close to them that's had covid-19 in our city, even though we've been able to protect so much of our community, there are just some parts that have been so hard hit and so this really speaks to the work of our staff focusing hard on this, on the resolutions we passed including the high-risk worker resolution that I sponsored and this

[10:56:35 AM]

dais' commitment. So I'm glad we're getting a lot of these dollars out the door and appreciate our staff's work getting it done.

>> Mayor Adler: Sorry. Further comments on the consent agenda? Councilmember kitchen.

>> Kitchen: Okay, I have a comment on number 10 which is the zilker master plan. I'll comment on the scope and put on the record to reflect the conversation I had with staff about what I understand to be within that scope. So first I just wanted to acknowledge that there's significant detail in the scope of services regarding a public engagement plan, including -- it's a public outreach and engagement plan which will be part of the scope of services which is very detailed and includes things like a communitywide

[10:57:35 AM]

survey as well as getting input from our commissions. So I want to say thank you to that. I think that's really important because amenity for the whole city. The second thing is I want to acknowledge from my conversation, my office's conversation with the staff that the scope includes some contributing -- contributing areas around the park. The scope speaks to and includes among its items the intent -- let's see, the way it's worded is that the outcome of the report -- outcome of the planning project is to include a comprehensive transportation circulation and parking plan that really looks to movement and management of transportation in the whole area. As part of that area of the scope, the intent is to include in the scope that

[10:58:37 AM]

butler shores Toomey area will be considered as part of the contributing area as the planners come up with traffic and parking management strategies for the park. The butler shores and Toomey area is an area that is used for park services and park events. For example, acl is outside what you might think of the park and is on the Toomey area and the butler shores area. And so I just want to acknowledge and I have confirmed this with the staff that this comprehensive transportation circulation and parking plan will address these areas as contributing areas.

>> Mayor Adler: Okay. Thank you.

>> Mayor Adler: Okay. Thank you. Anything else? Discussion. Is there a motion to approve the consent agenda? Councilmember alter makes the motion. Seconded by the mayor pro tem. Councilmember kitchen.

>> Kitchen: I'm sorry, I fort go to bring one thing

[10:59:39 AM]

to people's attention. That is item number 38, there is a memo in backup, and I'm just mentioning this to response to concerns that were raised to me. The memo makes it clear that this particular item is an Ila that just relates to spaces, parking and workstation spaces related to work with integral care. And it doesn't impact what we'll be receiving later in terms of interlocal agreement that speaks to the budget items we passed with regard to working with integral care for additional services. So that's a memo that you all have received and it will be posted in backup as part of voting on this item. Thank you, mayor.

>> Mayor Adler: Further discussion on the consent agenda? It's moon PDF and seconded. Those in favor of the

[11:00:39 AM]

consent agenda please raise your hand? Those opposed? It unanimously passes with the notations people have read into the record. All right. Let's do the pulled items. We're going to begin with item number 24, which is the interlocal agreement with the university of Texas. I'm real excited about this coming before the council, increasing and making easier and increasing the scope and scale of the work that we do as a city with the university of Texas, taking advantage of their resources and their professors for expertise, also enabling the city to better serve as laboratory for university of Texas faculty is something that I've been pushing since I first got here. I know that councilmember alter has also taken leadership on this as well and it's great to see this happening. As we begin our discussion

[11:01:42 AM]

on it, Dr. Jennifer gardener with the university of Texas is available to speak and I wanted her to -- I wanted to give her an opportunity to do that. So I hope she's moving toward the phone. Before we do that, I just want to recognize the work that Steven Elkins did on this as well. He's our chief information officer. This is something that he's helped with, but among so many other things. And colleagues, as you can see, we have just gotten notice in our boxes that Steven Elkins is going to be retiring from the city of Austin the first week in September, so I just wanted to take this opportunity to thank him for his service to

[11:02:43 AM]

the city. He's been the cio since 2010 and an employee since 2004. He's really led information architecture and our information systems, the technology government, security. He was key on the smart city's competition that became a finalist in and worked in the city after that. And I'm sorry to see him go for new and increased opportunities but I just wanted to say on behalf of the city, thank you for what you have done to make Austin a technology leader across the country and in fact across the world. So I'm going to begin this

[11:03:45 AM]

conversation by recognizing Dr. Gardener so that she can speak on this item 24 in front of us now. Dr. Gardener, thank you for being with us.

>> Thank you, mayor Adler and good morning to councilmembers and manager cronk. Thanks so much for having me. The university of Texas is also very excited about the possibility of this master area local

research agreement. And I want to acknowledge that Steven has been a big help. This is the culmination that communications and technology started with me a couple of years ago talking about ways we could better streamline the process to initiate research projects between the city and the university. And I thinking that there are lots of things the city and university have in common sometimes to get the hurdles off the ground. Like the city's respective

[11:04:45 AM]

offices, UT has many different colleges and units. I'm the deputy vice-president for research of the university and I'm sitting in the research office that overzrs all 18 colleges and units, but it's very siloed within those units. And there have been a lot of research partnerships between individual professors and individual city offices and often those come together organically in that someone in a city office will know that equity number at UT and they'll start talking and this grows into a research partnership. But it's not done in any sort of centralized and strategic way. What that means is my office may not be in the loop. There are a lot of times where I or my staff might be able to recommend several other faculty or expert on the campus that would be a great fit for a particular need that the city has but because all of these things are kind of happening ad

[11:05:46 AM]

hoc, we don't have a handle on the breadth and scope of what's going on in all the different research partnerships. Nonetheless, I think there are some really important shared goals that the university and city have here. One is we want to support our mutual interest in advancing etch research and developing and deploying different technology and also policies and communications for the city and solving problems that face the city, its systems, infrastructure, in serving the strategic outcomes and sd23 and for the city and other cities and nationally and even globally. I think we both want to showcase the city as a vibrant, very innovative, forward thinking community while we're developing these technologies and processes and I think we're also both interested in creating a pathway for UT students to be able to contribute to the

[11:06:46 AM]

city after they graduate, and these kind of research projects create important career defining opportunities for these students to get involved a and see how the things that they're learning have an impact in their community. You know, as I mentioned, we've had a lot of collaborations in the past. Some I think haven't launched as well as others because of an absence of processes and policies. The intent is that having the master agreement would help to address this, that is that we would now have a central process including a clearly defined place in the agreement in any statements of work -- task

orders that fall underneath this master where we state what the metrics are, what the deliverables are and what the reporting schedule is. And that will make it much more efficient on our end to track and be able to report back what is happening across all of these projects rather than everything being decentralized across all the colleges and schools.

[11:07:49 AM]

Those are most of the comments that I have to make. We have -- in conclusion I wanted to acknowledge several people on the city side who wanted to bring this to fruition. First is the city manager's office. Nuria has been an enormous help in this. She had executed a similar master agreement when she was with the city of Minneapolis between the city of Minneapolis and the university of Minnesota. Very similar to UT in terms of the scope of research expertise and the capacity there, also Holly and others who have been in communication all spring and summer on the research side and with our lawyers to put together and draft a master interlocal agreement that covers a lot of the important terms to be prenegotiated to streamline these agreements. Also have a lot of help from sly in the mayor's office and again Steven and his

[11:08:52 AM]

team and technology communication management as well as some of the departments that have had successful research collaborations in recent years with UT. So in particular Austin transportation comes to mind.

[Indiscernible] Has been a huge help in helping me think through what has worked well and what could be improved in terms of existing agreements that we've had. And with that I'm open to answering any questions that the councilmembers might have or making any further remarks. Thank you.

>> Mayor Adler: Dr. Gardener. Thank you. Is there a motion to approve this item number 24? Councilmember alter makes the motion. Is there a second to this motion? I'll go ahead and second that. It's been moved and seconded. Any discussion on this item? Councilmember tovo, I think you wanted to be recognized on this?

>> Tovo: I did, mayor. I'm excited to see this move forward. I think it has a lot of

[11:09:58 AM]

benefits that have been articulated. We've had a lot of discussion about the las that have been brought to this council, whether a study, for example, of the youth workforce programs is is good an investment as actually investing in workforce development. So some of there have been from time to time some las

that I and others have a question in. I appreciate several elements of this. One is the increased transparency around deliverables and timelines and schedules and that will help us as the policymakers understand kind of what the benefits have been. We've also had some tremendously successful -- I haven't seen the report back from that particular Ila. I know before it came back to council we had a pretty vigorous conversation about it. We have had studies that

[11:10:58 AM]

really transform how we think about things, for example, the UT study about the convention center. And again I think this is a great way to partner with UT and really leverage the resources of the university and great minds that are there and put them with the great minds of the city and make sure we're getting the very best for our residents. I would like as this is a new direction and these IAs will not be coming to council for individual consideration, I would like to add the direction that the manager provide our audit and finance committee with a list of new IAs at this six-month mark. So that doesn't necessarily need to be a presentation before audit and finance. Perhaps it's enough to provide us with a memo listing what those new IAs are and then if there are some that the council committee members would like to discuss further, those could be scheduled for either an offline conversation or one that seems appropriate to come

[11:11:59 AM]

before UT and finance. Most of the -- most of them wouldn't fall into that category, but I do feel that we need to especially early on have some understanding of policymakers of what kinds of work we're commissioning with UT and have an understanding of how that could be -- for one thing it will help us, I hope, continue to do our policy work in better and more innovative ways. It's better for us to be studies and what kinds of work has been commissioned. So that's the subtext of my direction that I would like to add.

>> Mayor Adler: Any objection to that direction being added? Hearing none, that's added.
Councilmember Alter.

>> Alter: Thank you. I appreciate Dr. Gardener, you joining us this morning and your work to help us to build a relationship with UT and new directions.

[11:13:00 AM]

We obviously contribute to each other's success in many ways and I really look forward to seeing how we can elevate Austin and UT by better coordination, better collaboration and really thinking in new ways and seeing it as both of our responsibilities to help each other succeed. And my hope is that UT's

new president will take this on as one of the core pillars of his administration because I think there's enormous opportunity for the city. Mayor Adler and I have had an opportunity to talk with UT over the course of a number of different issues on this and I think this research and collaboration is one piece. And I know it's not in your responsibility, but every time I get a chance I'm going to ask UT to step up help us by investing in dorms for their students. We have thousands and

[11:14:00 AM]

thousands of UT students who are living in our affordable housing and UT I would hope will think long and hard about how they can help us by making those investments, and I want to make clear that as a city we're here to partner to think about how we can leverage any dollars that are invested to create more housing because right now those students are in our apartments and taking space away from our families and often times they're taking our designated affordable housing units because they know how to navigate the system. I would really like to see us think about this as a first step or the next step in building our relationship and look forward to finding additional ways to address affordability and mobility and not just doing the policy research together. So thank you for

[11:15:00 AM]

participating and I hope that we can do that. The other thing that I just wanted to flag and maybe we can showcase this at some point, not just audit and finance when we have a few fewer audits. Since I've been on council I know that we have been innovating in how we do our procurement processes in different ways that are saving the city money and moving through the processes. We still have more work to do, but some of the steps if you look under the hood are actually really important and I think this example is one where having that master agreement makes it more possible to do things. It saves a huge amount of staff time. It makes sure that we get performance results and other kinds of things. This is not the only place where we have been innovating and it's not

[11:16:01 AM]

sexy stuff, but it's really important for the functioning of the city. So thank you fold of our staff and the UT folks who have made this possible and saw this opportunity and pushed it forward. Thank you.

>> Mayor Adler: Okay, thank you. Colleagues, this item has been moved and seconded. Any discussion? Those in favor please raise your hand. Those opposed? It is unanimously adopted Dr. Gardener, thank you very much for your work on this, for all the reasons listed. I'm also just real excited again at the possibilities here.

>> Thank you. We're excited to.

>> Thanks for having me.

>> Mayor Adler: All right, colleagues, that gets us to the next pulled item here, item number 57, moved by councilmember Flannigan. Councilmember Flannigan, I'll give you the floor.

>> Flannigan: Thank you, mayor. I pulled this item during work session and asked staff

[11:17:02 AM]

about the funding source and we got an email from staff, I think listened to everybody afterwards that corrected the record on the first answer we got. The bond language that was with the contract with the voters did not tie this money to golf like was said on Tuesday. So I -- I don't know that there's the will to change the direction here, but I'm not comfortable spending bond dollars on golf for maintenance. I think there are a lot of maintenance needs in our park system that might serve the community in a maybe broader, more equitable way. And generally I think that these projects need to be part of the capital renewal fund that several of us worked hard to ensure was created in the last couple of budgets. So I'm going to vote no on this item, but I want to pull it today so y'all would hear that staff did go back

[11:18:03 AM]

and correct the record on what we were told on Tuesday.

>> Alter: I think I'm reading your lips, but I appreciate a correction of the record. I'm not sure I saw that email in particular, but I believe that the use of the funds was delineated in the documents that led up to the adoption of the contract and that we didn't get as specific as some of the details that were provided to the bond task force as well as the presentation that was made to us on how things were spent. There's value when you do a bond of having some flexibility, but I do think it was presented through the process and I believe these are golf courses on the eastside as well that we are providing this funding for. I'm going to support this

[11:19:03 AM]

item, but I hear councilmember Flannigan's concerns.

>> Mayor Adler: I'm going to support this item too. I think that while it wasn't specifically mandated, it was more broad because it wasn't locking it in. It certainly was the identified item as it came out of the process, so I'm going to support that process. Is there a motion to approve this item? Councilmember alter makes that motion. Is there a second? Councilmember Ellis seconds. Any further discussion on this item? Councilmember tovo.

>> Tovo: Just super briefly, I appreciate the conversation we're having around this and I know during the budget conversation there was some discussion about the demographics. So I would ask

[indiscernible]. I would ask our parks department if you could please share that with my office, we'll reach out separately. We may have already done so to reach out to get that information.

[11:20:03 AM]

I do think it's important as we consider our courses and how to make them more accessible across our community that as we consider that investment that we also compare it to the cost of what it would take to -- for an individual to play at a private course. It is a sport that if you have to play not at a municipal course but at your country club or private course, it really is much less expensive than it would be on our munny course. I know that was the intent of having our municipal golf courses. If our golf courses aren't fulfilling that purpose I think we have work to do to figure out how best to meet that need, but I'd like to start with looking at the data and it sounds as if some of my colleagues might have some information along those lines and I would ask the park staff to make sure that my office gets that as well because I want to start and better understand what's going on with our courses.

[11:21:05 AM]

>> Mayor Adler: Further discussion on this item. Councilmember harper-madison. I think I can see why it is that I don't recognize you that you raise your hand so low that it's being cut off. Somewhere between those two will work.

>> Harper-madison: Apparently councilmember Renteria needs to do the same thing because he actually definitely raised his hand before I did. And so I'll be super brief because you did recognize me. I just wanted to say I am responsive to what councilmember tovo said. It's no secret that I've had lots of conversations with folks about golf, but I think in addition to that demographic information it would probably be important to take note of profitability of specific courses. And that's why I'm going to be able to support this item and these are eastside golf courses. To my understanding these are actually profitable, which has other implications for me. So I think just to get it on the record that's a point of consideration for me with

[11:22:05 AM]

this particular item.

>> Thank you.

>> Mayor Adler: Pio.

>> Renteria: Yes, I'm not going to be able to support this. I'm going to vote against it. I just don't think that's the best use of our tax dollars. So I'm just not going to be able to support it.

>> Mayor Adler: Thank you. Councilmember Flannigan.

>> Flannigan: Just to be clear that the backup that I got from staff or information I got from staff is one of the courses was east and one of the courses was west. I think it's one on each side of the city.

>> Mayor Adler: Thank you. Councilmembers, this has been moved and seconded. Let's take a vote. Those in favor please raise your hand? Those opposed please raise your hand? Councilmember Flannigan and Renteria voting no. The others voting aye. This item passes. I'm going to convene the Austin housing finance corporation now, which means I'm going to recess the city council meeting here at 11:22. We are going to reconvene the Austin housing finance

[11:23:07 AM]

corporation meeting here on August 27th. We had earlier convened the meeting and then we went into recess. We did that so we could take any speakers that had signed up to speak. We are now with our agenda. Does staff want to take us through the consent agenda for today?

>> Sure. This is Mandy de mayo, Austin housing finance corporation. There are seven items on the agenda,. As you heard previously, item five has been withdrawn.

[Indiscernible] With the acquisition of two parcels on Kramer lane near the intersection of Kramer and Lamar in district 4. That's in alignment with our city council adopted transit priority network. Item number three is the adoption of the meeting minutes from July 29th ahfc board meeting and items number 4 through 5 are the

[11:24:11 AM]

authorization to move forward with a loan agreement with the

[indiscernible] Assistance program. And our ownership housing development assistance program. I offer these items on consent and I'm happy to take any questions.

>> Mayor Adler: Okay. Thank you. Colleagues, the consent agenda is items 1 through 8, and number 5 has been withdrawn. Is there a motion to approve the consent agenda? Councilmember Casar makes the motion. Councilmember pool seconds it. Any discussion on the consent agenda? Councilmember Casar.

>> Casar: We're approve a variety of important items on this agenda. I do want to mention my appreciation that we're acquiring land on Kramer lane near north Lamar that will be under project

connect a place where we have rapid transit and I think that this will continue to make sure that we have people at a variety

[11:25:11 AM]

of incomes, especially working class people, being able to access the transit that we build out of this city long-term. So it's great to see our housing acquisition, land acquisition already beginning near the project connect lines. Then we also are helping fund [indiscernible] Rutland, which I know there was this project here in district 4 as well as a project in district 9 that struggled with tdhca's strange new rules on making -- building housing for folks experiencing homelessness more difficult. I'm glad that at least this part in district 4 is still able to get through and get done alongside caritas. And this project will provide at least 100 continuum of care units so over its lifetime we know it will help hundreds of folks get off the streets and into housing. And into stability. So a lot of times I like to

[11:26:13 AM]

talk about the ahfc agenda sometimes because it's so unanimous and so consented so quick, but it's where we unanimously are doing such important work largely in part due to the housing bond investment that is council supported and the community supported in 2018. So there's other projects that I think on south Lamar and other things on the agenda, but I just wanted to call out those important pieces in district 4 today.

>> Mayor Adler: Councilmember Renteria.

>> Renteria: Mayor, you know, we made a commitment years back that we were going to start building affordable units throughout the city of Austin, especially in high opportunity areas. And we're keeping our commitment. With these purchases of property right now and building affordable units, we're starting to build more units throughout the whole city of Austin and not just concentrate affordable low

[11:27:14 AM]

income housing in east Austin as we have done in the past. And I really want to thank the council for -- and the staff for fulfilling that commitment that we made years ago to build affordable units throughout the city of Austin. I just want to thank the staff. Thank you.

>> Thank you.

>> Mayor Adler: It's been moved and seconded.

>> Mayor, I apologize. I do want to interject and remind the board that item number five, which is esparo at Rutland, has been withdrawn. I want to highlight this was withdrawn for totally technical reasons. It will come back to you at the next ahfc board meeting and we are looking forward to moving this project forward.

>> That was Mandy de mayo with our staff for the record.

>> I'll celebrate it when we pass it next.

>> We will celebrate with you.

>> Mayor Adler: Worth

[11:28:14 AM]

celebrating twice. The consent agenda has been moved and seconded. Those in favor of the consent agenda please raise your hand. Those opposed? It's unanimous on the dais. Thank you very much, staff. Those are all the items. At 11:28 we are adjourning the meeting of the Austin housing finance corporation. Here at 11:28 I am reconvening the Austin city council meeting here on August 27th. We're going to continue with our items. I'm going to call up first item number 81, the floodplain variance question. Is staff here to speak on item number 81? I think that would probably be Mr. Shunk.

>> Give us one minute, mayor, to move him over to

[11:29:15 AM]

the panel. While we're waiting, colleagues, I've had inquiries about citizens communication. I think we're in a position to be able to move back to that, so at the very least it will be on the agenda on September 17th, and we're checking to see if we're going to be able to pull that in on the agenda for next week by posting it on Friday as part of the addendum. We're seeing if we can make that happen. Councilmember harper-madison.

>> Harper-madison: Since we're getting back to some sense of normalcy, it would be pretty cool to bring back music too. Speaking of virtual music opportunities.

>> Mayor Adler: Sounds good to me. We'll have staff take a look and see if we can make that happen too.

>> Harper-madison: Awesome.

[11:30:21 AM]

>> Mayor, we do have

[indiscernible] Here now.

>> Can you hear me now.

>> Mayor Adler: Yes.

>> Thank you, Mr. Mayor, mayor pro tem and councilmembers. The item before you today is a floodplain variance request. This item was originally on your agenda for March 13th -- I'm sorry, 12th. And during that meeting staff as well as the applicant did give a presentation regarding the request. So at this point in time I'm happy to go through a very short presentation, answer questions that you might have. It's up to you.

>> Mayor Adler: Councilmembers, do you want to have a presentation here first before the applicant speaks? Why don't you lay out for us at a high level.

>> Okay, yeah, I can do that for sure without giving that presentation at all. So this development on this

[11:31:24 AM]

property received a floodplain variance back in December 2016. That request was to have parking on the second level and half the third level as well as office on the rest of the third level and the fourth level of a new building. They constructed this building, they moved into this building and they have been working in the building ever since then. Because of the reduction in the number of parking spaces, the staff did not find viable the transportation opportunities and therefore they've been driving to work. Therefore they need the parking on the first level to make the business operate as it's designed. So their request today is to include a bottom level of the parking of the building as parking area. The 100 year floodplain depth is nearly 11 feet at the bottom level of of this

[11:32:24 AM]

building. So there's a significant flood risk. The request again is not to modify the building at all, but to allow parking on the bottom level of that building.

>> Mayor Adler: Thank you. Let's now give the opportunity for the applicant to speak I'm showing this would be either Alice Glasco or Sam Kumar.

>> We're looking for him,

[11:33:26 AM]

mayor.

>> Good afternoon, mayor. Sorry. It's not afternoon, it's still morning. This is Alice Glasco representing the applicant Sam Kumar with the gentleman group. I would appreciate if my slides could be pulled up if possible. And I'll be brief too.

>> Mayor Adler: Thank you. Staff, are we trying to bring up the slides?

>> Yes.

[11:34:33 AM]

>> While the slides are being pulled up, we agree with what Kevin Shunk just stated that when you approved the floodplain variance in 2016, we originally thought that we would like need first floor parking because we believed that the other tenants who were not known at the time we got the variance that they would use public transportation. However, once the building was completed and the gentleman group was able to lease the remaining spaces or rather the parking space, the new tenants are the regional connection brokerage company with 10 employees.

[11:35:33 AM]

The gentleman group of which Sam Kumar is the president is a multi-family construction company with 32 employees. Another from an attorney firm has 19 employees. So the building has a total of 61 employees. So while we had anticipated that both tenants that do not need to visit job sites, for example, the multi-family construction and real estate brokerage, do have to visit job sites on an everyday basis. However, while the others do not have to visit job sites, they have found that public transportation is somewhat challenging. And especially the last mile commute and frequency of transit is also challenging. So to that end we're asking that you allow us to park on

[11:36:35 AM]

the first floor of the parking garage, which is existing space that is as described by Mr. Shunk, not been delineated on the site that you approved with the variance in 2016. So our request is to allow us to park on the first floor parking which would bring the brand total parking to 65 spaces, which is the minimum required by code before any reductions are applied. So we would not be exceeding the minimum code requirement when you factor in parking reductions, so that's our request. We also want to state that if the 25 cars that we park on the first floor are not allowed to be parked there,

[11:37:37 AM]

the tenants would park along the street where you already have flooding concerns. All use needed parking spaces, which frequently have to be fed with funds. I would like to add that the first floor parking has steel fencing, so in the event that somehow, someone gets caught in a flood event the cars would not float into the street. We agreed to inform tenants as part of the 2016 variance that the lease agreement would include instructions that the building is subject to flooding and that vehicles should not be parked in the building on the second or third floor

[11:38:38 AM]

overnight. And also one of the conditions that the council imposed in 2016 was the parking in the building would be restricted to occupying tenants and their guests only and that there would be no general public parking within this facility. So council, we would appreciate your support of this variance and we thank you.

>> Mayor Adler: Is there a -- item 81 is to consider a variance request. Is there a motion to approve the variance request? And right now my screen is not [indiscernible].

>> Kitchen: Mayor, I have a question.

>> Mayor Adler: Let me get a motion on the table first.

>> Kitchen: Okay.

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

[11:39:40 AM]

Mr. Flannigan, do you want to address it first or councilmember kitchen?

>> Flannigan: Sure. I think these are complicated issues and ultimately I think the list of requirements and the site specific conditions, the fact that there wouldn't be parking overnight, the fact that there's fencing around the area, the fact that these uses are -- that they're often not parked there for long anyway, that's kind of the point is they're moving around. And this is a site -- again, site specific variance is kind of the space that I'm comfortable with it. If we were talking about more general code amendments it might be a more challenging conversation.

>> Mayor Adler: Okay, thank you. Councilmember kitchen?

>> Kitchen: I just have a question for the applicant. I think probably for Ms. Glasco. So -- I assume she's on the line that I can ask that

[11:40:40 AM]

question.

>> Yes, I'm on the line and Sam Kumar is also on the line.

>> Kitchen: Okay. My question is I think that the -- if I'm understanding correctly what was approved in 2016 and having parking -- I'm trying to remember now. There's parking on the second floor, right, with the offices on the second and third? Am I right?

>> Yes, you're correct.

>> Kitchen: Okay. I would want to understand if there's a commitment to not turning that second floor parking into office. Can you speak to whether that -- I don't remember if that was part of the case back in 2016 or not.

>> Councilmember kitchen, the first floor has 50% of the space designated for office use and the other 50% as parking. Your recollection was that when we came to council in

[11:41:43 AM]

2016 we had 0.01 adverse impact. In order to bring it to zero impact, we had to reduce the amount of office space in addition to other modifications and I think that's what you're recollecting. That's what is in the floor being partially parking and partially office.

>> Kitchen: The reason I ask that is I can understand how circumstances might change and -- but what I wouldn't want to happen is for us to approve this and then the first floor be used to meet the minimum parking requirements that we agreed to back in 2016 were going to be handled on other floors. So is there any concern about making that commitment?

>> Councilmember kitchen, this is Sam Kumar. Thank you for allowing me to

[11:42:47 AM]

speak. I'm glad I got the technology figured out. They finally unmuted me so I'm able to speak. Absolutely, councilmember kitchen, in 2016 the two things that we did was we moved the elevator core to have zero adverse impact and then according to the staff request Mr. Shunk wanted to make sure that we had enough parking in the second and third floor for the office space without relying on the first

floor. That's one of the reasons we did not show the parking in the first floor. And we took away 5,000 square feet from the third floor to accommodate -- to lessen the number of parking places needed in the second and third floor. I can absolutely make a commitment it is not easy to go change that and we don't want to change any more office space in this building because we already have a parking issue.

[11:43:47 AM]

So we can absolutely commit to y'all that we are not going to come to you and say, hey, can we go ahead and add additional office space and take the parking away, no, ma'am. That's not something we're going to request.

>> Kitchen: Thank you. So I'd like that commitment to be on the record.

>> Yes, ma'am.

>> Mayor Adler: There's been a motion and a second. Any further discussion on this item? And again, colleagues, I can't see but half the screen. Anybody else want to speak. Councilmember tovo?

>> Tovo: This was a hard case the first time through and we considered it over a period of time and then there were revisions made before it came back and it was key to my voting for it that there would not be cars in this first floor area that are is so subject to

[11:44:47 AM]

really detrimental flooding. Flooding where we know people have lost their lives along shoal creek. So I'm very concerned about this. I have to be honest, I'm also concerned about the fact that that was the commitment that was made to this council that there wouldn't be parking. And then -- I would like for you, Ms. Glasco, for you to verify this. If I remember our first reading of this particular case several months ago, it's my understanding that the parking on the first floor was actually striped and code compliance came in, Austin code came and asked you to not use it, is that correct? Was this parking -- maybe that's really a question for our staff. Am I remembering that correctly that the parking on the first floor was striped and being used?

>> That is correct, yes, you are correct.

>> Tovo: I have a number of concerns with that, both going back to the fact that

[11:45:49 AM]

it was deemed unsafe. This council made a decision to allow the development to go forward with that understanding and then had that understanding changed on the ground. Was this marketed to tenants that a certain number of their employees would need to not bring cars? Was that part of the lease agreements? I appreciate the information that you made available to them without the subject -- the possibility that there would be flooding and the actions that needed to be taken in the event that there is rain and not leaving the cars overnight and whatnot. But was there specific language either in the lease agreement or the marketing for this tract that made it clear that you were seek to go have a certain percentage or certain number of

[11:46:51 AM]

employees for each business not drive?

>> Councilmember tovo, I'll take that question. When we did market the building and when we did sign the lease agreements, we only gave tenants assigned spaces on the second and third floor and just the way the ordinance reads we basically told them that if they park in the ground floor that is totally at their own risk and we had the language put in there and this parking was limited to only tenants and guests of the tenants. So they all understand that and we have specifically -- all of us in the building all subscribe to the city's floodplain app and we get notices and our staff makes sure we are diligent about whenever there's a rain event and we get a notice from the city that nobody is

[11:47:52 AM]

parking here and we're all diligent about that.

>> Tovo: Thank you for that additional information

[indiscernible]. That was not -- that wasn't really in concert with what we had approved.

>> The approval was basically with the flood variance. I will be the first one to come and say that I have represented to council that we are not going to need first floor parking. And like we said, you know, it was not shown in the city site plan itself, but the main important thing between the late summer, early fall conversation with council and the December 2016

[11:48:52 AM]

approval was that we had to go change the adverse impact to zero and then the second thing was we removed the 5,000 square feet of the third floor office space to make sure that the parking that we have

in the second and third floor we are code compliant without counting the first floor. Those are the two main things. And this parking, first floor parking, was not the crux of the conversation at that time.

>> Tovo: Thanks. Let me ask our -- let me ask our staff member. Kevin, am I remembering this wrong? I thought parking was prohibited on the first floor?

>> Yeah. Based upon the approved site plan that followed the December 2016 variance approval, the site plan that was approved did not allow parking on the first level.

>> Tovo: Can you help us understand why that was the

[11:49:52 AM]

case? In terms of safety and flood risk or was it other considerations that led the staff to approve a site plan that did not have parking on the first floor?

>> So their first variance request was in November 2016 and that was to include parking on the first and second level. That variance request also included an adverse flooding impact that the building was causing. The redesign that they did took away the parking on the first level and then took away half of the building space on the third level. The site plan was approved with a 40% reduction in required parking because it's in the urban core, because they're providing showers for their staff, they were allowed to get that reduction. So that's the way the site plan was approved, 40% reduction in the required parking, no parking on the

[11:50:53 AM]

first level. Parking on the second and half the third level.

>> Tovo: Do the staff recommend this variance?

>> Based upon the flood risk that exists at this location, nearly 11 feet in the 100 year floodplain, staff does not recommend approval of this variance.

>> Tovo: Thank you. As I mentioned, this was a hard conversation the first time through. I supported the original variance though it always worries me to support explain variances. But I think in this case I have a lot of respect, Mr. Kumar, for you, for your firm, for your work, as well as Ms. Glasco for your professionalism. I am not going to be able to support this. We are talking about cars on that level, and I get that, but also people are associated with those cars who will be working above

[11:51:53 AM]

and may be in a position of wanting to go down and move their car or get in their car2go home in the middle of a flood event and putting themselves and our emergency personnel at risk. I'm also aware we've gone by this site and have seen -- like so many other firms, I believe, it looks as if -- and I had heard, maybe miss Glasco you can confirm that at least one of the firms is currently teleworking and perhaps that will continue and there will be no

[indiscernible] Of that parking, which I think will be the best case scenario. In any case at this point floodplain variances always give me pause especially in areas where we know there are concerns and we know there have been deaths. I'm not going to be able to support this change.

>> Mayor Adler: Thank you. Colleagues, any further discussion on this item? There's been a motion and a second.

[11:52:53 AM]

Those in favor of this item please raise your hand? Those opposed? Voting no is councilmember tovo. Any others voting no? Then it passes 10-1. Colleagues, 11:52. Let's see what we can do here. Item number 82 and 83 are both being postponed both I think to September 17th. Manager, I know that 82 was shown being postponed to the September 17th. The other one wasn't listed S that being postponed to the same day, September 17th?

>> That's my understanding, but I'll confirm that.

>> Mayor, this is Jerry rusthoven with the planning and zoning department. That is that is correct they are both postponed to August 17th.

>> Mayor Adler: Thank you. Item number 84 is withdrawn. There's item number 85 is an

[11:53:57 AM]

application for -- related to the application by the bridge at turtle creek. Is there a motion to approve this item number 8. Mayor pro tem makes the motion. Is there a second? Councilmember harper-madison seconds. Any discussion?

>> You're going to close the public hearing.

>> Mayor Adler: Okay. We'll close the public hearing. Which by the way was held earlier in this meeting as announced. Further discussion on this item? Councilmember alter.

>> Alter: Thank you. A little bit confused by items 85 and 86 in light of some changes that I understand that have happened with respect to allowing for rental averaging. I had thought this was going to come up in the afternoon so I still have a little bit more -- to look into. But it seems like under the

[11:54:57 AM]

new rules the way these are set up, and it may be different for 85 and 86 a little bit, but essentially with the rental averaging there's a whole lot more market units or the market units are at a higher rate than we normally see for these. And I'm confused about what that means in an area that has a lower mfi than others. I don't know if somebody -- I'm not sure if this would be housing or whatnot to explain. So if you're not in a high opportunity area, the difference between 50% mfi and 50% mfi, -- 60% mfi, which is what you're getting

[11:55:58 AM]

is not to me relatable to the 80% rates. That's what I'm trying to understand.

>> Mayor?

>> Mayor Adler: Yes.

>> Hi, it's Rosie Truelove, the director of the neighborhood housing and community development department. I might recommend that we put these two after lunch if there are questions about that. The staff member that would be best positioned to answer that had to step off for another meeting.

>> Mayor Adler: Let's do that. 86 we're pushing off anyway to this afternoon. We'll push off 85 as well. 86 will also be this afternoon when we take up zoning items 122 and 123. That gets us then to item 87. Is there a motion to approve 87? This is the application by Amtex multi-family for tax credits. Councilmember Flannigan makes the motion. Councilmember Casar seconds.

[11:56:59 AM]

Any discussion? Those in favor of this item please raise your hand? Those opposed? It's also to close the public hearing. That item passes unanimously. Tull 88, also housing tax credit. Is there a motion to approve this? Councilmember Pool makes the motion. Councilmember Renteria seconds. Any discussion? Those in favor please raise your hand? Those opposed? It's unanimously adopted as well. That gets us to item 89. I think the mayor pro tem has a correction to add. Let's get it on the table. Is there a motion to approve 89, and as with all these to close the public hearing. So a motion to approve. Mayor pro tem makes the motion. Is there a second? Councilmember Harper-Madison seconds. Mayor pro tem, I recognize you.

[11:58:05 AM]

>> Garza: Okay. I might need help from staff on this a little bit. I believe this is the engagement process that is initiated for the use of our cdbg funds, and I'll be as brief as I can. Just a little history.

[Indiscernible] Have been able to use cdbg funds to fund grocery stores. Houston, for example, has done several of them. But we have a resolution or ordinance here in Austin that prohibits us from using cdbg funds for retail. So we are still working on that prohibition away, but in the meantime as any engagement for next year comes up, we just want it to include the ability for staff to add the subject of

[11:59:05 AM]

food insecurity and grocery stores to that engagement process. So that's why the -- it basically reads that the -- the needs assessment process and outreach initiatives on intentional focus on food insecurity in impacted areas of Austin that can inform investment of future allocations of federal funds received through formula grants, specifically cdbg responsive to community input make necessary amendments to the city's consolidated plan that can help leverage all of our funding, planning and program efforts in the city to address food insecurity to achieve grocery stores in areas that are currently in need and so staff helped us on this language. So that's the direction that I would add to 89

>> Mayor? Rosie truelove, community housing and development. We agree this will be incorporated as part of our planning process for next year's federal funds.

[12:00:12 PM]

>> Mayor?

>> Mayor Adler: Any objection to including mayor pro tem's direction? Hearing none, that direction is included. It's been moved and seconded. Those in favor of approving item number 89 -- I'm sorry, councilmember harper-madison, did you want to say anything? Those in favor of closing this public hearing, raise your hand? Those opposed? That is unanimous on the dais. Those are all the items, colleagues, that we can take up this morning. It is noon straight up. I would suggest that we take an hour break, and that at 1:00 we reconvene in executive session. With a goal to coming out and recognizing speakers at 2:00 to speak on the zoning cases. I think staff has reached out to those speakers that had signed

[12:01:13 PM]

up on the zoning cases that are being postponed so they know they don't need to be here. Before we take a break, let's take a vote to postpone items 82 and 83 to September 17th. Is there a motion formally to postpone those items? Councilmember alter makes a motion, councilmember Ellis seconds

it. Those in favor of the postponement please raise your hand? Those opposed? Unanimous on the dais. Those two items are going to be postponed. Okay, councilmember alter?

>> Alter: Can I just clarify for 97, if staff are planning to postpone that? Or not?

>> What was the number?

>> Alter: 97.

[12:02:13 PM]

>> Mayor Adler: 97. I don't show that as being postponed.

>> This is (indiscernible). That item is going to be a discussion item.

>> Mayor Adler: Okay.

>> Alter: 97 will be discussion? Okay.

>> Mayor Adler: Okay. Proposed for first reading only. All right, colleagues, we're now going to go into closed session -- well, yes. We're going to go into closed session to take up one item pursuant to section 551-074 of the government code. We're going to continue our discussion in personnel matters related to item number 92. We're going to take our break here and have lunch, so we'll meet with each other in the executive session room at 1:00. Without objection, we will now do lunch, and then convene in executive session. It is 12:02. I'll see you guys at 1:00. Bye-bye.

[2:30:53 PM]

>> Mayor Adler: Are we ready to go? The time is 2:30. It is still August 27, 2020. We are reconvening the Austin city council meeting here today. We're out of closed session. We discussed personnel matters related to item 92. Depending on our movement through the zoning cases, we could be returning back to executive session on that item. We've taken care of everything that's in front of us except for zoning cases, so if Jerry is here, perhaps you could take us through the consent agenda. Before that starts, councilmember alter, did you want to say something?

>> Alter: We still need to vote on 85 and 86.

>> Mayor Adler: 85 and 86, correct. Those two will be handled together with the zone

[2:31:53 PM]

cases.

>> Alter: Okay.

>> Mayor Adler: Let's go ahead and take us through consent.

>> Sure, mayor. This is Jerry rusthoven with planning and zoning. I can tell you I have a couple cases where we maybe have a speaker or two. Otherwise an offer for consent. Would you like to hear from speakers first or read through the agenda?

>> Mayor Adler: Let's do speakers. So if staff can take us through speakers.

>> Sure. Mayor, the first speaker we have an interpreter. Jacklyn, if you are available, please unmute.

>> I'm here.

>> Okay. Thank you. The first speaker is Regina Mitchell. Regina Mitchell.

>> Hi, good afternoon, city council. I'm calling in reference to

[2:32:58 PM]

508 issues at Kemp street. My parents property 513 Kemp. Grew up in Austin and I'm really kind of upset of this project going on and not really for the little person to maintain in that area. And I hope the city council will give that thought in reference to gentrification and looking at this issue. And as I stated, montopolis is -- that a military wife, worked at pearl harbor, a federal employee right now. This is very close to my heart and I hope

[indiscernible] For the community the decision that's made in favor to not process that development. Thank you and have a good day.

>> The next speaker is Monica Guzman.

[2:34:00 PM]

>> Yes, this is Monica Guzman. Ctm should have a video cued for you all to watch and that will be my time as well as I believe the next speaker.

>> Mayor Adler: Okay. I understand this is a five-minute video, so who is the next speaker?

>> It should be Carmen

[indiscernible] And part of the third speaker Frances acunas since you restricted speakers to two minutes, mayor Adler.

>> Mayor Adler: Okay. And because we set the time later, we're going to take two speakers. And we'll let this video play for the two speakers and then the person will have two minutes to speak.

[2:35:07 PM]

[Music playing]

>> Mayor Adler: I'm not seeing the video.

>> Okay, mayor, give us a minute.

>> Mayor, did they say

[2:36:09 PM]

Monica Guzman and Carmen are on the line?

>> Mayor Adler: I think we were listing three names of people. Those were the two and there was a third one as well, third speaker.

>> Harper-madison: Okay.

>> Renteria: Mayor, we can't see the video, but it's on atxn on our channel here on TV.

>> Mayor Adler: Okay.

>> Thanks for that, councilmember. Can we ask that atxn start it at the beginning again so we can all see it if we --

>> Yes, ctm will start it once we figure out what's going on.

[2:37:37 PM]

>> Mayor Adler: I can see it now.

[Music playing]

[2:38:52 PM]

>> So this is the Nuckols crossing curve and right after the curve they are planning some -- some apartment complex for seniors. So this is the area where some of the residents are walking. And as you can see there's no [indiscernible] And it is very dangerous, especially right here at the curve because of

debris -- I mean the branches that are blocking and the cars pass so close to the edge. There's no protection for

[2:39:52 PM]

anybody to -- here, right here it's very scary. Residents that will be living there, they want to go to the bus, it's -- there's a street, I'm almost standing on it, and there are the cars coming. Very fast. And they have to move way at the edge so they could be able to keep me safe. Otherwise if they don't see me, they could

[indiscernible] And this is the other apartment complex right next to it. The entrance is right there. Then you come over here, it's a few feet, you are going to have the other entrance of the proposed apartment complex. It's for seniors. So if you are a senior,

[2:40:52 PM]

would you like to live here?

>> Nancy Gilliam and I've been seeing that they've been doing a lot of cutting and things over there, construction over there. So I'm against the building for the senior citizens. I found they were doing for senior citizens. I'm really against it because I'm a senior citizen myself and it's very dangerous going around that corner, you know. I try to walk it and run it but I get frightened, I'm scared the cars are going to hit me. I see people coming through on the canes and wheelchairs slow down. They don't care. So I'm very against the aptment, you know, being built there because I look out for the senior citizens. So I'm just saying, you know, I don't think it's right to build an apartment complex there because you're

[2:41:52 PM]

not really looking at the peoples, you are not looking at the senior citizens that's got to walk from there from way around the corner to go catch the bus, you know. I'm really against this and I'm not going to go forward to say hey, god put it here for us because he didn't. I'm not going to tolerate it and I really don't want to have it. I'm speaking out.

>> Thank you.

[Music playing]

>> Mayor Adler: Thank you. Go ahead and call the next speaker. I'm sorry, excuse me, councilmember harper-madison? You are muted.

>> Harper-madison: I was trying to ask while one of our planning commissioners was on the line because as I was looking at this what I

[2:42:53 PM]

could see was planning commission voted for this unanimously including the planning commissioner who was on the line. I wanted to ask what changed from her original vote to now. I just wanted to get clear on that real quick. I guess I'm too late, though.

>> Mayor Adler: That would be Carmen if she is available. Is she still on the phone?

>> Yes, one second.

>> Harper-madison: Thank you.

>> Carmen?

>> Hello, can you all hear me?

>> Yes.

>> Wonderful. This is Carmen. Thank you, councilmember harper-madison, so much for the question. I appreciate the opportunity to address it. My vote for this voting change was an embarrassing procedural error on my part. I voted as if I was voting on an amendment to the motion, which I saw as a

[2:43:54 PM]

decrease in intensity from mf-4 to mf-2 with conditions. I voted for that thinking I was voting for an amendment when in fact I was voting for a substitute motion. I therefore waived my opportunity to speak on this because I've been following this since this was a proposed market rate development and exactly the same concerns were brought forward that hadn't really changed at all just because it was proposed as an affordable development. The primary concerns were always around safety. With the critical environmental features as secondary concern and afford ability. Tertiary. I have since become more consider with the reconsideration function, but I definitely am here to answer any other questions about that. If other commissioners had any idea how dangerous this curve actually is and that even the proposed

[2:44:54 PM]

modifications, we have heard several suggestions both improvements that the applicant has agreed to make as well as some ideas floating around with Austin --

>> [Inaudible].

>> Anyway, those solutions did not seem to address my concerns or the concerns of the community.

>> Harper-madison: I appreciate that very much. I've been looking into it and lot and that was one of the things I wanted to get clarity on. Thank you, mayor. I appreciate that.

>> Mayor Adler: Councilmember tovo.

>> Tovo: Before we lose Carmen, and thank you, councilmember, I have the same question for Carmen. I had the opportunity to get the answer earlier. Carmen, you mentioned something in your response about not -- about the commissioners not being aware of that curve. Was this video shown at the planning commission?

>> It was not. This video became available after that meeting.

[2:45:57 PM]

>> Tovo: Okay. Thank you so much.

>> Mayor Adler: Next speaker.

>> Frances Acuna.

>> Can you hear me?

>> Yes, go ahead.

>> My name is Frances Acuna, I am opposing 86, 12 and 123 regarding the Nuckols crossing. When I walk Nuckols crossing for this video that you just saw, I was terrified because I couldn't feel the wind when the cars were passing by me. I can just imagine the danger seniors would be by allowing this development. I was a nursing assistant for 13 years and I saw what I saw in the nursing home makes me support affordable housing for seniors, but in

[2:46:58 PM]

this area -- but this area is not suitable for any kind of housing. I would hate to see any seniors going to get that you are buses with a walker or a cane risking their life. The applicant is proposing 179 affordable units of which only ten will be affordable for dove springs residents. We shouldn't have to choose between affordable housing and public safety. I ask that you deny the applicant's application and I thank you very much for your time.

>> Laurel francel.

>> I'm laurel francel speaking on items 86, 122 and 123. I'm a duly elected representative for

[2:48:03 PM]

los arbos. We oppose the rezoning of 4400 Nuckols crossing based on concerns about traffic safety, income patability. It's difficult for residents to enter or exit suit drive safely. To add to that drive, wood way village has a dive way directly across. Only 200 feet from viewpoint drive and wood way villages driveway would create more traffic challenges and hazards for all drivers on Nuckols crossing. The applicant has proposed several options. None of these options is guaranteed to be feasible, but we would be stuck with whatever they put there. We also oppose a multi-story building as being incompatible with integrity,

[2:49:03 PM]

aesthetics and environment of the surrounding community of single-family homes and two-story multi-family housing. No amount of landscaping would keep it from sticking out like a sore thumb. Additionally we have concerns about the impact this development would have on an extremely sensitive environmental area. Even with controlled features, construction could cause irreparable damage. We respectfully ask city council to not approve a zoning change for 4400 Nuckols crossing. The applicant proposed that this development will be affordable housing for seniors, but that should not supersede our residents' right to traffic safety, compatible developments and environmental respect. Thank you.

>> Anna sarells. Anna, please unmute.

[2:50:07 PM]

>> Good afternoon. I am speaking on items 86, 122 and 123. I am Anna sarells, a district 5 resident and owners of a property in district 2 since 1993 adjacent to Mr. Angelo's property on Nuckols crossing. I recently became aware a valid petition could be submitted by contiguous owners. On August 23 I wrote an email to neighbors saying we should do this. I will forward it to you all. On August 25 the applicant blatantly blocked the petition tax exempt by changing the zoning boundary. This area is a large greenbelt and should be protected by law. Greenbelts are needed for the health and well-being of our planet. This greenbelt and its wetlands are easily subjected to pollution especially from inadequate waste management. The creeks go down to Mckinney falls state park. In the early 2000s, the

[2:51:09 PM]

neighborhoods participated in a neighborhood plan. Much effort was put in to protect this rapidly disappearing rich environment. This property was zoned sf-2 and should remain so. Any building must be minimal and responsibly built. There has been constant developer pressure from outside. Now it is coming from inside. Mr. Angelo is very well respected in world of economic development, but I have to wonder how and why it has been possible to push this inappropriate multi-story building on to a neighborhood that wants nothing to do with it. Extra traffic would be dangerous for seniors and would add pollution to all the local creeks. I am for affordable housing, but in these times of covid, why would anyone consider putting vulnerable elders in a multi-family building together? This is sheer madness. Haven't we learned anything? We can do better than this. Is this what you would want in your twilight years?

[2:52:11 PM]

[Buzzer sounding] A thought, why don't the city buy Mr. Angelo's property and create a magnificent park for the region. Thank you for listening.

>> John sermon.

>> Yes, thank you. I'm John sermon. I'm also speaking against approval of this development. There are multiple affordable housing projects in progress around the city which are very important and should be commended and supported. One such project is on east Anderson lane and it's by Mcdowell housing partners, the applicant in this case. We appreciate their investment in the community. Unfortunately the Nuckols crossing project is in a very dangerous location as you have seen on the exit of a blind curve, on a substandard two-lane road. I agree with my neighbors that this project should not be allowed to proceed because of these public safety concerns. You will hear from the

[2:53:11 PM]

applicant supported by the transportation department that the location is safe and that their traffic mitigation concepts are sufficient. The problem is that these mitigation schemes would improve the road only directly in front of the development without addressing any of the existing issues with Nuckols crossing. Mitigation would not make pedestrians safer. The surrounding road will still be substandard with no sidewalks, no shoulder and no access to public transportation. All of these safety issues can only isolate and endanger the residents of the proposed development and endanger persons and pedestrians driving past it. I have seen pedestrians walking along the blind curve many times. It's scary. We ask that you improve the road before someone is hurt or killed and certainly before any development happens at this location. Please do not put affordable housing before public safety. Thank you for your consideration.

[2:54:11 PM]

>> Anna agiva. Anna, please unmute your phone.

>> Hello, can you hear me?

>> Yes, please proceed. Okay. My name is Anna and

[indiscernible] I serve on the zoning and planning commission and speaking in in -- reflected in the letter of support previously submitted to you. I am speaking on 86, 122, 123 recording Nuckols crossing. The contact team history of supporting responsible development.

[Indiscernible] And each city councilmember to present a public safety

[2:55:14 PM]

concerns if the zoning changes occur. Since the 1980s, more affordable housing houses have been built in a highly concentrated area of affordable housing without any road improvements. We are not against affordable housing. This may be the right project but it's in the wrong location. The public safety concerns were made known to the applicant early in the process in the planning commission in 2017 and 2020. They have reported there are no future plans to improve the substandard road conditions even though an additional [indiscernible] Are being proposed. Traffic reports reflect the current traffic far seeds allowed capacity and raise sight safety issues. One report states no location was observed to meet all sight distance requirements. This public safety issues for bicycle and pedestrian traffic. This project targets residents 55 and over including those mobility and sensory impairments. We are 75% hispanic.

[2:56:15 PM]

Our zip code has the highest covid-19 cases in the city. This area has a walkability score of 27 out of 100. A transit score of 34. A bike score of 25. And a personal and property crime rate of C. Historically marginalized community in dove springs we are being forced to trade public safety for affordable housing. We ask the city staff and city manager and city council how much longer should we take this systemic racism. We deserve better.

[Buzzer sounding] Thank you.

>> Jason Lucille.

>> Good afternoon, councilmembers. My name is Jason Lucio, I live in dove springs. I stand with my neighbors in opposition to the zoning change on items 122 and 123 regarding Nuckols Nuckols crossing. Something that cannot be

[2:57:15 PM]

overlooked is the economic and racial segregation that will be perpetuated by putting a 100% affordable housing unit in a census tract classified as a racially concentrated area of poverty. To put affordable housing here further exacerbates systemic racism and works against integration and diversity by concentrating poor brown people in the same areas because this is where we keep building affordable housing. Are you willing to ignore their recommendations? Risk the public safety of brown citizens in this moment where our city, our country is begging racial justice would be addressed. I would like to finish with a couple of quotes. We still live in a segregated country. Together we can institute real change.

[Speaking in foreign language] These are the words of mayor

[2:58:17 PM]

pro tem Garza. Fight with us like you said you would. Implement real institutional change to stop perpetuating segregation like you said you would. This zoning change request is a clear and present opportunity for you to effect real change by not perpetuating it. Here today my friends and neighbors white and brown stand together as one voice. We're not asking you to solve all our problems, we're asking you to not create more. Please den

>> Noah alleas.

>> Hello. I'm calling about 508 Kemp. Can you hear me?

>> Yes, please continue.

[2:59:17 PM]

>> Okay, thank you. Yes, I'm calling because we're trying to -- we're trying to get the city council to vote against the rezoning of 508 Kemp. We believe that if we develop this area we will increase displacement in our community. I grew up here in this community and I have lived here almost my whole life. And through council meetings and through planning commission meetings we have spoken, our community has spoken. We have a valid petition, and that we do not need high priced condos, high priced townhomes in this area. What we do need is for the city to invest in this community and build affordable housing that is truly affordable to our community whose mfi is about

[3:00:19 PM]

32,000 a year. That's a very low number and this is the kind of affordable housing that we need in our community. Otherwise we feel that our neighbors will be completely displaced and our community would be completely read indicated. I urge you to vote again rezoning 508 Kemp and please invest in our communities. Help us keep our community -- our community members where they belong in our houses and build more affordable housing. Thank you.

>> Eric Dillman.

>> Hello. Can you hear me?

>> Yes, go ahead.

>> Great. Hi. I'm Eric and I'm also speaking in optician to the rezoning of 508 Kemp. To give you a little perspective, I am -- I've lived the neighborhood for about eight years.

[3:01:20 PM]

I'm a 15-year educator, 15-year long educator at a title I school. Many of my students came from montopolis. My son and I, I'm a single father, this is one of the few neighborhoods in the city that a teacher that are is a single father could afford to live in eight years ago. I don't know if that's the case anymore. But it just seems that there's this concerted effort especially right now, you can see there were other items that were pulled from the agenda that there's this rapid kind of attempts to rezone our whole neighborhood from sf-3 to sf-6. One of the reasons that besides affordability that I moved here is that my son has dual citizenship, he's United States and a Mexican

[3:02:20 PM]

citizen. This is a community that not only could we afford to live here, but that he could be exposed to some of his culture, largely hispanic and African-American community. So it's a special place but also a fragile place, and I can only speak for myself, but I will just say that if teachers and if workers can't afford to live in the city anymore and we continually put up these high price condos and high priced townhouses, eventually all the lip services of stopping gentrification and creating affordable housing, eventually that rhetoric doesn't really mean anything.

[Buzzer]. Unless somebody stands up and tries to make a change. I ask that you deny the zoning change. Don't let this be the first domino to fall. Thank you.

[3:03:22 PM]

>> Joseph Reynolds.

>> Yes, this is Joe Reynolds. I live on 49th street. I'm a member of the allandale zoning committee and I'm speaking about 7113 burnet road. Allandale has 72 residences within 200 feet of the proposed project. My concern is spillover traffic that will affect your streets. The proposed apartments will generate that many or slightly more than the automobile current uses, the restaurant and bar. What will be new with the apartments is moving trucks. Apartments require big trucks to move residents in and out, where the bars and restaurants see small city trailer delivery trucks, the apartments will see united van lines, ma flower and other highway sized projects. This will be a steady stream. Burnet corridor project

[3:04:23 PM]

proposes to have a raised median to block all left entry and exit turns. Any setback entry traffic will be required to find a drive route that provides northbound access. Traffic driving setback setback access must exit north and then find some route to go south. Compounding this problem for drivers is that burnet road is too narrow for new turns, even for a Honda accord. There are some legitimate ways to reverse directions but they take traffic along narrow neighborhood streets. Access to the neighborhood requires driving north to rich creek or south to just continue based on the current bar and traffic block and exit. I gave the corridor project an estimate of 650 cars a day. A similar number of cars blocked for left entry must use Justin and then use burnet lane. Instead of making the full round trip north to ridge creek, however, many will use the first residential driveway, pull in, back out,

[3:05:24 PM]

changing directions. Now put in may flower van lines bringing households of furnish churn -- [buzzer]. The Justin lane turnaround is now a bicycle route with lanes narrow ethanes --

>> Speaker, your time has expired. Please finish your statement. Eric pollace.

>> Hello, I'm the director of ecology action of Texas, that is a former city dump openly used to burn waste in montopolis. We've spent the last 15 years removing over 100 tons of trash from our site in order to make a nature preserve request nature in Guerrero park. I'm here to speak about why we oppose rezoning of 508 Kemp. We have spent the last few

[3:06:26 PM]

months to show you why rezoning these lots will be negative on our neighborhood and preserve. We hope you are sincere when you talk about the need for racial justice in this city and ask that you deny the videophoning to the real estate developers. This is not the place for sf-6, but a neighborhood limited by modest infrastructure, not equipped for the density proposed. You will likely hear out the developer

tried to work with the community to come to a solution. 80% mfi is not a solution as this is still almost three times the mfi of the surrounding neighborhood. Seven 60% would result in new homes double the value of the surrounding community. It will still result in displacing families. I've been told by the developer's lobbyist that if we object to this that the developer would not work with us when it comes to planning the site. This is intimidation, not cooperation. Please know that this is not

[3:07:28 PM]

in our best interest, but only puts more economic pressure on the families that have lived here for decades. Please do right by the montopolis and do right by ecology action and oppose the zoning at 508 Kemp. Thank you.

>> Peter seminite.

>> Hello, can you hear me?

>> Yes, go ahead.

>> Hi. My name is Peter. Thank you, councilmembers. I live to Kemp street with my partner and my baby who you might hear while I'm talking. We're very close to the sites on Kemp that are at risk of being up zoned. I'm calling to oppose the zoning change and basically all the zoning changes across montopolis. I guess a bunch of them decided to duck out.

[3:08:28 PM]

There's oppositions against each of these upzoning and the city staff recommends denial of 508 Kemp. They give a lot of reasons why this site isn't suitable for this type of development and we agree. There's no reason to destroy quiet minority-owned residential street when there are plenty of suitable sites already designated for this type of development that have yet to be developed. We're also very concerned about the inevitable displacement in montopolis that will happen when developers see that they may now buy up single properties throughout montopolis and flip them to condos. Montopolis has been cited by the uprooted study as one of the vulnerable neighborhoods and recommends the -- it recommends seven lessons to make a difference in displacement. Number one is put community voices at the center and that hasn't happened. I understand there may be a proposal from the developers here, but they haven't involved the community in any way and it seems like they're intending to alienate us from giving any

[3:09:29 PM]

meaningful input. They're also playing very loose with the term affordability. As has already been pointed out, you know, 80% mfi is not affordable. For the residents of this neighborhood. We already know that the developments won't be affordable. The current residents of montopolis, won't increase diversity in any way and the developers aren't making any promise to do so. And the people pushing for this entitlement don't even own the property. Their agent says they don't intend to follow through if they don't get their way.

[Buzzer]. They've threatened other neighbors with things like code compliance and this isn't community building. Instead of discussing things with montopolis community they come to you with their hands out --

>> Speaker, your time has expired.

>> Okay. Thank you very much.

>> Megan meissenbach.

>> Hello.

>> Yes, go ahead.

[3:10:30 PM]

>> Hello? Great. I'd like to speak on item 25, actually, I signed up for 97 and 125 and 123. I'll start with 125, which is 5201 east mlk and I think we've heard from wonderful speakers. I think put the community voices first is a very important thing to say. People who have written to you from the neighborhood who have important things to say about low income, about the historic 54-year-old stonegate development and their fear of connecting elm grove to mlk. There are legacy homeowners there that fear the 80% impervious cover. I think that Zenobia Joseph has a wonderful letter in your backup. I think the five years of affordability at 50% mfi

[3:11:30 PM]

isn't enough to change this historically single neighborhood with this development. For item 97 there is a valid petition and I hope you will recognize it, montopolis being historically impoverished area. There are dramatic changes in elevation on this property. And then item 123, Nuckols crossing has no sidewalk, no curb, no gutter, no bike lane. It needs a lot of support to make this a suitable road for such a development. I think that the offering of the developer is 10 units of affordable units is not enough for you to overcome the neighborhood dislike for this project and I urge you to vote against all three of these projects. Thank you for your time.

[3:12:34 PM]

>> Colin Ross.

>> Colin Ross?

>> Can you hear me?

>> Yes, go ahead.

>> My name is Colin. I'm a resident of the montopolis neighborhood. My wife and I live here, moved here just over a year ago now. I am stating opposition to the rezoning of 508 Kemp. I knew there were some additional items that were removed at the last minute as well, but they ultimately go together. I would like the city council to recognize that we have a valid petition and to honor the wishes of not only the neighborhood, but also the planning commission. And liked to make several points here. First and foremost, sf-3 rezoning is in violation of our neighborhood plan. I think -- I think developers have the wrong impression that the neighborhood is against

[3:13:34 PM]

development. It's not. We want development better suited for our community. Rezoning has less protection for its current residents and further increases displacement. I would also like to make clear that there is already an overconcentration of multi-family townhouses, industrially and commercially zoned properties along all the corridors sort of around our home. Those on 183, Riverside, Ben white and airport. There is again more property where those types of developments can go. I just want to first thank the city council for being here and listening to us. I want to thank you for your time and consideration and I really wish that you would expect the people who call this neighborhood home and our community. Thank you.

[3:14:36 PM]

>> Misha.

>> Hi. I live close to number 97 on today's agenda, which is also the upzoning request for 508 Kemp street. At the last meeting on the subject I used my time to remind the councilmembers that the city purchased the historic montopolis Negro school just a couple of years ago and the unfortunate irony of razing an historical structure and then ruining the neighborhood's character with upzoning requests. To that I would add that I'm disappointed that the applicant did not engage the community more specifically because they did not have their support. I never received information about this project beyond zoning request to the city I sent out. It is only from a neighbor that I learned that the council has a revised proposal before them today

[3:15:37 PM]

how many can I comment on a matter impacting me if I am deprived of information and left out of the conversation. For that I thank you for one minute to speak and hope that you will deny the zoning request for 508 Kemp street. Thank you.

>> Ronnie Washington.

>> Good afternoon, can you hear me?

>> Yes, go ahead.

>> Yes, good afteron, councilmembers. My name is Ronnie Washington. I'm a retired naval officer, 26 years. I also worked in the city of Austin in the purchasing office as purchasing manager for construction projects with the city under the management of when Betty Dunkerley was the director of financial services. So it's good to talk to council again. I spent a lot of time talking to the council

[3:16:40 PM]

members on Thursday afternoons. I'm calling today in reference to items 125, I think 127 and 128, the stonegate neighborhood association concerns. The stonegate neighborhood is surrounded by a through street mlk, Justin lane and Tannehill road. And there's development planned there and those items, and we're opposing the upzoning of that area. There are historic factors involved that area was laid out folks that moved into that area back in the '60s,

[3:17:45 PM]

early to late '60, were African-American professionals, school teachers, school principals, doctors, during that time for them to raise their families. And it's an historic neighborhood and we have concerns about the projects that are being proposed for that area.

[Buzzer]. One of my main concerns is the environmental aspects of that area.

>> Speaker, your time has expired. Please wrap up.

>> Okay. Thank you, council.

>> Tanner Blair.

>> Hello council. I'm going to try to go fast and hit the important votes. I cannot support more enthusiastically. It's keeping in the neighborhood plan. It's not in the watershed,

[3:18:46 PM]

not in the 73. It's 73% more walkable than Austin on average, has 40% better access to transit. 50% more bikable on average. Let's see since we started doing codenext in 2017 we spent 1.76 billion in single-family homes. If you're going to put this stuff anywhere, this is where it goes. It's not as busy as Nuckols crossing street was on burnet. I would encourage for we're going to put dense housing somewhere, it should go here I live here but I'm not saying this as someone who doesn't take this street almost everyday. And I would also point out that allandale,

[indiscernible] And -- allandale's median family income is higher than the median family income in Austin so this is where affordable housing should go. I yield my time.

[3:19:48 PM]

>> Cynthia harp.

>> Good afternoon, councilmembers. I am opposed to the rezoning at 202 montopolis. My husband, son and I own the three contiguous lots bordering that rezoning site and we purchased these lots with the intention of just building a modest single-family dwelling for ourselves, and our neighbors also just built a single-family residence there. So I'm opposed to the rezoning to sf-6 to that 202 montopolis for the following reasons. I think it serves no benefit to the existing community. I think it also increases displacement. I think it drives up the prices in the community. I think building condominiums will destroy the diversity of the neighborhood and also destroy the historic feel of

[3:20:48 PM]

the community. And it will also increase the traffic and force cars to be parked in the streets, which will have a negative effect on the community. And I also think that sf-6 will increase the environmental impact negatively of the neighborhood. I also agree with the other comments that have been made with 508 Kemp, which is just around the corner, rezoning all of this property to multi-family dwellings will seriously impact the entire community in a negative way and I ask that you please consider voting against with the rezoning. Thank you so much for the effort that you've extended. Thank you.

>> For any speakers in queue, if you have yet to press zero, please do so now. The next speaker is Annie Gunn.

[3:21:50 PM]

>> Hi, councilmembers. I want to thank you for listening to our voices today. I'm calling to oppose the upzoning on 508 Kemp street along with my neighbors and community leaders who have called to oppose it. I grew up in the montopolis area. Just a few years back we decided to return and put down our roots here with my partner on Kemp street. I love this street and our baby is thriving in a community where everyone knows his name. I want to emphasize that no one wants to see condos here except for the people who are set to make lots and lots of money from it. We have a neighborhood plan for a reason and it was developed with a lot of foresight and respect for the community so please help us keep it intact. We just became aware this morning that the developers are planning. Their plan, but there was no outreach to the community or contact team or anyone. They've had meetings with you at the city council, but not with us. And we think that deserves some attention. Everyone who has spoken already has already made

[3:22:53 PM]

some salient points so I'll wrap it up, but I wanted to add the barriers for communication at meetings like this are high for persons in our community who are essential workers, working [indiscernible], at work right now and not able to speak. I want to say that those of us with resources and abundant time who are sitting at home today, speaking today, just just for ourselves, but also for our low income and elderly neighbors who might not have the kind of access that is needed to participate in this conversation. So please think of those folks today and know that we're showing up to help boost their voices too. Thanks so much. I yield the rest of my time.

>> Jonathan Davidson.

>> Hello, city council. I am a resident of montopolis and I am speaking to oppose the rezoning of 508 Kemp street and much of this is in regards to all of

[3:23:56 PM]

the reasons my neighbors have touched upon, but I'd like to specify that in neighborhoods like montopolis a townhouse is going to feel more like transient housing for almost a glorified dormitory for young professionals and it's not the type of housing that a neighborhood like montopolis, who has many structures that have been lived in by the same families for many generations, these proposed developments of sf-6 townhouses are not going to be suitable for people to lay down roots in a community. There are going to be little stopping points for people who can afford to build their equity and move up and move up and move up and out of montopolis. This neighborhood needs places that people can afford to live in and it needs to be the type of house, the type of structure that they can lay down roots and maybe even have two or three generations of people living under the same roof as it is now.

[3:24:58 PM]

So for this reason I'd like to just encourage you to please not vote for this upzoning to sf-6 in Montopolis. As a side note, there's a junked car on the street half a block down from here. It's been here for six weeks. I've called the police 12 times. No attention. So if we were in West Austin that car would be gone in two days. It's still here, getting destroyed by vandals and it's very frustrating to have all this attention on the neighborhood with regards to development and none with regards to any kind of cleanup. So thank you for listening to me and we're very passionate about this and please decide the right thing in this case. Thank you.

[Buzzer].

>> Susana Almanza.

>> Mayor Adler: Could you hold on one moment, please. Councilmember Harper-Madison.

>> Harper-Madison: Thank you, Mayor. I wanted to respond to not this last

[3:25:59 PM]

caller, but the caller before. She brought up something really important and I think it's important to acknowledge to community members. She said a lot of folks can'ting here during these proceedings, but because they do last so long, there's really Norway around this the way the time that we do it. But what she said that was most important that I wanted to emphasize, she said some of us with more time on our hands and more resources are showing up not just for ourselves, but also for our neighbors. So I just want to make certain that people understand that you can do that, you can advocate for your neighbors as well if you have that additional time and those additional resources. I really appreciate that she said that. That's all, thank you.

>> Susana Almanza.

>> Yes, this is Susana Almanza. President of the Montopolis planning contact team. Today the Austin City Council will either respect the adopted Montopolis neighborhood plan of 2001 or

[3:26:59 PM]

align themselves with profit-themed real estate developers with little to no regard for the community's fragile environment. Four zoning cases will be discussed, 94, 95, 96 and 97. Most of these properties represented by

[indiscernible] Design group are seeking change from single-family to sf-6. Each of the properties have a valid petition. Will the city council adhere to surrounding neighbors of the properties who do not want to change the zoning? Will they override our valid petition? Montopolis has known as property island has a per capita income of 16,226 and median family income of 31,875. And poverty rate of 33%. The montopolis neighborhood contact team fights again with the request to rezone the property at 508 Kemp from sf-3 to sf-6. When we first met with the developer's agents they informed us that they would not be building any

[3:28:01 PM]

affordable housing. For the montopolis contact team, we do not seek affordable housing, we seek low income housing. Not a new scheme that has been cooked up for the property at 508 Kemp. I was informed that they would use Greg Casar's affordability unlocked plan and 13 of the 26 townhomes would be affordable at the rate of 80% mfi, which is 75,000 for a family of four. They wanted to know if I was excited about the new scheme. Hell no, I'm not excited at awe. When most people in montopolis live at 30% mfi. That means no one from montopolis will be able to live there. This is not affordability unlocked, but unaffordability locked. Just another displacement scheme. In 2018 the Austin city council commissioned the study uprooted residential displacement in Austin's gentrifying neighborhoods and what could be done about it. To be effective the city

[3:29:01 PM]

actions will need to focus on solutions tailored to neighborhood conditions that are -- [indiscernible]. Our neighborhood will become

[indiscernible] Primarily for white and wealthy residents. To address the disturbing changes the city of Austin needs to think big and act boldly. The study recommends making strategic anti-displacement --

>> Speaker, your time has expired.

>> This is my three minutes, okay? In 2020 the Austin city council focused on solutions for montopolis --

>> Mayor Adler: I think your time has expired. Thank you.

>> Andrea petite?

>> Yes, can you hear me?

>> Yes, go ahead.

[3:30:03 PM]

>> [Indiscernible]. I'm speaking for new residents, long time resident families and the elderly that live near this tract. As you know, we are 80% minority neighborhoods that was included in the new zoning maps just

[indiscernible]. We have a valid petition opposing straight rezoning to mf-3 and seek conditions to ensure a good fit for our residents. We appreciate the substantial progress that we've made this week on negotiations. We ask that you please support on first reading the conditional overlays with all the underlying conditions that Mr. Thrower and his client have agreed. We also ask that you keep the public hearing open as long as you can. In the event that you have any questions. Thank you so much for your attention.

>> [Indiscernible].

>> This is nat, I'm just here to speak on behalf of

[3:31:04 PM]

the project for case 125 zoning on mlk. I'm just sticking around forequestions.

>> Janis renkin.

>> Thank you, Janis here. Can you hear me?

>> Yes, please proceed.

>> Thank you. Mr. Mayor and councilmembers, thank you for carefully listening to my remarks about zoning item 109. I'm a resident of Alan Dale, have been since 1992. I serve on the allandale board of the neighborhood association, although I'm not speaking for the board, I'm speaking for myself and for other people similarly situated. Allandale and crestview are the neighborhoods most directly affected by this upzoning of item 109.

[3:32:07 PM]

It has the capacity of threatening the limits of the city infrastructure concerning water supply, wastewater capacity, streets in terms of traffic backup and blockage, overflow parking and significantly emergency services need to have access to this property. Affordable housing has been mentioned as a possibility for this property and if it's going to be that way then I would offer the comment that the affordable housing needs to be made available first and prioritized and not available last in the sequence of things. I would hope that you would, number one, defer this item until another day because there are enough moving parts and enough discussions taking place that perhaps will change the character of

what's going on and make this more compatible for the neighborhoods. So that would be my first request. And if not that, then would

[3:33:07 PM]

you please leave this item open for discussion at a time later time rather than moving to second and third reading. This calls for planning ahead thoughtfully and carefully so that we don't have a debacle of traffic problems, emergency vehicle problems and other issues that would affect not only the potential residents of this large building, but the people on either side of it who live in crestview and allandale. I appreciate your consideration.

[Buzzer].

>> Curtis Davidson. Curtis Davidson, please unmute.

>> This is Curtis. I am here on item 106 just for questions. I believe lacy or Jeff Howard may have comments and

[3:34:07 PM]

I will yield my time to them. Thank you.

>> Zenobia Joseph.

>> Thank you, mayor, councilmembers, I'm Zenobia Joseph. Mayor, I just have a technical question before you start my time. I sent you an email and just wanted to know if you actually received my backup material on item 1025, the memorandum is dated July 14th?

>> Mayor Adler: If it came in it would have gone to my staff and they would have summarized it, but I don't know what the source material was for what they've given to me?

>> And so my comment related to that, mayor, is that I have gone before the planning commission in the past and I thank the lady who mentioned the email that's in your backup material, but for some reason the memorandums that I've typed have not been forwarded to council, so if there's any way for staff to

[3:35:10 PM]

send us an auto reply to let us know one way or the other if that item -- the written testimony has been submitted, that would just be helpful. As it relates specifically to item 125, it was initially mf6. It's in the middle of mlk. It's 5201 east mlk and I went with the staff recommendation, but this is an opportunity

zone and I think it is not compatible with the neighborhood. So I would ask you to take into consideration the comments that are in the backup material by the residents in that area. It would be helpful as well, mayor, if we knew in advance whether an item was going to be delayed or not. Items 117 and 118 I received an email from Victoria from thrower design and she thinks it would be delayed until September 17th. It's the 3500 pecan springs neighborhood association item. I just want you to recognize that the applicant was amenable to two affordable

[3:36:10 PM]

condos there, but it appears to be market rate now. I would ask you do look at your 2008 smart housing there's actually language related to condos and 80% area median family income, but at the time, which is over 10 years, that would be 125,000-dollar home.

[Buzzer]. So that needs to be updated. And if you could actually help the applicant so that he can honor his intent to put an affordable or two condos in that area would be helpful. My extensive comments are really about the pflugerville item, which is item 87, coastal bend drive --

>> Speaker, your time has expired. Please wrap up.

>> So mayor, what I need you to understand is that there's no bus and that it's three miles to walk to Samsung. And if you would actually recognize -- I'm just going to direct this to councilmember tovo. Smart housing from 2014 you actually said you were committed to ensuring that there's a bus stop.

[3:37:11 PM]

Even though there's language in there about cap metro, I'm asking you to delay this item and actually get a commitment because project connect is not going to put buses out there.

>> Mayor Adler: Thank you, Ms. Joseph. Next speaker. Yes, councilmember tovo.

>> Tovo: Mayor, may I ask Ms. Joseph, you had mentioned early on whether we got the testimony you sent. I just want to understand what you meant. We did get afternoon email and it looks like we did all receive it, 827 restore Rutland, St. David's testimony and then there was a question, it related among other things to a request for a restroom.

>> Councilmember tovo, she disconnected.

>> She's no longer on the the line.

>> Tovo: Okay. I'll just write her back and let her know what I received and see if there's something else she had forwarded. Thank you.

[3:38:12 PM]

>> Mayor Adler: What you're saying, councilmember tovo, is that there was an email from her that went to everyone on the 27th?

>> Tovo: The 26th. It looked like she where to us earlier that day or the previous day and it was a follow-up direction. It doesn't sound like exactly what she was describing so I'm not sure if that's what she wanted to direct our attention to or not.

>> Mayor Adler: Thank you. Next speaker.

>> Michelle Teague.

>> Can you hear me?

>> Yes, go ahead.

>> Thanks. So I'm a resident of Kemp neighborhood in montopolis and I'm here to oppose the upzoning of 508 Kemp. As a homesteader here it's been our experience that the current single-family zoning is the backbone of this community. You've heard from all of us today.

[3:39:12 PM]

I know everybody who has spoken. We're a diverse, we're united and the developers are circling this neighborhood. They want to upzone our residential streets to build condos and townhouses to maximize profit. These townhouses would be plopped down here in the middle of the residences, single-family houses. This neighborhood is adjacent to the Roy G Guerrero park. Ecology action is right next door to 508 Kemp. Right now on our street alone, which is actually montopolis, Kemp and Clovis, should be considered one street we have four upzoning cases on this one street alone. And five more within a half mile radius. So what we have here is dozens of developers seeking upzoning in this historically marginalized neighborhood. All for profit, maximizing

[3:40:15 PM]

profit. And density being used as a tool here weakens the voice of our existing neighborhood. It skews the majority at a really fast pace and overnight we're going to see all of montopolis disappear. So upzoning we feel could erase this voice permanently. Upzoning is permanent. What you decide here today is permanent. You can never go back. We're in the middle of a pandemic. We can't hear from a lot of our community members and we ask you, we're begging you please consider -- [buzzer]. This is our neighborhood. Thank you so much for your time.

>> If there are any speakers in the queue who have not pressed zero, please do so now. The next speaker is Adam sharp.

>> Mayor Adler: By the

[3:41:16 PM]

way, the clerk also points out that Ms. Joseph's material was distributed yesterday in backup. I'm sorry, speaker, please go ahead.

>> Hi, can you hear me?

>> Yes, go ahead.

>> So council, this is Adam sharp, president of the stonegate neighborhood association. And I'm going to be talking on a few items as quickly as I can. On item 125 please support first reading of mf-3 with all nine overlay conditions, both the neighborhood and applicant have agreed to and to keep the public hearing open. On cases 127 and 128 on Heflin lane, the applicant seeks indefinite postponement and we just want to get some clarification that they're seeking the postponement to work with the neighborhood. So yes, thanks for any light you can shed on this and I'll stay on the line if there are any questions. Thank you.

[3:42:20 PM]

>> Mayor Adler: Thank you. Ms. Joseph's material is posted as backup to item 125. Councilmember pool?

>> Pool: Is Mr. Sharp still there? His audio broke up a bit. And if he's still on there we need him to pick up what he was saying about 125. And then I think he was speaking to 127 and 128.

>> He's on the line.

>> I'm still here.

>> Great.

>> Item 127 -- yeah, so on item 125 we'd like you to please support on first reading the mf-3 with all nine conditions that both the applicant and neighborhood have agreed to and to keep the public hearing open. On cases 127 and 128 on Heflin lane, the applicant seeks an indefinite postponement. And we've heard from Lauren at the district one office that the intent of this postponement is to work with the neighbors and get back in November or December. However, the applicant's actual request to the city

[3:43:20 PM]

did not indicate that intent to work on it. It just says that they will be in touch with the case manager. So we just request that you please ask the applicant for the record to clarify their intent for the postponements and what is the december-november time frame for return to council is contract. We've been trying to work with Mr. Thrower and we'd like to know whether to expect the collaboration to continue and what time frame?

>> Pool: That's great. Thank you so much, Mr. Sharp. Appreciate it.

>> If there are any speakers in the queue, please press zero now. Mayor, that concludes all the speakers.

>> Mayor Adler: Thank you. Jerry, do you want to take us through the consent agenda?

>> Sure, mayor. This is Jerry rusthoven for

[3:44:22 PM]

planning and zoning department. Of the first is where the public hearing has already been closed is item 93, c-14-2020-0040. I can offer this for consent approval on second and three readings. Next one is item 94, case c-14-2020-0030, this is an indefinite postponement request by the applicant. Next one is item number 95, case c-14-2020-0039. This is an indefinite postponement by the applicant. Item 96 is case c-14-2020-0044. This is also an indefinite postponement request by the applicant. Item 97 is the Kemp case, this will be a discussion case. Item number 98 is case c-14-2020-0023. I can offer this case for consent approval on second and three readings. Item 98, I can offer this for consent approval. Item 100 will be a short

[3:45:23 PM]

discussion case. Item number 101 is related, will also be a short discussion case.

>> Mayor Adler: Jerry? I want to make sure you had the numbers correct. 97 is discussion. Did you say 98 --

>> 98 is consent second and third and 99 is consent.

>> Mayor Adler: Thank you.

>> Item 100 will be discussion and the related item '10 one will also be discussion. Item 102 is case Knapp 2019-0016.01, this is a postponement request by the of staff so September 17th. Item number 103 is case t4n 2019-0098, this is a postponement request. Item number 104 I'm going to offer for consent approval on second and 3D readings. This is the Wayne Riddell

[3:46:25 PM]

case we spoke of last time. The private restrictive covenant has been signed and therefore we are offering it for consent second and third. Likewise item no. 105, case t4n 2019-0109, the Messinger tract. On this case we also have a private restrictive covenant that has been signed. We also have an amended neighborhood [indiscernible] Memo and related restrictive covenants that have been signed so with those two things I can offer this case for consent approval on second and third reading. Item 106 is case c-14-2020-0053, I can offer this case for consent approval on all three readings. Item number 107, npa2020-0017.01, I can offer this case for consent approval on first reading only. I do have a request from councilmember pool's office to leave the public hearing open on this case, one of the burnet road cases. 107 is consent on first reading, but public hearing left open. The related case, zoning

[3:47:26 PM]

case, is c-14--- restrictive covenant case is c-14-72-0032rct. This is a postponement request by the staff to September 17th. Related to the above item. Item 109 is c-14-2020-0016, this I can offer for consent approval on first reading. This is the zoning case related to the cases above. I would offer that for first reading with the public hearing left open. Item 110, c-14-2019 had not 0159 this is a postponement request by the staff to October 15th. Item 111, c-14-2020-0064, I can offer this for consent approval on all three readings. Item 112 I believe councilmember Flannigan would like to have pulled. Item 113 is case c-14-2020-0052, he can offer this for consent approval on all three readings. Item 114 is c-14-2020-0060 I can offer this for consent approval on all three

[3:48:27 PM]

readings. Item 115 I believe councilmember Flannigan would like to have pulled. Item 116 is case c814-2018-0121, this is the schlotsky's pud, a request by postponement by the neighborhood to September 18th. The applicant is in agreement. Item 117 is npa-2019-0015.0 two, postponement request by the neighborhood to November 17th. Related case c-14-2019-0164, also a postponement request by the applicant to October 17th. Item 119, c-14--2019-0152, this is an indefinite postponement request by the applicant. Item number 120, case npa-2018-0058.01, this is a postponement request by the applicant to November 17th. Item number 21 is a postponement request by the applicant to November 17th. These are the two airport items to the code amendment we approved before lunch.

[3:49:27 PM]

Item 122 is a discussion item. Related case, item 123 is also Nuckols crossing, that is a discussion item. Item 124, c-14-2020-0007, this item has been withdrawn by the applicant. Item 125 is case c-14-2020-0031, this is the case on east mlk. I'm going to offer this for consent approval on first reading with the following conditions that I have to read into the record because we got them a couple of hours ago. So bear with me for a moment while I read these conditions in. There shall be a 30-foot setback on the south property line. Use of the 30-foot setback is limited to easement and utility easement. There will be two rows of trees facing parallel southern property line. The trees shall be from the city preferred plant list at a three inch caliper minimum. There has been a privacy fence constructed and maintained along the southern property line

[3:50:28 PM]

[Indiscernible]. The development of the property is listed at 50 units. The vehicular and pedestrian access are prohibited to elm grove drive and any other streets south of the property.

[Indiscernible]. The building or structure constructed within 300 feet a of the southern property line to add 40 feet if there's a [indiscernible]. I would just like to point out that on those nine conditions, one the Austin transportation department is not agreeable with the conditions to prohibit vehicular and pedestrian access to elm grove drive. And secondly, we have not had a chance to sort through those conditions to figure out which ones we can do in a conditional overlay, and which ones we cannot. So I can offer that for consent approval right now on first reading only with those conditions. And before we come back for second and third, we'll be letting the council know which of those things we can legally do and which of those things we cannot and which we may oppose and which we support. We just got the item too

[3:51:29 PM]

late. But otherwise consent approval on first reading. Item 126, c-14-2019-0108, this is postponement request by the staff to December 17th. Item 127 is case npa-2019-0015.01, this is an indefinite postponement request by the applicant. Item 128, c-14-2020-0022, also an indefinite postponement request by the applicant. Item number 129, case c-14-2019-0162, I understand mayor pro tem Garza WOU like to have this case postponed to September 3rd. Item number 130, case c-14-2020-0067, this is postponement request by the neighborhood to September 17th. Item 131, case c-14-2020-0050, this case is ready for consent approval on all three readings. And an item from the addendum is item 143, c-14-2019-0066, this case is ready for consent approval on all three readings. That's it.

[3:52:48 PM]

>> Mayor, you're on mute.

>> Mayor Adler: Jerry, did you call something before you called item 94.

>> Item 93 was consent on second and third reading.

>> Mayor Adler: So the consent agenda here is items 93 through 130, also 143. And the ones that I see pulled for discussion are 97, 100, 101, 115, 122 and 123. Is that correct?

>> And mayor we also had item 112 in there also.

>> Mayor Adler: 112 also pulled.

>> Tovo: Mayor, would you mind reading that whole list again, please?

>> Mayor Adler: Not at all. Consent is 93 through 131, also 143. I'm showing pulled as 97, 100 and 101, 112, 115, and 122 and 123.

[3:53:49 PM]

Which would be heard with item number 86. Are those all the pulled items? So 104 and 105 are not being pulled. And item 125 is not being pulled.

>> Kitchen: Mayor, I don't need to pull 104 and 105, they can go on consent, but I do need to state something for the record.

>> Mayor Adler: Okay, go ahead.

>> Kitchen: Okay. On item number 104, Jerry referenced the -- Jerry referenced a restrictive covenant there, right?

>> Yes.

>> Kitchen: Okay. There is also a motion that I made on first reading that should have been reflected in the staff report and it's not. So I think that's just a

[3:54:51 PM]

correction. So if we can -- if I could just state that on the record and get that done as part of the correction. It's -- the motion I made the first half of it is incorporated in your staff report. It's the last part that refers to watershed protections process, which is agreed upon. It's just not in the -- it's just not in the staff report. So if you could speak to that as a correction, that one can stay on consent.

>> Okay. So that was in your motion on first reading, is that what you said?

>> Kitchen: Yeah, it's on the record for first reading. It just didn't carry through.

>> We'll go back and pull it back.

>> Kitchen: Okay. And then on Messinger, number 105, I think you referenced, I'm sorry I'm not remembering, that there's a restrictive covenant on that one. So -- and then the other thing on Messinger, I think referenced this, but there should be in backup a letter from APD regarding the --

[3:55:55 PM]

atd regarding the slaughter and bill Brooke intersection. That's part of the record too.

>> Yes, we have that in the record. That involves the change to the neighborhood tract analysis memo and the incorporation of two more things that would be done with the mobility bond project located at the that intersection.

>> Kitchen: Right. Thank you. I just needed to clarify that.

>> Mayor Adler: Councilmember Ellis?

>> Ellis: This is a bit of clarification on my part, but I think I had heard Mr. Rusthoven say that the airport commerce drive cases in relation to the third item that was earlier on our agenda that we had voted on that, I thought we were postponing that one. I just wanted to make sure I hadn't missed something.

>> We did. I wanted to say they're related to that case. All three are being postponed.

>> Ellis: Perfect, thank you.

>> Mayor Adler: Okay. Colleagues, the consent agenda, 93 through 131 and

[3:56:56 PM]

also 143, is there a motion to approve the consent agenda? Mayor pro tem makes the motion, seconded by councilmember pool. Discussion on the consent agenda? Mayor pro tem and then councilmember tovo.

>> Garza: I wanted to ask procedurally, it's my understanding that the reason that 100 and 101 are not on consent is because there was not a staff recommendation so I'm just curious if we can put it back on consent because it passed the planning commission 10-0 and it has neighborhood support. Some of the speakers who spoke against Nuckols crossing spoke against 100 and 101 so I'm wondering if procedurally we can put them back on consent.

>> Mayor Adler: Is anyone in objection to 100 and 101 put back on consent? Hearing none, those are put back on consent. Councilmember tovo.

>> Tovo: I had a question about 125. I want to be sure I'm understanding what we're doing here. It is being considered for

[3:58:02 PM]

just -- [inaudible].

>> Mayor Adler: You froze, Kathie.

>> Tovo:tory, you all froze or -- sorry, you all froze or I froze or both. Was that correct, first reading only?

>> Sorry, I didn't hear what you said because you froze. But it is a first reading only with those nine conditions that have been agreed to between the applicant and the neighborhood. And what I stated was we just got the list of those nine things this morning and so I need some time to sort through them to figure out which we can incorporate as conditional overlays and which we cannot. I do know one of them the staff will be opposed to it, no access to elms grove drive. We will be discussing that with the applicant and neighborhood before we come back for second and third reading. For others we need legal to let us know which

[indiscernible] We can put in.

>> Tovo: [Indiscernible]. What reading they were taking up today. It's my understanding that that access was extremely important to the negotiations of that nine points? So I hope our staff will work to see if that's

[3:59:04 PM]

possible and in what fashion it might be possible. >>

>> Mayor Adler: Moved and seconded the consent agenda. Any discussion? Councilmember kitchen?

>> Kitchen: I want to thank you on the 104 case, to the developer, and to the neighbors. They have been working over the last few months very constructively and have come up with an agreement so we can go on consent. I also want to say the same to 105, which is a Messinger tract. That neighborhood worked very constructively with the developers and came to an agreement that works for the area, too. So I just wanted to commend the parties involved in both of those cases.

>> Mayor Adler: Okay. Consent ajen has been moved and seconded. Let's take a vote. Those in favor of the concept agenda raise your hand?

[4:00:04 PM]

Opposed? Unanimous on the dais. That give us the items 97, 112, 115, 122 and 123, and items 85 and 86 which were moved back to this part of the agenda. Let's go ahead and take them up in order. What about we start with item number 97.

>> Item number 97 is case 314-2020-located at 508 Kemp street. The existing zoning is sf 3 np. The staff is recommending denial of the fs 6 np zoning. The basis for our recommendation is the district is intended for

(indiscernible) Density and condominium use as appropriate for areas with large lots. With arc ses to other than minor

[4:01:07 PM]

residential streets and areas that transition from single to multi-family homes is appropriate. Surrounded by sf 3 zoning, except where it backs up to the park. The street is a very minor residential street. And it does not have direct access to a major street. Staff cannot recommend the sf-6 zoning. With that, I'll answer any questions. I know the applicant is on the line to do a presentation.

>> Mayor Adler: Okay. Colleagues, let's bring in

(indiscernible).

>> Who is the applicant, mayor?

>> Mayor Adler: Mr. Rust Hoeven?

>> It is Leah bojo.

[4:02:13 PM]

>> Leah bojo.

>> Hello, councilmembers, this is Leah bojo, can you hear me?

>> Mayor Adler: Yes

>> Great. I am here representing the applicant on this rezoning application for 508 Kemp street. I also have Phyllis Snodgrass, the CEO and Wayne, the chief program officer on the line to answer questions as I move through my presentation. Next slide, please. To orient you overall --

>> Kitchen: We don't see any slides

>> We don't have slides.

>> I submitted my presentation yesterday. I think you should have that.

[4:03:20 PM]

>> I.T. Does not have record of that presentation.

>> Can I e-mail it to you right now? Forward the e-mail I sent yesterday?

>> This is ginnettea, if you can forward it to me, we can get it pulled up.

>> Okay. Just a minute.

>> I'm sorry I forgot to mention one thing during my presentation.

(Indiscernible).

>> What did Jerry just say?

>> Mayor Adler: It's a valid petition.

>> Oh. You're starting to speak Greek over there, Jerry.

>> [Laughing].

>> Sorry. Just one minute, please. There you go, I have it here.

>> Mayor Adler: Okay.

>> While they get that pulled

[4:04:20 PM]

up, would you mind terribly if we take a quick five?

>> Mayor Adler: No, let's go ahead and do that. It is 4:04. Council, let's go ahead and take a five-minute break while they get this slide presentation. We'll be back at 10 after 4:00.

[4:15:00 PM]

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>> Mayor Adler: It is still August 27th, 2020, virtual meeting. We are calling the pulled items in zoning. I think the intent is to take a dinner break about 6:00. We're going to continue pushing on through here, and we still have executive session to return to unless there's a decision not to do that. We were just getting ready to hear from the applicant on item number 97. Are we ready to do that?

>> Yes, mayor, the presentation is ready to be pulled.

>> Mayor Adler: Is Leah there?

>> I am, thank you.

>> Mayor Adler: Okay. Slides are up.

>> Okay. So I am Leah with the Drenner group representing the applicant in the rezoning application for 508 Kemp street. I also want to point out I have the CEO of habitat for humanity

[4:16:03 PM]

to answer any questions as needed. Next slide, please. So to orient you overall, this lot, is one of several very large lots in the montopolis neighborhood. One block off of montopolis drive. An area well served by transit. You can also see from this zoomed-out view the site hits high on a bluff and the land behind it is quite a bit lower, and that's where the equality action neighborhood is located. Here we have a little more zoomed-in view. You can see it that there is one single-family home on the land today. That's about a 1700-square-foot house built in 1978. You can also get a feel for this, from this slide, from some of the environmental features on the site. There are a fair amount of trees, there's considerable topography to work around. That's why the condominium residential use is so important. This use allows us flexibility in the site design that a standard subdivision does not allow. Next slide, please. Here I have a zoning map. You can see the zoning that is nearby.

[4:17:04 PM]

Next slide, please. And on this slide you can see what the future land use map looks like. It is single-family residential and no change to the map is needed for this rezoning. Said another way, this development is in keeping with the neighborhood plan as confirmed by city staff. Our proposal meets one of the main objectives, number 5, creating multiple housing types of varied intensities. Next slide, please. Here we are, as you know, requesting your approval for sf-6 np zoning. And the additional impervious cover in conjunction with the lock program. While I understand that the staff's recommend to deny is based on the street type, this request is much more about the flexibility that that use provides, insight design, than what kind of street level the site is situated on. Next slide, please.

[4:18:05 PM]

So we are very excited to be working on a partnership to participate in a affordability on lock with habitat for humanity on this site. As you know that program requires that 50% of the units be sold at an

average of 80% mfi. We're planning for 17 affordable units between 60% and 08% mfi. This is a neighborhood that habitat has built homes in in the past but is currently priced out of it. And this partnership gives them access to build homes here. We do have a lot of details to work out before we come back to you for our final reading. But I wanted to introduce you to where we're headed, and let you know we're really excited about it. It will allow more affordable units on this site than the entitled market rate units today. We have heard repeatedly from residents in this area that they want home ownership and they want stability. I think habitat maybe does a better job than anyone at those two things. Due to the nature of their program where people build their own homes, they see a large

[4:19:05 PM]

proportion of the folks staying in their homes a long time and investing in the community. Next slide, please. Here you can see a conceptual site layout. I want you to see how it fits into the character of the site and surrounding area. This entire site will be a variety of smaller for-sale homes off of one driveway, ranging from 1100 to 1900 square feet. They'll range from two to four bedrooms. They'll be detached or duplex style structures. Like I said before, this particular use is really about the site, this is a large site, with a loot of trees and topographical changes. This use makes sense here to Nestle smaller homes within the site in the trees and grade creating a development that fits in with the site and area's character. In addition to the proposed project, in addition, the benefit of this proposed project

[4:20:08 PM]

is it with mean a more comprehensive review of the development overall. And increased environmental regulations. Next slide, please. Here I drew up a comparisoncomparison, as compared to what we're proposing with affordability unlocked. Under today's regulations, this site would likely contain five sf-3 lots totaling ten units, likely priced in rates up. If we can get to 33 units, 17 of those would be affordable at mfis between 60% and 80%. The market units because they will be smaller will also be more attainable than the large units that sf-3 zoning would produce. I'll wrap up here. We did go to planning commission in late June and received their recommendation of support. Clearly the project has evolved and improved even since that time. And so with that, I'll close, requesting your approval on first reading only with the

[4:21:10 PM]

understanding that we will come back to you -- by the time we come back to you, we will have a plan in agreement with habitat for humanity. We are committed to working with the community. We have tried to do some outreach, and I'm more than happy to continue to work on that. And I would summarize this project by saying, it will produce more housing, significant affordable housing in a stricter environmental

review than the sf-3 would produce today. We're excited to be one of the early adopters of this affordability unlocked program which we see as a remedy to gentrification. Let me know if you have any questions me or my teammates can answer.

>> Mayor Adler: Thank you. Colleagues, we have the 97 in front of us. Is there a motion? Councilmember Renteria?

>> Renteria: Yes. I'm going to make a motion to pass this on first reading, with

[4:22:11 PM]

the understanding that, if they can't come back without the support of the neighborhood, and if it's still in a petition, I feel like they're just wasting their time coming through the city council. I just feel like we're not going to get the necessary votes to pass this, even though it's a good project. And my recommendation was at the very beginning that they should just go ahead and build those high-end houses that overlook that cliff there. You know, because I don't think that we have the support of the council to pass this. But I'm willing to give them a chance to pass it on first reading, with the understanding that they need to come back with more support from the community.

>> Mayor Adler: It's been moved. 97. Seconded by councilmember Casar. Discussion? Councilmember Casar?

>> Casar: I appreciate what councilmember Renteria has to

[4:23:12 PM]

say here. I have high hopes that the community will support this, and that we'll get as close to unanimous support on the dais as we can get. The original proposal left a lot to be desired. But this proposal, where you're going to have the majority of housing units with affordable home ownership seems to be something that aligns with our values, and that I am looking forward to continuing to support. So I hope that community members, many of whom testified today, when they've heard and understand what the proposal is now, will come onboard and we -- we haven't taken a vote on this, so councilmember Renteria, I hope -- I rarely hope Europe's wrong, but in this case I hope you're wrong and that this can get done. Because, you know, just looking

[4:24:14 PM]

quickly at houses in the area, just from a quick not professional but anecdotal scan, there are houses selling for 400, 500, 600, \$700, and houses on the street appraised at much, much more than many of

these new homes would be at with a partnership with habitat for humanity and afford yabl unlocked. It looks like there would be two-bedroom houses for \$160,000, and \$180,000. I did a really quick look online for houses, two-bedroom houses at \$160,000, anywhere between 183 to the east and north and 71 to the south. And on \$160,000, there's virtually nothing. At \$180,000, there was four or five houses. Definitely none of them new.

[4:25:14 PM]

Definitely none of them at over 1,100 square feet and new. So this is something that will help preserve and keep affordability and stability in a rapidly gentrifying area in montopolis, and in my district highlighted by the uprooted study, as places we should critically be looking at for gentrification pressures. I think the council and the community pushing has led this project to be much better to be where it is. So I hope that we get the support for it. The last thing I'll say is, you know, when I mention the community, I think that it is important for this to be on first reading only so the community can have another conversation. Remember, one of the constituents testifying talked about being a single parent and a teacher. And right now, houses in montopolis, a single parent working at an aids school would

[4:26:16 PM]

have trouble buying a house. But 80% below mfi housing unit, home ownership unit is for someone, is exactly the kind of range that a single parent and aid teacher would be able to afford. The 60% mfi home ownership unit would actually be -- that teacher would be making too much, the 60% mfi, a single parent housing would be for somebody with a lower wage job than an aid teacher. We need places for middle class workers like our schoolteachers, and then for working class employees at potentially the schools that make less. I think it really meets a lot of that. And is much better than where we were before. So, you know, we aren't getting 160, \$180,000 two-bedroom houses for sale almost anywhere in the city. I think this deserves our support.

[4:27:16 PM]

>> Mayor Adler: Further conversation? Councilmember harper-madison, and councilmember Ellis.

>> Harper-madison: So the rumor is, people want to go after me. But I don't want to go after Greg. He says it so elegantly and succinctly. That's what I was going to say. I also hope that councilmember Renteria is wrong here, and that we actually get to realize the goal that we had in place when we were thinking about affordability. I hear the study referred to so often, and I don't have to tell y'all the implications of the study and implications in district 1. I say this all the time now, and never thought I would be quoting my mom so much, but the only thing you can be certain of is change. I want to

reiterate that that doesn't mean that we can't demand the best possible. I appreciate that councilmember Casar pointed out that, you know, the iteration is much better than the last. If we pass this on the first

[4:28:17 PM]

reading only, then we do have that continued opportunity for dialogue. I've got to tell you, much like my district, single-family home prices in this neighborhood have absolutely skyrocketed. And as the site sits currently with single-family zoning, and no nonprofit partner, that most likely outcome is we get 10 large single-family units that sell upwards of \$800,000. And that's the price point that very few in this city can afford. Most especially a lot of the folks that testified about their appreciation for their neighborhood. So we really do have to start -- or continue, rather, having hard conversations about the implications of not being willing to work with an awesome partner like habitat for humanity, to work with a resource like affordability unlock. This proposal really aims to provide those -- was it 17 or 18

[4:29:19 PM]

units? Between 60% and 80% mfi, that's a big deal. In addition to the 16 units that are still far more attainable in terms of their price point than the single-family alternative. And that's what I always want to remind people to do. Think about what the alternative is. And even if you don't love the project in its current iteration, keep fighting to make it better, and then think about what the alternative is. It's certainly not, you know, in your favor if what you're trying to do is maintain affordability. I'm really proud to have the opportunity to work with councilmember Casar on affordability unlocked. I really think it's going to change the game in so many instances as we move forward through these difficult zoning cases. Under our current broken land development code, this program is going to be our best shot at combating gentrification. Oftentimes the conversation about gentrification, it's like

[4:30:19 PM]

one side or the other conversation, and it's just not that simple. It's never that simple. And so we have to take whatever shots we can get. And I really think affordability unlocked is going to get us those results we're looking for. Otherwise, combating gentrification, combating unaffordable housing costs, we're going to lose that battle. I think this project really truly is a great example of how this program can be used to achieve the best possible outcomes, as Austin continues to grow. It's not going to stop, y'all. In addition to providing more affordable housing, this is the other thing that I was really excited about. Rezoning this site to sf-6 will ensure a far better environmental protection. And so I think sometimes we really just need to take a better opportunity, and this is, I suppose, me talking to the agents here, you have to make certain that the neighborhood understands, you know, the

[4:31:20 PM]

implications of the requirements that you have at the sf-6 level. You get better environmental protections on this site than maintaining the current sf-3 designation. And that is so important to highlight. And given the site's proximity to really critical environmental features, I believe these added protections are not just important, but critical. So I will definitely be voting in support of rezoning the site to sf-6. My hope is between this reading and, you know, the final opportunity to vote that we get even more benefits for the community, but this is the kind of project that we're going to hopefully be seeing all over the city, because it really will be the antithesis to the alternative, which is absolutely unaffordability. So I will definitely be supporting this project on first reading.

>> Mayor Adler: Okay. Further discussion? Yes, councilmember Ellis?

>> Ellis: Could I ask I.T. To bring up that last slide? I wanted a little bit more time

[4:32:21 PM]

to look at it. If you still have it open. I think this is a really compelling discussion about what it is that we have ahead of us. To look at a zoning in a location that does need affordable housing, looking at \$840,000 in comparison. A big house, fewer houses, it's just -- it's something that's very uncomfortable to me. I want to make sure that we look at moving forward is how we can bring this affordability into an area that needs it. And I do like to see applicants and community partners coming together to really get the benefits that everybody wants to see. But I just -- it doesn't sit well with me to see these high numbers, with few people being

[4:33:21 PM]

able to be served by this. I think the direction this is heading in is a good one, and I'm going to be supporting it today. But I think this slide is very compelling. So I appreciate it being included.

>> Mayor Adler: Colleagues, there's been a motion and second. Councilmember kitchen?

>> Kitchen: I have a couple of questions. And I think it may be the question for the applicant. So my question is, what is your -- what efforts have occurred to date to work with the community? And what is your understanding of their concerns?

>> I have reached out -- I have presented to the neighborhood contact team early on, in may, we had a bit of a delay. We submitted in March and everything was kind of off the rails for a couple of months.

[4:34:21 PM]

But we did meet at their first meeting in may, and postponed any other action until we were able to meet with them. I have also reached out to folks, it's been a little hard to get in touch with certain people. Basically phone numbers are redacted, and e-mail addresses are redacted from correspondence, so only if someone actually included their information for contact, I have left a couple of messages and talked to a few folks over the course of this case moving forward. My understanding of the concern has been about affordability. I think a lot of just really what you heard tonight what we've heard all along is affordability, about displacement, you know, and which is while this partnership has come up very recently, and is in the beginning stages, we know we have a lot more correspondence, and work to do with folks on that. I'm hopeful between first and second reading, now that I think

[4:35:22 PM]

we have a game plan that meets a lot of those concerns, or hopefully meets a lot of those concerns, that we should be able to make some progress before we come back to you. I'm optimistic about that.

>> Kitchen: Okay. I would suggest that -- I would think, it sounds like the concerns that the neighbors have are the same ones that align with the mission that you have

>> Yes.

>> Kitchen: Which is for affordable housing. Do you see their concerns aligned with what your mission is?

>> I think so. I mean, I think that what -- I think everyone has a vision for a similar character, single-family style development with units that are affordable, and/or attainable, to folks who live nearby. And I think we're making a pretty good stab at that with our partner habitat, who has a great track record in the montopolis neighborhood as well as other neighborhoods in town,

[4:36:24 PM]

for stability and for housing families. They have a large priority around making sure that the affordable units are multi-bedroom, because they know the folks are who they serve. So with that partnership, I think -- like I said, I'm optimistic that once everyone kind of understands what we're doing, what we're proposing, that we can get some folks to get onboard. If there are other things, I've said this a few times in individual conversations, and I'll say it now again, if there are specific things people are look for and they want to let us know what they are, we will always consider incorporating those things. We haven't heard a lot of that kind of input to date. But hopefully now we will.

>> Kitchen: So my question is, is this good enough? I mean, I support what all my colleagues have said about, you know, affordability. But I'm hearing the same thing from the neighbors, and maybe I'm just not hearing -- I'm not hearing them say they don't want this kind of development, what I'm hearing them say is concerns

[4:37:25 PM]

about it actually being affordable in their area. So, you know, maybe I'm missing some things, and I'll certainly do some more work on that, but that's the thing that rose to the top for me. And I would really want to understand -- I mean, 16 market rate units -- I don't know what the -- I'm sorry, I don't remember exactly what the level was. But I would just challenge you all to do better. Because I know that that's what your focus is, is, you know, as an entity, as a nonprofit, is to -- that's what habitat's focus is. And so I don't have a sign of reference that tells me that this is the best that can be done for affordability. And I'm hearing concerns from this neighborhood about affordability. So I would have to say that I continue to have concerns that perhaps this is not good enough.

[4:38:26 PM]

I mean, we can always talk about -- you know that's one of the things that's hard for us as a council, is -- I absolutely agree with what my colleagues said. You know, locking in affordability in a way is much better than the alternative. But how are we assured that we have gotten as much affordability as we can? I'm not sure we have that here. So I remain concerned about it. And the other thing is, I just really have to send a pretty, you know, clear message from my perspective, I think -- I don't understand why there hasn't been a connection with the community, and a real conversation with the community before it's gotten to this point. So to me, that's important, particularly since this area, it seems like there's an alignment

[4:39:29 PM]

of interest, as opposed to -- I'm not hearing people say that they just don't want more units or anything like that. So it's -- I can't -- I will not vote for this at the end of the day on second and third reading, if we are still in a situation where we haven't -- where there's not -- there's not been something worked out with the community. And I also need to understand better from you, and I'd be happy to have more conversations, about why we can't do better on affordability. And then I would just say -- well, I mean, that's really -- I would also want to make sure that -- well, maybe this is a question for Jerry, I'm not sure. Yeah, I think it's a question for Jerry. This is just -- so, Jerry, is there a valid petition on file

[4:40:29 PM]

with this? Is that right?

>> Yes, councilmember, about 31%.

>> Kitchen: Okay. And that valid petition would stay on file between now and any future considerations, is that right?

>> The petition would take effect at third reading. We require a super majority at the time of the third reading. But the applicant could change the boundaries of the case, which (indiscernible). That's a possibility.

>> They would not do that. But we are zoning 1 lot. So we would need to rezone the whole lot.

>> Kitchen: Okay. All right. That answers my question. Thank you.

>> Mayor Adler: Continuing on. Councilmember Casar?

>> Casar: I appreciate what councilmember kitchen has raise Ed (indiscernible). Councilmember kitchen, I don't think you're muted.

>> Mayor Adler: Councilmember kitchen, could you mute, please?

[4:41:30 PM]

>> Casar: Just two pieces of context for me, that I think are important to raise, is, one, folks have asked why not lower levels of affordability because we often see, you know, 50% mfi, or lower in some cases. But it's a reminder this is a home ownership case. And so on home ownership, generally the affordability, the cut -- it's usually the 60 to 80. A lot of folks in montopolis obviously rents just like they do in lots of parts of the city, especially more working class parts. And so I understand a lot of lower income renters can't even afford to buy these units. That's why when we're doing affordable rental projects, they tend to be lower mfi, but 60% I units for home ownership is really rare, even out of some of our bond projects. And as far as whether this is good enough or not, again, just to express my viewpoint on this,

[4:42:32 PM]

someone coming forward with a majority affordable project, and they're not even a big bond deal, is really significant. I mean, I'll tell you, I was -- I thought it was a really -- instead of coming to us with something lower and then getting up to it, coming with a majority, a project that is a majority affordable home ownership is impressive. To me. The last thing I want to say is, we did hear from residents about

the affordability concerns. For context, for the public, this was -- this did not have affordable units in it when it was first presented, to many community members. I think when those concerns were raised for many folks, that has in part resulted in this new proposal, where a majority of the units are affordable. And so my hope is that that that will allow a lot of community members to come onboard with

[4:43:32 PM]

that. I just wanted to add that.

>> Mayor Adler: Councilmember Flannigan?

>> Flannigan: Thank you, mayor. Yeah, I think this is an interesting case, because in certain ways, it's the type of redevelopment of what is essentially Greenfield of one home on it, so it's not really a displacement situation. This is the type of development we've been asking the private sector to provide. Come to us with the accessible homes, middle class, income restricted and no subsidy. Councilmember kitchen does ask the question, how do we know when something is affordable enough. How do we know when we've reached that level. And, you know, at some point you're measuring the market. And that's a tough line to cross. But I want to say, you know, if

[4:44:34 PM]

our process as a city is to require this level of engagement for every project, you won't get affordability. We have to make this process easier, and affordability unlock sets the metrics and sets the thresholds, and we've got to go with it. I'm pretty sure we voted for affordability unlocked. It works, because it allows the market to know how to make the numbers work. And if we run them through months and months and months of this ongoing struggle, then as councilmember Renteria said, you'll just get five matches. I don't think that's what we're saying we want to have happen. I think it's important, you know, as councilmember Renteria noted, to kind of get a sense from folks today, if there's a path, because I would hate to

[4:45:34 PM]

run this community through a gauntlet only to end up with five mansions at the end instead of actual affordable housing for the types of folks that the community wants to see stay in the community.

>> Mayor Adler: Councilmember kitchen?

>> Kitchen: Yeah, everybody is making really good points, and I think, you know, at some point, obviously we don't have to solve our process with this case, but at some point we need some kind of

independent review, and maybe our staff can engage in this from an affordability perspective. You know, we have a housing department that's moving more and more into really focusing on affordability. But, you know, so I think it's a legitimate question to ask, is this the level of affordability that is something that really

[4:46:35 PM]

gets us the best we can get in this area, particularly with, you know, with a nonprofit. So that's the question I'm going to be working to answer. And I hear what you're saying, Greg, you know, councilmember Casar. It is, you know, a majority, but it's, you know, 17-16. It's barely over half. And from my perspective maybe that is the best that can be done from an economic perspective. But I have no presentation that shows me that. And so that's what I'm going to be looking for. You know, between now and this coming back to us.

>> Mayor Adler: It's been moved and seconded. This is item number 97. Go ahead and take a vote.

>> Mayor?

>> Mayor Adler: Yeah, councilmember tovo?

>> Tovo: I've been trying to ask a question of the applicant for some time now. I don't know if Leah is still on

>> I am.

>> Tovo: Can you remind me, have you codified the commitment to affordable housing in some way?

[4:47:35 PM]

I know affordability unlocked is a volunteer program. Have you entered into a covenant with any of the community groups, or is that something you can -- you intend to pursue after first reading?

>> We have not entered into a covenant yet. We have begun those discussions. We would certainly have that in place before we come back to you for third reading.

>> Tovo: Thank you. So there are certainly elements about this project I like, including the access -- the public access to others in the area. This is right across the street, or very close by to Flo's comfort house, and I think it would be a real benefit to have all of the neighbors have access to some of the open space on this tract. I am concerned about some of the issues that have been raised, not just about the levels of affordability, but also about the issues that were raised in a letter that we received from

[4:48:35 PM]

ecology action. I'm concerned about the conversations that my staff have had with regard to the undersized storm water drain, and would like to ask our watershed department to be more involved in that conversation about how this project might contribute to it. But sort of what the longer term plans are for that. Some of the other issues that ecology action raised in terms of access to nearby areas that we've invested in are important. And so those are -- I'm not prepared to support it today, but I am interested in continuing the dialogue, and again, see some elements in this that I like and would like to support. But would really encourage that ongoing work with the community to see how more of the community's requests can be met and more community benefits be derived from this development.

[4:49:36 PM]

>> Mayor Adler: Okay. 97 moved and seconded. First reading only. Keeping the public hearing only. Councilmember alter.

>> Alter: Thank you. Sorry, I thought you were going to --

>> Mayor Adler: That's all right.

>> Alter: Right to the vote. So I think this case has improved since it first came to our attention. And I appreciate the deployment of affordability unlocked. I'm going to see if, to better understand the neighborhood's reaction to these new details, so between now and second reading, I'm really going to be looking forward to the ongoing discussions between the applicant, the neighbors and other stakeholders, to see if the arrangements can be made to codify how we deliver community benefits, and affordability. These are important concepts, but they need to be codified before we approve, which I think is the understanding. I did want to ask miss bojo, I

[4:50:38 PM]

know you're considering an agreement with habitat for humanity. Would you also be willing to enter into an agreement with the neighborhood regarding the affordability levels?

>> I think at this point we're certainly open to all of those conversations. I haven't -- I think we're going to rely a lot on habitat for humanity, as the affordable housing experts to tell us what makes sense for the site overall. But I would certainly say, you know, we're open to those conversations with, my client with the neighbors, and other stakeholders and with habitat for humanity.

>> Alter: Thank you. And I appreciate habitat for humanity stepping up, and that, you know, if they're going to be building stuff, that they have a particular role. But it doesn't afford much protection for the neighborhood that this will be, you know, pursued in the particular ways,

[4:51:39 PM]

and as I understand it affordability unlocked is on top of the zoning. I don't know if we have to actually make the change. They can also choose not to do it. And so I want to understand that better. We haven't had a whole lot of these cases. So I'm going to be voting no on this reading, but I'm hoping that we can improve it sufficiently as we go through the process.

>> Mayor Adler: With the yes votes, hoping to be able to vote no, and no votes looking to voting yes, I think we can move on to second reading. It's been moved, 97. Let's take a vote. Those voting to keep it open, please raise your hand. Those opposed. Voting no are alter, and tovo. The others voting aye.

>> Kitchen: No, mayor, I'm abstaining.

>> Mayor Adler: Hang on, hang on.

[4:52:40 PM]

Voting no includes councilmember pool.

>> Pool: No, I'm ab staping.

>> Mayor Adler: Do I have it right that pool and kitchen abstain? Passes first reading keeping the public hearing open. Yes, councilmember harper-madison.

>> Harper-madison: I was going to be quick, I promise. I just wanted to say, I get a little worried about votes like this, because what I don't want to have happen is, I don't want to have developers moving forward saying, why would I bother to go through jumping through all the hoops. I'll just build market rate and skip the affordability. My hope is moving forward, we don't make it -- make the barriers too steep for entry, for being able to produce the affordability we're looking to achieve, is what I was going to say. That's all. Thank you.

>> Mayor Adler: Councilmember Casar?

>> Casar: Yeah, I was encouraged

[4:53:42 PM]

by the conversation today. I really hope we can get the community support, and get at least the nine votes necessary to make this happen. Again, these are the opportunity for houses over 1,100 square feet, at 140,000, and \$160,000 in our city. If we can have that. And I think it's just really important for us to try to get there.

>> Kitchen: Mayor?

>> Mayor Adler: You sure you don't want to go on to the next case yet?

>> Kitchen: Just very quickly. That's why we have three readings, so that there can be evolution in cases. And opportunities for people to continue their negotiations. And it's not a slam dunk in any instance. Each one of these is unique. I take really -- some certain

[4:54:43 PM]

pride in making sure that when I cast a vote, I'm really certain about why I'm doing it. And in this case, I feel like the doors are still open for everybody. And they have not in fact achieved a final resolution. And my abstention is a vote of confidence for the parties to continue to be working together. Which I think has been really productive. And so that's how I -- that's kind of how I wrap my head around each one of these votes. Each one is unique. The reason we have three readings on it.

>> Renteria: Mayor, all I want to say is, besides, you know, the first opportunity to buy a house, I bought one in montopolis, and I raised my two boys there for seven years. And it was one of those affordable units. It gave me the opportunity to become a homeowner. And you know, this is a great

[4:55:44 PM]

opportunity for the neighborhood. I still have friends that live there. But all I have to say is that, if we don't do something to build more affordable units in montopolis, especially ownership, the people that bought there years ago, and it's been a little bit over -- almost 50 years. These homes are -- the affordable units, they're in carnation terrace and top of the rec center, they weren't the best built houses out there. So if we build new affordable units, we definitely need to put some of that repair bond money and make it into grants, because seniors will not take a loan to fix their homes. They would rather sell it. And really, I actually had a conversation with some of those people, and they were very disappointed that their land

[4:56:44 PM]

value had been suppressed, and that they're not going to be able to get any amount of money for their retirement, that they had been planning. So I just want to also run that through there, so that people understand, you know, this is an old community. It's aging. So we need to bring some -- build some houses there, so new families can move in there. You know, especially with low-income -- the way that neighborhood is, we need to have some affordable units that people can have ownership, and grow that neighborhood. That's all I have to say. Thank you.

>> Mayor Adler:.

>> They muted you.

>> Mayor Adler: Staff's really good.

[4:57:44 PM]

It's 5:00. We're going to go to 112. You all might want to be thinking about whether we want to pick up executive session tonight, or do the executive session on (indiscernible) And set it on the agenda for next week. Which I think is also an option. Let's continue on to item number 112

>> Item 112 is c14-2020-0041. Two-acre tract. Requested zoning, with a recommendation of what the staff and zoning commission. The situation here is that we have two, two-acre adjacent lots on the blue grass side of these two lots, two single-family homes have been constructed. On the rear portion of both of those lots that have the single-family home, the property is vacant, currently zoned Ir. The reason is that at one point

(indiscernible) Also known as

[4:58:45 PM]

forsethia drive. The plan to build were banned in the '90s when the bcp came into existence. And so therefore, the applicant in this case is requesting to downzone the back half of these two sing-family lots away from Ir. The staff supports the deletion of the Ir, because the arterial's gone away. And I imagine in the near future, if the zoning were improved, the applicant would subdivide it and build two single-family homes on the back half. With that, I'm available for any questions.

>> Mayor Adler: Colleagues, is there a motion on this item? Councilmember alter?

>> Alter: I move approval.

>> Mayor Adler: Is there a second to the motion to approve? Mayor pro tem. Any discussion on this item? Do we have the applicant here?

[4:59:45 PM]

>> Flannigan: Mayor, is this 112?

>> Mayor Adler: Yes.

>> Flannigan: I pulled this item.

>> Mayor Adler: Go ahead. Why don't you speak to it. Planned so I understand what you're saying, Jerry. What I don't understand is why we would put more single-family homes right up against what has already been zoned Ir, what the neighborhood is already accustomed to being Ir. I probably would have supported Ir-huh if it would have been more housing, but this seems like the opposite of what we've been trying to do in this community. It is really close to 360. It is what is a state highway that's about to have some pretty major investments on it. I don't think spending \$400 million of state money and local money, campo delays notwithstanding, means we should be down

[5:00:46 PM]

zoning near these pretty significant transportation investments. So I would like to make a substitute motion I assume is the action to deny?

>> Mayor Adler: Actually, I just vote no.

>> Flannigan: Just vote no. Well, that's what I'm going to do.

>> Mayor Adler: Okay. Further discussion on the motion to -- motion has been moved and seconded to pass. Councilmember Renteria.

>> Renteria: Yes, mayor, I'm not going to be able to support this because I'm not supporting [inaudible]. I won't be able to support that. If it was mf-3 or something I could, but I cannot vote for sf-2.

>> Mayor Adler: Further discussion? Ready to take a vote? Is the applicant here? Does the applicant want to

[5:01:47 PM]

speak?

>> No, mayor, the applicant didn't join because he thought it was on consent.

>> Mayor Adler: Okay. Let's take a vote. Those in favor of the motion please raise your hand? Those opposed? Voting no is Ellis, harper-madison, Renteria, Casar and Flannigan. Those voting aye, it passes 6-5. That gets us to the next item --

>> Thank you, mayor. I guess because it passed 6-a it will be on first reading only.

>> Mayor Adler: First reading only.

>> The next item is item 115.

>> Mayor Adler: Hang on a second. Councilmember tovo.

>> Tovo: I apologize for interrupting. I had a question emailed to us about just confirming that on 125 we had left the public hearing open. Before I forgot to ask that I wanted to confirm that on 125 we did leave the public hearing open.

[5:02:47 PM]

>> Yes, it was leaving the public hearing open.

>> Mayor Adler: Okay. Councilmember alter.

>> Alter: And on 125 I think there's some confusion over whether some of the conditions are doable, some of the pieces that the neighbors really wanted as part of conditions. So if we can make sure that staff are very clear with the neighbors, what is doable and not and that communication is clear, I think that would be important. And my understanding is that it would have been passed on first reading with the public hearing open. Is that correct?

>> Yes, councilmember. We passed it on first reading with the public hearing open. And because we just got those conditions this morning we'll be working with both the applicant and neighborhood to say which conditions we can put in the co and which we cannot. Which we support and which we cannot.

>> Alter: Okay, thank you.

>> Mayor Adler: Okay.

>> Ready?

>> Mayor Adler: That gets us then to item number 115.

[5:03:48 PM]

>> Item 115 is case c-14-2019-0061. This is for the property located at 13313 old Gregg lane. The request is from wlo-co to co. It is recommended by the staff and also recommended by the zoning and platting commission. The name of the case is this old wood zoning and the applicant intends to open a 7,000 square foot warehouse that sells repurposed wood on the seven acre tract. It has the staff and commission recommendation and I'm available for any questions.

>> Mayor Adler: Okay. Did you pull this?

[Background noise]. Mr. Flannigan, did you pull this?

>> Flannigan: Jerry. You need to mute. You have a lot of feedback on your microphone.

>> Mayor Adler: Councilmember Flannigan.

>> Flannigan: There's not a particular issue. Mayor pro tem, you probably

[5:04:49 PM]

need to mute too. There's not a particular issue with having I guess what is a lumberyard, but my main concern is this seems like one of those moments where we have done planning, the imagine Austin notes that this is a center and the intersection of two growth corridors and it doesn't seem like a warehouse zoning use is compatible for for the intention behind designating these areas in imagine Austin as centers and corridors. So that's where I'm confused about the staff recommendation because it notes that it's those things and then it says do a warehouse zoning. And I don't understand how warehouse zoning is compatible with imagine Austin.

>> Councilmember, the applicant did request a more intense zoning, something along the lines of cs-mu, which would have met the

[5:05:50 PM]

intentions of imagine Austin. We cannot ask for more than they're already asking for. And we probably would have supported something more intensive in this case, but is the zoning category for what he's asking for works for what he wants to do, therefore he asked for the least intense thing he could do it under.

>> Flannigan: So -- colleagues, I don't -- make sure you mute, Jerry. There you go. Yeah, I don't really know how we want to handle these situations, but how often do we hear from the applicant that we don't do planning or that we don't align a with B? And I find that we are in this situation on this case and what I like about using this case for this conversation is it's not a particularly controversial case, but it's an opportunity to talk about this disconnect between imagine Austin and the way we do zoning. I don't know that I can support it, but for those reasons alone there's really nothing about the applicant or the intended project that

[5:06:51 PM]

I have an issue with, but I do feel like this is a mismatch between the zoning being requested and imagine Austin.

>> Mayor Adler: In some ways it's the same kind of issues we had on the last one. On the last one we had Ir mu made the most sense probably to be consistent, but we can't change the zoning because that would be an upgrading from the zoning. If we deny it it then they can't come back from a year to be able to do it unless we initiated the case. I don't know how laborious that is. The same kind of issue here. We have two uses that are appropriate and one that the property owner wants to do that's not an

inappropriate zone or an inappropriate use. I don't know. These are hard and I understand what councilmember Flannigan is saying on these. I wish this had been presented to us as the --

[5:07:55 PM]

with the cs-mu issue. Councilmember harper-madison.

>> Harper-madison: Thank you and thank you for bringing this up, councilmember Flannigan, it offered me opportunity to have some conversation about it and I feel clearer on the item. So I think now -- maybe I don't entirely understand. Jerry, maybe you can say again I'm trying to figure out staff's reasoning behind adding the co with these prohibited uses, those particular prohibited uses?

>> The applicant requested those as part of the application and

[indiscernible].

>> Harper-madison: So I've spoken to the applicant and they are not opposed to removing the co. So I would like to make a motion to remove the co and approve the applicant's request for warehouse limited office for all three

[5:08:56 PM]

readings?

>> Mayor Adler: So the motion is to approve warehouse as requested, but to omit the co. Is there a second to that motion? Councilmember Ellis seconds that motion. Do you want to address it, councilmember harper-madison?

>> Harper-madison: Sure, yes. So like I said, I had the opportunity to do a little digging here, which I can appreciate councilmember Flannigan really flagging this for me. So as the site is on a designated activity corridor I really do have concerns about limiting future uses on the site that I would support potential future development on. I see no reason why we would eliminate the possibilities of this site having a day care on it in the future or a community garden or trade school. So yeah, the applicant is perfectly comfortable with removing the co's. So I think it's a win-win.

>> Mayor Adler: Further discussion on the motion.

[5:09:57 PM]

Councilmember tovo?

>> Tovo: Mayor, I have a question for the city law department. It was my understanding that you can approve something more restrict than what was posted, but not too restrictive. I think we've been under this in other zonings, but I wanted to know about my understanding.

>> That's correct, councilmember. I was about to speak up and ask Jerry -- I don't have in front of me all the conditions to ask him because there were some conditional overlays that is actually making it less restrictive and some make it more. So I was about to ask Jerry whether the removal of this conditional overlay makes this a less restrictive zoning, in which case we could not remove it.

>> The applicant did request the co's with the initial zoning and therefore it was brought forward that way. If the restrictions were removed it would be more permissive because it would allow more uses.

>> So that can't be done today.

[5:11:04 PM]

>> If the council were to end up there, what would be the path toned up there?

-- To end up there? Would we have to --

>> Mayor?

>> Mayor Adler: Deny this, but request that zoning be entered on to the property.

>> They would have to withdraw their request and refile it with the more -- the less restrictive categories. Without the co.

>> Could the council initiate that zoning regardless of what we do here today?

>> Mayor?

>> Mayor Adler: Let me get the answer to that question and I'll come back.

>> Yes, the city can initiate zoning regardless of what's happening here.

>> Mayor Adler: So we could approve it with the co and initiate taking off the co? And the reason you would do that is because then it doesn't hold up the property owner and the appropriate could proceed.

>> Mayor, I think another

[5:12:05 PM]

option is we could indefinitely postpone the case and then renotify it and run it back through the commission and run it back to council. However, that will take a few months.

>> Mayor Adler: If we approve to reinstate it, the property owner could proceed as the property owner was intending to and then the action would come back to us to remove the co.

>> Yes. I'm saying you can indefinitely postpone today --

>> Mayor Adler: No, what if we did not indefinitely postpone today?

>> If you take no action today then the case dies.

>> Mayor Adler: What if we took action today and initiated taking off the co?

>> We could do that, but that would be two zoning cases.

>> Right.

>> Mayor Adler: I understand. But that would enable the property owner to proceed and removing the co would still come back to us. It wouldn't be a period of time where the property owner couldn't move forward.

>> That's correct.

>> Mayor Adler: That's what I was asking for. Councilmember pool.

[5:13:08 PM]

>> Pool: So Mr. Rusthoven, can you confirm that the property owner wants co or he did not want the co?

>> The applicant requested the co and so therefore that's the reason why we cannot take it away right now.

[Overlapping speakers].

>> Pool: And I think you said the applicant thought this was going on consent which is why the applicant did not come to meeting so the applicant isn't here to talk to, is that right?

>> Yes. The applicant did not sign up to speak because he thought it would be on consent. We have been speaking back and forth today since the item was pulled. It did pass on consent at planning and zoning commission and the staff approved the request.

>> Pool: This is really the opportunity where before we get to the meetings the conversations can happen with the applicant in advance of coming here so then the applicant is alerted to be present, I would be very reluctant to make changes to the applicant's request without the applicant's input in

[5:14:08 PM]

these proceedings.

>> Mayor Adler: Councilmember harper-madison.

>> Harper-madison: Well, I can appreciate that adherence to procedure. The applicant says that is not what happened. What I was told was that the applicant was provided a list of co's to which he agreed to. He said he didn't ask for these co's, so I ghat this is abnormal, but I would be uncomfortable proceeding when the applicant has told me explicitly he didn't ask for these co's, which I have a text message from him that basic asked to remove the co's because he didn't ask for them. So I would like to either take a few minutes to figure out what's next or figure out how to proceed in a way that -- to where we get the opportunity to get more clarity. What I was told was that he didn't ask for the co's.

>> And councilmember harper-madison, I'm working off of what my staff provided to me in the staff report. If you would like I think maybe the best thing to do would be to postpone it a

[5:15:10 PM]

week and we can relook at it to see where the application is at.

>> Harper-madison: I would appreciate it very much.

>> Mayor Adler: Councilmember Flannigan.

>> Flannigan: Thank you, councilmember harper-madison, for being on top of this and working with the applicant since the zoning case is in your district, I appreciate that. And for consideration the points I brought up. Manager, this is not the first time that I have heard this type of conflict where it appears that staff is trying to be helpful to an applicant by providing a proposed zoning in conversation that then by the time it comes to us the council has tied our hands. And there are bigger conversations about how are we looking at zoning as it activities and how should it be introduced at zoning or planning commission, etcetera, etcetera. But I am concerned about that and I will be happy to share more of my concerns with you in private. But I think this is a very interesting -- again, a good opportunity to talk about this because the case itself is not controversial. Sometimes it's hard to have

[5:16:10 PM]

this conversation when there are other things happening.

>> Mayor Adler: Is there a motion to postpone this case to next week? Councilmember harper-madison makes that motion. Seconded by councilmember Flannigan. Let's take a vote on the motion to postpone. Those in favor please raise your hand? Those opposed please raise your hand? Those abstaining. Councilmember pool abstains. The others voting in favor of the postponement. This matter is postponed.

>> Pool: Mayor, I'll go ahead and -- I'll vote to postpone it.

[Overlapping speakers].

>> Mayor Adler: Hang on one second, Leslie. I would like over the course of the week for it to be considered as to whether or not since we can't remove the co to have the case proceed, but to initiate removing the co so it can then catch up to the property. Councilmember pool.

>> Pool: Show me voting

[5:17:11 PM]

with the majority on postponement.

>> Mayor Adler: Okay. Unanimous vote on the postponement. I called that incorrectly. Unanimous vote on the postponement.

>> Mayor, if I could, just for the council, I know we'll bring back next week, but if you look on page 18, the backup from this item, you will see a letter from the applicant requesting w/lo-co zoning. We'll discuss it next week.

>> Mayor Adler: That gets us to the next item. This is item 122 and 123. And we'll hear this together with item number 86.

>> [Indiscernible].

>> Do you want me to go ahead and --

>> Mayor Adler: What was your question?

>> Alter: So my question is on 85 and 86, and I want

[5:18:12 PM]

to be clear that I want to raise some questions and concerns on these items that are really a matter of future policy priorities. I'm not trying to prevent these two items from moving forward today because I believe the staff and the applicant have operated in good faith under our existing policy and practice, at least in terms of part of the 86, if it's connected to 122 and 123 that may be different. So of the two items, 85 and 86, I have greater concerns about item 86, but they both have similar challenges. And I ultimately may ask for the housing committee to kind of take this up for thinking about, but I think it's important to raise it in light of these questions. So as I understand it, the lihtc program serves tenants up to 60 percent of the area median family income. And historically most

[5:19:15 PM]

presently tech deals are are serving tenants at or below 60% mfi. In 2018 congress introduced a bill to allow for something called income averaging that allows a developer to include higher income residents to offset the lower units. This is allowed as long as the overall income average of the tenants does not exceed 60% mfi. So I want to be clear I support mixed income developments and I think producing mixed income developments should be part of our goals and priorities, but I do have some questions as this relates to our bond investments because it changes what we get because you can now do income averaging. So first I'd like staff to confirm for me that income averaging is a new dynamic for the four percent application.

>> So councilmember, this is Mandy de mayo, neighborhood housing and community development. And you are correct that income averaging was introduced by congress and provided a little bit more flexibility further for our low income housing tax

[5:20:16 PM]

credit projects across the country. However, I will note that it is not new that lihtc, four percent or nine percent, include mixed income, including market rate units. What changed is that the developer is now able to secure tax credits, so increase the equity through the project by securing tax credits on those units that are above 60%, provided they offset them, with less than 60% units. So we have -- frankly, there are some tax implications that tax lawyers and lihtc developers are all trying to figure out. It is something that we have encouraged, even

[indiscernible] The average income balancing. And often times what developers do is

[5:21:16 PM]

cross-subsidize the market rate, even pre-income averaging, cost subsidize the low income units with the market rate.

>> Alter: And I'm not questioning that. It's the interplay with that with our bond dollars that we're using to buy-down things, but then we're getting less for our money because they can go up on the other end, which is the issue that I want us to kind of introduce APD walk through. So if I can ask some more question I understand why they did it. I'm aware of the mixed income, but if you add us buying bonds and you have particularly mixes for these tax credits and you combine them, we're not getting the value for our dollar that we might think we are in terms of affordable housing and I think this is something we have to explore. So for 86 we previously approved four million in loans financed by our affordable housing bonds and we are allowing 22 million in financing through

[5:22:16 PM]

activity bonds. We are doing these transactions in order to support deeper levels of affordability. The lihtc would normally keep the units at 60% mfi, our funding will allow 10 units to be at 30% mfi and 110 of the units to be at 50% mfi. Can staff confirm that those numbers are accurate for 86?

>> Sure. All of the numbers are accurate. On November 14th, Austin housing finance corporation approved four million dollars through the rental housing development assistance program and that was I believe general obligation bonds. And then on June 11th, ahfc approved up to 22 million for ahfc to issue the private activity bonds for debt on the project. I would like to note that regarding the income averaging one of the reasons we view it as advantageous to us as a municipality is

[5:23:18 PM]

because developers are able to secure tax credits on those market rate units which are -- I should say 80 percent above 60 percent. That increases the equity going to the project and decreases the amount of subsidy that the developers are asking for from us.

>> Alter: Mandy, let me raise my question if I might and I'm not challenging whether income averaging is helpful and useful. It's this interplay when you buy it down and you end up buying it down, but they get to go up on the affordability on the other end. So the value that you're getting changes and it especially changes when you're making investments in non-high opportunity areas. And so that is what I'm trying to raise as something we need to look at moving forward. I'm not questioning whether we should allow these projects to get their four percent credits. They followed the rules that we have right now. But I haven't seen this

[5:24:19 PM]

particular scenario with the levels where they have it. So what concerns me about these specific arrangements for these two deals is now that we have income averaging is when we buy-down affordability on some units it allows the rents on other units to go up. In this case as high as 80% mfi, which as I understand means in these adopt dids you could have units with rents as high as \$1,400 for a one bedroom and higher for two bedroom. As I just mentioned, that would be something on alone if market was facilitating that, but we are facilitating that while we use bond dollars to buy-down the units and the developer maximizes their opportunity under the income averaging. So I think it makes sense for us to buy-down units and I think it is fair that other rent prices could increase as a result. But it's not clear to me that in this process we are

[5:25:21 PM]

maximizing our bond dollars. So my concern is -- I wanted to dig into this and today is probably not the right day for this, but with the case before us it is good to raise it. My understanding is for the city to enter into arrangements where we buy-down 100 units from 60 percent to 50% if the result is so much more units at 80%. If we were buying down units from 60 percent to 30 percent that indicates a significant win for the public. And there are scenarios we're buying down to 50% can make sense if there's a dearth of affordable units. But I'm not sure that that value difference on net is where we want to be going for our bond dollars. So I think it's important that we explore the scenarios and the income mixes so that we're maximizing the combination of our limited bond dollars and the four% deals under

[5:26:21 PM]

this new income averaging system. There are times when it will work. Number 88 in Montopolis doesn't have the same concerns and in that case our participation has brought down rents to the 40% and 50% mfi level and it has that project has a cash that no rent shall exceed a cap of 70% mfi levels. And maybe all three of these deals are good and I'm going to be abstaining on both of them, but it's clear to me that we need have a conversation and it's complicated, it's not easy to walk through, but if we're going to use this package of tools we need to make sure that we're doing it in an effective way and that may mean having some caps on the affordability or on the numbers of the affordable units that can be above a certain level so that we are not

[5:27:31 PM]

[indiscernible].

>> Councilmember, Mandy de Mayo, can I provide a little bit of context regarding -- it is complicated, but I do want to make sure that the public understands that our bond dollars, that this four million is strictly going to those units at 50% and below. And yes, we do have 10 units of that. It's 110 at 50% or below. The 10 units that are dedicated to [inaudible]. But we have mou, a memorandum of understanding. We have 10 of the units that are dedicated to 30% and below, but specifically for people who are [inaudible] A coordinated assessment. I also wanted to point out that with respect to when we first received this application, which was well over a year ago, it had gone through multiple iterations. And because of our subsidy it's really the prime reason we were able to secure the

[5:28:33 PM]

10 units for the continuum of care and increase the number of units that is coming to us today for the 110 units at or below 50% median family income.

[Indiscernible]. Income averaging is new, but we do not -- the developer has to select income averaging much later in the process. So we may not know. In fact, in general if we're not involved in the development, that is something that is involved in tdhca underwriting so that never comes to us. And the example I'll use is the rbj senior center. That was the first project that I'm aware of locally that elected income averaging. Again, we had already done our resolution of

[indiscernible], we had issued the private activity bonds and we had provided the tax subsidy, I think it

[5:29:35 PM]

was \$8 million for that 250 units. The income averaging was total outside of our purview. So it wasn't a sequential process where we were able to kind of navigate offsetting the potential for offsetting the units. And in fact because of the way income averaging works we are able to get more affordable units once the developer elects to go up to the 80%.

>> Alter: So many, again, I just think there's some issues here that we need to examine. I am not convinced that we are doing something in some of these cases or there could be a case where we do that. We may know then when we are voting on the bonds and the loans and stuff at the

[5:30:35 PM]

earlier stages there may be things that we can do that further maximize it and I don't know which direction it goes in in terms of how you do it without working out all the math. I'm really trying to flag this as a question that we have to work out because we are combining all of these different tools and it is not readily apparent to me and so Mr. Casar as chair of the housing, I would ask that we take it up in the housing committee and have a discussion over it. I'm not trying to resolve it today and this is not a criticism are anything that nhcd has done. It is a new dike that I think we need work through and make sure that we are sorting our bond dollars and not inadvertently not ending up somewhere else. I don't know that we're ending up in a problematic

[5:31:35 PM]

place with this one and we have already done all the rules, etcetera.

>> Sure. And I am happy to talk to councilmember Casar's staff about adding this to a future agenda on the housing and planning committee. I think it would be a great discussion.

>> Flannigan: Thanks, mayor. This is a really interesting conversation and hard to get that into the weeds in the middle of council meeting, but I appreciate you bringing it up. I also think it really shows how

doing affordability with subsidy really comes with a lot of complex systems and regulation and it takes a lot of very detailed work to go through it and I think we should absolutely be doing that work. But it shows how closely they are tied to market rate housing so we can't just build subsidized housing. You have to build housing for the whole market or you have to allow housing to be built for the whole market. It's such an interesting

[5:32:36 PM]

interplay, councilmember alter, the way you laid this out. To me it seems clear that you have to be building housing at ought price points or they will start can balancizing each other. I'm looking forward to how the housing committee takes that up.

>> Mayor Adler: Councilmember Casar?

>> Casar: I'm looking forward to a committee meeting to bring that up. I don't know if I heard it in the discussion, but if we have a sufficiently competitive process for our bond dollars, then I think that is the best way to get that for our buck. Folks might save construction money, they might have units that rent at more to bring down the cost for others. What we want is people to get us those units at less than 50% of mfi, which the bond dollars for rental only get to and get us the best bang for our buck. To talk about income averaging is important and

[5:33:38 PM]

new but also to see how that mixes with the competitiveness of the process.

>> Mayor Adler: Okay, thank you. So is there a motion at this point to approve items 122, 123 and 86? Councilmember harper-madison makes the motion. The mayor pro tem seconds. Any discussion? Councilmember tovo.

>> Tovo: Yeah, I appreciate the issue that you raised, councilmember alter, and I'm also interested in the conversation at planning and housing, so I hope you will get that message out when it's scheduled, councilmember Casar. I would also like to see for example, in this case what the difference is between what those rents are at 50%, 60%, 70% and 80% because while there is maybe a minimal difference between 50 and 60%, there sure is a big jump between 60 and 80.

[5:34:38 PM]

So again I think as councilmember alter really better articulated than I will, it's really a question of how we're investing our bond dollars and whether -- that interplay of how those investments and bringing

down -- using our bond dollars to bring down the rents at one end may bump up on the other. It's really how we want to be -- how we want to be investing our bond dollars when we have lots of great projects. But anyway, thank you for bringing up that conversation, councilmember alter.

>> Mayor Adler: Mayor pro tem.

>> Garza: Sorry, I thought there was going to be more discussion on 122 and 123. And I assume that the applicant was going to make a presentation. And I didn't -- I didn't know -- I also wanted to show a couple of things. So is the applicant supposed to go first?

>> The applicant is available.

>> Kitchen: Mayor, can I have a question?

[5:35:39 PM]

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I thought we were voting on 85 and 86 first and then we were going to turn to 122 and 123.

>> Mayor Adler: And I'm fine. Is staff okay with that happening that way?

>> Yes, sir.

>> That would be great. We were specifically addressing 86.

>> Mayor Adler: Is there a motion to approve 85 and 86? Mayor pro tem makes the motion. Councilmember Casar seconds. Any discussion on 85 and 86? Mayor pro tem.

>> Garza: I appreciate the discussion and I particularly appreciated the comment from Ms. De mayo saying that the -- this averaging allows us to go deeper, and I heard councilmember alter say 110 for 86. My calculations show 120 under 50% mfi for this project and then I strolled all the way up -- which

[5:36:40 PM]

would be 67% of the development is for people who qualify at the 50%. So I also know this is not the first time this has been used, but of course policy discussions are always important. I think it's pretty amazing when we get to 30%. And the 30% for bedrooms is 500?

>> \$470.

>> Garza: \$470. I moved to Austin in 1999 and my 1 bedroom apartment was 690. It's like pre-1999 rate there. So we'll get into the discussion of the specifics of the zoning case, but I again appreciate the future policy discussion and this is the first time averaging has been used and this is getting us a significant amount. 120 units at the 50% or

[5:37:40 PM]

below. For 86.

>> In front of us is the motion to approve 85 and 86 and close the public hearings. Ready to take a vote? Councilmember alter.

>> Alter: I just want to clarify I'm not discussing the merits of averaging. And it's the interplay with all of that that I think that we need more information on and this may very well be a great project. It's useful just as Mr. Flannigan said on other examples to use a real world example if you're trying to understand a particular policy question that we need to ask.

>> Mayor Adler: Okay. Those in favor of 85 and 86 and closing the public hearing please raise your hands. Those opposed. Those abstaining? Councilmember alter and pool abstain. The others voting aye. 85 and 86 pass. Now we're going to bring up

[5:38:42 PM]

122 and 123, the Nuckols crossing zoning cases.

>> Item 122 is case npa2016-0014.01s for the property on Nuckols crossing. It is to change from single-family to multi-family use and it has the recommendation of both the staff and planning commission. And the related zoning case is item 123, c-14-2017-00 texan.sh and also at 4400 Nuckols crossing road. The applicant's request is for mf-4-co-np zoning. The staff recommendation was for mf-2-np zoning. The planning commission recommended mf-4-co-np zoning with the co that is limited except for site and the conditions of the neighborhood [indiscernible] Analysis. The case is ready for all three readings. There is also an issue that's come up regarding the environmentally sensitive

[5:39:42 PM]

portion of the property, and Chris herring ton, the applicant may be considering in the future, not related to the zoning case, but possibly in the future donating that land to the city, and the environmental officer isn't on the line to answer questions about that.

>> Mayor Adler: Okay. Before we go to that I'm going to lay this item on the table for just a moment. Legal has said that when I called the vote in 112, not all of the councilmembers were visible on the screen. Recall 112 was a vote I called at 6-5, but apparently everybody wasn't visible so I'll ask for a revote on 112 so we can see everybody on it.

>> Harper-madison: Mayor, can you -- can you remind me which one was 112?

>> Mayor Adler: 112 was the one that had it going down to sf-2.

>> Harper-madison: Okay.

>> Mayor Adler: It was the one that Mr. Flannigan pulled.

[5:40:42 PM]

I'm going to ask to vote again. Those in favor of the applicant's request please raise your hand.

>> Flannigan: Mayor, you might want to wait for councilmember Renteria.

>> Mayor Adler: Sure enough. I would have done it again. Let's continue back on the other one and I'll call it for a vote when I see 11 faces. Oh, here he is. We're going to take a revote on 112. We had taken that earlier and it was a 6-57 vote but everybody wasn't visible. Those in favor of item 112 please please raise your hand. Those opposed? Voting no in this case was harper-madison, Flannigan, Ellis, Casar and Renteria. The others voted aye, 6-5, passes on first reading only, the public hearing stays open. Now let's continue on on 122

[5:41:44 PM]

and 123 --

>> Alter: Mayor, I'm sorry, was Renteria a no or a yes? It looked like his hand was up as a yes.

>> Mayor Adler: He was a no and spoke to a no, I think.

>> Pool: He was a yes.

>> Harper-madison: He was a no. He said he was against the sf-2 designation earlier when we discussed it.

>> Alter: I understand that, but his hand went up when we voted yes and we're revoting to make sure everyone's hand is apparent in the video so I'm just making sure that we get it right.

>> Renteria: I made a mistake. I said no because I just cannot vote single-family 2. It's just -- it's the old confederacy racist zoning that I just cannot support anything like that.

>> Alter: I understand. I was just checking for the video that we had the right thing.

>> Mayor Adler: I'm calling that 6-5 with the five no's that I called out. Anybody has an objection with that vote count let me know. Hearing none, that's the

[5:42:45 PM]

vote count in the record. Let's go back now to 122 and 123. But thank you for making sure that we are doubly, Tripoli ensured that we got that vote correctly. Do we hear from the applicant on items 122 and 123. Who is the applicant in this 91.

>> It's Mcdowell housing partners and they should be on the line.

>> Mayor Adler: Who is the agent?

>> Ron thrower, I believe.

>> And maybe you're on mute, Mr. Thrower. I think I see you on here.

>> Council, can you hear me?

>> Mayor Adler: Yes.

>> Victoria Haas is going to be taking the lead on the presentation. I think she needs a second to get on.

>> Mayor Adler: Okay.

[5:44:04 PM]

>> We're moving her over.

>> Can you hear me?

>> Mayor Adler: Yes.

>> Okay. Thank you. Good afternoon, councilmembers. This is Victoria Hasse with thrower design representing the property owner and the developer. Let me foe if you have the presentation up in front of you.

>> Mayor Adler: Not yet. Go ahead.

>> The second slide. The entire site is nearly 10 acres of undeveloped land with frontage on Nuckols crossing. A portion of the lot is to remain natural and undeveloped and thus has been removed from the request. Next slide, please. Are you ready?

>> Yes.

[5:45:05 PM]

>> Mayor Adler: Sorry, go ahead.

>> This site is partially located within an imagine Austin neighborhood center shown here in yellow. Neighborhood centers are intended to include small scale commercial services for local area residents. With the comprehensive plan encouraging a variety of uses at the center the property is well situated for the proposed development. The south pleasant valley road is an imagine Austin growth concept corridor and a transit priority network per the Austin strategic mobility plan. The entire property falls within the half mile buffer of the corridor seen as the area hashed in white. The asmp direct for an increase the number of people living and working within a half mile of transit priority network. Further the plan directs for an increase in the percentage of affordable housing available at 30 through 80% mfi levels within a half mile of transit and bicycle priority network. Next slide, please.

[5:46:06 PM]

Are y'all going to motion that you are on the next slide?

>> Mayor Adler: Yes, go ahead.

>> In order to achieve a rezoning to mf-4 the change is made from single-family to multi-family. Next slide, please. Mf-4 zoning is requested, seen here there's a consistent pattern of multi-family development co-existing with single-family development. This rezoning will allow a use that does not exist and is greatly needed. Senior housing developments provide opportunities for populations to age independently and with less financial burden. Next slide, please. The development proposed is 179 units for residents of aims 55 and up with rents restricted between 30 and 80% mfi levels. By city of Austin resolution this project was selected among many others by the city's housing and community development department to receive four million in funding from the rental housing development assistance program. The project was chosen based off of merit of which location played a key role and it is in alignment with what the city is looking for in terms of private and public housing investment. In addition, Austin housing

[5:47:08 PM]

finance corporation issued 22 million in bonds for the project and it is expected to receive a determination of notice from the Texas department of housing and community affairs for low income tax credit. The tax is certified by the city's smart housing program and the affordability period will be a minimum of 40 years and likely in perpetuity bound by restrictive covenants that run with the entire 10-acre track. Next slide, please. With 179 units proposed, 109 of those units will be one bedroom and 70 will be two bedroom. More importantly, the project offers deep affordability with 67% of the units available to tenants at or below 50% mfi levels. Something that is rare to find in today's market and especially for this portion of the population. Next slide, please. The development will offer at a minimum the following amenities and services, including coordination of transportation services, as well as dedicated space for doctors and health care organizations to conduct screening and health care initiatives on-site.

[5:48:08 PM]

Next slide, please. This is the proposed

[indiscernible]. The building is set back at just over 95 feet from the right-of-way of Nuckols crossing and includes a single driveway access. Our team studied the roadway patterns to [indiscernible] For access to the property. The solutions have been vetted by atd to be safe and accessible. Next slide, please. There are a number of critical environmental features located at the western side of the property that restrict development to the eastside of the property. Nearly two-thirds of the property will remain natural. Next slide, please. In mf-4 is the least intense zoning that will allow development without encroaching on critical environmental features. The proposed site plan is far below the impervious and building coverage permitted by mf-4 zoning district. Nearly all fit within the site development parameters of the mf2 zoning district which is why we've agreed to limit safe for height limitations. Councilmembers, this project is a good opportunity to

[5:49:09 PM]

bring deep levels of opportunity and especially to an area of Austin where local residents have stated that senior residents are in need of better quality housing conditions that are truly attainable. We ask for your support to bring this project to fruition. Our development team is available to ask any questions that you have and thank you for your time.

>> Mayor Adler: Thank you. Councilmember kitchen.

>> Kitchen: I have a question related to the -- first off let me just say that I'm always excited about additional housing for seniors, particularly for -- that are more affordable, but I am concerned about Nuckols crossing. So -- and the

[indiscernible] That we saw earlier. There's no sidewalk and it doesn't appear to be a safe way to get to the bus stop. So I don't know who the appropriate person is to

[5:50:10 PM]

speak to that. But I'd like to understand if the -- if there are improvements planned that would include a sidewalk all the way to the bus stop.

>> Mayor Adler: Mayor pro tem?

>> Garza: Thank you for that question. I -- I don't know if the applicant has a better -- maybe bring up the aerial. But I actually had provided to ctm a couple of pictures as well. First I'll start with my -- why

I'm supporting this. I want to bring us back to the constituents who spoke because they are against it and I know in normal non-virtual world we were able to hear the back and forth more, but we have been consistent since we went virtual in hearing all the speakers in the beginning.

[5:51:12 PM]

So I don't want to discount their concerns and I want to make it clear that I absolutely understand all their concerns and their opposition. I want to provide a little history. This actually started as market rate condos. I think over two years ago. The developer went to the contact team and presented a visual of what that would look like. And the contact team and the -- many in community were very against it because of the concern about gentrification and what the cost of market rate condos in the area would be. And so that didn't go anywhere. It came back again as another project, multi-family, and we tried to see if -- over concerns about Nuckols we tried to see if there was a way to exit in the back off of -- on to pleasant valley and

[5:52:12 PM]

that's where all the critical environmental issues came up, which would create a situation where they would I think have to build a bridge to get over that, so that was out. And in those two cases it was two lots. So then it went down to one. To help with the environmental and the being closer to the curve right there. And then in talking to the developer, I told him there's got to be affordable -- we've got to have affordable units. And it's amazing how this conversation has evolved since my first year or two on council because we were begging for five percent and 10 percent units, and people were telling us you're not asking for enough, and in the past four years, I mean, I just think this council has done so much to create tools in addition to passing an historic bond that is allowing us now to have the

[5:53:13 PM]

opportunity to approve something that has 67% -- it's actually 100% affordable, but 67% under the 50% mfi. I know that the neighborhood is concerned about the safety issues. I visited this site in the two years ago when that was first being discussed and I visited two weeks ago and I stood at the entrance and I looked to the left. And there are -- I believe there are -- I understand the concerns when you look to the left north on Nuckols crossing. So I'll ask ctm to bring up %-@the pictures. We sent some pictures of the -- from googlemaps. Not that one. There should be another. That one. Okay. So this is looking north and the curve you see is the curve that Ms. Akuhn I can't was walking around. Where that car is she was on

[5:54:14 PM]

that side. There is no -- absolutely, there is [indiscernible]. I have seen people walking on that curve, it is dangerous. So if you scroll down a little and this is turning 180 degrees facing south now. So that curve behind us just to give you your perspective. The curve is behind us. The especially trans to the apartment would be somewhere where this yellow sign is where the entrance would be. And if you look further down there's a car. You can barely -- it's about 100 feet down, there's a vehicle, and then if you can scroll down a little, please. Now where we're that car is. There's a sidewalk -- right where that sidewalk is, the -- this development will connect to this sidewalk. So no, there are not sidewalks to the north of the property where the curve is because there's not the easement. And I'll get to where the improvement is planned for that part of the curve. So the sidewalk would be extended from this -- to

[5:55:17 PM]

this and concerns over -- when I was standing there and seeing the left and seeing the concerns about the visual, we've asked transportation since then and they just added all of this, that can you only take a right out of this complex. So people can only go to the right here. They can't go left. So I've heard concerns about T bones. You can't go left, you're only going to be allowed to go right and go south in this direction. In addition, transportation will be adding a three-way stop right here. So there will be stop signs. There was no stop sign before. Cars would come around that curve and keep going fate strait to further down there's a stop sign further down. So now there will be a stop sign here, which will stop traffic, which allows people to walk down this sidewalk, cross the street. And if you can go to the street - the last picture. This sidewalk to the left, it goes all the way to the bus stop and it goes -- then can I ask for the next --

[5:56:19 PM]

the one you put up first, please, the radius? Thank you. So one is where -- this is a one mile radius. That sidewalk goes all the way from one down south to all these different things. There's the bus stop at stassney. One is the -- my picture

[indiscernible] Is in the way of this. One is the library, four is the middle school, five is the rec center, there's the bus stop. There's a sidewalk the entire way, there will be a sidewalk the entire way from one to those amenities. So I absolutely respect the neighborhood and I greatly admire their zealous advocacy, but I wanted you to see the full picture in the visual. This is close to a lot of residential and a lot of amenities that -- I also want to point out -- we often talk about seniors. This is 55 and over.

[5:57:22 PM]

It's not -- it's scary that I'm close to that. Let's see if there's anything else I wanted to say about that. Just that, that the safety mitigations have all been put into place. I understand the concerns from the neighborhood, but -- and particularly I guess I have to speak to the systemic racism comments and that. If I support this, then I am for systemic racism, and I don't know how anyone can make that connection with my record of any vote that I've ever taken. This is -- the community has been asking for affordable housing and we're delivering that. And I know there's no perfect site, especially when we're talking about affordable housing, because the perfect site is you're not going to get affordable housing. You're going to get market rate. And it's not the perfect one and we have worked really hard to mitigate every single concern in this project.

[5:58:22 PM]

And I -- and I would appreciate y'all's support.

>> Mayor Adler: Councilmember harper-madison.

>> Harper-madison: I just wanted to say this goes right back to that conversation we were having earlier about the complexities here. Sometimes they're not perfect, but when you take into consideration that deep, deep affordability -- so one of the callers said is this where you want your elderly this their golden years? And honestly, some of my elderly are living in conditions that I don't even want to say out loud. Absolutely I want them to be able to live in a place that has the kind of deep, deep affordability that they can actually afford to eat food and pay their bills and pay their rent. That would be fantastic. So again, I really do encourage everybody to just be considerate of the level of complexity we're talking about here. It's all very complex. And I think there was a

[5:59:23 PM]

question about are we sacrificing safety for affordability? And I could spend two hours talking about the implications of but at end of the day, in an area that was clearly identified as needing affordable housing and needing a grocery store, you know, we're getting it with this project. I'm happy to support it, mayor pro tem. I think if you only see the video, then, you know, it's jarring, right? But when I talk to my planning commissioner about this particular project, the person that I honestly think is technically brilliant and saw what some of the other planning commissioners had to say, it was easy for me to make my decision to support the project.

>> Mayor Adler: Colleagues, we have a couple of members that need to take a break here at 6:00. I don't know how long the conversation's going to be on this one. My sense is, several people want to talk. We can either take a break right now, and come back at 6:30 where

[6:00:25 PM]

we are, or take a break, have dinner, come back at 7:00, finish this and then go into executive session, either briefly, or an extended period of time. Do you guys want to come back at 6:30, or do you want to take a dinner break and come back at 7:00? Councilmember Casar?

>> Casar: What I heard, we were taking a dinner break at 6:00, I planned to take a break from 6:00 to 7:00.

>> Mayor Adler: We'll take a break about 6:00 for dinner.

>> Casar: I didn't want to slow it down, but I didn't --

>> Mayor Adler: I didn't understand. You have work to do between 6:00 and 7:00?

>> Casar: Yeah, I heard we were having dinner between 6:00 to 7:00.

>> Mayor Adler: Councilmember pool?

>> Pool: You said we were going to hold off on the executive

[6:01:25 PM]

session conversation until next week?

>> Mayor Adler: I was saying that was a possibility. And there's been some contact, I think there's a desire for us to go back in, even if we don't go back in for very long. And I think we can go back in and have that conversation about how long or short we want to have that. Mayor pro tem?

>> Garza: I would just like to say, we should make that decision when we see how long it takes to finish up the zoning cases.

>> Mayor Adler: I think that's right. It's our last zoning case. Mayor pro tem, before we take our break?

>> Garza: I'm curious, I thought we were getting to an end on that case. I know my constituents are watching, and I just -- I was wondering if we were close. But if we're not, then --

>> Mayor Adler: Is anybody ready to take a vote on 122 and 123?

[6:02:27 PM]

People ready to take a vote? Let's take a vote. Those in favor of 122 and 123, please raise your hand

>> Can you clarify that to the planning commission recommendation?

>> Mayor Adler: Yes. The planning commission recommendation.

>> Thank you.

>> Mayor Adler: Is there a motion to approve the planning commission recommendation? Is there a second? Councilmember harper-madison seconds. Those in favor, please raise your right hand

>> Mayor, I point out councilmember alter is off the dais. She had to step away.

>> Mayor Adler: Let's see if that vote will make a difference on the vote. Those in favor, please raise your hand. I'm counting one, two, me, mayor pro tem, Casar, Ellis, Flannigan, harper-madison, kitchen. Those opposed? Councilmember pool,

[6:03:27 PM]

councilmember tovo. So the vote is --

>> 8-2.

>> Mayor Adler: -- 8-2, with councilmember Ellis off the dais.

>> (Indiscernible).

>> Mayor Adler: Yes. That one passes on all three readings. Colleagues, it is 6:00. Do you want to come back in executive session at 7:00?

>> Is that all we have there?

>> Mayor Adler: That's all we have.

>> Mayor?

>> Mayor Adler: Yes

>> I really feel like we should wait until Tuesday, and I think we could get a lot more of our information ready for the -- for a real good deep discussion on Tuesday, and it will give us some time to see what you have put out, and what other members want to be included into it.

[6:04:30 PM]

And then -- that's my opinion.

>> Mayor Adler: Okay. How about if we do this. How about at 7:00, how about those that can, will go into executive session now. Briefly, not to discuss anything, just basically to lay out where we are. And then we'll pick it up on Tuesday. There will be no deliberations on it today.

>> Mayor?

>> Mayor Adler: Yes, councilmember tovo?

>> Tovo: I'll make it work however. But I just feel like this is a conversation that should include all of us. And we have several councilmembers who we know are not going to be able to participate because they scheduled other work activities during that 6:00 to 7:00 break. I'll come back at 7:00. I concur with my colleague, I think this --

>> Mayor Adler: Well, why don't we --

>> It's been an intense long week, and I think we might have -- I would probably opt, if

[6:05:32 PM]

it were up to me, for Tuesday. But I'll do it either way. I don't want to have some of that conversation when we have, by my count, three councilmembers off the dais.

>> Mayor Adler: And what I was suggesting not that we come back at 7:00, that we go in right now, for maybe five minutes total. Just so that I can speak for a second. Not to deliberate, not to discuss, but just to kind of lay out ever so briefly where we are. And then we will initiate the conversation on Tuesday. Councilmember harper-madison.

>> Harper-madison: If I could throw in my vote for us to do that ever so brief conversation at 7:00, I've got to feed my kids.

>> Mayor Adler: Okay. Let's come back at 7:00, whoever can. So the city council will go into closed session to take up one item pursuant to 551.074 government code. Without objection, here at 6:06,

[6:06:34 PM]

we're going to go into recess. We'll go into executive session at 7:00. But just for a couple minutes, with no real deliberation. I'll then come back out and speak. Councilmember tovo?

>> Tovo: I'm sorry I didn't do this before you read your script. But something happened earlier this morning that I really needed to address at the time and didn't, and I hope you'll allow me to talk to it extraordinarily briefly right now. This morning on the boards and commissions nominations and waivers, item 79, we approved a waiver for my commissioner Ellen sweets, attendance requirements on the African-American resource advisory commission, we had hoped it would be handled in some other manner. She is a brand-new appointee and because of the pandemic and some other things, there was just miscommunication with the clerk's office. So she hasn't attended because she didn't get information about the training and whatnot. So I would just like the record

[6:07:35 PM]

to reflect my comments that, you know, I appreciate her willingness to serve, and it's not that she missed too many meetings, she hasn't been to any meetings because of miscommunication about the process for becoming -- for going through the training and getting approved. We just learned about it earlier this week.

>> Mayor Adler: Okay. I've received some communications, I think it may VEL be that the critical mass is in favor of just adjourning right now and coming back at 7:00. Is that okay? Does anyone want to meet? With that, then, here, we'll just go ahead and adjourn and pick this up on Tuesday. It is 6:08. And this meeting is adjourned. See you guys later.