

City Council Regular Meeting Transcript – 12/10/2020

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[10:05:30 AM]

>> Mayor Adler: Today is December 10th, 2020. This is the Austin city council council meeting. We are doing this remotely via video conference today. We have a quorum that's present. Time is 10:05. Colleagues, we're going to do some stuff here in just a moment, but I'm going to read into the record the changes and corrections so Alison won't be -- we'll be closer to us when she gets here. Changes and corrections today, item number 2, the amount not to exceed is

[10:06:32 AM]

\$2,074,286. Item number 8 recommended by the water and wastewater commission on a 10-0 vote. Item number 40, the amount is not to exceed \$4,836,517. Item number 55 is also being sponsored by councilmember Jimmy Flannigan. Item number 93 is withdrawn. And item number 97 now has a valid petition having been filed in opposition to the zoning request. We have some items that have been pulled on the consent agenda. The consent agenda is items 1 through 55, and at this point the items being pulled are item 3, which is being pulled to be heard with the public hearing on this item, which is item number 60.

[10:07:34 AM]

Also being pulled the at this point by councilmember Ellis is item 18. Item number 30 is being pulled by councilmember harper-madison. Item number 49 is being pulled by councilmember pool.

>> Mayor?

>> Mayor Adler: Yes, councilmember Ellis.

>> Ellis: On item 18, I would be okay with putting that back on consent. We've been doing a lot of due diligence to vet the concerns of save our springs and international brotherhood of electrical workers with the water utility and those conversations are going well, but I just needed more time to do the due diligence necessary. If we can postpone, I'm okay keep it on consent and we'll just work on our questions on the back end.

>> Mayor Adler: Manager, is staff okay with this postponement?

>> We would like to discuss the concerns about postponing this item, so if

[10:08:34 AM]

we can pull it and have that conversation, we would appreciate it, mayor.

>> Mayor Adler: We'll keep that item pulled and hear what the concerns are, councilmember Ellis. Also being pulled item 49 by expect. We have some late backup in items 6, 7, 31, 52, 57, 61, 66, 67, 69, 70, 71, 72, 73, 78, 87, 89, 90, 91, 97. We also have some late backup in some of the Austin finance corporation matters, items 1, 2, 3 and 5. Hopefully I'll remember or someone can remind me when we get to the Austin finance corporation meeting to remember to put that in the record. That would be helpful. All right, this is our last city council meeting by ourselves, the regular

[10:09:35 AM]

meeting in this calendar year. We do have another meeting on the 18th, joint meeting with cap metro board. And then we're also going to have a special called meeting to canvas the runoff elections. But this is our less regular council meeting and associated with that this is the last regular council meeting for the mayor pro tem. Going to be sorely missed on the city council, real transformative change agent on this council and in the city. I know a lot of people want to be able to say something. We're going to start off with -- with a video. We're going to give then the manager to help with a presentation, and then we're

[10:10:35 AM]

going to give each of the councilmembers who wishes an opportunity to be able to speak. So with that, are we ready to run the video?

>> Yes, mayor.

>> Mayor Adler: Okay.

>> Mayor pro tem Garza, I love getting a chance to be part of this huge chorus of thanks to you for your service on city council. Thank you so much. Austin and the world is a much better place because of you and your service. And especially early childhood education, we are so grateful all of us at United Way are so grateful for your strong voice for our children. I can't wait to see all the good you are going to do next, but what we do know is that your work here on city council is lasting and how

[10:11:37 AM]

grateful we all are. Thank you.

>> Hi, I'm Libby Doggett, and I want to thank Delia Garza for her many years of advocacy on the Austin city council on behalf of children. I know you've always been a children's advocate, but the Austin city council position gave you a big platform and you used it to effectively. The dove springs health clinic is just one example. Your many successes. Thank you for what you've done and we look forward to many successes ahead for you. Thanks.

>> Hey, dahlia, we're going to miss you a lot and let's be real, I'm going to miss you a lot. Whether it is us marching out in the sun against another set of horrible policies coming down from the state or whether we are ripping through shakers and Mexican March martinis or on the campaign trail where we're asking is that juror shoes that smell bad or

[10:12:39 AM]

mine? All of these things, we have been through so much together. And you've always had my back and you've always had the back of your constituents and the people who need it the most. I've gotten to see probably more than almost more than anyone Justine henin the councilmembers or the resolutions, but why you do what you do and how you've done it. It been through this, like, wonderfully sub born sense of gist advertise, right and wrong and inspired so many people and changed the way that city hall works. I think you have left this really permanent mark on the dais around doing this work around what is right. And we are just all so grateful for it and indebted to you for it. And so as you head off to be our next county attorney, know that we have your back and we are all going to miss you.

>> Hello, mayor pro tem

[10:13:42 AM]

Garza. District 2, del valle area. Your service as the district 2 representative has been appreciated. We worked together on the fire station which was a success and we thank you for that. Your tireless efforts to provide a grocery store will not go in vain. Thank you for your open door poll I seen a providing a link between your community and your office. The once a month meetings with your staff was an opportunity to present concerns of the area. We might have agreed on everything, but that did not stop us from working together to achieve common goals for the area. I want to thank you for everything you've done for del valle district 2 and the residents of both communities. Thank you very, very much and good luck and success in your new endeavors.

[10:14:43 AM]

Take care. Bye-bye.

>> Mayor pro tem Garza, thank you so much for your leadership, becoming a true champion for children and child care during your tenure on the Austin city council. Under your leadership really cemented child care was one of the core -- increased access to child care including fee waivers for high quality centers, greater investments in child care programs, elevating the importance of our child care workforce, and investing in new city child care facilities in child care deserts. We're really grateful for all your service, your dedication to children and families of our community and the success by six coalition thanks you, congratulations you on your

[10:15:45 AM]

accomplishments and wishes you well on your journey ahead.

>>> It's been my honor to serve as your appointee on the animal advisory commission. Thank you for all you've done for the animals in Austin and Travis county.

>> Delia Garza, my friend, my colleague, a consistent source of inspiration and absolute pride. It has been my true joy to work alongside you, to fight alongside you and watch you fight for the city of Austin. We are better city for the service you have given. We will continue to be a better city as you serve in another role and have leadership in another role. I remember when you were fighting for 10-1 and we shot a video outside of our neighborhood HEB. And you had me say I'm with Delia. And the truth of the matter is nothing has changed. I'm with Delia. Good luck.

[10:16:53 AM]

>> Here's an honest way --

>> Mayor Adler: Thank you. Manager, do you have a presentation?

>> I do, mayor, thank you. What an incredible tribute to mayor pro tem and I'll echo many of those words by saying what an honor and privilege it has been working for you over the past three years and to see the passion and compassion that you bring to the dais in advocating and being a fierce advocate for the residents of district 2 and the entire city. In front of you there is a small box that we're hoping you will open in front of all of us. Normally we would be doing this presentation in person, but on behalf of everyone here at the city, we wanted to provide this small token of our appreciation for the years of service that you've had at the city. If you can look in front of you and open that up and

[10:17:55 AM]

acknowledge the recognition.

>> Garza: Thank you. It's very heavy. It's beautiful. Thank you so much. Thank you so much.

>> I'll turn it back to you, mayor.

>> Mayor Adler: Thank you. Colleagues, I'll now recognize anybody that wants to speak. Natasha.

>> Harper-madison: Thank you, mayor. I'll start by saying I think Delia thought she was clever by wearing that mask so we can't see her crying. We know what you are doing back there. I think I said as much as I needed to say in that video that I had an opportunity to participate in, but I'll just reiterate the part about being a constant source of inspiration and pride. I find myself modeling my

[10:18:57 AM]

forward movements after you. I don't know if you remember it was probably my second week at city hall and you reminded me to pace myself. And I remind myself of that frequently as I grow and evolve in municipal politics and working in this setting. So thank you the advice, thank you for the consistent friendship, and I really, really look forward to seeing what you do moving forward. If I may, mayor, we are also bidding adieu to Chris shorter and Margaret Wright passed away as well. So good luck and looking forward to seeing what mayor pro tem Garza, Chris shorter do in their new endeavors and rest in power, Ms. Wright.

>> Mayor Adler: Paige.

[10:19:58 AM]

>> Ellis: I thank you so much for being such a great leader to our city. There were so many times where I was a new person on the dais trying to gather my thoughts and you would speak I would be like yeah, that's the right way to say it. It was always so eloquent but so heart felt and we are very much going to miss you and good luck.

>> Mayor Adler: Ann.

>> Kitchen: It's not easy being a groundbreaker and I know that you will always be a groundbreaker in the work that you do. You've done so much for women and being a first is not easy, but I think you've handled it well. I also want to say thank you for -- you know, I think somebody else mentioned this, but I think what I really want to thank you for is your sense of justice, of right and wrong, and

[10:20:59 AM]

speaking from the heart. I think you are very good at that and I love hearing that and I have to say I first got a good experience of that when you and I were doing what I now call affectionately our Uber wars. So you were just amazing and fabulous and very strong. And so I want you to know that I will miss you and wish you the best of luck.

>> Mayor Adler: Jimmy.

>> Flannigan: Well, you know, these moments often sound like eulogies, but you're not going that far away. I am so proud of you, Delia, so proud and honored to have worked with you. I am really excited to see what you can do at the county. I'll reserve our -- I'll reserve repeating our conversations on that for a time when we can get together and have drinks,

[10:21:59 AM]

but it is really an exciting future for our whole region to see you taking on that role and seeing all of the amazing work you did at the city and having been so proud to support you to be the mayor pro tem for these last two years, but I kind of want to repeat what councilmember kitchen said. Your support and work with me and a few of our colleagues on the judicial committee really taught me what justice meant. And it opened my eyes to seeing the perspectives of others in a way I hadn't experienced and appreciated and it really helped focus my energies in a way that I don't -- I don't think I could have gotten there without you. And I am excited in the future to continue that work across our jurisdictions. Taking this work for justice to new heights for everyone in this community, and it is a long tale legacy that will

[10:23:00 AM]

rest back with you. Thank you and I love you, Delia.

>> Mayor Adler: Kathy.

>> Tovo: Mayor pro tem, I wanted to thank you for your work on this dais. I know one of the first moments that really impressed me was seeing you in action in dove springs right after the floods. On that very first weekend, just the care you brought to that work and making sure your constituents as they came through the line had food and other necessities they needed and just interacting with your community, with your constituents in a way that was always centered their needs and always responsive and I've had that experience again and again working alongside you and seeing the many issues that you've brought to the forefront. You have been an impassioned

[10:24:02 AM]

and effective leader for your constituents and city as a whole so thank you for the work, the public service you have done and best of luck in your new position.

>> Mayor Adler: Councilmember Renteria. Pio?

>> Renteria: Yes, I'm really going to miss you -- you on the council, Delia. I've known you since before you were even elected to the council. We used to sit out there at a house and party and do drinks during -- and have fiestas there. I'm really proud of what you have done. I know that d2 is going to miss you a lot here on the council. You have done so much for that area. It's just amazing that what you have accomplished on the council in those very short six years you've been on here. En I am really going to miss you and I know d2 is going to miss you a lot too.

[10:25:03 AM]

So thank you for your service.

>> Mayor Adler: Leslie.

>> Pool: Delia, there's not a whole lot more to say. I just want to add best wishes to you in your new endeavors and the new adventure. It's pretty exciting doing this public policy work in Travis county right now. Good luck to you and I know we will see more of you in your new -- in your new position.

>> Mayor Adler: Anyone else to speak? Alison?

>> Alter: Good morning. I want to wish Delia good luck in your new role. You have been a role model to many and you always speak from your heart and you speak for those less fortunate and you have been an amazing advocate for direct 2 and for the city. And it has been an honor to watch you grow into being an

[10:26:04 AM]

amazing leader for our city and now our county and I wish you well. Opportunities to work together on advancing issues that we both care a lot about like child care and fire safety and with our work on the a Dus. And I want to wish you all the best in your new role and we'll be seeing you I'm sure quite often. Thank you.

>> Mayor Adler: I just want to add my thoughts here as well and then Greg, I'll go to you. Mayor pro tem, it has been an absolute honor and a privilege to serve with you out on the campaign trail in this last race, I would often tell people I was there at kind of a bittersweet kind of way because I didn't want to lose you where we had you and I meant that. You have taught me so much about the city, about

[10:27:06 AM]

leadership, about advocacy and others -- and as others have said about justice. You are going to be missed on this dais. Fierce advocate for your district, but also for folks all over the city that have historically not had a fully empowered voice. The work that you've done has been incredibly effective from rights, the fire station, the social work, living wage and fair chance hiring, food insecurity work, the clinic, the things you have brought back to people that have been due. But I think the most significant contribution that your leadership has made to this city goes beyond those individual achievements. I think that you have helped the council in the last six years, led the council in the last six years to a really fundamental shift in

[10:28:08 AM]

how government and governance is done in this city. There's been a -- an emphasis on equity, an equity lens that creates everything we have done, everything now that our staff does in our city. I think that you deserve real significant credit fundamentally for changing how it is that city governance happens. I am really excited for the measure of compassion and advocacy that you are going to bring to the new job because I think there's huge upside potential and I know you will be pushing there as you pushed here. And then, quite frankly, mayor pro tem, I'm excited to see what happens in the balance of an entire career that I think has just limitless potential.

[10:29:10 AM]

Thank you for your willingness to do public service. Greg, do you want to close this out?

>> Casar: Yeah, you all have said it all and I've said most of my piece in the video and I won't say anything else embarrassing other than like the mayor said, it was tough to promote you leaving because we need you so bad here. But I'm so excited about what you are going to do next. And when we elected you mayor pro tem, I mentioned I know that so many Latinas across our city will be proud and that this would be proud and as we think about that, I just can't wait to tell all the stories about what you've done and what we've been through. Immaterial just thinking of that like makes me beam and makes me feel so excited about it. And I think that's the real

[10:30:12 AM]

measure of thousand we should do this job is to be able to feel like we can go back to ourselves but also our families and feel really proud what we've gotten to do and I'm so honor to be a part of this with you.

>> Mayor Adler: Mayor pro tem, do you want to give any words?

>> Garza: Sure. And I'm sorry, I tried to keep it as short as possible and you guys know I don't like long speeches so thank you so much for the presentation. It was very kind. You are right, Natasha, I love the idea of wearing a mask because then you can't see the quivering lip as much. I'm going to read a lot, I've been practicing this. I was telling the staff I practiced so I wouldn't cry. It has been one of the honors of my life to work for the city of Austin for 12 years, and no, that's not saying council years are dog years. I've worked six years as an Austin firefighter and six years representing southeast Austin district 2.

[10:31:13 AM]

District 2 did not have a dedicated or constant voice or lived experience voice before 10-1 and I'm grateful I was able to be that voice for you. So thank you to district 2 for sending me to city hall to fight for you. I know my constituents did not always agree with every decision I made, but I'm grateful for the most part my constituents were always kind and rationale about issues. As the first Latina mayor pro tem all the Latinas that came before me, but I stand on their shoulders. When I was elected mayor pro tem, I said being the first wasn't important but what was important was not being the last. That's also what my mask says. A sweet constituent made this for me. I want to say congratulations to councilmember-elect fueftes. I'm here to help in any way

[10:32:15 AM]

possible. We've talked many times and I gave her a tour of city hall. I thought in staying true to myself, I wasn't going to sit here and list accomplishments. Please bear with me nonetheless. I think much of our work speaks for itself and I'm grateful to everyone who helped us invest more in public health, a more equitable, more safe Austin. To my staff in the last six years, Laura, cat Lynn, Alexander, Brian, Kate,

Alison, Eric, Cynthia and rose, your work helped so many and I'm so grateful to each of you. Among many other wins, del valle has a brand new fire and ems station. I've never seen a city building go up that fast. That was amazing. Dove springs will soon have a health center coming and will be there for decades to

[10:33:15 AM]

come because of work from my staff. To city staff, there are too many to name, but city manager, you have an amazing professional staff and you have set the bar so high as I move on to this next agency. To be totally honest, the work I am the proud of really that has is the work I did before coming to this dais. Being part of the coalition to bring this city a new form of government was one of the greatest experiences of my life. Because I firmly believe that changes the trajectory of the city and definitely and obviously our council. Moving our elections to November is also to thank for that change. I remember very vividly going to a central city neighborhood meeting to ask them to support 10-11. And a man after my presentation stood up and very casually said it would be stupid for us to support 10-1. We have all the power, why

[10:34:16 AM]

would we let that go. I also remember telling that story from the podiums that usually is sitting up here, this one on the right, during citizens communication, asking the council then to put 10-1 on the ballot. But they didn't. So we formed a coalition to put it on the ballot and push it to victory. I firmly believe, I know we have the youngest dais we've ever had, definitely the most diverse with the most minority representation, and we have held on to our female majority through four cycles of elections. The gentlemen's agreement was relayed by the ladies left turn. No more having councilmembers and mayors that come from a few zip codes. 10% of Austin voters for mayor and other councilmembers. It's hard to change the status quo when the status quo is primarily the population voting.

[10:35:16 AM]

In 2014 after moving city council elections to November, that number quadrupled to 40% of austinites choosing their first 10-1 council. This dais is nor democratic and more representative of our city now. A quick side note, I am on the dais today, I asked city manager if they could arrange that. Thank you for allowing that. I just wanted to spend a portion of today's meeting here since I started here. I've learned so many and grown so much during my time on the dais. While we may not have always agreed, I know each of us was doing what we felt best for our constituents and now the sacrifices each of you make to serve so thank you all for your service. There's so many things I'm going to miss. I'm going to name a few

to add a little levity here. Please now the following cams from a place of endearment so I hope nobody takes offense to any of this. I'm going to miss the mayor pronouncing water wootr, and

[10:36:17 AM]

introducing me to terms like "Tranche." I'm going to miss Ann's steadfast advocacy for her constituents. It is a pretty amazing thing to watch Ann dig into something. Then I'll miss her interrupting meme and then saying she didn't mean to interrupt. I'm going to miss the history of ids lessons from Kathy and sitting next to Kathy because she just does so much work to read up on stuff and has so much, you know, information with her all the time. And I absolutely loved when she pulled out her stapler and I saw the stapler the other day two meetings ago and it made me smile. I'm going to miss wondering if Paige, Spencer and Jimmy -- there's the stapler. I'm going to miss wondering if they are actually robots because I don't know how they stay so still and stare at the camera for so long without moving.

[10:37:19 AM]

Natasha, I knew you long before being on this dais and it's been such a pleasure to work where you and he with will continue to be life-long friends. Greg, looking up old 10-1 articles to refresh my memory, one was talking about the great things 10-1 would produce. This is a quote from peck young, a known political consultant, he was speaking about the good things that 10-1 would bring. He said you are going to wake up one morning and some star is going to emerge and they are going to emerge from a district where this they didn't have built to walk streets and raise money they would have never been able to get elected. So excited about seeing what you continue to do, Greg. You have pushed us to be a more Progressive council. And Pio, I'll miss your very real and historical perspective and I'll also miss texts from staff saying

[10:38:21 AM]

tell Pio his mic is on, we can hear him breathing. Alison and Leslie, remind many of the steadfast advocacy you provide your constituents and it's an amazing thing to watch and I have been grateful to get to know all of you. I'll close with reading an excerpt from something that I read -- I go back often to read when I need a remind he why we do this work. Sometimes it's makes me incredibly sad not much has changed. It's martin Luther king's letter. It carries even more importance in this time of a racial injustice. I encourage everybody to read it and read it often. Dr. King wrote, you deplore the demonstrations taking place in Birmingham, but your statement I'm sorry to

[10:39:21 AM]

say fails to express a similar concern for the conditions that brought about the demonstrations. I'm sure that none of you would want to rest content with the superficial kind of social analysis that deals merely with effects and does not grapple with the underlying causes. It is unfortunate that demonstrations are taking place in Birmingham, but even more unfortunate the city's white power structure left the black community with no alternative. Dr. King goes on to say what he believes is a bigger threat to his cause than the kkk even. He said it was the white moderate who is more devoted to order than justice, who prefers a negative piece, the absence of tension to a positive piece the presence of justice, who constantly says I agree with you and the goal but -- who believes he can set the timetable for another man's freedom who lives by a mythical concept of time and constantly

[10:40:22 AM]

advises to wait for a more convenient season. He says the present tension in the south is necessary phase of the transition from obnoxious negative piece to a substantive peace in which all men respect the dignity and worth of human personality. We are not creators of tension, we nearly bring to the surface the hidden tension that is already alive. We bring it out to the open where it can be seen and dealt with. Thank you to my colleagues for having the courage to bring to the surface the hidden tensions in our community time and time again. Bringing it out into the open and dealing with it. I almost made it through. I know as I move on to my next chapter I will use your examples of patience under pressure and courage under fire. To push me to keep fighting

[10:41:22 AM]

for those who don't feel heard and don't feel seen. Thank you. Thank you all for this presentation. That went a little longer than I wanted to, but thank you.

[Applause]

>> Mayor Adler: Mayor pro tem, thank you. Godspeed. Colleagues, we are back to our agenda. Consent are items 1 through 55. What's pulled at this point item 3 to be heard with item 6. Item number 18, we need to discuss the postponement request. Item number 30, health south. Item 49, the crossing pulled by councilmember pool. 3 is going to get pulled.

[10:42:23 AM]

Manager, do you want to address item number 18, the pinpoint request?

>> We certainly can. I'm going to have our folks from water come over, but it might be a longer discussion just because we want to talk about the impact of what the delay in approving this would be.

>> Mayor Adler: Okay.

[Inaudible].

>> Right.

>> Mayor?

>> I had tried to get a couple questions answered on 32 and 40. I'm hogue by the time speakers are done I'll have the answers to my questions but I'm just flagging that.

>> Mayor Adler: Okay. And that is a good reminder. Let's pull or put a checkmark next to 32 and also next to 40. Then probably let's go ahead and do the speakers and that will give everybody a chance to come in. Is there a motion to approve the consent agenda? Councilmember pool makes the

[10:43:23 AM]

motion. Seconded by councilmember harper-madison. We're now going to hear the morning speakers. About how many speakers do we have in the queue?

>> 13.

>> Mayor Adler: Thank you. Go ahead and call the speakers.

>> First speaker is Bobby lavinsky. Bobby lavinsky? Be sure to unmute, please.

>> Thank you, mayor and councilmembers. My name is Bobby lavinsky, here with the save our springs alliance. I'm speaking on the water forward amendment. We're in favor of these amendments, however, one thing we really want to urge you is to move forward

[10:44:24 AM]

quicker with the other parts of the water forward amendment -- I'm sorry, I'm out of breath because I was just running inside with my dog. But we are looking forward to advancing the -- especially the weather benchmarking -- water benchmarking amendments. Those amendments relate to when a developer estimates a site plan, they get a somewhat like an audit like the energy efficiency audit and recommendations how they could improve their overall development in terms of water efficiency. This is a code amendment that had the revised land development code move forward. It would have been adopted and implemented in June of 2020. Now we are behind schedule with regard to the water budgeting amendments and we're encouraging you to, you know, go ahead and move forward with that

item. You can't do it today because you are not posted for it, but we really do need you to take action and bring it back to the council so that way that code

[10:45:25 AM]

amendment can be brought forward. It has nothing to do with the ongoing lawsuit whatsoever. It has nothing to do with zoning. I've done the really research on that and I'm very -- legal research and confident you can move forward with it. A lot of you have already spoken to the need for that type of code amendment. Many of you have campaigned on it and we're looking forward to getting that enacted as quickly as possible. Thank you.

>> Paul Robbins.

>> Council, I'm commenting on item 3 to add customer assistance program discounts for water to apartment units that are master metered. This would grant eligible utility customers a discount of about \$204 a year.

[10:46:27 AM]

I generally support the concept, but I have two concerns. The first is that most of the customers will be automatically enrolled if someone in the household is on one of seven social service programs. I have pointed out on several occasions with evidence that this approach is flawed. The goal of this program is to reach customers with an income of no more than 200% of the poverty level. Automatic enrollment will enlist some people above this income bracket. Austin energy began a program about a year ago to allow customers who are not automatically enrolled to qualify by providing documentation of income. Today roughly one-sixth of customer assistance program

[10:47:27 AM]

participants have done this. I think in message should be adopted universally. Some people at the utility do not feel this is much of a problem saying that most, most participants are deserving. But consider if the new water discounts are added, total customer assistance program discounts for electricity, water and drainage utilities will amount to about \$20 million a year. Even at 10% error rate will route \$2 million to the wrong people. This is a lot of money that could be sent to the right people. Moreover, the ratepayers who provide this assistance with a mandatory surcharge on their bill should feel confident their funding is being well spent. The other concern I brought up last week is the irony you are giving utility discounts with one hand while requiring tax increases for rail with the other hand. This may partially or

[10:48:28 AM]

totally eliminate today's proposed discount for utilities. Little thought has been given to how the regressive rail tax affects the poor. I realize that this issue is not posted today, but you should post it for early next year. I think a blanket tax exemption of \$200,000 per residential unit would affect apartment units and lower valued homes the most and provide a simple way to grant relief. The seemingly conflicts with my first point about income qualifying cap recipients and you can certainly income qualify people for this tax relief. However, it may be difficult to do this --

[buzzer sounding]

-- For a larger tax relief program until the relief is in the form of direct payments. Some tenants in an apartment building, for example, may income qualify while others do not. Thank you for your

[10:49:28 AM]

attention.

>> Benjamin Jacob.

>> Good morning, mayor and city council. My name is Ben Jacob and I work with building and strengthening tenant action dedicated to organizing tenants to effectuate their lives. Also an organization of eviction solidarity networks, a coalition that provides support to people facing eviction. Housing instability and the importance of tenants' rights. Item 54 would extend an Orange first passed in March giving the opportunity to pay we'll be right back rent. I'm here today to primarily discuss my work with solidarity. One of the primarily

[10:50:28 AM]

activities is to observe eviction proceedings in the justice of the peace courts of Travis county. The courts partially reopened in October and every day there have been hearings we have seen how the protections enacted by the council and mayor have helped keep the number of cases down and providing defenses to tenants. This is in stark contrast to other jurisdictions in Texas like Harris county where we've season uncountable number of evictions. All residents in Travis county are covered by orders proo libertying landlords giving tenants notice of vacating. Many of the defendants in the cases we have witnessed are a month or two behind on rent often because of temporary job less due to the pandemic. We've seen many folks arrive to court with funds to get caught up right then or a short period of time. Under state law alone there will would be in requirements for landlords to except this payment. This ordinance would allow the tenants to stay.

[10:51:28 AM]

I wanted to give a story of a child iness withed last week. This was a trial where a woman and her family were evicted. The rent was above the threshold of the more tore item. The landlord had alleged complaints of being trashy, trash can left on the street. The evidence presented for her case was pretty insubstantial and the judge included did not really buy that argument. The tenant was also a couple months behind on rent. She had lost her tech job due to covid cutbacks and her young daughter had passed away in a pool accident over the summer. She had gotten behind but had recently received a life insurance payout and had the money available then to be able to pay back all that late rent. But the landlord wasn't interested. The judge although she was sympathetic to the tenant said the tenant had no

[10:52:28 AM]

protections and ruled for the landlord. Had that tenant lived in Austin just a couple miles over, she would have gotten a notice of proposed eviction and had 60 days to get caught up on each month she was late and almost certainly this work would not have got even evicted. A report was released by Johns Hopkins --

[buzzer sounding]

-- That found lifting moratoriums over the -- caused more than 400,000 excess cases of covid-19. And almost 11,000 additional deaths in the U.S. Between March and September. Evicted tenants have to double up with friends and family, go to crowded shelters or the streets. Austin's vigilance with policies such as this ordinance have kept cases relatively low. Under this ordinance rent is still owed and we have seen time again and time again tenants are doing their best to get the money together. Time to connect with rental assistance, make a plan where they and their family

[10:53:29 AM]

can safely end, time for the social safety net --

>> Speaker, your time has expired.

>> Okay. Thank you. We are nine months with no relief and the promise of vaccine is tantalize, but as our public firms firms have said the worst is yet to come.

>> Jason Lucio.

>> Good morning. My name is Jason Lucio and I'm a resident of district 2. I'm asking the council postpone action on agenda item number 30, health south. I believe this one is just moving too fast without enough public engagement. The current proposal of 25% affordable housing units is not nearly enough. Additionally the ownership opportunities at 80% mfi are out of reach for residents of district 2, and here in district 2 we should have affordable housing opportunities that allow us to move to other parts of the city where we can have

[10:54:30 AM]

better and safer access to high quality jobs, transportation, other amenities rather than just saying segregated here in dove springs and health south would not be an option for us with the current proposal. This location needs more affordable housing and deeper affordable housing. Please pay special consideration to the July 30, 2018 urban land institute report that ranks city sites for affordable housing. I encourage to you postpone action on this agenda item. Lastly, I want to thank mayor pro tem Garza for her groundbreaking service to residents of district 2, this council, this city, best of luck in your new role. We know that you will do great things. Thank you.

>> Susan Summers.

[10:55:30 AM]

Susan Summers, please be sure to unmute.

>> Hello? Sorry.

>> Go ahead.

>> Can you hear me?

>> Yes, we can hear you. Go ahead.

>> Okay. Hi, I'm Susan Summers. I'm a resident at 11900 hobbyhorse court in district 7. I'm calling about item 49 which is to change the name of hobbyhorse court to azul1789 crossing. I was shocked, learned about this potential change from reading the city council agenda on Friday night. In the apartment complex I live in, it's the radius apartment homes. There's probably at least -- I know there's 25 buildings, there's probably at least 400, maybe 500 households in this complex and they received no notice of the potential change which is shocking to me. There's really only two

[10:56:32 AM]

property owners, one is broad more development and -- we have an apartment management community. So I think the apartment owners are like up in new York City or something. So anyway, so they both signed off on it, but nobody here knew about it hardly except me. I just wanted to speak out and not do this change. I think there's a good solution here where we could -- and I want to be clear, I'm extremely supported of broadmoor redevelopment. I think it's going to be great. A lot of walkable destinations. It's going to be awesome, but I think we can extend this south of gault lane with a different name and retain hobbyhorse so we're not inconveniencing hundreds of people with no notice. I would also say "-and I also want to say I'm supportive of name changes in certain situations, but

[10:57:33 AM]

there's not a moral reason, it's more of a technical reason. I think with courts are only supposed to be cul-de-sacs, but hobbyhorse is not a cul-de-sac. People go through to gault lane from Gracie farms sort -- people use that as a three-way to get out to burnet because you can't turn left from Gracie farms there. So anyway, I hope that we can make that change happen. I also would strongly encourage you all to consider notifying renters of, you know, the street name changes. I mean it's pretty crazy that two people can sign off and that would inconvenience so many people that received no notification. And also I would encourage that you would engage the apartment communities in this development. I'm strongly supportive, I think it's going to be

[10:58:34 AM]

moving, but renters seem to get ignored a lot of times. I wanted to speak up on behalf of my neighbors and me because probably most of them if they knew about it would not be excited about changing all their addresses.

[Buzzer sounding] Thank you. I'm happy to answer questions.

>> Pool: Mayor, for the last speaker, the Austin transportation department is looking at

[10:59:44 AM]

continue to move forward with their project. I think there's a good solution that works for everybody and my staff has been working on that. Thanks.

>> Mayor Adler: Thank you. Kathy, did you raise your hand? Okay.

>> Tovo: I like councilmember pool, I just wanted to underscore the point the speaker raised and sounds like councilmember pool is already on that. That would be a good change.

>> Mayor Adler: Thank you. Myrna, keep going.

>> Sure. Next speaker is Blaker Smith.

>> Hello, good morning. My name is Blaker Smith. I'm development and communications specialist at family elder care. We've been serving older adults and adults with disabilities for almost 40 years. All of our services designed to help people remain in their homes and prevent homelessness and premature institutionalization.

[11:00:45 AM]

I graduated with my masters from U.T. In 2019 where I worked with older adults and veterans struggling with isolation, financial insecurity and homelessness. On behalf of family elder care, I wanted to throw in support for item 54. We are facing a completely predictable and preventable wave of homelessness and extending this moratorium will help mitigate this. There are so many people who have lost income due to covid-19 and will end up -- rental assistance programs exist, but there's not enough time to pay off rental debt before the end of the moratorium. There's a greater need for what our community is able to provide. We need more funding than what's available in Austin. Additionally there are barriers to -- including a

[11:01:46 AM]

digital divide when the applications are online. Documentation needs very difficult to procure for the application, especially during a pandemic. And immigration status. So example, we have one client who is in unincorporated Travis county and they were denied rent assistance through the city because they were outside of the city's jurisdiction. There are so many more people falling through the cracks while the state sits on unspent covid money and the rent is just piling up. I just wanted to once again say that by extending the eviction moratorium, we will help keep people housed and prevent a predictable and preventable wave of homelessness. Thank you

[11:03:21 AM]

.

>> In your directive to negotiating, strong you urge to include the following three points. One, require a greater affordable housing component. 25% is a good start, but Austin can and must do better on city-owned property. More affordable units would greatly benefit downtown workers. Austin has long talked about using public land to provide deeply affordable housing for residents and this is a rare chance to provide that in the downtown area. Two, consider additional community uses for the proposed office

tower such as high quality child care which is greatly needed, for the downtown Austin community court which is still looking for a home. Three, make sure this is a lease not a sale. This property will only grow more valuable with

[11:04:24 AM]

I was surprised to see a sale option included. A sale would be a one-time gain, quickly eaten up by the city budget, as opposed to a long-term lease that would provide ongoing revenue over time. Please direct staff to take that option off the table. In 2016, the city acquired the property for a relative \$6.5 million. Our low financial investment means we have an unprecedented opportunity to achieve a very high level of public benefits on this tract. Given rising land prices, the city will likely never have a better chance to provide deeply affordable housing and other critical public benefits in this area. So, please include these points with negotiators and ensure the contract comes back for final public review. Thank you.

>> David foster.

[11:05:32 AM]

>> Thank you, my name is David foster, speaking on behalf of clean water action on item 6. Before I do that, I want to express my appreciation to mayor pro tem Delia Garza's service, and point out that she's also a bus rider. I know this because I've seen her on the bus. I'm a bus rider, too. I thank her for her as much as service on the council. I support item 6 as written. I'm pleased it's on your consent agenda. It establishes a regulatory framework for how new buildings are going to manage, reclaim distributed water. That means capturing water on-site. Rainwater, storm water, etc. We diversify our water sources as we continue to grow and climate change makes its impact felt. So, I support that.

[11:06:33 AM]

I do want to echo what Bobby said earlier and urge this council as soon as possible to go beyond this, which is simply a regulatory framework for voluntary compliance and make these changes mandatory, as envisioned in draft two of the land development code. And, of course, that along with the rest of the code is on hold, because of the litigation. Again, as Bobby said, this has nothing to do with zoning. It has nothing to do with the dispute in that lawsuit. I've talked to some of the leads on this issue, and they have no reservations about moving this forward. It helps to remember that Austin water originally intended to do these things separately from the land development code, and they only moved it into the land development code when council directed them to, which you all did because water advocates asked you to. And we did that because we thought that the land development code was moving fast

[11:07:33 AM]

and that would be the most expeditious way of getting these needed changes into code. That obviously didn't happen. It's clear to me from hearing the presentations that they have nothing against making these changes mandatory. They're really waiting for leadership and direction from the city council. So I think there's every reason for you all to move forward with this as soon as possible. We're going to need to do this. It helps remember Texas A&M recently warned us of mega-draughts. We're slipping into a draught now. The sooner we do this, the better off we'll be in terms of water supply. I believe there is consent consensus to do that. I urge you to ask staff how you can do this. I believe it's a question of figuring that out. I don't believe there's any obstacle beyond that. To be continued.

[11:08:33 AM]

Again, thank you for the opportunity.

[Buzzer sounding]

>> Seneca Savoy.

>> Council, thank you for being here today. I'm calling in in support of item 54. Whatever people might find in the council, you've done a pretty exemplary job in terms of taking covid seriously. You know, the expiration of this moratorium could affect tens of thousands of people's lives in the very short-term, and extending it, even though it's not all -- we leave -- give this room to maneuver in the event of more robust federal aid as well. Fundamentally it allows people to stay in their homes during a period where it's going to be increasingly deadly for people not to be in their homes.

[11:09:34 AM]

We've seen a death toll amongst people experiencing homelessness in the last year that exceeds our death by violent crime four or five times over. And we can expect that during the peak on covid and the flu, this will be even more the case. Keeping people in their homes is one of the best things we can do for public health. And this gives us the time that we need to wait out crucial federal aid that we all need to survive. Thank you. And before I go, special thanks out to councilmember Garza, who has, I think, shown the strongest development over the course of her term in council. Has taken incredibly hard votes, and on the county attorney platform, stands in some cases are hard, right. She didn't have to.

[11:10:34 AM]

She went into that race, and did not have to take it. Quite a few policies that are now at the core of her platform. And I think that shows a dedication towards actually helping people's lives, not just when it's expedient to. I look forward to working with you again in the future. Thank you.

>> Brittany bais.

>> Hi, my name is Brittany, vice chair of the Austin healthy coalition, and director of development at family elder care. I'm calling to speak in support of item 54, extending the eviction moratorium. I want to thank our city and county leadership for their foresight and attention to the eviction crisis from the beginning of the pandemic. We live in an area where there are quite a few more protections than in others, but it is still

[11:11:37 AM]

critical that this ordinance pass and we extend the eviction moratorium, because we just can't solve this issue locally. We must have the state and the federal support necessary to get sufficient rental assistance into our community. And extending the moratorium gives us the time to do that. Some of our local programs have only now just flowing with rental assistance. It's so critical to extend this moratorium. I want to share, prior to the pandemic, we had a massive shortage of affordable housing. And prior to the pandemic, many of our community members were surviving on very little savings. A small crisis, a dental bill, could have been enough to kick off the dominoes of housing instability. If you add the economic impact of covid-19, it just becomes all the more dramatic and has laid bear the gross inequities in our system and our community.

[11:12:37 AM]

Other speakers have spoken about the digital divide. I encourage you to increase rental assistance, reduce the barriers to our community accessing those rental assistance dollars. Don't put burdensome documentation requirements in place. Allow your professional case managers to be funded. Support our community in this work. And allow them to rely on your professionals to help make sure that this funding is prioritized and gets to the folks who need it most. Thank you, again, for your leadership. We are resoundingly in support of item 54 and extending the eviction moratorium. Thank you.

>> Elias.

>> Mayor pro tem, councilmembers, I serve on the leadership of planning our

[11:13:39 AM]

communities. We are a partner organization of the eviction solidarity network. I am speaking in support of item 54 that extends the original ordinance passed on March 26th. This would allow tenants to stay in their house during an ongoing epidemic. We are in a global health crisis, and eviction is not a cure. Tenants are struggling to pay rent and stay in their homes. Protections against evictions, including the ability to cure, are critical public health issues. Extending the ordinance would save the lives of our austinites. Though there might be a light on the horizon, had pandemic is not over yet. We are heading into a surge. Rolling back protections in this moment one unconscionable. You have shown amazing leadership over the past month and protected Austin tenants. I ask you once again, please vote in favor of item 54 and

[11:14:40 AM]

save the lives of our fellow austinites. I also want to take a moment and thank mayor pro tem Garza for her service on city council. It has been an honor and joy to work with her and her staff over the years. There is no doubt that she will be missed, but I wish her the best for the future and look forward to continuing to work with her. Thank you all so much.

>> Eli Barish.

>> Hi, there. My name is Eli. I'm a resident of district 9. I'm here to comment on item 54, speaking in support of extending the right to cure ordinance. I'm a policy analyst at Texas fair housing research and advocacy organization, which has worked with low-income folks to achieve the dream of a home in a quality neighborhood for over 30 years. Texas housers is a partner organization of the eviction

[11:15:41 AM]

solidarity network, seeking to ensure that tenants have the time, resources, knowledge, and rights to keep their housing and prevent eviction. Today I urge you to re-muour city's commitment to safe housing during the pandemic by extending the 60-day right ordinance until a vaccine is available. Protecting austinites from eviction during this time is not only a moral necessity, it also continues to be a critical ago aspect of managing the spread of coronavirus. By extending the right to cure ordinance, you provide tenants facing eviction more time to apply for rental assistance, to find a new job, to obtain legal help, or to otherwise land on their feet. By passing this and other smart policies during the pandemic, you protected our city and set an example for others in our state and across the country. As we approach an uncertain winter, now is not the time to let up. Please vote to extend the right to cure ordinance. Thank you for your time.

[11:16:44 AM]

>> Zenobia Joseph.

>> Thank you, I'm Zenobia. My comments today are specifically related to the Austin housing finance corporation items. Number 5 is specifically related to 900 gardener road. My comment is neutral. I am curious to know why there were only 137 units being proposed for six acres of land. That appears to be a small amount, and perhaps not the highest and best use of the site. I would call your attention to the fact that there are about two acres that you approved for 1934 Rutland. That site had 135 units. This particular project, the 900 Gardner road is actually within walking distance of eastside memorial. And so I'm not opposing the need

[11:17:47 AM]

for affordable housing, but I do question why there aren't more units on that site. I did look at the pre-rfp video as well, and I didn't see any type of restrictions mentioned. As it relates specifically to transit, on item 6, you have \$306,000 pending memorandum of understanding with echo, ending community homelessness coalition. And my opposition really is for you to update the strategic housing blueprint, and specifically, I am talking about the linkage between housing with transportation on page 19 of the document. 25% of affordable housing would be within a quarter mile of high-frequency transit. And so I certainly appreciate councilmember Garza mentioning Dr. King as it relates to wait for a more convenient season. October 22nd, 2018, she asked the people north of U.S. 183 to

[11:18:48 AM]

wait. We have waited. I want you to understand there is no transportation that side of Howard, and east-west palmer. I respect councilmember pool mentioned transportation, but the pickup zone is not the least discriminatory alternative. And that option only came about because I filed a complaint with the Texas attorney general, and then Travis county commissioners court recognized the need to actually be honest about the transit desert in that area. And so I just want you to be cognizant of the fact that this needs to be brought before you as a formal council item so you can update the strategic housing blueprint by council district and see if you are meeting your goals. As it stands now, I would say to you that you are not meeting that goal. You can actually look in the packet from Travis county commissioners court to see the thousands of units of affordable housing that are in two miles of

[11:19:48 AM]

Samsung with no transportation. And then lastly, I would just say, mayor Adler -- you have these hearings specifically related to the affordable housing.

[Buzzer sounding]

>> Finance corporation commingled with the regular agenda items. And I would either ask you to recognize that while you can not open and close the affordable housing finance corporation --

>> Speaker, your time has expired.

>> Separate vote. The last thing I would say is to please comply with house bill 2840 and separate the housing finance corporation items from your regular agenda items. Thank you so much. And if you have any questions, I'll gladly answer them at this time.

>> Mayor, that concludes all of the consent speakers.

>> Mayor Adler: Colleagues, that gets the agenda back to us.

[11:20:50 AM]

Manager, are your folks ready to speak to the impact of a postponement on 18?

>> We are, mayor. And we'll defer to you if you want to have that discussion, pull the item, and after consent approval.

>> Mayor Adler: All right. The pulled items we have consent agenda items 1-55. Pulled items are 3, 18, 30, 32, 40, and 49. Councilmember alter, do we need to pull 32 and 40?

>> Alter: No, staff got my questions answered.

>> Mayor Adler: The pulled items are 3, 18, 30, and 49. It's been moved and seconded. Any discussion on the consent agenda? Councilmember alter.

[11:21:54 AM]

>> Alter: Sorry about that. I wanted to just briefly speak to three items. So, item 11 has to do with electrification. This item supports the construction of electric vehicle charging stations for fleet mobility services. And I'm really excited to see our fleet electrification initiative take this step forward. The city we're on track to add 330 electric vehicles. This project will help us reduce cost and the usage of fossil fuels. I'm really looking forward to further progress on decarbonizing the city's fleet. Thank you to mobility services for bringing this forward. It's an important step. And I wanted to speak to item 16. This is an item, the design build agreement for the Davenport loop 360 fire ems station. Eager to see this project move forward. The station will help response times in the area and aid in our wildfire mitigation efforts. And finally, I wanted to speak to item 25, amending our

[11:22:55 AM]

contract with United Way to continue to administer Austin childcare provider relief grant through the work we've been doing together. We've funded an additional \$5 million. We deeply value the critical role that childcare plays for families in our economic stability. And I'm very hopeful that united Way will be able to ensure this money is deployed swiftly. Thank you for that chance to speak to those three items.

>> Mayor Adler: Okay. Mayor pro tem? You're muted still. Okay. We'll go to Greg. We'll come back to you. Councilmember Casar.

>> Casar: Mayor, thank you,

[11:23:55 AM]

and thanks to all the folks who testified about evictions. I appreciated folks sharing those stories. I don't know if you all saw that the statistic's out in the monitor, but in other Texas cities, we are seeing -- in fortworth, 8,000 evictions filed since covid began, Houston, 16,000, Austin, well under a thousand. And that is thanks to critical work from the mayor and the justices of the peace, both here and in Williamson county, and the county judge, and the prior county judges, and also this council with our ordinance, tenants rights advocates working in the courts, landlords coming up with payment plans. Everyone working together has been so important. We have really critical work left to do. For the extension of the ordinance we've been trying to line up the mayor's orders with the ordinance date. We put up a placeholder on this,

[11:24:58 AM]

as those conversations are happening. My understanding is the mayor's orders are likely to extend into February or March. Mayor, I would move this forward on consent with the date and the ordinance saying March the 5th, because I think that will line up. We have a March 4th council meeting, and a meeting in February right before that. I expect we may have to continue to extend this. But that gives us adequate space. So I would move this forward with March the 5th being the date. And, of course the ordinance applies for 61 days thereafter.

>> Mayor Adler: Thank you, councilmember Casar. That date seems right to me. You know, I'm proud that we were one of the first cities, both with the order that I entered, the emergency order as mayor, and also the council action with respect to the ordinance on evictions -- one of the first cities to really move into this area to protect people in their homes. And we're seeing the benefit of that.

[11:25:58 AM]

Obviously, there's a huge backside issue to this with people that have been protected in their homes, but have been accruing rent that is due. And we need to figure out what's going to happen on the back side of that. Not a challenge unique to us, but to cities across the country. And we continue to push the federal government to assist with that. I'm going to go ahead, also, and extend the emergency order that we have to take us to the place where we can continue these conversations in January. The JP judges are continuing to meet. I think they're considering action that might take place the first week in February. So we'll see how that works. I think the time that you're proposing is correct. I would anticipate that this is a topic that we're all going to

[11:26:59 AM]

be discussing in January as we're coming back as well. But proud of the protections that we provide in this city. Councilmember Flannigan and councilmember pool.

>> Flannigan: On that same item, similar comments that I had made on this in the past. It is very important. And I'm glad that we are extending it. I also want to encourage us to consider the programs and the process around how people access this protection. I am hearing folks that are using this protection, but then not getting access or even knowing, necessarily, that we've created it. And as we head into next year and the vaccine comes out and the window narrows on who is still having these impacts, that there should be some connection between being protected in this way and accessing the services

[11:28:00 AM]

that we're creating, so we don't have a gap between those two things. But happy to see this move forward again today. And on item 28, this is an error in the posting language. It doesn't change the substance of the matter, but the posting language says the lgbt chamber is not a part of the multiethnic chamber alliance. But they are. We will get that corrected in future postings.

>> Mayor Adler: Great. Councilmember pool was next.

>> Pool: Thanks, mayor. I believe councilmember tovo wanted to mention a few things about water forward. And if she does and is ready, what I'd like to do is let her speak. And then I'd like to speak after her. And it looks like she's ready. Thanks.

>> Tovo: She's almost ready. Thank you. I do have a few things I wanted to say, but I was also supervising my school -- okay,

[11:29:05 AM]

sorry. Yes. First of all, I just want to -- thanks again for queuing me up, councilmember pool. I really wanted to begin by thanking our staff at Austin water for bringing these forward. It's been the product of several -- as several speakers indicated, the product of substantial community work and great work on the part of our staff to see these into action. These are really important strategies that we're moving forward today to ensure that we have a resilient water supply for the generations to come. And thank you again to our community members and our whole community for embracing so fully the goal and the importance of water conservation. That has been, in the height of the worst draught on record, conservation and the willingness of our community members to embrace conservation was our absolute strongest strategy. Thanks to the community members who advocate for additional measures and do so on a

[11:30:06 AM]

volunteer basis, sharing expertise. Thank you again to our full Austin community for embracing and your support of it. This is what is going to allow us to be water -- to have a water resilient -- a resilient water supply. As I think everybody is aware, Travis county is currently in severe draught. And our central Texas and our highland Lakes watershed are in severe or extreme draught. The draught conditions across the state are increasing. Inflows into highland Lakes have been below average every month except March. Forecasts indicate a 95% chance of this dryness continuing through March, and a 65% chance that it will persist through may. The bottom line, future forecasts are for below-average rainfall and this is really very critical for our region. So while these efforts today are really important, I also want to note that we have equally important strategies, as several

[11:31:09 AM]

speakers indicate, as part of water forward. They all have timelines and triggers that we are meant to initiate and the councils after us are meant to initiate over the next ten decades. Community members have been asking us to advance a number of these strategies, including water benchmarking, mandatory connection requirements for reclaimed water, and on-site mandatory reuse for buildings of 250,000 square feet or greater. I'm happy to support these measures. I want to indicate that I think no later than early spring of 2021, next spring, which is really just a few months from now, I am going to urge our council to consider bringing forward those measures, independent of the draft land development code, if it is not under way by then. These are very important measures. We have a lot of community support of them. And speed is of the essence. Thank you again to our staff.

>> Mayor Adler: Okay.

[11:32:10 AM]

Councilmember pool.

>> Pool: Thanks, mayor. I just want to add my thanks to our staff, our professional staff and our council staff for bringing these water forward items for implementation today. And much appreciation to our friends in the community who are such staunch and dedicated advocates for good public policies and their implementation. And I support Kathy's suggestion that we move forward in the spring with more pieces of water forward. I do want to point out, as did -- water conservation benchmarking requirement in particular. As I understand it, that was supposed to be implemented earlier this year, this past summer. So we do need to make progress on these items if we want to stay on target with our important water conservation goals. And I'll just close by saying that water conservation becomes ever more important in our city as we are growing, and growing,

[11:33:11 AM]

and growing. Thanks.

>> Mayor Adler: Okay. Councilmember kitchen.

>> Kitchen: I just want to echo the sentiments of my colleagues and thank you, councilmember tovo, for your signaling the -- what you want to bring forward in the spring. I will be looking forward to supporting that. And I just want to thank everyone, this council, and all the folks in the community that have been pushing forward on these items. And I look forward to taking up additional items in the spring that are needed to push forward our water forward agenda.

>> Mayor Adler: Thank you. Mayor pro tem.

>> Garza: Okay. I think it's working now. Okay. I echo all the positive comments on items 6 and 7. I'm just abstaining because of the comments I made at work

[11:34:13 AM]

session, just concerns over the addition of criminal penalties. I think it's important to take a global look at what we add, and offenses that we add. As I said on Tuesday, especially when we're talking about how we handle violent versus nonviolent offenses. I think there's avenues in place without criminal penalties that would hold people accountable, would create consequences, and would stop operations of a development if it's not doing what it's supposed to be doing. That's the only reason I'm abstaining. I'm very excited about purple pipe. I compost more than I ever thought before. And my husband and I were talking about installing a rainwater system. I'm certain none of these discussions would happen if I did not live in this amazing community that cares about those important things, but merely because of the criminal penalty part, I'm going to abstain.

>> Mayor Adler: This may be something that the committee on

[11:35:15 AM]

public safety might want to take up. There are obviously health issues as well. But if there's interest in looking at the policy more globally. Councilmember alter.

>> Alter: Thank you. Like my colleagues, I'm really pleased to see the water forward items move forward. I want to acknowledge also the pilot program that was discussed in the rca to encourage folks to adopt the on-site water reuse sooner. And I'm excited to see staff incorporate that. When we adopted water forward as one way of encouraging this to move faster. I did want to just note that we've been talking about some of these issues about implementing water forward and other water-related issues in the Austin water oversight committee. I'm not sure when our next meeting is, but if we don't have one in January, perhaps we can do a deeper dive into some of

[11:36:16 AM]

these issues and invite councilmember tovo to join us for that, and kind of push -- really push those things forward with some public discussion early in the year. Thank you.

>> Mayor Adler: Thank you. Councilmember Renteria.

>> Renteria: Thank you, mayor. Recently, being out there at lake Travis for a week, right around the second week of November, and looking at the level of the Lakes right now, it's just very alarming. And I just want to let my colleague, councilmember tovo, let her know that I'm willing to work. Because I've been through a lot of these draughts, and they last for about at least five years sometimes. And it's very alarming to see the level of what's there. You know, sometimes the highlands are really large. And to see the way that it's

[11:37:19 AM]

dropping -- we need to really start taking care of our water supply and making sure that we don't -- we use it wisely. And conserving water is the most important. I have storm drainage -- I mean, water barrels to catch my rain. So, you know, focusing on that. Because I've got a feeling that we're going to really go into a severe draught here in Austin.

>> Mayor Adler: All right. A couple things I wanted to touch on real fast. I'm real appreciative of moving forward on some of the items related to homelessness, the contract with integral care, working with the community court concerning the challenges associated with mental health.

[11:38:21 AM]

I am excited to see us moving forward with the healthcare assistance dollars that are going to the alliance for work partners, and especially to. H.A. , Which is one of the absolute treasures in our city, and one of the unique things that help alliance for Austin musicians that is a component of what we do in our industry. Also, the actions we're taking with respect to rental relief and assistance, and education. We need staff to figure out if we can use the programs that we have, or the programs we hope to be able to have coming from the federal government to see what we can do to help mitigate what is otherwise going to be the challenge we talked about earlier when we move away from the -- when evictions are something that could possibly come back. Hopefully that will be part of

[11:39:22 AM]

the conversations we're having in January. That's the consent agenda. It's in front of us right now. Colleagues, items 1-55. Items pulled are 3, 18, 30, and 49. Any discussion? Councilmember Casar.

>> Casar: Mayor, as I think it is important for us to keep doing, we also have -- I'm not sure if someone mentioned this earlier -- important work moving forward with caritas. We don't always talk as much about it, to help permanently house folks in the protective lodges. I'm thankful to the city staff and to caritas, and for the council, for unanimously prioritizing getting folks off the streets, into shelter, and moving folks into permanent housing so we address homelessness. I'm glad we have this moving forward today.

>> Mayor Adler: That's good. And certainly, manager, anything we can do to escalate the timing, to get more spaces and

[11:40:23 AM]

opportunities to move people off the streets and out of tents, and into supportive housing is the highest priority of the council. Anything else? Ann.

>> I wanted to clarify the record on item 54, the proposed notice for evictions. I believe councilmember Casar proposed changing the date to March 5th, 2021, which is different from the ordinance. I wanted to make sure there was no objection.

>> Mayor Adler: Hearing none, that change is incorporated.

>> Thank you.

>> Mayor Adler: All right. Those in favor of the consent agenda, please raise your hand. Those opposed? It's unanimous on the dais, except as otherwise noted. The consent agenda passes. And now, manager, I think it would be appropriate. Let's entertain the item pulled by councilmember Ellis, 18.

>> I appreciate that opportunity, mayor and council. I do have our director of Austin water, Greg has described some of the timeframes they were

[11:41:23 AM]

working with in bringing this item forward. And we also have staff from our capital contracting office to talk about any of the implications of postponing this item as well. Director?

>> Thank you, manager. I'd like to call upon our head of engineering to talk about risks with this project and delays.

>> Thank you, mayor Adler, councilmembers, I'm shay, assistant director for engineering services at Austin water. This project, the Ulrich renewal project will replace the electrical switch gear that powers the raw water intake at the water treatment plant. That equipment is original to the pump station construction installed in the late 1960s. So it has exceeded its useful life. It was identified as a priority and programmed into Austin water

[11:42:23 AM]

cip several years ago. Final design began in the summer of 2018 and has stayed on the original baseline schedule, including extensive efforts to achieve permitting and regulatory compliance for this challenging project and site. The schedule was planned to execute the construction contract in January of 2021, before March 1st. This property is habitat for endangered songbirds. So, a postponement today is essentially a nine-month delay for this project. It's a highly complex and challenging project that will take nearly three years to construct. So, adding nine months to the final completion date creates some risk of an unexpected failure of this critical equipment that's exceeded its useful life.

[11:43:25 AM]

>> Mayor Adler: Councilmember Ellis.

>> I appreciate that. And I just wanted to speak briefly to the -- a very short time with this agenda. Some questions were brought to my attention. Water utility staff --

>> Mayor Adler: Councilmember Ellis, you're going in and out, so we're --

>> Ellis: Let me stop my video and see if that helps at all. Is that better?

>> Mayor Adler: Yes.

>> Ellis: Okay.

>> Mayor Adler: Go ahead.

>> Ellis: I will just start briefly from the beginning. Just because we had such a short timeline with trying to understand that this is a big and complex, and important project that the water utility is working on, me and my staff wanted a little more time to vet the concerns of ibew and save our springs. The water utility staff has been extremely diligent in responding to our questions, both last night and this morning, and

[11:44:26 AM]

really has done a good job of trying to make all the parties understand what is happening. So I do understand that a postponement would create quite a bit larger delay, which is unfortunate. I never like having to make decisions where we have to approve it or something -- some other big situation may happen because we need to approve a contract the first time that we've seen it. So, the water utility staff has been very helpful. We've been talking with stakeholders and would love their involvement further down the road, understanding save our springs may want to weigh in at zoning and platting for the environmental variance. We understand the risks and implications and wouldn't want to do anything to jeopardize the integrity of the water utilities. But certainly would have appreciated a bit more time to be able to sort through all these with my team, the stakeholders, and the utilities. So, I would like a postponement,

[11:45:26 AM]

but I don't even know if I would have a second for that, given the circumstances we have present today.

>> Mayor Adler: Councilmember tovo.

>> Tovo: Mayor, thanks very much. It just occurred to me, is there any opportunity -- I think it is -- you know, this is hard because I want to honor my colleague's request for postponement. We've had a lot on our agenda. And it is always -- I think when one of us speaks up and asks for more time to go through the information, I take those requests really seriously. Is there -- on the other hand, I understand what the Austin water utility has said about the extent of stakeholder work and the need to move forward quickly. Could we potentially put this on one of our coming up meetings? We don't have a regular council meeting. We have the joint meeting with

[11:46:26 AM]

cap metro and then we also have the convening of the -- around the vote. Is there any possibility for putting it on one of those two agendas?

>> Mayor Adler: I think the answer to that would be yes. If it was necessary. We have two more meetings coming up. We also have a meeting the first week in January when we instill the new council terms.

>> Tovo: With the convening around the vote, we don't also have a quorum. I don't know what the city clerk was able to determine about -- would be there on that day.

>> Mayor Adler: It's --

>> Tovo: Inauguration day seems a little funny.

>> Mayor Adler: We have a meeting on the 18th. We don't want to load that up. Would that give you sufficient time to take a look at it?

[11:47:27 AM]

Would the 18th present a problem to staff?

>> The contracting process typically takes about 30 days from the time you all approve -- forward with the contract, mid-january notice to proceed to the contractor, which gives them six weeks to mobilize the site and do the treatment. I don't know if director Fernandez would like to speak to that process, or director nezaros, on whether a delay to the 18th would affect our ability to get that issued.

>> Mayor Adler: It could be that if councilmember Ellis had a chance to look at it, it may not be necessary to call it back to the council, other than just to approve it.

[11:48:31 AM]

>> Good morning, councilmembers, staff.

>> Mayor Adler: Director.

>> This is Fernandez, capital contracting officer. I wanted to speak to a couple of things. We provided information last night and this morning in response to questions that we received from numerous councilmembers. I've had a chance to speak to someone this morning from ibedw and responded to a lot of his questions. I couldn't provide information and documents for him just because this is an open contracting process. But I feel like I was able to answer a lot of his questions. And committed to continuing to work with the ibew moving forward, questions they may have. In regards to the timing of

things, certainly we can prioritize executing the contract in a timely manner to not impose much further on the schedule, the tight schedule that's provided by Austin water to get this project going. But there's never any -- we can

[11:49:32 AM]

do our best, but it's a lot of back and forth, finalizing the terms and conditions of the contract and being able to execute the notice to proceed for the contract to begin onboarding and mobilize on-site to begin the work. It can be do-able, but it's a lot of making things happen and compressing a lot of different actions together to make things start as fast as possible to help out with the schedule.

>> Mayor Adler: Councilmember Ellis, if you had the rest of today to ask questions, could you come back later today with your questions answered, with any direction you thought was necessary? You're on mute.

(Garbled audio)

>> Mayor Adler: We can't hear you. Why don't you cut your video again.

>> Ellis: It said I was unmuted.

>> Mayor Adler: We can hear you now.

[11:50:32 AM]

Go ahead.

>> Ellis: Okay. You can hear me?

>> Mayor Adler: Yes.

>> Ellis: Okay. There seems to be a weird delay. I am happy to keep working through today to see if we could find some resolution by the end of our meeting.

>> Mayor Adler: Thank you. Councilmember alter?

>> Alter: So, we have been asking for some clarifications as well. And it is my understanding that one of the key issues with ibew was resolved by understanding that each of the two firms that formed the consortium to do this are qualified under whatever the rules are to perform this work, but that they needed to join together in order to do the bonding that's necessary to do the scale of the work to be able to get that. And so that that they are each -- the fact that they are working together is a function of the bonding requirement, not a function of the qualifications

[11:51:34 AM]

of the groups that are doing the work. And that they are, I think, 50-year and 95-year-old firms. Is that correct, Mr. Nezaros?

>> This is Rolando Fernandez, councilmember. Certainly the questions that arose, back and forth from the council office and from the ibew, was questions regarding the recommended contractor. This is not a qualifications-based process. It's an invitation for bid. We look at the lowest bidder and their experiences in key areas, like their project manager, their superintendent. Specific scope of work in the project. City staff from the public works department, from Austin water and our consultant engineering looked at the information provided by the contractor and it met all the requirements that we were looking for. We don't compare their experience versus any other bidder. We just look at did they meet the experience we were noting in the solicitation.

[11:52:34 AM]

In this case they did. And they are a joint venture, meaning that both companies are legally responding to this contract. It's something we see in our projects. We're really confident in being able to execute that contract and move forward.

>> Ellis: Thank you. And then on the environmental issues, which I'm less familiar with the specifics of, it is my understanding that the environmental commission has already met and approved the variances. Is that correct, or are those still needing to be approved?

>> Yes. The environmental commission met on November the 20th and unanimously approved variances. And the environmental officer, Harrington, can speak further to that.

>> That is correct. Staff from watershed protection and development services rigorously vetted these variance requests, the requested variances. We are recommending the variances. The issues that Mr. Levinsky

[11:53:37 AM]

raised were discussed in detail at the environmental commission hearing. The commission recommended approval of the variances to the land use commission. The commission will make the ultimate decision to approve the variances. Mr. Levinsky would have another opportunity to have that discussion. We were in disagreement with some of his suggestions. We felt they would result in more of an environmental impact than what is being proposed by Austin water.

>> Alter: Thank you. And I'll use the time that it sounds like we'll have this afternoon to get more information about the environmental stuff. I just wanted to get clarity on where we were, sort of, in the

process. Am I understanding it, after we do either the negotiating and executing, then this goes back again to the environmental commission, or has it already been approved there?

>> It has already been considered, the environmental commission recommended. The final decision will be made at a hearing at the land use commission, independent of action you take today.

>> Alter: When is that scheduled for?

>> Do you remember the date?

[11:54:38 AM]

>> December 15th.

>> Alter: Okay. Thank you. I appreciate those clarifications on where we're at.

>> If I might add that in addition to the contracting, the time for contracting, the back and forth that director Fernandez talked about, we also have to schedule a preconstruction meeting, safety submittals. There's quite a bit of work that needs to be done by the contractor before they can mobilize to the site.

>> Mayor Adler: Okay. Let's see if anybody has a problem with putting this on later in the day. Go ahead.

>> I have one more question. Is it an option -- I didn't catch it. Is it an option for us to authorize negotiation today and then on the 18th do the execute portion so it wouldn't slow anything down, and then we'd be able to get -- if we're not able to get the questions answered

[11:55:38 AM]

today, still move through and by the 18th you'd be able to have the execute authority, assuming we got the questions resolved?

>> Councilmember, there's no necessarily negotiation going on because the price has already been confirmed. We go back and forth on the bonding and insurance documents and requirements we have as part of the contract. We look at the prevailing wage. In terms of negotiating, the dollars are already locked in place.

>> Alter: Would -- going forward, does negotiation allow those discussions to happen so that it wouldn't slow things down?

>> We can request those documents and start preparing the contract, and have it ready for final signature when council approves that action. But I would have to be clear with the joint venture that they will start to make additional -- the bonding documents may be at

[11:56:42 AM]

some cost and those things. They would want to -- we are moving forward with this project.

>> Alter: Thank you.

>> Mayor Adler: Councilmember Casar.

>> Casar: It sounds to me like we have to decide either this week, or at the latest, next, whether we want this project to happen in the next year or not. In my brief looking into our conversations on this, if we wanted some things to be different, it might have had to be earlier in the process. If we wanted more of people's qualifications to be more carefully or differently measured, if we wanted the training requirements to be set at a certain stage for a sensitive project like this. So, maybe something we can think about between here and coming back later in the day is -- my understanding is that there is other projects like this that we might be bidding or doing soon. Maybe some of the best direction might be to say, we probably

[11:57:42 AM]

can't restart this one unless we want to wait. Are there things we can ask for the staff to be looking at and working on, and it will go forward, on that basis. Mayor, I'm good to talk about this later in the day, because maybe we can come up with something like that between here and there.

>> Mayor Adler: Okay. Any objection to laying this on the table? We'll pick it up later in the day. Hearing none, then, that's what we're going to do. All right. It is three minutes before 12:00 P.M. We're going to have some speakers here in a second, but before we do, let's see if we can take care of some things quickly. Item number 56, audit and finance committee has some bylaw changes. Councilmember alter, do you want to quickly lay that out?

>> Alter: Sure. Just let me find it. So, the amendments, bylaw changes for the parks and

[11:58:43 AM]

recreation board and the mayor's committee for people with disabilities. These update those bylaws. The parks board amendment updates the name of the land facilities and program committee to the financial committee and clarifies the issues. And the amendments for the mayor's committee for people with disabilities edits language to align the community purpose and makes clarifications on membership terms and attendance, as well as committee processes. This was passed unanimously at the audit and finance committee. And staff concurs with all of the amendments. So if I might, I'll move the passage of 56.

>> Mayor Adler: Any objection to passage of 56? Hearing no objection, 56 passes. Let's take a look at 57, health and human services committee I think it making a nomination. Councilmember harper-madison, do you want to make the nomination on item number 57?

[11:59:43 AM]

>> Harper-madison: Thank you, I appreciate.

>> Harper-madison: Thank you, I appreciate that. We had the opportunity to interview several extraordinarily competent and capable candidates and we landed on the nomination -- I'm sorry? I'm sorry, I heard somebody say something. So we landed on the nomination as our joint appointment with Travis county and -- and, oh -- I'm sorry, give me just a second. Kathie, would you remind me -- thank you. And Cynthia Brinson as the city's appointment as well, or

[12:00:43 PM]

consideration, forgive me. For Cynthia Brinson.

>> Mayor Adler: Thank you, and thank you, committee, for the work. Any objections to making them our appointments? Hearing none, those are our appointments. Council member alter, did you want to say something?

>> Alter: I just wanted to thank the folks who applied and the folks that were appointing council member kitchen and I, we are currently doing interviews for the Austin transit partnership. And in reading through, those of us who are seeing these, we are really, really fortunate as a city to have some amazing talented people who want to share their talents and their time with us to make our city function better for everyone. And so I just wanted to say thank you, because going through this process, you know, we do interviews all the time and this is always true in Austin and with these processes in

[12:01:43 PM]

particular I have been impressed, so, thank you.

>> Mayor Adler: Thank you. Okay, we have taken care of those items. Council member harper-madison, did you want to say something some.

>> Harper-madison: I was going to offer clarification but I'll refrain. Thank you.

>> Mayor Adler: Okay. Thank you. With respect to item 58, being a non-consent item. Is there a motion to the effect that the city uses the property set forth and described in the agenda for the current

meeting for the public uses described therein is there a motion? Council member Renteria making the motion. Any objection, council member Flanagan?

[12:02:47 PM]

Council member Flanagan?

>> Flannigan: Is it muted?

>> Mayor Adler: No, I can hear you.

>> Flannigan: Gosh, this webex client is just the worst. This is a bizarre imminent domain of \$677 and we have probably spent more than that talking about it basically on consent. I had a lot of questions from staff but it's not controversial. It's the back end of a property. It's a very minor utility easement, but unless anyone is confused it's a very, very chief eminent domain and frustrating that it took that for such a small action.

>> Mayor Adler: Okay, any objection to passage of item 58? Hearing none, number 58 passes with the motion read into the record. Colleagues, it is 12:03 and I think we have about three

[12:03:47 PM]

speakers to speak on both citizens' communication and then speakers to speak on the housing and finance corporation that we

-- that had technical difficulties with. So we're going to hear from them now. And I think that we have three speakers or something to speak. Clerk, you want to call those speakers. Clerk sure. The first speaker is Ethan Smith.

>> Mayor Adler: Thanks.

>> Hi, good afternoon, couple. And I was going to speak on the topic, why isn't U.T. Building more housing? And there's a broad consensus and has been for an extremely long time at U.T. That they need more housing and so why haven't they built any? And I'm doing a thesis on this and the convincing part of this that I'm trying to persuade people is that this is actually an equity issue and that this question should actually be looked at in light of u.t.'s emerging equity commitments

[12:04:47 PM]

making tuition free and the grants and that it relates. But just historically, to talk about it historically today, you have to look at this separately for graduate housing and undergrad housing. And we'll talk

about graduate housing first because it involves the breakenridge track. That housing is mentioned in the mid 1970s as having been below market rate for decades. So we can know that almost to its inception that has been below market rate housing. And there's been a process, the graduate housing on the east side has been a very long process. Hello?

>> We need to set up a meeting

--

>> Someone is talking. Can you please mute.

--

>> Hello? I think that there's someone --

[12:05:48 PM]

[multiple voices]

>> Mute them.

>> Mayor Adler: We need foxes to mute the phones -- we need folks to mute the phones. Speaker, are you still there?

>> Can you hear me? I'm here, reclaiming my time. All right, so if you go back to the breakenridge report, they were already talking about, you know, we need to move this housing which I'm a big proponent of more housing and y'all need to get -- they're going to -- the housing on the east side is going to replace the capacity of this housing which is not the first recommendation but you had community conversations that took a really long time, and so this -- you know, 15-year process that was meant to increase graduate housing capacity is just going to off-set the capacity. And the new housing on the east side is going to be at more

[12:06:49 PM]

market rate which is an equity issue because you're going to have a different cohort. The students that are going to exist in the east side housing are going to be different than the students who live currently for \$450 a month or \$550 a month. I have talked to some of these opportunities and I talked to the president of the housing organization, colleague huzman who is a first generation African American stem student getting a ph.d. And he lives on, you know, \$2,000 a month even though he has grants from the Ford foundation and from the bill and Melinda Gates foundation. So a guy that we competed for, he's from Portland and we got him to come to U.T. And we want to compete for the best graduate students and what happens when his new housing options are market rate housing which might be, you

know, \$1,000, \$1,100 a month and he's on a fixed income? So there's an equity side to that. And I'll come back later and try

[12:07:49 PM]

to propose some solutions because I actually do think that the housing in Austin has to go. But as long as it's not talked about, we can't talk about solutions. So we kind of need to get it out in the open I think. Undergrad -- why don't they build more undergrad? Not having space is kind of an issue but also kind of not because housing and diabetessing is an auxiliary. And they have spaces set aside for them. And so creekside is a place where the president last stated in the university address that we're going to build a new dorm here with a thousand people. That's not going to happen. When these things take a long time, something happens every 10 years or so-called a recession and the lower priority things which housing is usually considered lower priority, not a new medical school, you know, and there's not a Dean and a donor model. . >> Clerk: Your time is over.

[12:08:54 PM]

>> I wanted to have the speaker to talk to me. It is in my district and I share your concern about the responsibility for U.K. To provide more housing and look forward to hearing some of your thoughts and your ideas. I think that it is a really important issue that we need to push the university on.

>> Mayor Adler: Okay.

>> Next speaker is Jean Lutal.

>> Hi, my name is Jeannie Lutal and I live at creekside. I have lived here since January 1, 2015. And I'll be beginning my sixth year on January 1st of this year. This new entity for our financial -- it may be a technicality, but it really is important.

[12:09:55 PM]

And times. And we live here and pay rent. And I only have about \$300 left for everything and it feels that I get further and further behind all the time. It's time for some real rent caps at Arbors. Our mailboxes and our sidewalks are issues that are extremely important to me and my neighbors. And, you know, these are things that can't wait. They need to be addressed now. And we've had broken mailboxes since may and seniors receive medication and money from family and other important things through the mail. It's especially important to have access to the mail during the pandemic because people can't see their families or travel, and going to the post

[12:10:56 PM]

office is impossible for a lot of people, especially now. We have been without lobby furniture for preliminary two years. We need people to have a safe place to sit and wait for their rides. Many of us are not healthy enough to go from the parking lot without a place to rest and there is no place to sit. Some people have fallen and it's not fair to have to sit on the floor at our age and need help getting up. As seniors, we earned the right to have dignity. Thank you.

>> Joyce mcs can gee.

>> Mayor Adler: Hold on, we have another speaker to speak also on housing. I want to make sure that speakers understand that this has been on our radar and we have worked diligently to get to

[12:11:56 PM]

the bottom of these things that are, frankly, pretty unacceptable. Thank you for that opportunity.

>> Mayor Adler: Go ahead.

>> Joyce Mcgee.

>> Hello. My name is Joyce Mcgee. And I live at Arbors creekside. And we have been talking [broken audio] About the sidewalks. We have been talking to the managers about this. The managers [broken audio] And they have reported yet again and that is the same answer.

[Broken audio] About me having a fall and they said they would fix it. It has not been fixed. The assistant manager came out to the area where I fell.

[12:12:58 PM]

Still no response from [broken audio] I did have to call in [broken audio] And reported the same thing.

[Broken audio] Myself and one resident have went out and did a tour of all of the sidewalks. During that time, we took pictures of the areas that we thought that needed to be fixed. And we found 85 places that needed to be fixed. You know, the managers have not done anything. And this has become a problem and we are asking to [broken

[12:14:02 PM]

audio] They have since done patchwork to the sidewalk. And the work that has been done has been washed out. Until now they are still doing patchwork and we are asking for this to be done at this time. Thank you.

>> City Secretary: Mayor, that concludes all of the speakers.

>> Mayor Adler: Thank you, Myrna. Did you want to say anything else?

>> Feel free to go ahead.

>> I just wanted to also to thank those speakers and although you're technically in district one, you're very close to the d4 border, so you're in good hands with council member harper-madison and my staff are also there to support to make sure that things get addressed.

>> That's what I was going to address, just making sure -- I know that some of the residents may or may not be aware, but my staff and I have made several

[12:15:02 PM]

on-site visits and have had many, many conversations with residents and management. This is one of those complicated situations where the ownership structure is very convoluted and it's clearer now that there's another management company, but many of the concerns remain the same. I will say this in terms of anything along the lines of silver lining. The current management company has been very open to communicating with my office and I need to make certain too, council member Casar, to bring your office into those conversations, because they are actually productive now. So I look forward to providing real substance and advocacy for the folks living at the Arbors. And thank you for showing up and advocating for yourselves and your community. We really appreciate it.

>> Mayor Adler: Thank you. Manager, do you want to speak to someone whose contribution to us was great and time too small?

[12:16:03 PM]

>> I appreciate that, mayor and couple. As we have discussed before, this is the last council meeting effort year and it will also be the last formal council meeting for our assistant city manager Chris shorter. Earlier this week it was announced that he is going to become the first city administrator for the great city of Baltimore. And so it is with heavy heart that we wish Chris well into this new historic endeavor. But also reflect on the incredible work that he has been able to give to our city. Two years ago, Chris was appointed as first assistant city manager of the health and the environment and culture and life-long learning outcome areas. In that short time, Chris has made an incredible impression, not only with our community, but with the city staff that he has been working so diligently with. We just have been so blessed to have Chris' leadership, his professionalism, his dedication to public service over these past two years. And I am just so excited to see

[12:17:03 PM]

what Chris does for the city of Baltimore. But I did want to acknowledge him in public as we celebrate this next step for assistant city manager Chris Shorter.

>> Mayor Adler: I think over the last several meetings -- this has kind of dripped out and many people have had a chance to recognize so much of what you've done in such a short period of time. Do you want to say anything while we have you here?

>> Sure, sure. I'm happy to -- can you hear me okay?

>> Mayor Adler: Yes.

>> I just really want to first acknowledge this council. Your commitment and advocacy towards this city is clear and it is special. And so the city has a lot to be proud of and I also want to just give a big shout out and acknowledgement to the city

[12:18:04 PM]

manager Cronk. He has seen us through so much this year and I will say personally that he has been just a real rock for me and for the C.M.O. Team. And for the city. And we also have in Austin the best city government staff that is imaginable. It is clear to me now -- two years ago when I was on my way to Austin and people talked about this government organization, with such awe, that I certainly now am aware of why that this has been just an amazing two years. I have met amazing people and gotten to know what I hope that will be life-long friends here and so just a lot to be proud of. Thank you all for being the

[12:19:04 PM]

leaders that you are and having the commitment for this city that you do. I am excited to go on to Baltimore. This is an historic opportunity and an opportunity for me to get closer to the kiddos. So thank you all very much for the opportunity -- and your staff as well for the opportunity to get to know you and to work alongside you and, please, do stay in touch.

>> Mayor Adler: Thank you. And in a very real sense you have saved lives in your service here during covid. Thank you. Colleagues, we're going to take a break. We're going to go to executive session before we come back. I don't know whether to call item number 30 into the executive session or not.

[12:20:04 PM]

We had originally announced to the public that we were going to postpone item number 30 to the first meeting -- we have a regular meeting toward the end of January. I saw the posting from council member harper-madison indicating a desire to not postpone the item. Now I think that we should resolve that question and see if we can resolve it here, because if we're postponing it we don't need the executive session today on legal. If we're not going to postpone it, then it looks like we -- like we do. So let's see if we can resolve the question of postponement before we take the break. Council member harper-madison, do you want to speak to it?

>> Harper-madison: Yes, thank you, mayor. After much consideration and careful and thoughtful consideration, certainly no one

[12:21:05 PM]

can top council member tovo's dedication, and so I would never try to stake claim to that after much, much consideration and some really thorough and informative conversations, I have decided that it would be appropriate for us to move -- I feel confident -- very confident that a lot of the concerns and considerations that my colleagues have expressed, we will have the opportunity to address those during the -- during this process. I recognize that, you know, there are some folks who don't necessarily -- who think that today is the last day to be able to weigh in and that's just not the case. And so I think that if given the opportunity for folks to recognize that this is one step in a process, and it doesn't circumvent their opportunity to contribute to the process, including, you know, some of the considerations that I mentioned on the message board that my colleagues and I haven't

[12:22:05 PM]

expressed. So if given the opportunity for us to move forward with this particular part of the process, and being offered the opportunity to add additional direction to staff to explore, I really do feel like during the course of the master development agreement negotiation process that we'll get closer to everybody feeling comfortable with moving forward with this process. So that's what I propose that we do today is to offer some additional direction and hopefully to go ahead and get the process started with the master development agreement negotiation process today. And just to be real clear, to offer the staff the opportunity to be clear with the general public about what taking that step today actually represents, give, you know, them factual information. That way they're not concerned about there being any missed opportunity to contribute to the process.

>> Mayor Adler: Okay. We're going to handle it this way. Council member tovo moves to postpone this item until the

[12:23:05 PM]

meeting at the end of January. Is there a second to that motion? Council member kitchen seconds that motion. Council member tovo, do you want to speak to it first?

>> Tovo: I guess that I would invite my colleagues to share their thoughts on it. I don't need to speak at length.

>> Mayor Adler: We will come back.

>> Tovo: On Tuesday we were proposing to postpone.

>> Mayor Adler: Okay. Council member kitchen.

>> Kitchen: I respect council member harper-madison's thinking on this and I appreciate hear perspective. But our discussion on Tuesday was about postponing it and part of the concern is the ability and time for people to weigh in, the public to weigh in. So to switch that today on Thursday, I don't think works. I don't feel like I've had enough time either. And I came out of Tuesday

[12:24:07 PM]

thinking that we were going to have more time. So I don't understand -- I'm not aware of -- let's say that I'm not aware of any need for moving quicker on this. And I think that it's appropriate for us to go ahead and to move forward with the postponement as we were talking about on Tuesday.

>> Mayor Adler: Colleagues, council member Renteria.

>> Renteria: Hi. I'm also -- and I agree that we ought to postpone this. I have a lot of questions, and, you know, there are still a lot of unknowns, and this side here provides a lot of opportunity, you know, for -- to have this develop in a way that it's a big plus for the city. You know, so I really want to have an in-depth conversation

[12:25:07 PM]

about what can we do to this site, you know, even though we have the same person, whoever gets the bid I believe they should be able -- we should have the opportunity to have their input into this. And because we're not going to have an opportunity like we have here anytime soon. So I really want to take our time and make sure that we do this the right way.

>> Mayor Adler: Council member Casar.

>> Casar: Mayor, to be clear, I posted my thoughts on the message board. I think that it is clear that the staff recommendation offers the most affordable housing, that it's a deal that can be made even better over the course of negotiations. So I think that there's -- there was a week ago when we offered a postponement and there's now a

[12:26:09 PM]

strong will to move forward and to keep improving this, but even given all of that though, we have -- so I feel comfortable passing it, but we also have a practice that I want to honor as best we can across all items that when we let the public know that we aren't discussing something in work session because it's being postponed on Thursday, that it's best for me to vote and for us to follow that practice unless there is some additional circumstance. I have asked the staff whether a postponement would hinder this and the answer has generally been, no, that we can postpone it. So without that -- something really big changing, even on an item where I think that I support us moving forward, if that's the expectation that we laid out at work session, I think that it's best for us to continue that practice so that the community doesn't sign up on

[12:27:11 PM]

items that we're going to postpone, not knowing whether or not we say at work session is going to stick. So I want to be really clear with the dais and everyone that I think that the staff recommendation plus some of the direction that we're talking about is a good direction. I think that for now because that is what we said at work session, that's where I sit.

>> Mayor Adler: You know, I agree with council member harper-madison and a lot of the things that she said with respect to the proposal that we had, being one that might very well be able to be negotiated further to achieve a lot of the things that people have talked about. I think that it was a really strong proposal that staff was presenting to us. But it's -- I think that it is important that when -- as a dais that we tell the public that we're going to take a certain practice on a Tuesday, folks -- we urge them and tell them, you

[12:28:12 PM]

know, don't sign up because we're not going to be discussing it on Thursday and taking action. They don't sign up and take action. Memberrings of the dais did not have the opportunity really to prepare for today's consideration as they might have otherwise. And there's a lot of issues that have been raised and I don't even have to get to the and I don't have to get to the merits, and I am concerned about some of the issues raised but at this point I'll support the motion to postpone because that's what we told that

the community that we're going to do and there could easily be -- and I'm sure that there was -- reliance on what we had said that we were going to do. Just a better practice for us going forward. Council member harper-madison.

>> Harper-madison: Thank you, mayor, and I can appreciate all

[12:29:13 PM]

of those comment. Just for clarification, I wanted to be clear that I still don't think us moving forward today would circumvent anyone's opportunity to participate in the process, to speak to the process, to speak to the item. I was assured of that, in which case that motivated my decision to go ahead and try to move forward with the process getting started today. But I'm happy to pull down my desire to move forward today and postpone to January as it appears as though that is certainly what the majority of council would like to do. So, yeah, I'm happy to do that. I certainly don't want to rush the process anymore than anyone else, but I also want to be clear. Oftentimes the general public gets confused. So when we say pass this item, they think this is the last opportunity to weigh in on it. And I don't think that we are clear enough as a body to really allow people to understand what is transpiring with every

[12:30:13 PM]

decision. So just to be very, very clear that there was nothing that we would have done had we decided to move forward today that would have precluded anybody's opportunity to continue to weigh in, to continue to offer direction, to continue to make this the best possible outcome that the city, the community and the body could hope to produce. So, yeah, I'm happy to pull down my desire to move forward today.

>> Mayor Adler: With that said, any objection to the motion to postpone? Hearing none, this item 30 is postponed to the meeting that we have at the end of January. All right, council member tovo.

>> Tovo: Mayor, just a couple quick things. Thank you. I don't need to add to the conversation about that. But I did want to just indicate to the public that we have now some additional information in the Q. And a. That I think that is valuable as we continue the community conversation. And really have a full community conversation that we now have more opportunity to do in the

[12:31:14 PM]

next couple weeks. There's also a conversation that has transpired with several of my colleagues have referenced on the message board. My staff and I have -- we have constructed a really initial motion sheet of items that we would -- that I intend to bring forward as elements to be included within the

exclusive negotiating agreement. And I concur with my colleagues, I think that we have a very -- super exciting opportunity here and a very interesting proposal. And it is helpful having watched mostly as a community member, having watched the city council work through some of these really complex arrangements on city-owned land, I see the real value of putting those elements and identifying those elements at the outset, rather than towards the end when the master development agreement has returned to council. So in the spirit of that, I'm going to make that motion sheet

[12:32:15 PM]

available on our message board and I would invite the community conversation and, of course, conversation and ideas and modifications, suggested modifications for my colleagues. So that we can really use this time in the next several weeks productively. I do think that we have some more information to go through as a council in terms of the legal elements, but I -- as I let the mayor know -- if we're not having that conversation today we can have that legal conversation in a few weeks. So thanks again.

>> Mayor Adler: Okay. All right, colleague -- council member pool.

>> Pool: So just to confirm, then we will bring this item back the week of the 25th? Is that correct?

>> Mayor Adler: I think that is the week, yes. The council meeting at the end of January. Colleagues, it is 12:32. Let's do this. Take an hour break for lunch. Let's and back at 1:30. At 1:30 we'll have the

[12:33:16 PM]

opportunity to consider the street impact fee issue, the cap program 60. The -- all of the work, however many as we can at 2:00. And we'll stop and hear the zoning speakers, the afternoon speakers. And we'll vote on the zoning consent agenda. At that point we'll probably break for executive session. It's only one item. And executive session, and then come back out of executive session and finish up the items and the non-consent zoning items. Council member alter?

>> Alter: What is the executive session item?

>> Mayor Adler: It's the manager discussion. Personnel manager discussion.

>> Alter: Okay, thank you.

>> Mayor Adler: Okay, so with that said then it's 12:33 and we'll take a recess until 1:30 and we will pick back up our

[12:34:19 PM]

agenda then. We're in recess.

[1:22:24 PM]

[Music].

[1:25:17 PM]

>> Recess]. >>>

[♪ Music playing ♪] >>>

[1:26:32 PM]

[Music].

[Music].

[1:34:49 PM]

>> Mayor Adler: Today is December 10th, 2020. We're continuing to meet virtually. We're now coming back after the noon recess. We'll handle some of the items that we can handle. At 2:00 we'll take speakers for the afternoon. We'll do the consent agenda. We'll do executive session with the manager, and then we'll handle the remaining things on our agenda. The things that we can handle on our agenda right now include the Austin housing finance corporation item is staff here with us for that.

>> Mayor, they'll just be a second. Mandy is coming up right now.

>> Do we need to recess to do that and go into Austin housing finance corporation?

>> Mayor Adler: We do. I needed to make sure she was here. We'll recess the city

[1:35:50 PM]

council meeting at 1:35. We'll reconvene the Austin housing finance corporation meeting here on December 10th, 2020. We have a quorum of directors that are present. We have some late backup in our agenda today.

>> Mayor, is Mandy de mayo, Austin housing finance corporation. And yes, you have late backup for items 1 through 3, as well as --

>> Mayor Adler: Thank you. Do you want to take us through the consent agenda.

>> Absolutely. Items 1 through 3 are a land acquisition and proposed assemblage of three properties on Cullen lane. And -- Cullen lane. And the backup memo that you received San overall profile of the land acquisition that

[1:36:50 PM]

has occurred thus far, utilizing the 2018 affordable housing bonds. As you will recall we set aside \$100 million out of that \$250 million for land acquisition. And to date between executed contracts, purchases and encumbrances, we're at approximately 55 million, including the -- today's proposed acquisition of the properties on Cullen lane. That is the summary of the backup memo. Item number 4 is authorizing us to move forward with a reconstituted, a new ahfc subsidiary for the harbors at creek side property. And I do want to note that there were speakers this morning who spoke to this of the challenges and opportunities. I want to recognize

[1:37:51 PM]

councilmember harper-madison. We've been working closely with her office. Our staff has been fantastic, which the speakers did recognize, both James may and Patrick Russell, who will be addressing to address some of the resident issues there. And most importantly, what you are contemplating today is the first step in really master plan steps that will take us towards recapitalization of that property and repositioning it for deeper affordability and more long-term affordability. So preservation of affordable housing. We're very excited about. Item number 5 is authorizing us to move forward with a new non-profit affiliate, ah ahfc Libra tod, that is the success proposer for the gardener acquisition. You will recall that you approved us moving forward with the casino group and caritas on the development

[1:38:53 PM]

of the Gardner tract in central east Austin. We're very excited about that. And I will note also this morning Ms. Zenobia Joseph had some comments about this particular -- this particular item on the agenda. And I will reach out to her separately, but currently we are anticipating at least 140 units, so

we're in the negotiation phase and we've increased the number of units to that property. In addition, we have additional home ownership units in association with Guadalupe housing association and that is top of the other units. Item 6 is a contract with echo, the ending community homelessness coalition and that's to provide some professional services. Item number 7 is a 10-month with two-month extension contract with haca, utilizing our own tbra,

[1:39:55 PM]

tenant based rental assistance, to provide rapid re-housing for people experiencing homelessness. Item number 8 is an amendment to the ahfc operating budget in the amount of \$699. And item number 9 is amending the service agreement between the city and ahfc for that same amount and this is related to item number 33, which you all approved on consent this morning. So I offer all those items on consent. I'm happy to answer any questions.

>> Mayor Adler: Is there a motion to approve these items on consent? Mayor pro tem makes the motion. Is there a second? Councilmember harper-madison seconds. Any discussion? Councilmember [inaudible]?

>> Garza: I wanted to comment briefly on the Cullen lane acquisition. These things go on consent and this is just another

[1:40:56 PM]

amazing example of the bond that the voters passed that all council supported, and we're buying three parcels right next to a grocery store, transit lines, gyms, a brand new H.E.B. It's -- thank you to Austin housing finance corporation for finding these lots, especially before they become incredibly more expensive because of all the amen dis in that area. And thank you to the voters for passing. I think the 100 million for land acquisition that our voters approved.

>> Mayor Adler: Thank you. Ready to take a vote on the agenda. Those in favor of the consent agenda please raise your hand? Those opposed? It's unanimous on the dais, the consent agenda passes. With that, that's all our business. We adjourn the meeting of the Austin housing finance corporation here at 1:41. At 1:41 here on December 10th, 2020, we

[1:41:58 PM]

reconvene the Austin city council meeting. We're continuing to meet virtually. I think we can take up right now the water, the cap program for multi-family. It's the public hearing, item number 60, and associated with it is pulled item 3. Councilmember alter?

>> Alter: I'd like to move passage of item 3 and if I have a second I will speak to the item.

>> Mayor Adler: Councilmember alter moves passage of item 3 and item 60 and to close the public hearing. Is there a second? Councilmember tovo seconds. Are there any speakers to speak? Who we have yet to call?

>> No, mayor.

>> Mayor Adler: Okay. Councilmember alter, I recognize you to speak.

[1:43:00 PM]

>> Alter: Thank you. So colleagues, you may recall that earlier this year I authorized budget rider 16, directing Austin water to develop a multi-family water assistance program, water and wastewater bill discount. I'm really excited to see us poised to have this discount today. We have households eligible for a discount, but could not access it due to the program designed. We anticipate this will save each impacted household over \$200 annually. I understand this will be applied to income eligible households and I want to express my thanks to all my staff and utility and council staff, particularly my staff, who contributed to making this happen. It's a really exciting way for us to help families and I think I really just want to say how much I appreciate thinking outside the box of how we could redesign the program to help more people.

>> Mayor Adler: Thank you. Items 3 and 60 moved and

[1:44:03 PM]

seconded. Any further discussion? Those in favor of the motion please raise your hand? Those opposed? It's unanimous on the dais?

>> Mayor, I think that councilmember pool is off the dais.

>> Mayor Adler: With councilmember pool off the dais. Thanks, Ann. Otherwise that item 3 and item 60 pass unanimously. Okay. We have in front of us item number 18. I don't know, councilmember Ellis, if you're ready to move forward on that yet.

>> Ellis: I am. We can go ahead and take that up.

>> Mayor Adler: Is there a motion to approve item number 18?

>> Ellis: I'll go ahead and move to approve it.

>> Mayor Adler: Councilmember Ellis makes the motion. Is there a second? Councilmember Renteria seconds. Any discussion? Councilmember Ellis.

>> Ellis: Yes. I really appreciate having a little extra time to work with stakeholders and with the water utility staff.

[1:45:04 PM]

Everyone has been really helpful about this dialogue. And even though there are still some overarching concerns about urban tree canopy, training for some of our construction contractors -- am I still with you?

>> Mayor Adler: Yes, you are.

>> Ellis: I had to turn off my video. So those conversations I'm still very much interested in, but for this particular contract, I think we do need to move forward with it and again appreciate all of the input that people have given to me and my office over these past couple of days.

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

>> Casar: A couple of concerns. Clearly we've had multiple councilmembers as well as staff here during the stay. There's -- we can't go into the past and change how this

[1:46:05 PM]

was done. And postponing it doesn't make sense because then we wouldn't be able to make the critical repairs for about a year, so that isn't an option. So my conversations with city staff are that it sounds like it would still be a few more large, potentially sensitive water related construction projects, so if Mr. Fernandez can confirm, it sounds like maybe what we can do moving forward is have staff meet with the construction advisory committee and talk with them about the large but sensitive projects having for example to do with water, have a more transparent and upfront process of really clearing qualifications and also really upfront making sure people can meet the levels of training requirements that we expect on the front end so that when these get to council, that is a little bit more clear and whoever won the bid there isn't any fog around that. Because currently we do check for folks'

[1:47:06 PM]

qualifications upfront, but some of the training requirements get checked more throughout the process and I think there is a concern that's been raised about whether that's going to happen on this project. I hope it does, I expect it does. It's in our contract, but so we don't wind up here on another sensitive project where you need a lot of skill, again like this one, that would be something great for the staff to

do and to go talk to that board and commission, the cac about how to best achieve that. Rolando, can you confirm that's something you are able to do?

>> Yes, councilmember. This is Rolando Fernandez. A brief summary, we can look at providing information to the construction advisory committee in terms of the requirements we have, when we do a competitive invitation for bid process and in terms of providing them information of the experience requirements that we're looking for, and in terms of the training, we currently -- right now we ask for the project superintendent and the project manager.

[1:48:08 PM]

We also ask for their response in terms of the ability of equipment needed for the project scope and also the staff resources needed for the project scope. We can also modify our process to ask information about the training requirements that they currently have on board. And then when it comes to the city's construction and training program, which currently follows after the contract is executed, we can ask for information from the contractors as part of their bid process to see the training programs they have in place currently and work with them to be sure they align with the city requirements in regards to our construction and training program. We can do that working through the construction advisory committee, councilmember.

>> Casar: Thank you for that. I appreciate that. And if on this one I hope and expect that the contractors as y'all recommended will meet those regardless of whether it was upfront or through the process. But I think it will make it easier for the public and this body on these sensitive projects for you to figure out how to do that for some

[1:49:08 PM]

of these water and electrical issues. So thank you.

>> Mayor Adler: Okay. Colleagues. It's been moved and seconded. Those in favor, please raise your hand? Those opposed? These items -- item 18 passes. All right, colleagues, we're moving forward. I will call these up together and make sure we have a motion on these street impact fee issues. Let's get the motion up first. Councilmember alter, do you want to make a motion?

>> Alter: Yes, thank you. I would like to move item 61 and 62 as stated in the

[1:50:12 PM]

backup.

>> Mayor Adler: Okay, you had your hand up on that. Do you want to co-sponsor?

>> Kitchen: We'll go move it. That would be great.

>> Mayor Adler: We'll let the record reflect that. That is now in front of us. Colleagues, you would have to look and see what we have to deal with, it looks like we have two amendments, one from Flannigan and one from councilmember harper-madison. And also a direction to staff from harper-madison, one from Ellis and one that I have posted. So I'm going to probably follow that order and see how close that gets us to being able to resolve this issue. So there's been a motion and a second. Councilmember Flannigan, I recognize you for your amendment.

>> Flannigan: Why don't you go ahead and talk.

>> Flannigan: Am I

[1:51:14 PM]

unmuted?

>> Mayor Adler: You are unmuted.

>> Flannigan: Thank you. I'll move the amendment that is posted to the agenda backup. Not to be confused with the ones posted to the message board.

>> Mayor Adler: Thank you. Councilmember Flannigan moves his amendment. Is there any objection to councilmember Flannigan's amendment? Hearing none, it gets added. Councilmember kitchen?

>> Kitchen: I'm just going to have a question about these because I want to hear from staff. So I don't know how you want to proceed with that, but I'd like to ask for staff's opinion on each amendment.

>> Mayor Adler: Okay. Staff, do you want to comment on the Flannigan amendment?

>> Hi, Mr. Mayor, this is Robert spillar, Austin transportation department. The Flannigan amendment is acceptable to staff and I know it's been assisted, the writing of it through the law department. So thank you, Mr. Flannigan for that.

>> Mayor Adler: Okay. Any amendment to the

[1:52:14 PM]

amendment? With no objection the Flannigan amendment is added. Councilmember alter?

>> Alter: I just wanted to clarify, I'm not sure that I have the direction from councilmember harper-madison. I have the amendment. Where would I find the direction?

>> Mayor Adler: It's been posted to the bulletin board. It's regarding ongoing work with stakeholders. I would like to direct staff to continue working with stakeholders to address ongoing concerns as well as the cross departmental fees levied on department projects and eliminate fees that could be reduced from street impact fees.

[Reading rapidly].

>> Alter: Thank you.

>> Mayor Adler: Did I have that right, councilmember harper-madison?

>> Harper-madison: Mayor and councilmember alter, I'm happy to send it to you if you would like an easier to follow version than the mayor's rapid fire.

>> Mayor Adler: Sorry about that. That gets us then to

[1:53:15 PM]

councilmember harper-madison for her ordinance amendment related to the extended grace period. Councilmember harper-madison makes her amendment. Is there a second to her amendment? Councilmember Flannigan seconds that. Staff, do you want to comment on the amendment?

>> Yes, Mr. Mayor. I would actually like to have one of my staff members, liane Miller, join me on this comment. You know, this is certainly the prerogative of council to set a date on when this would go into effect. And so staff does not object to this amendment.

>> Mayor Adler: Okay. Councilmember alter.

>> Alter: I would like to get some answers if this is the appropriate time. This is not the timetable that staff recommended. You may not object to changing it, and that doesn't mean that you recommend it either. So I'd like us to be really clear with what we're

[1:54:15 PM]

talking about. Can you explain what the costs are of postponing this?

>> Yes, councilmember. And I'd ask my staff person liane Miller to provide that information. You are correct, although we do not object to it, it is not part of our recommendation. We believe that this study has gotten us to a point where the time period provided by the state law allows us to move through these quickly. So I believe liane and

[indiscernible] Are being moved over now.

>> Hi, rob. Thank you, councilmembers. The question about the revenue impact of the possible delay to the adoption of the criteria manual, we would estimate at approximately 25 million over a 10 year period. That's based on a previous analysis that we had done on a two-year grace period.

[1:55:16 PM]

The current staff recommendation is for a one-year grace period so we split the difference and looked at potentially six months. My understanding is based on the current rules posting process that we are anticipating for the criteria manual it would be effective around August of 2021. So slightly more than a six-month delay in starting that grace period.

>> Alter: Thank you. And you shared with me when I asked about where these costs would be borne. So because of the way the street impact fee works, if you lose revenue, that 25-million-dollar revenue is not just a general pot of money. It affects different parts of the city disproportionately. So can you share with me the map and the lists that you shared with me and explain a little bit about who would be losing out on this \$25 million, which parts of the city?

>> Yes. And if I'm able to share my screen, if that's not possible I can explain.

[1:56:19 PM]

We looked at what service areas, obviously the city would be divided up into service areas as part of the impact fee program. And the service areas that would be most impacted would be those service areas that are most likely to collect the most revenue. Based on our review of growth, that would be the service areas on the outer parts of the city so whether that be north Austin, east Austin, south Austin, those service areas outside the loop. So those areas being likely the areas that need the most infrastructure improvements. That's why the most revenue is likely to be collected in those areas.

>> Alter: So a lot is in the northeast, down to the southeast, that would be losing the revenue precisely in the areas that have the most development and most growth and traditionally had the least amount of investments. Thank you. And if you are able to share it, I think it's

[1:57:19 PM]

constructive to see the dialogue. Are you able to share that?

>> I'm not able to do that. I'll see if they can grant that.

>> Alter: In the interim I have one last question. So right now this is written like as if, you know, the TCM gets written within a six-month period or whatnot. But what if for some unforeseen reason it was delayed or not adopted in 2021? What happens then and what are the costs involved?

>> Councilmember, we are looking at the criteria manual process. We are very hopeful about that process that we would enter it in February when we would initially submit a draft for the interdepartmental review. Then there's a period for public comment before -- and then there's an appeals process before the rules would be finally posted. If for some reason that were

[1:58:21 PM]

to go off course and the effective date of the criteria manual would be delayed, that would delay the impact of the -- the implementation of the grace period and so some of those timelines that we indicated in our memo in backup about a two-year grace period or longer, we would anticipate avenue reduction from that.

>> Alter: So just to sum up, there's a cost of this amendment on the scale of 25 million or plus anticipated, with that taking resources out of the very parts of town that we most need to make these investments because they're having additional development or have been underinvested in. This was not the staff recommendation. The staff recommendation already includes some compromises for the stakeholders in question and I think there's some other amendments that do a good job of making sure that voices can be heard in that criteria manual development

[1:59:21 PM]

process. The underlying ordinance already exempts any building that is just doing any 10 -- I think it's 10:00 P.M. Trips, which translates to a 20-unit building. So I think that the staff proposal is strong where it is and I'm not going to be able to support this amendment amendment.

>> Councilmember kitchen?

>> Kitchen: I want to make certain that I'm looking atmosphere the right amendment. The one that's on the message board, right? That talks about -- ties it to the TCM, right? It's the with unthat you posted on the message board, right? Yes, okay? All right. So I have concerns about this, also. I would -- you would like to be able to see if it would

[2:00:22 PM]

be important to see -- to see the -- the -- the document that you are talking about, I hope that somehow we can put that up. I think that's important for us to understand. But based on the -- based on the description of it, it's not something that I can support. I think that the -- losing those for the parts of the city that we're talking about is not going to be good. For us. And -- and I would like to see the -- the map better. But I'm not going to be able to support this amendment, either.

>> Okay. I see this as a -- as this whole thing is a really significant change, in furtherance of helping new growth pay for itself. And deal with the -- with the transportation impacts of new development, so I really strongly support it. Staff has been working on this for years. They have been doing great

[2:01:23 PM]

work. I think this has been a significant change and having this compromise measure transition into it makes sense to me. And -- and I'm going to support the -- the amendment.

>> [Indiscernible] Has been working on this for quite a while. I would like to confirm the impacts to our budget, that the six-month delay would be. My staff is -- has told me that atv staff said that will equal the amount of \$25 million over 10 years, Mr. Spiller or Mr.

[Indiscernible] Is that -- Ms. Miller, is that -- is that a pretty accurate assessment?

>> This is rob spiller and Leann can work on getting the map up. Av does have it now, we can show you that information. But, yes. That is the answer. It's about \$25 million.

[2:02:24 PM]

Over the 10 years.

>> Right.

>> Of collection.

>> And then it looks like the -- the greatest impact would be felt by areas further away from downtown, which would be like the northern -- certainly a significant portion of district 1 and 6 and 5 and the outer - the outer areas where frankly our infrastructure needs are the greatest. I see this service area map --

>> Yes.

>> Yes. Could you talk about that a little bit, please.

>> Yes, actually I'll ask Leann to explain it, please.

>> Thanks, absolutely councilmember. The -- so what you are seeing is the list of service areas based on the areas that we think are going to -- to see the most revenue at the top. So you will notice that -- that service area D, which is northeast Austin, D also in outer loop in east Austin, O is southeast, N

[2:03:25 PM]

south. So most of those, B being north. Most of those areas that we think will see the most revenue are in those areas of the city that -- the dark blue shaded cells are those inner loop service areas. And so we anticipate, you know, a lower revenue for those and that's why they see it -- they show up at the bottom of the list.

>> Given the circumstances that we're under with regard to -- to planning for our fiscal '22 budget and knowing the difficulties that we've had with fiscal '21, I would not be supportive of delaying the additional revenue. This is the one area that the growth of the city, when people are investing in the city, it's because they feel like it's a good financial move. The city absolutely needs to be -- rethink those benefits as well and the most clear cut and the most concrete evidence of that is shown on this service area map where we would get benefit of the

[2:04:26 PM]

straight -- the street impact fees because we will have to serve those new communities and we can't do it just on the basis of our general revenue alone. We absolutely need to share this with the folks who are benefiting in our city. I agree with our colleagues, I appreciate the amendment but I can't support it. Further discussion on the amendment? Councilmember harper-madison?

>> Harper-madison: Thank you, mayor. Thanks to my colleagues for expressing your concerns. I appreciate that we have staff here hoping to answer some clarifying questions to make sure that we are clear and that the again ram public, who un-- general public, who have been working on this for many, many moons I'm told. I think some of it is difficult to understand if you are not following along and you are a layman.

[2:05:27 PM]

I keep hearing the number \$25 million. I know especially when you are saying \$25 million and its impact on the east side, northeast, southeast, I think folks are going to inherently assume that there's something being taken away. And so I just want to be clear that extending a grace period will not cost the city money. The numbers provided by staff are potential new revenue from the implementation. And -- and correct me if I'm wrong, this wouldn't prevent us from funding needed transportation projects through the mechanisms like bonds or -- or debt to be paid down later by the way through -- through street impact fees. Is that a correct assumption?

>> Yes, costs determines that need to be filled over the next [indiscernible]

[2:06:28 PM]

Years. We agree that those are projects that the community needs to bring a date the growth, then if -- if growth itself is not paying for it, then, yes, bonds or some other tax method would need to be used to pay for those.

>> Harper-Madison: So be clear, we have other mechanisms we can deploy.

>> Depending on council votes and voter approval, yes.

>> Harper-Madison: Thank you, I appreciate that. If I could sort of go through my thought process here for the amendment, concerns have been raised that given the amount of time it takes to work through Austin's development process, one year grace period, wouldn't be adequate to allow project that's have, you know,

[indiscernible] Their financing and their pro formas off of the existing process to work their way through the existing process. I believe that can negatively impact those projects. I think if -- if ensuring that we have enough housing that -- that Austinites at all income levels can afford

[2:07:28 PM]

is truly the goal of the city, then it's important that we are mindful of how we might unintentionally hinder that goal and make the appropriate adjustments. I think per our conversations with staff, which again thank you all for being so -- so available and sharing your deep wealth of institutional knowledge, per our conversations with staff, starting the grace period from the effective day, of the revised transportation criteria manual, would add an additional five to six months. And they have increased confidence in that time -- expressed confidence in that timeline. Given the relationship the criteria manual has with the impact fees, allowing a year to make necessary adjustments based off the new rules makes sense to me. I don't believe extending a full two years is necessary. I do understand the need for a little more time, but in our view what I am proposing really hits that sweet spot in the middle. So obviously I'm open to hearing feedback on my

[2:08:29 PM]

rationale, but that's how I got to us proposing this amendment. I think it's -- appropriate for all parties involved. Which is the goal, including in our goals around housing. >>

>> Mayor Adler: Sorry, councilmember Flannigan.

>> Flannigan: Thank you councilmember harper-madison for your information, that aligns with a lot of my thoughts as well, especially the length of the development process in Austin when we think of other cities and the timeline set in the legislature. Mr. Spiller, when you talk about the 25 million, that is -- that is, if I'm understanding what you are saying, the cost of projects that are needed generally? Do you have an estimate of what we'll still collect under the current tia, traffic impact fees that we would collect anyway?

[2:09:30 PM]

>> Um councilmember, Mr. Councilmember, I don't know that I have that right off the top of my head. But the way that I was responding to that is as we create the street impact fee, we define the sort of universe of projects that are needed to handle the anticipated growth. And then divide that out within each district. Per the amount of development that's happening. Leann, is there any additional information that you can provide there to the councilmember?

>> Councilmember, I think that you are correct that we would have a -- continue to have a process where we would have our traffic mitigation and development review that we do today. It is difficult to estimate exactly what -- what would be the result of that process. As those are typically case by case and are very negotiated through the tia process, which is something that we are hoping to resolve. That is a result of this policy. So I -- unfortunately I'm not able to offer you an amount in -- instead of what

[2:10:30 PM]

we anticipate the loss in the impact fee revenue based on an extension of the grace period.

>> Flannigan: I share my colleague's concern about the framing of this as a loss. We are not actually showing a delta. We are just saying what we would collect. It's not even saying what we would collect because it's assuming -- we're just saying how much projects there are. We actually don't know how much we would collect. My last question. I'm not sure who put that map together. This is the first time that I've seen it. I know for example in -- in section a, which is the far northwest corner of district 6, there's a state law that prohibits the collection of this fee entirely. I'm not sure if that was factored into this analysis, either. You can't collect this fee of any kind, around lakeline mall, that's where most of the development is occurring, that was knew my district.

>> Mayor Adler: Okay.

[2:11:33 PM]

Councilmember tovo --

>> I'm sorry, I accidentally hit the mute button. That is a state law that I asked our representative to try to undo in a prior session. We did get a hearing in committee, but it didn't move beyond that.

>> Mayor Adler: Councilmember tovo.

>> Tovo: I wasn't sure if our staff had any information whether they were aware of that state law and how that factors into the mapping. I guess my question is did you consider that as you were doing your mapping.

>> We had. That came up in discussions with the impact fee advisory committee, during the development of the land use assumptions and impact fee study. We are aware of state law and limitations in terms of revenue collection.

>> So is your map reflective of the development outside of those areas?

>> Yes.

>> Tovo: Okay. So you still -- so what you are reflecting is the amount

[2:12:34 PM]

in that area that is collectible.

>> That's correct.

>> Tovo: Thanks for that clarification.

>> Mayor Adler: Councilmember kitchen and then councilmember pool.

>> Kitchen: I have a question. This particular amendment ties the timeframe to the TCM. We have already expressed some concerns about, you know, what happens I think councilmember alter raised question about what happens if there's some unanticipated delay in the TCM. So you know I'm not favoring moving forward, but I'm hearing -- I can't tell -- some may feel comfortable with moving forward. But I would just ask whether we could -- we could set a date as opposed to tying it to the TCM. I would really -- I'm concerned about the additional six months that we're talking about. Because of the level of

[2:13:34 PM]

development that's occurring in, you know, in my district and the sooner that we get these into place we can have a mechanism for addressing that issue of development paying more for, you know, for their impact. But my question is, let me get back to my question. My question is whether or not there would be the potential to just put the date on it as opposed to saying six months from the TCM? That's a

question for -- for councilmember harper-madison, I think. Your question is instead of saying six months from --

>> Kitchen: My question is instead of saying -- I've got it here somewhere. Instead of saying -- right

[2:14:35 PM]

now -- I'm sorry. I don't have it in front of me. Right now the date is pegged to the -- to the transportation criteria manual. The effective date of the transportation credit manual as opposed to the -- criteria manual as opposed to the effective date of this ordinance. So my concern is if there's slippage in the effective date of the TCM, then that could create a longer time period than we are anticipating. You are right. I said it wrong. It doesn't say within six months. It says within one year of the effective date of the TCM. The six months comes from that's the expected time period from getting the TCM done. But my concern is we could inadvertently be, by pegging this to the completed TCM, we could inadvertently be pushing it even beyond the time period that we are thinking. I appreciate the concerns

[2:15:35 PM]

people are raising. I also want to point out this has been in the works for quite some time. It's not new for our developers in terms of understanding what was going to be coming down the -- what we were going to be considering. So in terms of their ability to factor this kind of thing into their [indiscernible] This is not new. So did that answer your question, mayor, what I was asking?

>> Mayor Adler: Yes.

>> Kitchen: I don't know -- you would say instead of saying issued within one year of the effective date of the TCM, you would just put a date on it, I guess. I don't know if there's a willingness to do that or not, but I think that would be better than leaving it open and running the risk of having it go even further.

>> Mayor Adler: Okay.

[2:16:37 PM]

We'll give the councilmember the opportunity to apply to that if that's something she chooses to do. Councilmember pool?

>> Pool: I was going to wait for councilmember harper-madison to respond to the timing or if you wanted some time to think about it, I can --

>> Harper-madison: You will have to forgive me. I didn't hear any of that. There was a minor emergency that I was taking care of, so I had my audio off. I'm happy to listen again if you would like to repeat. But if it was directed at me.

>> Kitchen: Should I do that, mayor?

>> Mayor Adler: Go ahead.

>> Kitchen: It was a suggested alternative, councilmember harper-madison. My concern is that the time period that it could take to complete the TCM, because there could be some unknowns. So by pegging the effective date to the completion of the TCM, we run the risk of it -- of it running much longer than we were anticipating. So my thought was that instead of pegging it to the effective date of the TCM,

[2:17:39 PM]

perhaps we should peg it to -- we should just state a date.

>> Are we already delaying it about year? Or was that something else?

>> Mayor Adler: One thing to consider, councilmember harper-madison, would be

[multiple voices] --

>> Mayor Adler: One thing that you could consider, councilmember harper-madison, if you wanted to do --

[indiscernible] Rather than saying 12 months from --

>> Adler is interpreting it.

>> Mayor, can you encourage everybody to mute. I can't hear more than one person at a time.

>> Mayor Adler: I think councilmember pool's microphone is on. One thing to do, if you wanted to do it, you have 12 months from the date of the -- of the transportation criteria manual, you could say 18 months. Or within 12 months of the criteria manual, whichever one is sooner. That would be an additional possibility to consider.

[2:18:42 PM]

>> Harper-madison: I'm comfortable with a year and a half as a compromise.

>> Mayor Adler: Okay. Any objection to that language change being made?

>> Kitchen: Could you please clarify. I'm sorry, I think that I heard. Was it the language that the mayor proposed? Or what was the language?

>> Harper-madison: Are you asking me or the mayor?

>> Kitchen: Either one of you.

>> Harper-madison: I said that I was -- I said that I was comfortable with 18 months.

>> Kitchen: Okay. So it would say um ... What exactly would it say?

>> Mayor Adler:

[Indiscernible] 18 months.

>> Kitchen: It would become effective 18 months from today?

>> Mayor Adler: Correct. Objection to that change being made? Hearing none that change is made into the base motion. I just have two more thoughts and this is a big change. I know that it -- [multiple voices]

>> Councilmember harper-madison made or to the base motion for the

[2:19:43 PM]

whole thing? Because I don't support that, I want to be able to vote on that.

[Multiple voices]

>> I haven't spoken yet.

[Multiple voices]

>> The change in front of us right now the amendment from councilmember harper-madison which without objection says 18 months now rather than --

>> Okay. You said the base motion so I was --

>> Sorry.

>> Mayor, I didn't get a chance to speak.

>> Mayor Adler: Go ahead, councilmember pool.

>> Pool: I was going to say that is a really good compromise and lifeline that the mayor is suggesting to what councilmember kitchen offered to tie it to today's meeting. I would like to also say, I think that's a good idea. I would -- I continue to be concerned that if we delay it and we do not get the income from the developers, then any kind of bonds or increases in property tax, which when we sell bonds we increase our maintenance and operation, which translates into increases in our property tax, that goes to everybody, including the people in our community that

[2:20:43 PM]

we have been trying to protect. As not being able to carry the burden of development in our city and we talk about that a whole lot. So I did have one question for staff. I don't know if the staff is here. This is for our financial staff. City manager. I would like to know how much is left in our bonding capacity when we try to carry over a little bit of margin where we don't bond to our maximum. I'm thinking that if we're not at the maximum, we are very close to our maximum. And so to say that we can get the money through bonds may sound like a possibility, but two things have to exist. One, you have to have the capacity to increase the tax rate, to pay for the bonds. And, second, we have to be mindful who it is that -- that is -- that is paying for that. And it is our -- it is our

[2:21:47 PM]

[indiscernible] Or homeowners. Remind everybody, which is also on the top of my mind for me, how are we affecting -- before the ability of all of our renters. The livability of all of our renters, thanks.

>> Mayor Adler: Okay. I was going to make two more points which I don't think have been made yet. Obviously there's competing interests in all of these kinds of things. Whenever we charge a fee anywhere, the more we have a fee, the sooner we get the fee, the more revenue that we raise. This is a pretty significant change and from where I sit, from -- you know, there are projects that are in the pipeline now that have undergone underwriting based on the fee structure that's have existed and this compromise solution with an effective date seems to me to be the fairest thing to

[2:22:47 PM]

do there. I think that it's -- for me, it's important to note that -- that the priority projects that are in the northeast part of the city, those are the priority projects for the city that will still be done because we are still going to put our capital dollars against our priority projects in the city. So if there are projects that don't get funded with a \$25 million decrease, over a 10 year period of time, the projects that don't get funded would be the projects that are the -- the lower priorities. From among that -- that pool of projects. That's why I'm supporting the amendment. Further discussion on the amendment? Councilmember harper-madison?

>> Harper-madison: Thank you, mayor, I appreciate that. I appreciate you offering that. Just to be clear, bond debt can in fact be paid down through street impact fees,

[2:23:50 PM]

correct?

>> That's correct, councilmember, for the capacity related projects.

>> Harper-madison: Okay. So -- so just thinking, you know, as we are -- well, in response to my colleague's comments about fees incurred by renters, I just want to make sure that we are being entirely transparent and the truth is that the new fee will raise the cost of rent. So I just want to make sure that's clear, also. And then subsequently, you know, throughout this process, staff has truly done a phenomenal job listening to stakeholder and really incorporating their feedback. I still think there are some outstanding questions surrounding -- surrounding commercial development and development in the downtown area. I'm also very concerned about how this will affect the cost of housing given the information provided in the affordability impact statement.

[2:24:51 PM]

So -- so my hope is that, you know, we continue to work with stakeholders to address these outstanding questions and concerns. And -- and also hope that the cross-departmental effort to evaluate all existing fees is levied on development projects and identifies fees that could either be eliminated or reduced to offset the increases from street impact fees. I suppose that's the last of my commentary on the item.

>> Mayor Adler: The motion to add the 18-month grace period, any further discussion on this amendment? Councilmember alter?

>> Alter: I have a comment. But I think --

>> I have a clarification councilmember on the amendment. Does it apply to the one year implementation that would now be 18 months, is that also intended to apply to the three year grant period that was appears patrioted for developments that -- anticipated for

[2:25:53 PM]

developments that already had --

>> Harper-madison: It's my understanding that the one year is -- the one year grace period is the minimum dictated by state law. Is that not correct?

>> That's correct for properties that have been previously platted. So the staff's recommendation extends that grace period to all development. >>

>> Harper-madison: In which case you are asking if I'm exclusively making the 18 month extension for the one that has the one-year requirement that we were proposing, too, and the three year?

>> Correct. I believe the amendment triggers the three years based on the criteria manual update effective date.

>> Harper-madison: You believe the what triggers, I didn't hear that I'm sorry.

>> I apologize, the -- I believe the second part of your amendment is related to the three years for those projects that have approved tias and that right now would be then tied to the

[indiscernible] Transportation criteria

[2:26:53 PM]

manual with your change to the first part I was wondering if you were intending to also reflect that change in the second part or if that is intended to continue to be tied to the criteria manual?

>> Harper-madison: So no. Not the three years.

>> Okay. Thank you.

>> Thank you.

>> Mayor Adler: Councilmember alter?

>> Alter: Now I'm confused, there are two parts to this amendment, now we have introduced the uncertainty [indiscernible] Into the three year portion if I understood correctly. We have only fixed that uncertainty for the first part because we have the one year with respect to

[indiscernible] I'm confused over what was just --

>> Mayor Adler: I think what's in front of us is the statute right now has a one year grace period.

[2:27:53 PM]

Staff had extended the tracks to which that applies, that's something that the staff did. Councilmember harper-madison is taking that one year and extending it to 18 months.

>> Alter: But there was another section that ended it for three -- extended for three years which is now being extended another six months? Another part that what to do with three years that I'm not understanding what is being proposed here. That was just what Leann was asking about, but I'm not -- understanding.

>> I think my clarification for Leann was the three year timeframe wasn't intended to be affected by my amendment.

>> Alter: But your part 2 does -- so there was a three year window if they had a traffic impact analysis. That you were then -- that was supposed to be three years if they had an approved traffic impact analysis that they were getting the waiver on. Your amendment extends that

[2:28:55 PM]

with the traffic -- it seems to me if we are telling them today three years is plenty of time if they already have a transportation impact analysis that that doesn't need to be three years and six months. I think that's the question that Leann was trying to get clarification over.

>> Harper-madison: I agree. So yes. We could -- 18 months and three years, not additional six months.

>> Alter: Okay. So how do we make that motion? Because I don't -- so then we wouldn't make the part 2, we would only make the part 1.

>> Mayor Adler: Without objection --

>> Harper-madison: May I offer clarification. I think our conversations with legal, I think it was being offered for consideration exclusively for the purposes of consistency.

>> Alter: So your motion is going to be the first part with the change to the 18 months and we are

[2:29:55 PM]

deleting the second part then?

>> Harper-madison: Correct.

>> Alter: Okay. Thank you for the clarification. So I'm not going to -- you know, I've been on the mobility committee working on this, we've had street impact fees come before us multiple times. Our staff has been working really hard on this. Staff did not recommend this extra six months. They have taken extra time to get this to us through all of these stakeholder conversations, stakeholder has been well aware of what was coming down the pipeline. They still have a year to plan. In my view we are missing out on \$25 million and, you know, that \$25 million that helps in some areas and helps us to get further down the priority areas and I think that's really important. The whole point of the street impact fees is to help fund the -- [audio cut out]. Growth and help us to manage growth responsibly.

[2:30:56 PM]

I think it already builds in lots of compromises that go above and beyond what state law requires. You know and the fact that state law only requires the one year in a smaller subset than what we were doing in the original proposed and they already made compromises in two different places, to me that is sufficient to meet the needs of the stakeholders and I'm going to put -- place, you know, more priority on having the growth manage itself. I do want to just flag that -- that when we did the water and wastewater impact fees, we had all of these concerns and blah, blah, blah. Those water wastewater impact fees are what have allowed us since I've been on council to keep our water fees low which helps everyone in the city. The same thing can happen over time with respect to what we need to bond and

what we need to chart in terms of our transportation user fee if we are assessing these fees appropriately. We have already gone down, you know, from 100% of what

[2:31:56 PM]

we could impose to 35% and, you know, at every turn there's an attempt to make this lower. And I just cannot support that, our staff is not recommending it, they have been through this process, they have worked with the stakeholders, they have made

[indiscernible] I do not believe that this is a compromise that we need to make. In my view it is not a compromise that helps us move forward in funding the transportation needs of the system, which is, you know, what this whole street impact fee policy was about. So I'm not going to be able to support the amendment.

>> Councilmember harper-madison made an amendment, it's been seconded. Are we ready to take a vote. Let's take a vote, those in favor of councilmember harper-madison's amendment please raise your hand. Me, Flannigan, harper-madison harper-madison, mayor pro tem, Casar, Renteria and Ellis. Seven votes. Those opposed please raise your hand. The remaining four on the

[2:32:56 PM]

dais, the amendment passes 7-4. Folks, I'm going to recess or stop for just a moment the consideration of these amendments. Let's take the speakers that have been waiting in queue for half an hour. When we are done with the afternoon speakers we will come back to this item and then we'll do the consent agenda. Do you want to take us through the speakers.

>> Sorry, mayor. Yes. One second. Let's see. The first speaker is Greg gresson. Greg greaseonly please be greasen please be sureto unmute. Okay, we will reach out to you so that we can connect. The next speaker is Betsy

[2:34:01 PM]

[indiscernible].

>> Hi, thank you, this is Betsy nearly.

-- [Indiscernible], can you hear me?

>> Yes, go ahead.

>> I'm a long-time resident of Hyde park and the immediate past president of the Hyde park neighborhood association. And I'm calling on behalf of the association to support Alamo draft house's proposal to designate the entire baker site except the

[indiscernible] Field as a historic landmark. This proposal was also supported by the historic landmark commission. The family members unanimously support the 2008 zoning variances and changes required to restore the baker school for the use of Alamo's headquarters. As parts of that agreement the back portion of the property was to have a large structure with affordable component. I was disappointed to hear that the city of Austin wasn't looking at creative options to meet multiple objectives on this site. But as for the remaining site, the adopted building does not allow for

[2:35:01 PM]

[indiscernible] Front of the building and any additions to the side of the building should be reviewed as part of Austin's historic landmark status for this important area. Currently the side parking lots in question are necessary for access and use it is of the structure. To be clear zoning this does include development. It only ensures that future development doesn't obstruct or otherwise degrade historic features of the property. The exam plan work of Alamo draft house shows that preservation and development can go hand in hand. With all of these factors in line, I encourage you to please designate the entire site historic. Thank you for your time.

>> Greg crumb.

>> This is Greg crumby, council for Travis county utility district number 4 speaking on the property rezoning I believe that's

[2:36:02 PM]

item 6. I think council is well aware of the district's drinking water concerns. With regard to this property. And has provided networking analysis prepared by Murphy engineers that discusses drinking water concerns with regard to [indiscernible] At the property. You know, I understand there was gas service at the property in the 1980s, I don't think that should mean that we don't take this opportunity to do a better job today. You know, even in the you 0s, you could -- '80s you could smoke on airplanes, you are not allowed to smoke on airplanes anymore. The applicant wants to change the use to a primary use for a marina. I think this gives us the opportunity to do better on protecting our drinking water by prohibiting gas service to the property. Thank you.

[2:37:04 PM]

>> Suzanna Almanza.

>> Yes. Hello? Hello?

>> Yes, go ahead, Suzanne in a.

>> Hello? Okay. Mayor and Austin city council. The Austin city council can launch an important and sustained response to racism and inequalities that have caused displacement and gentrification in low income and communities of color by denying the rezoning of 316

[indiscernible] Lane and 3628 [indiscernible] Street, and respect the montopolis community's valid petition. Communities of color and low income communities are confronting the cumulative impacts of racism and land use public health, economic crisis and on top of the environmental and climate risks. Community of color and low income community must have a say in decisions affecting their health and welfare and to correct long standing

[2:38:05 PM]

racist, systemic practices. The city council should purchase the Saxon acres with the afford housing bond acquisition fund to stop the displacement and gentrification of montopolis residents. As you may know, montopolis is also known as poverty island and has a per chapter income of 16, media family income of - and a poverty rate of 33%, most of the people that live in montopolis are people of color. The Austin city council should reject in the name of racial justice and reconciliation. The applicant is requesting a base zoning district of S.F. 6. That is for areas where transition from single family to mameys is appropriate. Multi-family is promote. S.F. 6 is not appropriate. This property is located mid lot, in a local residential street, and predominantly surrounded by sf 3 N.P.

[2:39:06 PM]

Zoning. Saxon lane and

[indiscernible] Street are not through streets. Additionally housing in the neighborhood policy 11 states protect the neighborhood character by directing growth to areas of change and ensuring context sensitive infills, such locations that designated redevelopment areas, corridors and landfill sites. This site is located entirely in the montopolis neighborhood and is not located along a through street, nor is it close to a heavy -- have easy access to a major thoroughfare. The base zoning of sf 6 is more appropriate along major collector thoroughfares and towards the periphery of the montopolis neighborhood boundary. These properties were approved at sf 3 N.P. The Austin city council must not align themselves with profit seeking real estate developers with little to no regard for the montopolis community's fragile natural and cultural environment or iconic history. The city council should purchase Saxon acres with

[2:40:06 PM]

the affordable bond acquisition funds to stop the displacement and gentrification of the montopolis residents. Thank you.

>> Shaun Abbott.

>> Good afternoon, councilmembers. Shaun Abbott with nearly. Our firm represents Travis county water control improvement district number 20, here today to speak about item no. 68, the rezoning of the peer property. As you have heard at previous meetings and earlier today, district 20 provides drinking water to the rob Roy on the lake subdivision along lake Austin. The district has the raw water intakes in lake Austin across from Emma long, metropolitan park. It provides drinking water to almost 400 connections in the district, meaning hundreds of people rely on the water provided by the district on a daily basis. The district has both regulatory and health and safety concerns related to the rezoning of the pier property. The health and safety perspective relates specifically to gasoline sales.

[2:41:07 PM]

The district engineer for the district has concluded what common sense would dictate. An accident involving a catastrophic gasoline spill would prove disastrous for the district and its resident. The district is aware that the rezoning request does not explicitly provide authority for gasoline sales, however the district respectfully requests that if the council chooses to approve the rezoning,

[indiscernible] Also ban gasoline sales at the property. In conclusion, we have significant concerns related to gasoline sales at the pier property and greatly appreciates the council's

[indiscernible] Of gasoline sales at the property. Thank you.

>> Mario Cantu.

>> Can you hear me?

>> Yes, go ahead.

>> Good evening, council, Mario Cantu with the south

[2:42:07 PM]

congress neighborhood planning contact team. Chair. I just wanted to pass on that agenda item 92,

[indiscernible] At 4329 and 4341 south congress. And we did give them a letter of support for this development. Affordable housing coming to that area of Austin. I also wanted to pass on that we appreciate Amanda and her teamworking with those individuals. With that said, I just wanted to pass on

just a brief part that we are working on south congress with affordable housing. It's in very much need. As you know with covid-19, it's putting the burden on to many citizens that could potentially be displaced. Just wanted to pass on that the next upcoming pandemic, which probably is already here or will be coming up pretty quickly is going to be depression. And that will be affecting affordable housing needs

[2:43:07 PM]

that we're going to need for this city. Thank you.

>> Jonathan Davidson.

>> Hello. I'm speaking in opposition to item 69. Saxon acres rezoning from S.F. 3 N.P. To S.F. 6. I -- this is part of the chain of many developments proposed in the montopolis neighborhood. And I think that -- that until there's a very constructive conversation with the neighborhoods and with residents of the neighborhood, any upzoning has to be rejected. The conversations in this past month have gotten very, very ugly. The developers have been very, very ugly. I understand some residents have probably been pretty ugly, too. But I think it's just --

[2:44:07 PM]

these conversations need to be started completely all over again with -- with a -- in a fresh way and with a real ear to ideas on these properties, because there's -- we're losing, everyone is losing and the reason we are losing is because of the ugliness. So I -- so I -- I think this project proposed needs to be -- to be halted and we start fresh and see if we can get something that is going to work for everyone. Because I am sick and tired of the negative attitudes that our neighborhood are getting from the rest of the city, just because we are trying to do the best thing for our own neighborhood. So that's what I have to say about it right now and I look forward to constructive conversations about it in the future. Thank you.

>> Bruce Wyland?

>> Mayor and councilmembers. My name is Bruce Wyland. I'm speaking on item 87, the

[2:45:09 PM]

rezoning of 218 south Lamar to a pud. I've lived in the zilker neighborhood for over 40 years and I'm an officer in the zilker neighborhood association. Pud zoning was intended to promote superior projects that would not otherwise be allowable under existing zoning regulations. It was never intended to allow spot zoning and to circumvent particular zoning regulations because the developer finds them too

restrictive, yet that is exactly what is happening here. C and a has made a number of comments to the city council and city staff on why the proposed pud has not made for a superior project over the existing zoning. The city staff has not bothered to address them. Emblematic of the sad state of affairs we find ourselves in is when giving access to a rooftop party space for community groups and non-profits is considered a superiority item. Approving this pud will put the final nail in the coffin of the water I don't want

[2:46:09 PM]

overlay. I ask you to protect the overlay and adjoining parks. Thank you.

>> Greg greison?

>> Can you hear me?

>> Yes, go ahead.

>> Thank you. Sorry for the earlier glitch. Good afternoon. I'm speaking in opposition of item 68 concerning the pier property's rezoning request. I'm president of the Travis county water district number 20. This district has an extensive infrastructure that has been providing drinking water since the mid 1980s to all the rob Roy area neighborhoods. Our district now has over 375 water connections. That means that around 300 families and a dozen or so businesses depend on our district for clean drinking water. Our district also has an emergency interconnect to share drinking water with five other water districts and thousands of additional customers. Lake Austin is a course of drinking water for this extensive water system.

[2:47:10 PM]

We operate two water intakes right across from Emma long metropolitan park. We're extremely concerned about [indiscernible] At the pier's property as it would be located within 1,000 feet of our water intake. Also we are extremely concerned about gasoline sales occurring at this location. In the event the council approves this rezoning request and the pier's owners operate a new marina on lake Austin. Number one, we do not want the docks to be placed in operation at the pier and number two if the pier's request is approved we do not want the sale of gasoline products to resume at the pier's location. Thank you.

>> Doug Connolly.

[2:48:17 PM]

Adam sharp.

>> Can you guys hear me?

>> Yes, go ahead.

>> Good afternoon, council. This is Adam sharp, president of the stonegate neighborhood association. I want to speak on behalf of our 80% minority neighborhood built by African-American professionals, many of whom who still live here with other generations of their families. We appreciate that the owners have agreed to put some conditions in a private restrictive covenant in which they would add the three four and a half foot height limit as well. But they have declined to include that. We are still waiting for them to sign the rfc and get it to us before we withdraw our valid zoning petition. Please insist that we get that back before these cases are passed. We appreciate that they have agreed to agreed to 34 and a half foot height limit and vegetative buffer in the conditional overlay, but worry what happens if

[2:49:17 PM]

they do not develop the tracts under sf-6 and get some higher zoning under a new code. Thank you for work to go try to make sure that sf-6 is tailored for the scale of project that fits to us. Please do not approve the zoning until we get our signed rsv others our neighbors will lose all the protections the owners have offered us. Thank you.

>> Doug Connelly.

>> Good afternoon. My name is Doug Connelly and I'm president of the Travis county mud 4 and I'm speaking against item 68, the zoning change for the pier property. Mud 4 operates two water plants that provide water to most of the Barton creek area. Our intake pumps are in lake Austin about 400 feet upstream from the pier. Tceq requires that intakes be no closer than 1,000 feet

[2:50:20 PM]

from a boat dock. Mud 4's concerns are that granting this zoning change will allow the pier docks to be repaired and thus tceq could find mud 4 in violation of the thousand foot restriction, and we do not want to be placed in that position. We're also concerned that fuel cells might now recouple at the pier and the possibility of a fuel spill would now exist. For those reasons Travis county mud 4 opposes this zoning change. Thank you.

>> Susan Moffat.

>> Hi, I'm Susan half fat, secretary of the neighborhood contact team speaking in support of historic zoning for baker school and its site as recommended by the city's historic landmark commission, item 67. Baker of was built in 1911

[2:51:21 PM]

and named in honor of Benton Dewitt baker and served as inspector of schools from 1872 to 1887. It's a substantial three-story brick building with large windows, details on the upper facade. Its grounds contain historic post oaks likely planted to shade the students. It was the Hyde park neighborhood plan lists baker as one of five sites that should be considered for historic landmark status. In 1911 Austin public schools were completely segregated and baker was built to be an all white school. However, it later played a critical role in the long overdue integration of Austin schools in the 1970s when baker became one of the handful of campuses designated as an integrated sixth grade center finally opening baker's doors to every race and ethnicity. Also please note the historic zoning would not preclude affordable housing on this site in the future.

[2:52:23 PM]

The zoning would only affect the exterior of the building and grounds. The 66,000 square feet interior could still be reconfigured for many affordable units at a future date. Hyde park strongly supports affordable housing and residents have identified areas throughout the area where it can be readily incorporated. But it's a false choice to pit historic preservation of this one of a kind landmark against affordability. Austin is capable of doing both. As you've heard in 2019, in March 2020 the city decided instead to buy baker field for a regional detention pond. If it's feasible to build housing over the detention pond, of course we would support that. Fortunately there are also many large apartment complexes near baker suitable for converting to permanent deeply affordable

[2:53:24 PM]

housing. Most of these old complexes currently provide market affordable housing for the renters who make up over 70% of the neighborhood. But if you want permanent, deeply affordable housing in this area, please direct staff to explore acquiring one more of these complexes as soon as possible. After more than a century of school use baker is now the headquarters of an iconic Austin business, the Alamo draft house, which has done a wonderful job restoring the buildings and grounds. I strongly urge you to keep this important piece of Austin history by supporting the hlc recommendations to grant historic zoning to baker and its site. Thank you.

>> Laverne parker. Laverne parker, please unmute.

>> Laverne parker.

[2:54:27 PM]

My name is Laverne parker and I'm speaking in support of David chapel Baptist church zoning request, and that's 88 through 91. Thank you for the opportunity to speak. I have been a member of David chapel for 40 plus years and on behalf of the church, we are pleased that the neighborhood contact team worked very hard with us to bring forth recommendations that we both support. They realize our financial needs on so we can move forward with our relocation plans for a new church facility. As a church we are sensitive to the well-being of this community that we have been a part of for almost 70 years. We love this community and we demonstrate our commitment to this community and beyond in the Austin area through our outreach

[2:55:31 PM]

efforts. As you review our requests, I believe you will find that it is in line with other zoning requests that have been approved along the mlk corridor. We thank staff for their work on the requests. We look forward to the mayor and council's support of the planning commission's recommendations. Thank you for the opportunity to speak.

>> Noe alicias. Noe, please unmute your phone. Johnhorn Thompson.

[2:56:34 PM]

>> My name is John thorn Thompson and I'm speaking in opposition to the petition to rezone 1907 invertness boulevard, which is item 66 on the agenda. I understand that this is a zoning hearing and this may not be the appropriate forum for my objection, but considering this is one of the few remaining opportunities to speak my mind I would like to take it and voice my dissatisfaction for the current landowner Andrew Rivera my opposition to proceeding with this petition to rezone the property. Throughout this whole process the property owner has been unresponsive and evasive and at times combative to working with members of the neighborhood and the community. And they have stretched the benefit of every doubt and

[2:57:35 PM]

cut every corner they can in dealing with the residential permitting and inspections departments. And somehow have managed to sneak this property through without the property level of review or -- appropriate level of review or scrutiny to provide a safe and good value property in our neighborhood. This opposition is to attempt to hold this property owner to the procedures set forth by the city which

my neighbors and I have all had to abide by as we renovate and add on to our own personal houses and properties. So in conclusion, this is mostly a vote of dissatisfaction with the current property owner, but also a vote of dissatisfaction with the residential permitting and inspections departments, and

[2:58:37 PM]

a vote of no confidence in the city's commercial inspection and permitting department. Thank you.

>> Noe alicias.

>> Can you hear me?

>> Yes, go ahead.

>> Yes. I'm calling in opposition to item 69, Saxon acres. I am opposing this zoning change from sf-3 np to sf-6 np because I believe the community has not been listened to in this case and in other zoning cases in this neighborhood. I really believe that when you think about developing large lots like this, you really have to think about the most vulnerable neighbors, and you know, Montopolis has an multi-family fi of about \$33,000 per family. So when you develop

[2:59:39 PM]

something like this you are essentially adding to the displacement of these families. So whenever these cases come up before city council I think that the community has to have a voice in these upzoning cases and they have to be listened to and I think that's a failure of the city council in previous cases and I hope that we can work with the city council, with the developer as a community partner to make sure that we get development in community that's affordable to our neighbors. Thank you.

>> Terry Barnes.

>> Thank you. My name is Terry Barnes. I'm speaking on item 68, the pier property rezoning. I'm the first resident downlake of the pier property. Vice-president of the Travis county water district number

[3:00:40 PM]

20, which you've heard from earlier. And I'm also the current president of Rob Roy on the Lake owner's association, which would be all of the homeowner's on the water within district 20 downstream of the pier and homes between Lake Austin going on up to Bee Caves Road. I'd like to say that our HOA does not support an activity or rezoning of the property that would [indiscernible] The water district. The other thing I would like to point out is that the pier property's boundary lines actually end at the bank of the

lake, which means the docks extending out into the lake about 30 feet that I've seen from their current permit application, are extending property that's under purview of the city and public land. It would seem that now would be a good time for the city

[3:01:42 PM]

to consider a restart of activity at the property that's over water of the city of Austin. So in conclusion, I would like to just reiterate that the HOA, Rob Roy on the lake homeowners association does not currently support any activity that would parallel our water district as the end users. Thank you.

>> Herb palmer.

-- Herb palmer.

>> Good after, mayor Adler and city councilmembers. My name is herb palmer and I am speaking in opposition to the proposed rezoning PUD for 218 South Lamar, which is on your agenda that's number 87. First of all, let's honor the waterfront overlay ordinance. Like you, I love this city and one of the endearing

[3:02:42 PM]

qualities of our city is that Austin has been intentional about our development. An example of that is the waterfront overlay ordinance. We do not want to be a city like Houston where anything is built wherever. Out of necessity there are certain exceptions to ordinances. The proposed project -- this proposed project is not one of them. There's no reason for the rezoning request and the developer wants to build a larger building than the ordinance stipulates. That is not a good enough reason. Please reject the request for the rezoning PUD for this PUD. Second I I along with over a -- secondly, I along with over a thousand other residents live along the blocks of Toomey road. In addition there's a school, office buildings, Zach theater, the soon to be Daugherty arts center, baseball fields and a couple of restaurants. Zilker park and Butler

[3:03:43 PM]

shores are also accessible by Toomey road. When there are festivals in the area there are thousands of additional people on Toomey as they move away from and to the parks. Seasonally there are little league games at the baseball field. Toomey road is two blocks long and barely two lanes wide. This includes upwards of 250 parking spaces. Access to the parking is on Toomey road. This building proposal is proposing a traffic nightmare. It causes me to wonder what if first responders needed to get to a

residence or school when the traffic is exiting the proposed building. I'm asking the city council to seriously consider the quality of life impact along this part of the city. I ask you to reject the

[3:04:48 PM]

requested rezoning pud proposal. It is okay to wait for a rezoning proposal to be brought forward that honors the integrity of our development and quality of life for the people who live here. Thank you.

>> Joseph parker.

>> This is Joseph parker, pastor of David chapel that has been in the chestnut neighborhood for 94 years and I'm speaking on items 88 through 91.

[Indiscernible], 28 of those as pastor. So let me thank all of the stakeholders who participated in the discussions over the past year and a half. But we request that the council support the planning commission recommendation which is consistent with the agreement reached between the neighborhood, contact team and David chapel, not the staff recommendations.

[3:05:49 PM]

While we appreciate the city's staff for their work on this case, a lot of work, time and effort went into the agreement to reach a win-win for the neighbors and the church. Please honor that agreement. City staff is asking to add prohibited uses to what the parties agreed on tracts 1 and 3. And we are okay with prohibiting them if it means we can move the case forward. But we ask the council to approve the planning commission's recommendation on tract 4. There has been some discussion about the historic nature of our building, a building that we love, but we are also concerned about the lives of the people who have worried and served this city there for more than 60 years who out of concern for themselves, their community and their spiritual descendents bought this land, hired architect John chase and paid John chase

[3:06:50 PM]

for money borrowed from the St. John regular Baptist association because white banks would not loan them the money, we have been the only stewards of this building who have cared for and preserved it. We welcome someone else to buy and care for it in perpetuity. So we ask the council to not use the zoning process to keep us from being able to sell our properties to get the resources that we would realize for a new worship center that will enhance our ability to continue being a church with a heart of the community as we have been for 96 years, but now have our Springdale relocation. Thank you.

>> Michelle Teague.

>> Hi. I'm calling to oppose the

[3:07:53 PM]

acres in montopolis from sf-3 np to sf-6 np. I live here in the community and I'm calling on behalf of a lot of my neighbors who can't be on this call today. The community is asking that you include them and listen to them on these proposals and join us in upzoning montopolis. We really need for our community leaders to have a seat at the table for these zoning changes. We're seeing a lot of displacement over here right now. And a lot of our residents are really hurting. I don't support any upzonings in montopolis. It's causing a mess. And especially without community involvement, and this with no community benefit. I hope in the future we can all work together and do better for this historic montopolis community. Thank you so much for your time today.

[3:09:00 PM]

>> Marilla thorn Thompson. >>

>> I'm speaking right now for the city council.

[Unmuted conversation].

>> Marilla thorn Thompson, go ahead.

>> Hi, my name is marilla thorn Thompson. I am speaking in opposition to the rezoning, 1907 invernness boulevard. First off I wanted to thank councilmember kitchen and her staff, especially Ken gray, for their generosity with their time and their willingness to try to understand our neighborhood and understand our opposition. Mar evacee investments --

[3:10:01 PM]

I'm -- marquis investments, and I'm speaking to number 66 on the agenda, invernness boulevard from residential to commercial. I wanted to let the record reflect that marquis investments and Mr. Pearlstein have taken advantage of the city's gaps in oversight. Somehow they have been able to open and close inappropriate permits with inadequate documentation. My neighbors and I have all done work over the course of our time owning property in this area, in this neighborhood. And we have followed the rules and it feels like we've been held to a different standard. Watching all of this happen has completely eroded my confidence in the city's code compliance department, their residential and commercial inspection

[3:11:03 PM]

departments. And I will say that I feel very lucky that myself and my neighbors have had an opportunity to have good education and understand the documents that we are looking at of the city's permitting department. And I do not understand and it makes me very upset that people with potentially less literate or less educated people are being taken advantage of across our city. So I do absolutely -- I'm very disappointed in the way that this property has been handled by the city and by the property owners. Thank you very much for your time.

>> David malish.

[3:12:04 PM]

>> I'm calling in opposition to item number 68. My name is David malish and I represent water district 20 as a district engineer. Although the state originally approved the location of the intake structure, a distance of approximately 800 feet downstream from the original pier and boat docks and marina, a tceq letter to a former applicant made it clear that for redevelopment of the pier property results in district's intakes being located within 1,000 feet after boat dock marina, the district will, and I emphasize, will, be in on violation of tceq rules and may be subject to enforcement and relocation. The relocation costs could be in the range of 10 to \$15 million, requiring two to four years, maybe longer to complete. And the possible combination up to 1500 linear feet of lakefront property including portions of the pier property. Please be aware that the city of Austin's two intake structures on lake Austin, serving both Ulrich and Davis water treatment plants

[3:13:05 PM]

are also situated less than a thousand feet from boat docks accessible to the public and there's reason to think the city of Austin will also be determined to be in violation and maybe subject to enforcement. I can only assume we would all be treated equally by the tceq. Finally I suggest that before the council makes a decision on this application that you are at least consult the Austin water staff or comment on the location of your intake structures with respect to the existing boat dock facilities councilmember Leffingwell their position at gasoline dispensing facilities at either location to the city's two intake structures. I would hope that your decision on the installation of gasoline dispensers near the district's intake structure to remain consistent in the event of possible applications of either of the two referenced boat docks near the city's intake structures. Thank you.

>> Zenobia Joseph.

[3:14:13 PM]

Zenobia Joseph. Thomas Yates.

>> Hello, hi. My name is Thomas and I'm calling on behalf of item 67, the baker school rezoning in Hyde park. I am a board member of the friends of Hyde park neighborhood association and we are in support of the staff and planning commission recommendation to grant the community commercial historic area historic landmark neighborhood conservation neighborhood plan combining district zoning on a reduced parcel. We are not in support of the historic landmark commission recommendation. Friends of Hyde park opposes the rezoning of the baker school to historic zoning property because it would ban a future affordable housing on the property. Parking lots should not be historic. In a future land development

[3:15:16 PM]

code hopefully there wouldn't be a huge amount of parking required for housing, and specifically affordable housing and parking lots could be used for housing. Under this zoning request that wouldn't be possible. If the city council is going to pass something, then friends of Hyde park would rather see the planning commission recommendations pass that would at least exempt the parking lot from the historic zoning and allow these lots to be possibly used for housing in the future. We need to make sure that our zoning decisions plan for the future and not frees us from the past. While not perfect, the planning commission recommendation is a good compromise that can do both. In addition, the property located directly next to a major transit corridor, north Lamar -- actually, Guadalupe street, it will have light rail. And we should be considering that project connect and making sure that it is all

[3:16:16 PM]

the success that it could be. This is exactly the place where we need housing to do that and so particularly as -- in honor of the baker school segregationist past, allowing housing on the site would be the best legacy, but stop making excuses why we shouldn't have affordable housing in our inner city neighborhood. Thank you so much for your time.

>> Alanna Dayton?

>> Hello. My name is Alanna Dayton. I'm calling on item number 66, the rezoning of 1907 invernness boulevard. I wanted to thank everybody for their time today and for Ann kitchen and Ken Craig

[3:17:16 PM]

for their assistance and their ear in this matter. Two of my neighbors have already spoken on this issue, and I would just like to agree with everything they've stated about the inspection process, marquis investments and how they've treated the property. I am in agreement with the opposition and our neighborhood has a petition against the rezoning of this property. I understand that this property will probably go through the rezoning, even though we have opposition here. But I would like to put on the record that we strongly believe that marquis investment is not operating with the best intent of the neighborhood plan or in our neighborhood. They have done very little to actually improve the property. And when they have made changes to try and get the build up to code, they are doing it in ways which do

[3:18:19 PM]

not seem to be ethically sound in the way they go about it. One of the benefits of the pandemic right now is that we are all home everyday and can see what is going on in that property. And watching who has come in and done work on the property and how they've tried to put in a foundation where one did not exist, clearly anyone with any sort of building knowledge would know that this would not be -- this was not done properly. And we feel that they are taking advantage of the neighborhood and the city for the benefit of themselves as a business. I know again that this property will probably be rezoned because of the neighborhood plan, but we ask the city council to please help us make sure that they actually make this building something that does benefit the neighborhood and really bring it up to the code and standards that we've all had to abide by

[3:19:22 PM]

when doing construction on our own homes. Thank you.

>> Mayor, that concludes all of the speakers.

>> Great. Thank you. Jerry, do you want to take us through consent. We'll do the consent agenda and then pick back up the street impact fee item.

>> Sure, mayor. Your first item is number 66, a discussion item. Item number 67 is also a discussion item, as well as item 68 and 69. I can offer for consent on all three readings, item 70, item 71 for consent approval on all three readings. Item 72 for consent approval on all three readings. Item 73 -- sorry about that.

[3:20:22 PM]

Item 73 for consent approval on all three readings. Case number c-14--2020-0115. Item number 74, offered for consent approval on all three readings. Case number c-14-2020-0090. Item 75, offered for consent approval on all three readings, case number c-14-2020-0124. Item 76, offered for consent approval on all three readings. That's case c-14-2020-0125. Item 77, offered for consent approval on all three readings, case. Item 78 offered for consent approval on all 3D readings. Item number 79, case c-14-2020-0116. This is the old San Antonio road case. I believe at work session councilmember kitchen indicated they would like this postponed to January 27 of 2021.

[3:21:22 PM]

Item number 80, staff is making a staff postponement on this request for January 27, 2021. Item number 81, case c-14--2020-0073, staff is requesting for a postponement to January 27, 2021. Item 82 offered for consent approval on all three readings. Case c-14-h-2020-0133. Item number 83, offered for consent approval on all three readings, three readings. Item number 85 offered for consent approval. Item number 85 is case Knapp 2020-0021.002, this is a request for postponement to January 27th, 2021, as well as item number 86. Item number 87 is a discussion case as are

[3:22:23 PM]

related cases the David chapel cases items 88 through 91. Item number 92 I can offer for consent approval on all three readings. It's case c-14-2020-0093. Item 93 is a redundant item on the agenda. It will be later replaced with item number 97. Case number -- item 94, case npa-2020-0016.03, this is changed to a postponement request by the staff to January 27th, 2021. Related item is item number 95, case c-14-2020-0083, also a postponement request by the staff to January 27, 2021. Item number 96 is a discussion case as is item number 97.

>> Mayor Adler: Jerry, go through it again and tell me which ones are discussion?

>> Sure, the discussion items would be items 66, 67,

[3:23:24 PM]

68, 69, and then items 87, 88, 89, 90, 91 and numbers 96 and 97.

>> Mayor, this is Jeanette. We have Ms. Joseph back on the line if you would allow her to speak.

>> Mayor Adler: Why don't you go ahead and let her speak. >>

>> Thank you, mayor, councilmembers. Let me thank Ms. Jeanette for reaching back out to me. I was on the line. I did send my information through the clerk, mayor, did you get my backup materials?

>> Mayor Adler: Yes.

>> My comments are specifically related to Samsung, 70, 71, 72, the Parmer lane item as well, 7700 and lastly 74, which

[3:24:28 PM]

was 7008 Johnny Morris. I'll start with Johnson City any Morris case. Specifically I agree with the staff recommendation for limited office mixed use because the backup materials said that's what the applicant wanted. I wanted to specify, however, when I mentioned transit as the reason for my opposition, I was actually neutral on that case, but a 60 minute bus route in front of Johnny Morris, Barbara Jordan elementary, so one of the zoning and platting commissioners actually mentioned the green line. So let me specify the green line, a comment that was made on June 20th, 2017 by Joe Clemens, the project connect deputy manager. He said the green line would likely have to be locally funded as well. It doesn't meet federal standards for density levels. And then on April third, 2018, ed to hemmingson said with regard to the green line the anticipated ridership on this is

[3:25:30 PM]

considered low and need not be a secret. I mention that because it's propaganda put on the radio and put out into the community. It specified that project connect is a transit plan with more ways to move us all. So my issue with these cases is that specifically as I've said before on Parmer lane, fm 734 specifically, Samsung to apple there is no transit because of the \$633 million that was reallocated for the I-35 project. And so I just wish the council would just take into consideration the need to address transit in far northeast Austin. It impacts districts one, six and seven specifically the cases that I'm opposing. Samsung as well as 7700 Parmer, they want the maximum amount allowable incentive. And so these entitlements need to come with some community benefit and if

[3:26:30 PM]

they can't get to these properties then that's problematic. So I would ask councilmember Flannigan specifically because his is asking for maximum allowable, for 1800 multi-family units, but individuals who are transit dependent can't get there and so I just would ask you to take that into consideration and it's nothing else to recognize that the consolidated appropriations act of 2020 prohibits use of public funds for propaganda. So that is my opposition. I think we need affordable housing, but I think you cannot deny the need for transit. And let me just say thank you to Mandy de mayo since my testimony this morning she did reach out to me and send out an affordable housing and transit tool and I would ask her to look at geography and look at the need for north of U.S. 183 and specifically far northeast Austin.

[Buzzer]. I thank you so much for allowing me to make my comments.

[3:27:31 PM]

If you have any questions I'll gladly answer them at this time.

>> Mayor Adler: Thank you. Again, Jerry, the ones that have been pulled, 66, consent hearing is 66 through 97. The ones that have been pulled are 66, 67, 68 and 69. Also 87. And then the four David chapel cases, 88, 89, 90, 91. And the two health south cases, 96 and 97.

>> That's correct, mayor.

>> Mayor Adler: Okay. Councilmember tovo?

>> Tovo: Mayor, thanks for going over those again. Can we just clarify who pulled which of these items? I'm not sure if some were pulled because there's a difference between the staff recommendation and planning commission or if colleagues pulled them? And that would be helpful information.

>> Mayor Adler: Jerry, would you tell us, please?

>> Sure. On item number 66 it's because we have -- it is third reading, a valid petition and councilmember kitchen requested that dsd address the code violation issues. On item number 67, baker

[3:28:32 PM]

school, is to address the difference between the allergic commission recommendation and the staff and planning commission recommendation. On item number 68 it's because we're anticipating questions from the city council. On item number 69 it's to discuss the opposition and the withdrawal of a valid petition. On items number -- the schlotsky's pud, item 67, is to discuss agreements reached between the staff and the applicant. Just about an hour ago. And David chapel items it's to discuss the difference between the staff recommendation and the planning commission recommendation. And on Heflin it's to discuss because the case has a valid petition and there was opposition to it.

>> Tovo: Thanks very much. So I understood all of them except 68 and 69. So those were pulled by councilmembers or you just have heard there are council questions or were those also ones where the planning commission -- I could look

[3:29:32 PM]

at my notes to see whether the planning commission and staff recommendation were different.

>> You said item 68 --

>> Tovo: 68 and 69 I didn't understand pulling.

>> On 68 it's the pier property and we just had speakers over time over that, so I want to make sure that we got the motion correct. And on 69, I just want to let the council know that there was a valid petition this morning, but there's no longer a valid petition this afternoon.

>> Tovo: Thank you very much, Jerry.

>> Mayor Adler: Okay. Is there a motion to approve the consent? Councilmember kitchen makes the motion. Is there a second? Councilmember Ellis seconds. Any discussion on the --

>> [Unmuted conversation].

>> Mayor Adler: Kathie, Kathie? Kathie, you might want to mute. Kathie?

[3:30:33 PM]

>> Tovo: Sorry about that, I'll mute.

>> Mayor Adler: Councilmember Flannigan.

>> Flannigan: I want to note on item 75 there's a series of these gem any tract cases -- gemini tract cases. This is for the new Dell children's hospital being built in my district. I am very excited about it as are my constituents up in the lakeline area. Actually by coincidence it's in the area covered DI state law that is not -- is prohibited to pay into street impact fees, but I wanted to note how excited I know district 6 is and my district and my constituents to see this come in. And thanks to Seton for being such good partners working through the various issues getting the zoning we needed so we get this health care resource up in far northwest Austin.

>> Mayor Adler: Sounds good. We're on the consent agenda still. Ann?

>> Kitchen: I wanted to make a quick note on item number 79, which is being

[3:31:36 PM]

postponed to January 27th. I appreciate the agreement by applicant to that postponement and anticipate working with them and with the Akins high school between now and the 27th and we'll be working towards all three readings in January if we're able to do that.

>> Mayor Adler: Sounds good. We have a motion and a second on the consent ready to take a vote? Those in favor of the consent agenda please raise your hand? Those opposed? It's unanimous on the dais with the comments noted. All right. We're going to move away from the consent at this point to pick back up the street impact fee.

>> Kitchen: Mayor, mayor? If we could take 66, which will only take five minute, I've got a staff person that has to leave at 4:00.

>> Mayor Adler: Okay. All right. Let's see if we could do that then, councilmember

[3:32:39 PM]

kitchen. 66.

>> Mayor, 66 is ready for third reading. The request is from -- I believe that councilmember kitchen has a member of the staff from dsd to address the code violation issues that the speaker spoke of.

>> Kitchen: Yes. If --

>> Do you want to make a motion?

>> Kitchen: I move passage on third reading. I'm going to put some --

>> Mayor Adler: Is there a motion to pass on third reading? Mayor pro tem seconds. Councilmember kitchen, go ahead.

>> Kitchen: All right. I think Beth Culver from staff is available to speak to us. I see Beth there. I think she's there, right? She was there. Beth, are you there?

>> I am here.

>> Great, Beth. So Beth, as you all heard my colleagues, you heard from several of the neighbors in that area who have been very

[3:33:41 PM]

concerned and upset with the way in which the owner has been handling that property. So on second reading we did read on the record certain actions that our staff was to take to ensure that some healthy and safet kinds of things were addressed at the property. So I have one question for you about that, Beth. I just want to confirm that the conditions that we set in the October 13 dsd

[indiscernible], that was established at second reading as a condition for zoning that was changed at third reading that those conditions were met. Can you confirm that?

>> I believe there was a requirement for an electrical permit and so that was allowed to be granted. However the other modifications we need the zoning change approved before we can move forward with the rest of the work. So the next steps would be

[3:34:42 PM]

for if it's approved to obtain an approved site plan exemption, obtain the approved building and trade permits and to successfully go through inspections and have all of those passed.

>> Kitchen: What I'm talking about is the items that were the things that could be done at that stage of the game. Those -- the applicant met those requirements in that letter, right?

>> The applicant was able to meet the one with the electrical permit, however the other items ultimately, although we did provide an offer to do some of the work ahead of time, really does need us to gain that approval before we can move forward.

>> Kitchen: Okay. Then the second question I have for you is that so these remaining items are items that have to be inspected as part of a commercial permitting process, is that right?

>> Correct. They need to obtain the permit for the addition and then the occupancy

[3:35:43 PM]

classification change to commercial. So we will be reviewing and inspecting to ensure that the building meets the requirements for the commercial code.

>> Kitchen: Can you just confirm for me that the standards for commercial permitting are more stringent than for residential and that the inspectors have more tools to require remedies and there are significant standards that must be reached before a certificate of occupancy or the commercial equivalent is granted?

>> That is correct.

>> Kitchen: Okay. So thank you, Beth. I appreciate that. So colleagues, with that confirmation I can move forward with this. The concerns that the neighbors have raised have related to a lack of willingness on the part of the owner to meet the standards that they would like to see happen in that area. My understanding is that the commercial permitting will

[3:36:47 PM]

provide more tools for our staff to require the changes be met, and that if the applicant does not apply with these more stringent commercial permitting standards they will not be granted a certificate of occupancy. So based on that understanding, I can move forward with this.

>> Mayor Adler: Okay. The staff recommendation moved third reading. It's been seconded. Any further discussion? All in favor please raise your hand. All opposed? It's unanimous on the dais. Item 66 passes. Let's finish out the street impact fee question. We have a motion in front of us to move forward with the

street impact fee and to close the public hearing. That's the base motion. We have added the Flannigan amendment and the harper-madison amendment with the changes made on the

[3:37:48 PM]

dais. Councilmember harper-madison, did you have direction that you wanted to offer?

>> Harper-madison: I did, mayor. Thank you for recognizing me. Let me get back over it. I would like to address staff to get with stakeholders to address outstanding concerns as well as continue the cross departmental effort to evaluate all existing fees leveed on development projects and eliminate fees that could either be eliminated or reduced to offset the increases from street impact fees. Staff shall provide council with an update on thigs efforts at -- at or before the June 1st, 2021 council work session. >>

>> Mayor Adler: Okay. Any objection to providing this direction? Councilmember pool?

>> Pool: It just seems like a really big assignment. Could I have some input from staff as to their ability to manage and in the time offered? It's kind of a standard

[3:38:49 PM]

question that we tend to ask on these sorts of things?

>> Councilmember, Robert spillar with the Austin transportation department. We will certainly lunch that effort. We will of course continue to work with the citizens. We will look across fees. I would think there would be some cost savings on the process in terms of other transportation reviews and we'll certainly bring that forward. What I would suggest is that we move forward with that date deadline and if council wants us to keep working at that point we can certainly keep doing that as well.

>> Are we still looking at development paying for itself as a theory and a working theory for this dais? Which has kind of been the default for the council if many, many years. And it's that way for a reason. We're a fast developing city and it's hard to keep up with the infrastructure. Mr. Spillar, do you still feel like that's part of your overview?

[3:39:52 PM]

>> Yes, councilmember. The way I would state it is the development pays its fair share. That's embodied in the state law with regard to street impact fee.

>> Pool: That's great. Thank you for those assurances. I don't have any further questions.

>> Mayor Adler: Does anybody object to the inclusion of this direction? Hearing that the direction is included. That gets us to the second direction, this comes from councilmember Ellis. Did you want to put forward a direction?

>> Yes. And it has been concluded in the backup for item number 61.

And it reads: City council directs the city manager to create and maintain a publicly accessible online tool to track street impact fee revenues, expenditures and balances by service area. Similar to the parkland dedication fee interactive map, the street impact fee reporting tool should to the greatest extent possible provide transparency regarding the development's

[3:40:52 PM]

street impact fee revenue, the specific improvements impacted with street impact fees and the linkages between the improvements. The street impact fee development tool shall be created and made publicly available within six months of fees collected, beginning to coincide on the report with fee impact revenues and expenditures to the impact fee advisory committee. The street impact fee reporting tool shall be updated no less frequently than every six months to further align with and inform the impact fee advisory committee review on the street impact fee program. So this is just for an online tool for better transparency, and so that people have a better understanding of how the fees are being collected and how they're being applied. So hopefully this would be something that we've done with parkland dedication and should be something that wouldn't be too tricky to implement and would give more information about how the program is functioning.

>> Mayor Adler: Is there any objection to this direction being added?

[3:41:55 PM]

Councilmember kitchen?

>> Kitchen: I don't want to object, but I want to say thank you to councilmember Ellis for bringing that up. I think it's a really excellent idea.

>> Mayor Adler: Any objection --

>> Ellis: I appreciate it.

[Indiscernible]. It's nice to [inaudible] Bounce good ideas offer of.

>> Mayor Adler: Any objection to the direction being added? Hearing none, that direction is added. The last direction is mine. It's been -- motion sheet has been handed out by Katy and it's also been put on the -- to the bulletin board. And we had stakeholders that asked us not to move forward with this until after what we saw what the transportation criteria manuals would be. We faced a similar issue when

working with land development code. What we did as a council back then is we said we're not going to slow down the process, but we will allow for the public to be engaged in those rules and for there

[3:42:55 PM]

to be some kind of public review, but not to slow down the process. Otherwise we'll ask staff to go ahead and figure out how to do that using real similar language to what we passed as a group. Does anybody have any objection to that being included? Hearing none, that's included. Does anybody else have any other amendments or changes to the street impact fee? Councilmember alter?

>> Alter: I don't have changes, but I do have a comment if no one else has other changes.

>> Mayor Adler: Go ahead. Now would be timely.

>> I'm really pleased that we're able test test at this am happy we can move forward with implementing these fees and starting the next process for the TCM, but before we, you know, vote, I just want to really acknowledge the atd staff and particularly the Miller who has led this effort for several years has approached

[3:43:57 PM]

this with care that most professionally really guided by sound policy, principles, and really trying to ballots of trade-offs in the clearest way possible in providing data and facts and being guided by good transportation policy within the legal framework we are presented to be able to do this and I just want to pause to acknowledge the very hard work and the thoroughness just like with the asmp, I have been very impressed with how the APD staff has pursued policy that makes sense that is really informed by what is good for the city so thank you.

>> Mayor Adler: Thank you. I would add to that as well, the @there are some departments here in the last year or two have just been phenomenally extended with so many things put on their

[3:44:59 PM]

plate, transportation is one that lab extended as much as any, with the bond election that came up, this kind of policy work that is coming up, so Gina and rob just thank you for, and please thank the staff, your staffs for what is happening.

>> Thank you, Mr. Mayor, it really was our staff that did such a good job, so thank you very much, I appreciate that.

>> Mayor Adler: Okay. Any comment before we take a vote. Ann? Teich Teich.

>> Kitchen: I would add my thanks also, this has been a couple of years coming .. And very interesting, good idea for our city to pursue when it was kicked off a number of years back, so I know that, rob you and your staff have been working hard in the end, have been working very hard for quite some time so I would like to congratulate you all for getting

[3:45:59 PM]

it to this point and it was a tough, tough process to work through but you did it very well and I really, really appreciate you all's work. This is another one of those things for our city that is a very -- that is a creative, good effective idea for us, I think it will be good for everyone around and it will provide some more certainty for those who are building in our city as well as address what we have talked about for a number of years about a connecting better. The impacts of development to the cost. So thank you all very much. I really want to thank you for

-- as my colleagues have said I really want to thank you for your work.

>> Mayor Adler: All right. The motion in front of us is approve items 61, 62, close the public hearing. Those in favor, please raise your hand. Those opposed. It looks like it is unanimous on the dais. We will now be taking care of that.

>> Thank you, Mr. Mayor and

[3:47:00 PM]

council, appreciate that.

>> Mayor Adler: Thank you, guys. All right, what it looks like to me, colleagues that we have left in front of us is we have pulled item number 49, which is the street renaming. Yes the executive session, which is the manager and then we have six zoning cases, the baker school, sacks son, south Lamar, pud, David chapel and Heflin. Do we want to change things up now and leave and go into executive session and come back out to finish the work?

>> Does that work for people?

>> Let's go ahead and do that, then. So at 347 we are going to go into closed session to take up just one item, pursuant section 551.704 of the government code we will discuss personnel matters related to item 64.

[3:48:02 PM]

Employment duties -- of the city manager. Without objection. We will go on over to the executive session. When we are done with the executive session we will come back out and finish up the last items on our agenda. We will start with the street renaming and then we will go through the zoning places in Ford they are presented. It is 3:48, see you guys on the executive session.

[Executive session]

[4:19:49 PM]

Piers

[4:29:04 PM]

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[5:44:38 PM]

>> Mayor Adler: All right, guys. It looks like we have a quorum. We're out of closed session. In closed session we discussed personnel matters related to item 64. It is 5:44. We're back at the city council meeting. It's a quarter to 6:00. We still have a series of zoning cases in front of us and we also have a

street name change case in front of us. It's been requested that we take care of the pier case. I would propose that we try to do that and then take a dinner break and come back. Does anybody want to do something different than that? Ann?

>> Kitchen: I just have a question. So councilmember alter, will you be leaving us for the evening or will you be coming back?

>> Alter: I will try and come back, but I will -- may

[5:45:40 PM]

need more than the hour break. So I may not be there for the first half hour after the dinner break.

>> Kitchen: All right. So --

>> Alter: I will try to be back as soon as I can.

>> Kitchen: I really would like -- at this point with item number 87, I want to time that if I can when councilmember alter is here.

>> Mayor Adler: Okay. Understand. We'll make sure that that happens. All right. Let's do the pier --

>> Alter: I'm not going anywhere, so if I have to be texted to come back sooner, I can try and do my best to get back from the holiday stuff.

>> Kitchen: Okay. Walk across the hall.

[Laughter].

>> Mayor Adler: Sounds good. Let take up the pier, item number 68.

>> Mayor and councilmembers,

[5:46:41 PM]

this is Jerry rusthoven with housing and planning department. This is case c-14-2020-0063, pier property located at 1703 river hills road. The requested zoning is cr, it was approved for first reading on October 15th. I'm available for questions. We also have Chris Harrington from the environmental protection department and he's available if there are any environmental questions.

>> Mayor Adler: Councilmember alter, do you

>> Alter: Actually, I'd like to ask my questions before I make a motion so I understand the concerns of the dais after we hear from the environmental officer, if that's okay.

>> Mayor Adler: Is the applicant here? Does the applicant want to speak?

>> That's nikelle Meade.

>> Mayor Adler: I don't know if she wants to speak now or not. We've given the people an opportunity to speak on their cases when they get called up. We could go straight to the environmental -- we could go

[5:47:41 PM]

to Chris first if there's -- did you want to ask questions of Chris or did Chris have a statement or something he wanted to say?

>> Alter: I wanted to ask some questions of Chris. But I don't care if it's before or after Ms. Meade.

>> Mayor Adler: Nikelle, do you want to speak first? I don't know if nikelle is with us yet. We certainly didn't give people notice.

>> We're working on getting her moved over, mayor.

>> I am on the line now.

>> Mayor Adler: Nikelle, do you want to speak to this?

>> Sure. Sorry, I was running from a long distance.

>> Mayor Adler: That's okay. Catch your breath.

>> Councilmembers, thank you such. This is nikelle Meade with Husch Blackwell and speaking on item 68. If my presentation is up can

[5:48:42 PM]

you let me know? So we won't worry about the presentation.

>> Mayor Adler: It's up now.

>> Great. If someone can go to slide 2, please. So this case is a request to rezone the property that you all know as the pier to accommodate the repair and renovation of an existing set of [indiscernible]. Some of you are probably familiar with this probably. Some have probably been to the pier in its heyday. It was a beloved venue for those who frequented the music scene like Bob Schneider, Monty Montgomery, Jimmy la five and that's only to name a few. The property is located off of river hills road on lake Austin. Next slide. And I want to take a moment to provide some background about what is going on here since in this case I think the chronology of events is actually pretty important. The pier opened in 1928 in

[5:49:43 PM]

the exact same location as it sits today. It has been in this location since that time. It has never moved. In 1968 the [indiscernible] Was constructed on the property. Not until 1984 or the muds, the muds and water district now objecting to this rezoning, those were created in the '80s and at that time they, the muds, not the pier, the muds sought special exceptions to locate their intake structures too close to the existing pier. The muds knew at the time that locating those intakes where they were locating them was clearly prohibited under the state rule and they went to ask for special exceptions to be able to locate in those locations. They asked for those exceptions, they were granted those exceptions, and they installed those intakes where you see them today. I just wanted to be very clear to the council that the mud and the wcid asked

[5:50:44 PM]

for these special exceptions knowing that the pier was open and operating and at that time with zero reason to believe that the pier would ever be closing. So to be clear, for all the mud and the wcid knew, at the time they made the choice to locate their intakes at that location, the pier would have never cease operations and would be in operation in perpetuity. The muds and the cnid made the choice to locate there regardless and they have have had their intake structures at that location since that time. I would ask the council to keep this in your minds as you consider this case. The muds encroached upon the pier, not the other way around. Slide number five. This shows you the existing zoning of the property. The application before you today is to request to downzone the part of the property that contains the boat slips. We're asking to go from the existing cs 1 zoning, I'm

[5:51:46 PM]

not sure if they're on slide 5, but to show you existing cs 1 zoning down to recreation. The sole reason for this change is to bring this site in compliance with code enforcement by repairing the existing boat slips. I want to make clear again this property owner is being required to rezone this property for the sole purpose of getting the permits that he needs to be able to repair these existing boat slips. And I want to point out that this rezoning request was not only recommended by city staff, but it was also recommended after a public hearing by the zoning and platting. Commission. Slide six, please. This map shows you sort of how everything lays out in this area, where the intakes are, where the pier is, where the existing slips are. And there are six main points I want to make about this case. I know that you all have lots of information about it, but there are six things I really want to bring to the forefront. Although there are times

[5:52:46 PM]

when council definitely asks for restrictions when an application comes forward asking to increase its entitlements, their entitlements, that is not what we have here. In this case we are being required to down zone for the sole purpose of getting the permits we need. We're not asking to increase our entitlements, we are required to reduce our entitlements. So we ask the council to really consider that. And since this is not asking in any way for an increase in what we have, we do not feel it is justifiable to add conditions to the zoning request. The muds testified earlier today that the owner is, quote, asking for a change of use. That is so a mischaracterization. The change of use is only an absolute technicality because the restaurant is not currently open. I'm not going to get into that because I know you all know a lot about that. Secondly, the muds created this problem. They created the problem and now they want the applicant to give up its property

[5:53:47 PM]

rights to solve the problem.

[Buzzer]. They requested the special waivers to locate in the proximity of our client's property that their intakes have been there 30 years and now they want, even as the mud said today, take the opportunity to try to impose restrictions on this person's property. Number 3, the mud has presented no facts or science to support their claims that tceq will cite them with violations if this property owner rebuilds his dock. And they have made zero effort to ask that question of tceq. All that they have said and their engineers have said is we would rather not have it there. It's better if it's not there. We think the tceq might cite us. And we believe that's not sufficient to cause another property owner to give up some of its rights. We have asked them repeatedly to give us the information that they have that really substantiates that there is an issue.

[5:54:47 PM]

The muds also presented no facts or science to report that having gas service in this location has ever presented a problem for them. In 2005 the pier closed and there's never been a problem that anyone knows. And finally, gas service or no gas service, that's not a part of this soaping request. Whether a marina has gas service or not is a matter of site plan use, and not zoning and it requires variances that not only have to be presented to and approved by both your environmental commission and your zoning and platting commission, but also can only be approved if the applicant can prove to these commissions that such gas service will not detrimental impact water quality. All we are asking here is give us the zoning so we can repair the darn boat slips and let us -- if, if we ask for gasoline service in the future, let us go through the same process for that that every other property

[5:55:48 PM]

owner who would be making that request would have to go through. The muds and the wcid are really trying to seize upon an opportunity in a way that we feel is really very unfair. So we're asking you to not put the cart in front of the horse on that question and let that go through its normal process. We respectfully request that the council approve what should be relatively simple rezoning, downzoning, again, so that we can move forward with clearing up these code violations and making this property safer and more sightly for everybody.

>> Mayor Adler: Thank you.

>> And I will stay on the line to answer your questions.

>> Mayor Adler: Thank you. Anybody have any questions before we recognize councilmember alter to talk to Chris? Councilmember alter, why don't you go ahead?

>> Alter: Thank you. Is Chris Harrington on the line?

>> Yes, good evening, councilmember.

>> Alter: Good evening. So thank you.

[5:56:48 PM]

Colleagues, we all received an email update on this case from Chris Harrington, the chief environmental officer with questions I raised at work session. I wanted to ask Mr. Harrington to join us to answer a few questions. So thank you for being here. Mr. Harrington can you tell us who you spoke with at tceq.

>> I did review written correspondence via email between the applicant and the water supply division of tceq and I called a separate staff member within the technical review and oversight team and the public water supply division in tceq to confirm the accuracy of those emails and also ask a few questions about the relevant portions of the administrative code in this matter.

>> Alter: Thank you. So did you and the tceq staff member discuss the emails from tceq that the applicant had provided to us then?

>> I did, yes, ma'am, that's correct. I did review the assessment and provisions provided by tceq and independently confirmed them with another staff member at tceq.

[5:57:49 PM]

>> Alter: Is there anything that you learned from tceq that contradicted or confirmed what had been previously shared with us by Ms. Meade on behalf of the applicant?

>> No. I believe the applicant's representation certainly in that email correspondence are accurate. The administrative code speaks only to marinas and the distance between a marina and a public water supply intake regardless of whether there are fueling facilities on those marinas or not. The two facilities in question do have exceptions from the state, from tceq. They do not expire and would not expire unless the marina were moved closer or some other provision of those existing exceptions were granted. At thank you. I think that kind of answers my next question was just the two special purpose districts have raised concerns about the potential for the field facilities torre construction of the docks and the impact on their existing permits and from what I am .. Understanding that there is not a concern that tceq

[5:58:52 PM]

would -- do that on that cause. That was sort of one part of this; is that correct?

>> Yes, ma'am. That is correct. They stated that our zoning decision would have no bearing on the exceptions and the only thing that would affect the exceptions would be one or the other closer to the intake that might require them to reapply for a new exception.

>> Alter: And did those, can those exceptions ever expire?

>> They do not expire according to tceq.

>> Alter: So from your perspective did tceq say that zoning would impact how they look at this, like a change of zoning?

>> No, ma'am, they stated it would not impact their decision on the exceptions for the intake facilities.

>> Alter: Okay. So then the second part of that is the gas -- so one of the issues that was raised was the distance and the impact for tceq with respect to these districts and the second part was the garb

[5:59:55 PM]

sales, the environmental issues, can you speak to our options on gas sails and what you believe the best route is for the environment for that looks like?

>> I do appreciate their concerns about hydrocarbons in the lake but we do have many, many boats and mini, many boats being filled by individual dock owners on the lake so we were really concerned about hydrocarbons, we would probably talk about prohibiting gas powered motorboats on the lake which would go over as well as a lead balloon in lake Austin but help for our shoreline erosion issues but the applicant was correct in stating that any fueling facilities on the dock would have -- would necessitate at least one land use commission variance so it is difficult for environmental staff to comment on that since we haven't seen a design. There is no application currently in review that includes those fueling facilities

I am aware of, but we would review those, it would necessitate again at least one potentially two variances that would need approval by the land use commission and per code we

[6:00:56 PM]

would only recommend those variances to the commission if the fueling facilities provided equal or better water quality and there was not a significant probability of harmful environmental consequences so it would require a rigorous review and design process if they did elect at site plan to add fueling facilities.

>> Alter:.

>> Mayor Adler: Councilmember alter, if I could add this. Within the cr zoning district, we would consider this, although the use would be marina the sale of the gasoline would be a service station use, that is conditional use within the cr zoning district so it would require the approval of the land use commission. It would be an option if the council so chose to make that a prohibited use as a seal as part of this case if that's what you desire.

>> Alter: Thank you. That's obviously one of the options before us. My last question for Chris I think is, do you have any concerns you want to make us aware of from an environmental perspective on this case?

[6:01:56 PM]

>> No, ma'am. Not at this point, not at zoning. Again, at the time of site development permitting we would review compliance with our regulations both in title 25 as well as the applicable regulations in title 6 if they were to include any fuel storage facilities on the doctor even on the shoreline, so at the time of zoning just based on the location of the marina relative to these two intakes, not seeing anything that relative to city of Austin codes would cause me any concern.

>> Alter: Thank you. So colleagues, I previously noted there have been two concerns here, and one is, you know, how this choice would impact water quality via gas sales and the other is, you know, whether approval of this item would impact the legal operations of the water intake for those special purpose districts. In my mind these matters aren't exclusively district ten because water supervisor inside city wide concern so I want to kind of pause and see if any of my colleagues have any questions or concerns for any, or any

[6:02:58 PM]

apprehension about approving this case and then kind of discuss some options when I get a sense of what your focus is.

>> Mayor Adler: Councilmember Flannigan.

>> Flannigan: Just a couple of questions to make sure I understand. The site right now is not Amare naah? I think I heard Ms. Meade say they wanted to repair a boat slip. Am I getting -- is that right? I don't actually know who I am asking the question to.

>> Councilperson this is -- Jerry rusthoven, real quick, there is more than one boat slip there, it was formerly operated as a restaurant request boat slips for patrons of the restaurant to park in, so there are quite a few boat docks but I will let Ms. Meade address her intentions. Intentions.

>> Flannigan: Okay.

>> So councilmember Flannigan, the use is not changing, nothing about it is changing, the configuration of sit not

[6:03:59 PM]

changing. Staff is calling this a quote marina, but for purposes of what tceq is looking at nothing changes. The only reason staff is calling this a quote marina is because they have got to find a use to classify it as under the code. It never has not been Amare naah, it is exactly what has been there since 1958, it is same as what we are proposing to reconstruct. It is just that before how you classified this Cruz was irrelevant because it was just an accessory to the restaurant, when the restaurant is not operating it can't be an accessory it has to stand on its own which is why now saying it makes a difference that we have to call it a marry Na, we have to figure out a use to call it under the code.

>> Flannigan: And, Jerry, under cr in the requested zoning, would expanding the boat slips be allowed, would it be, is it included by right in that

[6:04:59 PM]

zoning?

>> Yes. I think the difference is before they were essentially parking spaces for restaurant. They just happened to be boats.

>> Flannigan: Yes.

>> Now under the cr zoning it would allow a marry naah which to Mesa different thing where you actually can, you know, park your boat and, you know, you pay to, you know, rent a slip, if you will. So the cr would allow Amare naah if they like, they won't have to, you know, take advantage of that, they could use it as it was used before as parking spots for, you know, a different use, but to the marina

would allow people to, you know, basically rent a boat dock that would be, you know, theirs for the period of the lease.

>> Flannigan: Okay. And --

>> I think the answer to that was not correct. I think your question was can it be expanded? And, no, because of the amount of frontage we have in the small area that we are asking to O rezone, the footprint that is there today is all that it would be able to be in the future, so it could not be expanded.

[6:05:59 PM]

>> Flannigan: And the use is under C s1, are not uses that you need ..? Your current zoning?

>> The cs -- in the city of Austin unfortunately a set of boat slips such as this one is Amare naah, as classified under the code, only allowed in two zoning categories in the entire city, cr, which is what we are asking to download to, or pulled, which is,edful pud, sway nonstarter.

>> Flannigan: Sure you.

>> Exactly correct cr 1 does not permit Amare marina.

>> Flannigan: I guess I am asking the difference in uses between the current zoning and cr, I don't have it pulled in front of me, when I see C s1 I think it is most intense zoning and kind of suspicious about down zoning generally when a community is already accustomed to expect what is entitled on a

[6:07:01 PM]

property.

>> Yes. You are correct. That cs is about, I would call it, about the intense -- you can have.

>> Flannigan: Yes.

>> So -- but of importance here is that the area being rezoned is just the area where the boat slips are, the majority of the property remains -- we are rezoning just where the boat slips are, so really for purposes of, or for people -- having expected this to be a property where the pier would be that remains, because if we actually download the entire property, down zone the entire property --

>> So that part was confusing to me.

>> Yes.

>> Flannigan: So I will say, councilmember alter since you were kind of asking to get a little bit of insightly share mine. I feel like this is one of those scenarios where we are solving for the code is broken by trying to find a mishmash of things, in this case it looks like we are

[6:08:01 PM]

split zoning a single property to try to get us partly where we want to go. I would like a little more time to explore this may be question about what is currently there or what could be there by right under cr. I could live with second reading or a postponement, but I don't know I am ready for the whole thing to move forward today is where I am at.

>> Mayor Adler: Okay. Councilmember Ellis.

>> Ellis: I also have been kind of stuck with all of the pieces that we have to work request. You know, it is a property owner that is just trying to repair boat slips but without opening a restaurant the zoning doesn't allow for that permit. And so I completely understand some of the conversations going on around the water intakes and making sure, you know, these water intakes aren't going to end one other issues with the just for this specific issue, and then you have got the timeline

[6:09:01 PM]

of the pier was there first and then the improvement districts were created and so there is a lot of messy pieces to this and I really feel for this property owner who is just trying to get this boat slip repairs is really what it comes down to, and I think if we could wave a magic wand and let them do that that would be fine. So there are just a lot of messy pieces to this one. I don't know that everyone is going to be thoroughly satisfied by the end of it. And I know property owners want to still have options available for whatever they want to do with that property, they just need to bring it into compliance so I really feel for this situation and I would like to help them repair their boat slips so that it is not a public health issue, but I certainly understand this is kind of a complex and complicated situation.

>> Mayor Adler: Colleagues, anything else? Is there a motion on this matter?

[6:10:03 PM]

>> So, you know, we have a couple of options, does someone else want to talk? I am not sure.

>> Mayor Adler: I didn't see any other hands.

>> So we have a couple of different options, and, you know, I am still -- I am still unclear about the gas sales and whether or not I would want gas sales there or not. It is my understanding that the process would have to -- would have the land commission looking at things, you know, before it could be done at site plan, and so, you know, no matter what we do tonight it doesn't mean there would be gas sales. So we could just pass it on second reading as proposed or we can say we don't think we want gas sales

there and add a new part that prohibits the gas sales kind of -- I add motion that does that but again I am

[6:11:04 PM]

just -- it sounds like folks would like some for time so we can say we are going to do second reading, I am not sure that either of those lead to a different outcome, per se because the land use commission result can still be appealed to council but, again, in the absence of actually knowing what the gas sales structure is and what it looks like I have no way of, you know, identifying that, but at least if we prohibited that they can rebuild their boat dock and if we don't do anything they can build their restaurant and rebuild their boat dock and go through the whole process for gas sales. It is kind of one of these chicken and egg kind of situations where the code is wrapping around it, itself.

>> Mayor Adler: Councilmember pool.

>> Pool: So I just wanted to check then, counsels at, are you, councilmember alter are you suggested second reading with restriction of the use of the

[6:12:04 PM]

gas station restriction on the

-- .. Is that what you are -- at at that would be one direction we could go again I don't have enough information from my colleagues about how they feel about, you know -- we postponed this multiple times so I would like to move it forward in reading but I am trying to understand, since they both seem to lead to the same place whether there is a preference for us to prohibit the gas sales right now for second reading or just move forward in second reading with what they have.

>> Can I ask a question of staff on a procedural thing, Jenny? If we were to put the -- or -- okay. If we put the restriction on gas sales in second reading but something -- and just passed it that way but something transpires between now and when we take it up again and decide we want to take that restick is shun off of, restriction off of

[6:13:05 PM]

gas sales can we do that, amend the second reading to remove something we put on it in second reading or only allowed to go the other direction?

>> No, you can remove it. >>

>> Alter: Okay if we did that, and that would satisfy or at least go in some direction, and councilmember alter for the residents who are concerned about it, but still be able to move it forward over the next six weeks or so, so that the resident has a little bit more certainty about what is going to happen with the property, with the property. I would be willing to support that kind of a motion if you were going to make it. I would be happy to second that.

>> I would definitely support that. I think there is pretty broad acknowledgment that the gas sales is not something we want to see in the future. My issues are a little broader about boats on the lake and as

[6:14:06 PM]

councilmember alter knows her and I both have the duty to president elect lake Austin since we both represent different halves of it but that's where my concerns are more focused on the marina, the boat slips, the scale, what do you get by right? It is not so much about the gas because I don't think anyone is looking to allow that. So I would support, councilmember alter, a motion you gave that included the second reading of that only, I would support that.

>> Alter: Thank you, doesn't look like we will hear from other folks so let me make a move motion to move this on second reading as proposed in the backup but adding a new part 2 and renumbering the remaining parts as necessary, part 2, part 2 would be the within the boundaries of the conditional overlay combining district established by this ordinance subject to the following condition, service station is

[6:15:06 PM]

not a permitted use of the property. So in other words, the motion is to do whatever needs to be done to make sure that a service station is not a permitted use of the property and have all of the numbering an other stuff work out.

>> Mayor Adler: Okay. That's motion.

>> Alter: And that's on second reading.

>> Mayor Adler: -- To approve second reading with the -- as recommended with the addition the prohibition against service station. Is there a second to that? Councilperson Flaherty seconds that. Any discussion? Go ahead, councilmember Ellis.

>> Ellis: I had a question. Just because I know there has been a lot of conversations around this one, if we are going to be putting on that restricted use, do we want to do second and third, just so we are moving forward with that? I am not quite sure thousand applicant or staff would feel about that, but I just wondered since we have been going back and forth and post boning this a few times if that is agreeable

[6:16:07 PM]

at all.

>> Councilperson, the staff would, of course -- whatever the council wants to. Do we are ready for --

>> Does the applicant have thoughts on that?

>> This is -- it is a tough question because we feel so strongly that it is too premature in the process to know whether gas sales make or don't make sense, however, I think -- it is whatever the council desires. I think either way, if you would prefer to just do second reading it sounds like councilmember Flannigan has some questions, that's fine, as you all know you want to prohibit gas sales, then we would prefer to go ahead and

[6:17:08 PM]

second -- whatever is the council's desire. We are not in a major rush here. We would like to not be coming back to the council with this same case. But it is whatever council desires.

>> It make sound like my colleagues need a little time too so I don't want to jump the gun here. I think second might be appropriate, then.

>> Mayor Adler: The motion is to approve second reading with the additional restriction. Any discussion? Let's take a vote. Those in favor please raise your hand. Those opposed. It is unanimous on the dais.

>> If I could ask if folks have further questions, I didn't propose third reading because it sounded like there were some folks who had more questions if you could make sure you talk to me, I have -- on my quorum on this so we can try to get this addressed quickly:thank you.

>> Mayor Adler: Before we take our dinner break, colleagues, I think we have agreement now on

[6:18:09 PM]

item 49. Councilmember pool, do you mean to make the motion do you want to make the motion?

>> Yes. Let me pull up the language. This is item 49. This is the renaming -- well, it is actually not a renaming anymore. It is a naming of a new segment of road that has not yet been laid and it is entirely contained within the broad Moore development, so it will not have any impacts on people's current addresses, they don't have a to worry about whether the post office is going to forward their mail. So the direction to staff is to name the new public road, quote, asewell crossing, Azul crossing that

transects from the gulf to the southern end of the product, and maintain hobbyhorse court for the existing segment from golf north to Gracie farms lane.

[6:19:09 PM]

So that should -- open, I don't want to --

>> Mayor Adler: There has been a motion to just name that to be built part of the road on the brandy wine property, is there a second to that motion?

>> Councilmember Casar seconds that motion. Any discussion?

>> Mayor Adler: Those in favor please raise your hand. Those opposed. That one is unanimous on the dais.

>> Thanks so much, everybody.

>> Mayor Adler: Thank you. A guys, it is 6:20. We have the banker school, Saxon, south Lamar, David chapel and hef Flynn. Do you want to come back at 7:30 and then handle the remaining of the zoning cases?

>> Let's go ahead and do that. It is 6:19 this meeting is in recess and come back at 7:20. Happy Hanukkah, everybody. >>

[6:56:29 PM]

♪♪ ♪♪ ♪♪

[7:08:25 PM]

[music].

[7:34:00 PM]

>> Mayor Adler: It's still December 10th, 2020. It's 7:33. I think there are some other folks that will be signing on. Looks like we just have zoning cases remaining. Best as I can tell we have cases 67, 69, 87, 88

to 91, and 96-97. So basically one, two, three, four, five zoning cases that are left. Only seven of us here so far so let's wait a second.

[7:35:53 PM]

>> Mayor Adler: Who are we missing, Alison, Ann -- there's Ann. Kathie and Alison?

>> Pool: Mayor, Alison indicated it may be 8:00 before she's back, so I think she wasn't going to be back at 7:30.

>> Mayor Adler: Alison? Yeah. If it looks like anything is needing a vote or if it's plus or minus a vote we'll make sure we don't take the vote or revote when we have a full dais. Baker is in Kathie's so let's not pick that up. The pier we've already handled. Saxon, do we want to -- we have Saxon. Do we want to try to do that one? Let's try that.

[7:36:53 PM]

Jerry, do you want to lay out Saxon?

>> Sure, mayor. This is item number 69. This is case c-14-2020-0044 known as Saxon acres residential rezoning. Existing zoning is sf-3 np. The requested zoning is sf-6 np. It is about a three-acre track. The planning commission -- the staff recommendation is to approve the sf-6 np zoning. The planning commission recommended the staff recommendation to approve the sf-6 np zoning. This morning there was a valid petition on the property at 21%, however that has changed and there is no longer a valid petition. It's at 17 percent. So with that I'm available for any questions.

>> Mayor Adler: Okay. Is there a motion on this item 69? Councilmember Renteria.

[7:37:58 PM]

Can't hear you. Can't hear you, Pio.

>> Renteria: Can you hear me now?

>> Mayor Adler: Yes.

>> Renteria: I move to approve the zoning change. This particular area here is right next to 183. It's -- it has a couple of cul-de-sac and a dead end street because of the construction that was going on. They're vacant lots. So we're not displacing anything. And this is a great opportunity to provide ownership so I move that we approve this, but I would also like to, if I don't get a second, that you let the applicant speak?

>> Mayor Adler: We'll give you a chance to speak after the second. There's been a motion,

[7:38:59 PM]

seconded by councilmember Ellis. Pio, you can speak on it.

>> Renteria: Yes, thank you, mayor. This is an opportunity to provide more housing in this area. It's right next to 183 where all the construction is going. It's just south of Montopolis road and it's always been an undeveloped little area. Because of what I said it was just some dead-end streets there. And so it's a great opportunity to provide more housing and I think the applicant is offering some units that he's willing to sell at 80%. I think it's two, but I'll let the applicant explain what he's offering. So I just want to -- if anybody had a question, I think that the applicant would be able to explain to

[7:40:00 PM]

you what they're proposing.

>> Mayor Adler: Is this for approval -- is this second and third reading?

>> Yes, mayor. It's ready for all three readings?

>> Mayor Adler: All three readings. Motion to approve on all three readings. It's been moved and seconded. Is there any discussion? We ready to take a vote? Councilmember Casar.

>> Casar: Mayor, this case was one of several cases that got brought up in this neighborhood, the one that we've discussed quite a bit was the one on Kemp street. I thought that that one for an area that was facing such gentrification pressures that I couldn't support it until they came back with more affordability. As we all talked about, they came back with very significant amountsment we know where that case wound up, but I thought that it was a really significant improvement, it was something that I could support. I mentioned the same thing on this case. Only having two units of the

[7:41:01 PM]

more significant number to me wasn't enough to meet the bar that I would set right now pre-land development code rewrite in an area like this, so I'm -- I'm going to vote no on this one.

>> Mayor Adler: Okay. Do we have an applicant with that wishes to speak?

>> Mayor, this is Victoria Hasse with [indiscernible]. Can you hear me?

>> Yes.

>> I am more than happy to give my presentation if the council would like to hear that.

>> Mayor Adler: I see some people nodding their head least. At least Leslie is nodding her head yes.

>> Okay. Let me know when the presentation is up.

>> Mayor Adler: Okay. We'll do that. It's up.

>> Okay. You can go ahead and advance

[7:42:01 PM]

to the second slide. This is Victoria Hasse on behalf of the landowner and developer. Give me one second. So the subject tract is nearly three acres of undeveloped land at the dead end of Saxon lane and el Miranda street. The land has not seen any development in the last 25 years and probably more, probably longer. Next slide, please. We request sf-6 zoning for this site because this zoning district has the ability to provide a well rounded better quality development than an sf-3 subdivision would produce. Next slide, please. The property is about a mile north of an imagine Austin corridor and the Riverside station town center. Further, the property is less than a quarter-mile from existing bus stops that are symbolized here with red, the red dot. Next slide, please. The site is also located less than a quarter mile from a transit priority

[7:43:02 PM]

network so it's an ideal location to add residential density. And the requested density is compatible with the existing single-family homes in the area. Next slide, please. This table provides a direct comparison between fee and sf-6 site development regulations. It provides greater connectivity, greater privacy with greater setbacks, will provide drainage infrastructure that doesn't exist today, greater diversity in housing types. It will provide smaller homes that are attainable and more affordable than an sf-3 home would be and offer two units to households at 80% mfi levels. In the bigger picture it will provide less gentrification in the area than a subdivision would. An sf-3 subdivision of this property would yield 14 lots with each lot having a home and an Adu for a total of 28 dwelling units. Single-family properties in this immediate area are producing homes over 2,000 square feet and selling for anywhere from 650 to \$750,000.

[7:44:04 PM]

This will certainly increase the value of the property far beyond what this area has been historically and will be a great contributor to gentrification. Next slide, please. Conversely sf-6 development keeps the

lot intact and would have a maximum yield of 36 dwelling units. This conceptual site plan shows the growth of trees that would be incorporated into the design of the development. This development will produce homes far below the duplex that is for sale on el Miranda today for more than \$650,000. Next slide, please. The neighborhood plan in fact supports residential uses on the remaining undeveloped land and in zoning districts that would allow for the development of affordable housing, including sf-6. Next slide, please. The neighborhood plan calls for multiple housing types of varied intensities and with all the infill tools listed here in the image before you, they call for individual lots. And with this development we want to take a different path to provide the desired variety of housing without having to create individual

[7:45:04 PM]

lots which in the end only increases the cost of the homes. It preserves less trees and it's a greater burden on city taxpayer dollars with upkeep and maintenance of infrastructure. A bold effort our clients decided to go door to door, maintaining recommended social distance during this time to speak with owners about the opposition to the development and it was found that many of the residents did not have factual information to base their opposition from and after learning the fact of the matter, several withdrew their petition and are now supporting the case. Next slide, please. So with your support for sf-6, this development can provide more homes in a variety of homes that will produce residential development that saves more trees and is less burdensome on taxpayers, provides smaller homes that are more attainable. Have more units. And these are units that Austin doesn't have today and desperately needs. What we respectfully ask for your

[7:46:05 PM]

report. Thank you for your time.

>> Mayor Adler: Okay. Colleagues, that gets us back up again, there's been a motion and a second. Is there any further discussion? Okay. Let's take a vote. Those in favor of passing this on all three readings please raise your hand. Me, mayor pro tem, Flannigan, pool, harper-madison, Ellis, Pio, tovo. Those opposed? It's kitchen and Casar. Ellison is off the dais. Two voting -- Alison is off the dais. Two others voting against. It pass all three readings. Okay.

[7:47:09 PM]

Kathie, do you want to take up baker now or do you want to wait for Alison to be here?

>> Tovo: Mayor, I'd -- I'm not sure if there are concerns on the dais about it or where we are as a group.

>> Mayor Adler: Let's get into it and see if a vote would make a difference. If it will then we won't call the vote.

>> Tovo: Thank you.

>> Mayor Adler: Let's call up item number 67, baker. Jerry?

>> I'm sorry, I had it muted. This is case c-14-h-2020-0087. It is the baker school located at 3908 avenue B owned by the Alamo draft house cinemas. The requested zoning is from gr-hd, nccp np to gr-h-nccd np. The staff wants to preserve

[7:48:09 PM]

historic, however limiting it to the school building as long as frontage to the street and a buffer on the north, south and west of the building. The historic landmark commission recommended historic zoning for the entire site and the planning commission agreed with the staff recommendation to only zone the building and the portion in front of the building to the street historic and not to do the entire property. There has been a lot of discussion I've heard about whether the historic zoning would preclude the ability to do affordable housing on the site. The uses that are allowed on a site are from the underlying zoning, not the historic zoning, however staff does not feel it is necessary to zone what's called the parking lots or the existing parking lots historic, so we just recommend the same thing as the planning commission, the building and the portion in front of it. And with that I'm available for any questions. I also have Steve Sadowsky who can address the more historic aspects of the

[7:49:09 PM]

building if needed.

>> Kathie, do you want to make a motion?

>> Tovo: I actually have some questions for Mr. Sadowsky as well.

>> Mayor Adler: Is the applicant here to speak?

>> I am. This is Richard Weiss.

>> Mayor Adler: Mr. Weiss.

>> Hi. I'm the architect and applicant for the baker school campus. We worked with you and the neighborhood to establish base zoning in 2018 to purchase the property from AISD. There were six-month interior renovations and the building now showcases all of the original wood floors, terrazzo lockers and paint colors buried under bad decisions and asbestos. There was certainly an easier and cheaper way to occupy the building as the headquarters of Alamo draft house. However, everything that Tim and Kerry League

[7:50:11 PM]

went above and beyond to bring it building and campus back to its former glory. While we all agree that Baker deserves landmark, the land necessary for access and use of the structure is eligible for historic tax exemption. The two side parking lots in question are absolutely necessary for the use of this building because they contain 76% of on-site parking and every space both on-site and the adjacent parking lots. And if you have the handout that I provided, the second street shows a breakdown of all the zoning. They're all required to meet our parking requirements and comply with city of Austin zoning. Additionally these areas currently pay market rate taxes but are heavily restricted through zoning to only two stories and 30 feet, which is well below the market entitlement of general zoning. Contrary to the oppositions assessment earlier today it's critical to note that adding the H designation on

[7:51:13 PM]

the entire site doesn't restrict development any more than the existing NCCD overlay does and per our restrictive covenant any and all future housing on site requires 25% future affordability. I would like to point out and this is ironic that the friends of Hyde Park headquarters that is located five blocks away is zoned historic and takes advantage of the same exemption that they're opposing for the Baker school. The only thing that the zoning the entire campus historic does is increase the historic tax abatement on site by four percent when amounts to an \$11,000 on a 266,000-dollar tax bill. This amount is minuscule in terms of the overall tax base but it's massive in terms of recognizing the amazing work and expense put into revivalling the gem of Hyde Park and keeping it financially viable in the long-term, which is the intent of the historic overlay program. I know there will be further questions about the historic Baker field which is not in this request, which is the

[7:52:13 PM]

only portion of the site zoned for five stories and 50 specialist of residential density and was designed as an affordable housing project by the owners before it was purchased by the city of Austin? March for a regional detention pond. I sincerely hope that you honor the applicant, neighborhood and historic landmark commission's request to zone the entire Baker school campus historic. And thank you for your service, especially Mayor Pro Tem and happy Hanukkah.

>> Mayor Adler: Okay. Kathie, do you have questions of staff?

>> Tovo: I may have questions of the applicant. I don't know if any of the others do before I jump into my questions.

>> Mayor Adler: No. Why don't you go ahead.

>> Tovo: Mr. Weiss.

>> I wanted to go over some of the things you mentioned. You could you describe that state law again and --

>> Let me call it up.

>> Tovo: You referred to a handout. It may be another handout,

[7:53:14 PM]

but I am not seeing the handout.

>> I submitted it to the city clerk yesterday and to joy this afternoon to make sure that it was in backup.

>> Tovo: Okay. I'm sure that I have it here then in front of me and I will locate here in a minute.

>> But the historic tax code -- sorry, I lost my place. Steve sent it to me. I'm just trying to call it up. It basically says that any thing is eligible for -- let me get the exact language. This is section 11.4 of the tax code. The governing body of the taxing unit by official action of the body adopted in the manner required by law for official actions, that's you, may exempt from taxation part or all of the assessed value of the

[7:54:15 PM]

structure or archaeological site and land necessary for access and use of the structure. Now under the city of Austin zoning code, every single spot on site plus every single spot that surrounds it off site is necessary to meet our city of Austin parking requirements. But that doesn't preclude at all in the future developing on those lots, putting the historic designation on them doesn't change that one bit.

>> Tovo: When you say it doesn't change it one bit and I'll verify with the staff as well, it doesn't change the ability to construct housing on that.

>> It doesn't change the ability to construct housing. In fact, those areas -- those two parking lots are zoned two stories and 30 feet. And they can only be housing per the zoning ordinance. But if you built anything on them at this point or in the future, it would take away the parking that's necessary to occupy the building and anything new you built on

[7:55:15 PM]

the site would require more parking.

>> Tovo: And if the parking code changed or there were other shifts and it was decided to build on that land, having it zoned historic as you said would not prevent that from happening.

>> No, no impact on the entitlement and any impact that the nh would have and anything built on the site would require a certificate of appropriateness from the historic landmark commission and because we're working on getting state and federal tax credits for the renovation that we did, which I invite all of you to visit the building once it's safe again because it's fantastic, that you know, we would need approval from all of these bodies in order to build anything on the site.

>> Tovo: Yeah. I wanted to ask you about that, about the historic tax credits. So you are -- so to confirm,

[7:56:16 PM]

you are seeking historic tax credits and as I understand, you would -- those require -- am I right in thinking that those require that you not make alterations? Or they keep you from making alterations?

>> No, they don't prohibit you from making alterations. It's just anything that you do in the future once you receive the tax credit needs to -- they become a partner in the building and so anything you do needs to run through the national park service and the Texas historic commission process.

>> Tovo: Great. And I actually have had an opportunity -- I came to the opening event and it is an extraordinary, extraordinary restoration. I think I talked about it with my colleagues back when we were making the decision last spring to purchase the piece in the back. And referenced just what -- I had hopes initially that the city of Austin would be able to purchase baker school and we had put in a

[7:57:18 PM]

proposal to create housing on that site, and of course Alamo was successful. So I was initially disappointed. When I toured the baker and saw that really extraordinary restoration and the way in which just the care that the leagues took to restore it to a way that was true to its experience as a school and just so many really lovely details that honor the history of that place, but also the way they've altered it so that it's a viable office space, it's just really extraordinary and very well deserving of the accolades that you as architects as they have received. Thank you. It is really a terrific project.

>> Thank you. And we did receive the 2020 preservation award from preservation Austin, but the only relief or recognition that the city of Austin provides for the work they did is the historic zoning

[7:58:19 PM]

overlay and the tax break. As you know, as an old building it requires a lot of maintenance and rather than taking the easy way out and finding floors to replicate the original floors and all of that, they dug deep on to every surface so everything you see in that building is what was originally that was conscious decision but not an inexpensive one.

>> Tovo: And Mr. Vice, would you say that part of that undertaking was done with the -- with really the knowledge that in most cases the historic property that had come before this council that asked for historic designation also received it for land state your naming the structure as well?

>> Correct. Again, I believe I am not sure what is driving the recommendation, especially because the entitlements don't change at all, but I think it would be punitive to the owners who spent this much time and

[7:59:20 PM]

effort and expense to really bring back a gem of Hyde park that, if you have the handout I would love you to see the photographs of before and after, I believe that they are 100 percent deserving of maintaining the rest of the campus and it was also their intention to build the affordable housing project in the back to complement the baker school and, you know, while we lost that opportunity, I don't think that that -- the fact that would be on their, out of their control should affect the historic zoning of the rest of the site.

>> Tovo: I agree with your honor that piece. That was, you know, city, a -- city and I -- there may be changes at some point in the future that allow for housing to be in these other portions. And, yes, I don't know how many of my colleagues have been able to be on that site. I voted there and spent lots of time at meetings in the Barack school, baker school before and

[8:00:20 PM]

after and a it is really transformative. There are some great photos online also of the interior if any of you interested I have some that I took, one of the last things I did before we all

-- before the pandemic hit so -- 0.

>> And regarding voting, thank you, but I just wanted to point out that one of the commitments we made both to the neighborhood and to aid was that the baker school, even though it is privately owned by Kim and Kerry now would remain a community center so the league of women voters offices out of there, there is a church that meets there on Sundays, it is available as a polling place. It is update, upheld every commitment that we set out in our very first meeting and one of those chips in the very first time we spoke was with that we were going to zone these campuses historic when the renovation was done.

>> Tovo: Thanks for reminding us about the community function, because baker school has for so many years functioned in that way in that neighborhood and the

[8:01:22 PM]

broader city of a place of community meetings and voting and what not and I had forgotten about that commitment, but they continue that legacy.

>> Mayor Adler: A, Kathie, a motion?

>> Tovo: I am going to move we deem the entire site historic as the applicants request as per the applicant's request and as per the historic landmark commission's recommendation.

>> Mayor Adler: I will go ahead and second that motion. It has been moved and seconded. Further discussion? Councilmember Casar.

>> Casar: Mr. -- Is still there?

>> Yes.

>> Casar: We have spoken and you had mentioned you all -- you personally, not only still want to see potentially affordable housing there if possible, and that you would be willing to work with the staff to check out to see if there is any actual possibility of doing that, is that something you are still able to do if the staff were to engage in that?

>> Absolutely. In fact, I had a long

[8:02:23 PM]

conversation with Rosie tulip from housing yesterday and volunteered that whites architecture will explore options to provide the affordability there, because like I said, you know, when we first started working on this project I had many, many dreams of an amazing building that could go back there and I would love to see that become a reality. There are plenty of examples in this city of structures that have been built over drainage, while this is a regional detention pond -- a I am sorry?

>> Mayor Adler: No one spoke. That was just --

>> Mayor Adler: We need the people to mute their mics if they are not speaking.

>> Go ahead, Mr. Weis.

>> I think --

[8:03:24 PM]

>> He muted himself.

>> That's fine. I think I got the answer that I needed. You know, when we -- when we voted on buying the detention facility, you know, I generally want this to buy water shed land, I didn't know and fully identify that it was this piece of the property. I am -- [indiscernible] Really clear path to get affordable housing there and my frustration is that at least with not having had a more direct conversation with somebody honesty staff saying, hey, just so you know, this is the piece of property that was slated to be affordable housing behind baker, but this is just where we are, if the ultimate answer is, after

[indiscernible]

>> Mayor Adler: We need people to mute their -- if you not 0

[8:04:25 PM]

speaking please go ahead and mute their phone.

>> I think --

>> I think it is --

>> It is an echo of my own voice. Okay. Anyway, what I was saying was, now that we are -- that we are here, I would really like the staff to have one more conversation with leagues and Mr. Weis to see if there is something we can do, and in the future we need break down the silos between our departments or between departments and the council so that if the council voted on something and it had an expectation it can be really clear to all of us, because in the end we couldn't just build housing there and there isn't a way to do that or the region that will flood detention has to be there we need to be sure it is a deliberate choice but I am going support motion because I recognize and appreciate what the Alamo and leagues have done

[8:05:26 PM]

with this building and I don't want to -- my frustration is with, frankly with our side of the house, and so I would like to still potentially see if we can get that affordable housing there, but I don't want to behold the historic zoning, hoping for housing somewhere else when we have already claimed where it is we want to try to get the housing and I recognize the investment it has taken to get thus so I will support the motion and I appreciate what Alamo and the leagues have done, because they have lived up to their end of the commitment and I hope we can try to find affordable housing at that site or nearby.

>> Mayor Adler: Thank you. Mr. Truelove, did you have your hand raised?

>> I did. I wanted to say of course that we would be more than happy to work with Mr. Weis and work with watershed to see if there is any can feasible 0 of putting housing on top of the drainage

[8:06:26 PM]

facility and I know mikelly is on the line and he can answer any questions there, but as far as the communication breakdown that may or may not have occurred I already had some conversations with our president office to see how we can get plugged in on such things, if there is anything we can do systematically to keep that from happening again, we will want to burr sue that.

>> Mayor Adler: Okay.

>> Can I make a quick comment. If just want to say on that po point. I don't want to be too critical because it did come up a couple of times in the code conversations we talked that about site and this back when the staff were moving forward with purchasing that drainage easement. So I think it is, unfortunately, it is a --

>> Mayor Adler: Councilmember Ellis.

>> Ellis: Thank you. I did have a brief question

[8:07:27 PM]

about zoning something historic and then being able to add housing. It sounds like there is consensus that that is possible but I just wasn't familiar with it and didn't know if that was the city code or kind of where that where that understanding comes from. Most -- most of the cases where we designate something historic it was a residence that was intended not change so I am not familiar when you zone a lot historic and then try to put housing on that, how that works.

>> Mayor Adler:.

>> This is Jerry rust hope. The underlying zoning remains, so the historic is an overlay that goes on top of the underlying zoning, so in this case, the underlying zoning allows housing, the historic adds an element to it. And in this case, however, as it has been is a said several times before because it is in the local historic district it would require review by the landmark commission, if it were zoned historic it would require review by the landmark commission so either way it requires review by the landmark commission but the

[8:08:28 PM]

H is not the only on the property, it is still zoned what it is, it just adds the H on top of it.

>> Understood, and that makes sense and let's say some housing is built and in ten or 15 years when repairs are made it won't affect that it is a newer building that just happened hatches to have an H zoning, with repairs or materials or anything like that? With this added zoning?

>> No. Again, because it is doubled, if you will, it is -- and local historic district, so the local historic district does even for new buildings have design guidelines that they will be required to follow, and if 20 years from now they make some repairs and, you know, substantially alter the outside appearance of the building they would have to go back to to the landmark commission to get that approved but that is again whether it is stoned historic or in the historic district. In this case it is definitely going to be one or the other or both. In how the -- can.

>> That is interesting. Thank you, Jerry.

>> Sure.

>> Mayor Adler: There is a motion in front of us that has been seconded to approve the

[8:09:30 PM]

zoning historical. Historical across the entire property. Councilmember harper-madison.

>> Harper-madison: Thank you, mayor. I would just like to hear from staff what the rationale was for their decision.

>> I think Mr. Sadowsky can address that. Steve. >>

>> The historic zoning was because the protection that --

>> Harper-madison: If you will excuse me, Mr. Sadowsky --

>> Mayor Adler: We can't hear you, Natasha. Okay. I think I might be speaking to the wrong person when I speak to Mr. Sadowsky because I was under the impresentation historic land commission and staff had differing recommendations. >>Hat is correct.

>> Harper-madison: When I say staff I don't mean the historical landmark commission staff, I mean city of Austin -- do you understand what I am

[8:10:32 PM]

saying?

>> Mayor Adler: So our staff, Mr. Sadowsky, why did you recommend no historic zoning?

>> The recommendation for the limited parcel was to concentrate the focus on the buildings, because the site is already protected by its contributing status in the local historic district. So in staff's estimation, extending historic zoning to the entire parcel was not necessary to protect the context and the buildings. It is already protected.

>> Mayor Adler: Okay. Councilmember harper-madison, did you want to ask a follow-up?

>> Harper-madison: no I just wanted to reiterate that Mr. Sadowsky is not who I was asking to hear from. I was asking to hear from our planning staff.

[8:11:33 PM]

>> #02: Cocouncilmember, Mr. Sadowsky is the city historic preservation officer and he works for the housing and planning department, he doesn't work for --

>> Harper-madison: Thank you very much, I appreciate that.

>> Mayor Adler: Councilmember Flannigan.

>> Flannigan: Here we go. Yes. So based on what I am hearing the parking is necessary to meet the zoning requirements and the property owner has no intention of developing anything on the lot, and so the only difference is the tax break. So I am going to vote no, because I don't think we should be preserving parking lots. If someone wanted to move, the staff recommendation I would second it, but I am not getting a sense of the read of the dice.

[8:12:34 PM]

>> Mayor Adler: If this motion fails we will come back for a different motion. Motion in front of us is to extend it across the entire lot. Tract. Any further discussion? Let's take a vote. Those in favor, councilmember tovo's motion, please raise your hand. It is, councilmember tovo, pool, Renteria, kitchen, the mayor pro tem, Casar, and me, that's seven votes. Those opposed please raise your hand. Harper-madison, Ellis, the Flannigan, 3. And councilmember alter is off the dais. It passes, mayor to be clear that was for all three rings, correct?

>> Mayor Adler: Yes, 731.

>> Thank you.

>> Thank you, all and happy Hanukkah.

>> Mayor Adler: Baker is taken care of.

[8:13:34 PM]

Pier is taken care of, Saxon, south Lamar, pulled and -- pud I wanted to have -- what about David chapel, 88 to 91, why don't you lay that out.

>> Sure. Items number 88 through 91 are all of the David chapel cases, the first one, 88 is npa 20190003.01. Request is to change the future land use map from civic single family to mixed use there is an agreement between the applicant's request, the staff recommendation, the planning commission, are all in agreement on that particular item. The request zoning is csmuvcomp. And I will speak to both tracts to tract 1 and 3 so this also

[8:14:36 PM]

applies to item number -- let's see, item number 90 as well, the requested zoning for csmuvcomp, the applicant and staff have been in discussions and we both agree on that recommended zoning and would also include a conditional overlay that would prohibit adult oriented businesses, automotive, automotive sales, maintenance and vehicle storage, monument sells, limited warehouse distribution, auto washing, auto sales, dropoff recycling, exterminating, kennels -- repair services and pawnshops and allow service stations laundry services, construction sales as conditional uses. There is an agreement between both the contact team, the applicant and planning commission and the staff on the recommended zoning for items number 89 and 90, that is tracts number 1 and 3, of the David chapel cases.

[8:15:36 PM]

>> Item number 91 is C 1420200107, this is known as tract 4 of the David chapel properties, in this particular case, the staff recommendation is for lomucomp zoning, with a prohibition of medical offices exceeding 5,000 square feet. The planning commission recommendation as well as the applicant's request was for gr-mu-v comp zoning, this is also in concurrence with the contact team's recommendation. However, we have a conditional overlay that would limit the -- lot size do 5750, minimal lot width to fifth, .5 to one, the height of 40 feet, the front yard setback to 25, the street yard to 15, and the known cutbacks on the interior site or rear yard and also prohibit auto

[8:16:37 PM]

rentals, repairs, auto washing, bail bonds, commercial, dropoff recycling, outdoor entertainment, pawnshop, pedicab, and service stations, to summarize the recommendation for the property that is on chestnut the staff is recommending the lomucomp zoning and the contact team and the applicant as well as the planning commission are recommending gr-mu-v co with the conditions I read. With that I am

available for any questions:also I would like to add there is an issue as you heard some of the speakers discuss earlier with the actual church building, this request in front of the council right now actually for the zoning for property, it is not for a request for the demolition of the church building, both the staff as well as the property owner -- parker understand the importance of the building and we are working with David chapel and reverend parker on some ideas of ways that we can

[8:17:38 PM]

recognize the importance of the building, but that will be a bridge whether he cross later.

>> Mayor Adler: Okay. Is there a motion? On this tract? Councilmember harper-madison? You are muted.

>> Harper-madison: Thank you. I almost made it the whole night without doing that. I would like to make the motion to approve the soak requested by the applicant. Am proceeding ..

>> The motion is to approve the zoning requested by the applicant. So I get this would be the staff recommendation except for tract 4. And the staff's recommendation on tract 4 would be csmuvnp.

>> The staff recommendation, are the same on numbers 88, 89, and 90, and 91, councilmember harper-madison a's motion would be to approve the applicant's

[8:18:38 PM]

request and the planning commission's request which are the same, gr-mu-v.

>> It has been moved and seconded. Moved.

>> A second to the motion? Councilperson rent seconds councilmember Renteria.

>> Ready for first reading only?

>> Yes.

>> Mayor Adler: Is there any discussion? .. Let's take a vote. Those in favor please raise your hand. Those opposed. It is unanimous on the dais with councilmember alter off.

>> Mayor --

>> Mayor Adler: Yes. Kathie.

>> Tovo: I'm sorry, I didn't have this discussion prior to it. Mr. Rust hope, thank you for talking about the conversations that are ongoing with the chapel itself, I am really glad and appreciate if to the community members and the congregation and congregation's leadership as well as our city staff --

>> Will be here in ten.

>> Tovo: -- For engaging in those conversations and I know, you know, there are things the

[8:19:42 PM]

city can do to be supportive of those efforts and I hope we are bringing, you know, any resources we have available to that conversation, whether they are potential -- potential resources for historic preservation or creativeness about permitting and other kinds of things that could really work to support this effort, this really important effort.

>> Mayor Adler: Okay. Let's go on to the next item. Which is Heflin.

>> 96, 97?

>> Mayor Adler: Yes.

>> Okay. Give me one second second. Item 96, Na -- npa 2019-15.01-5010 and 5102 Heflin lane, from higher dense if the single-family land use has the recommendation of both the staff

[8:20:42 PM]

as well as the planning commission. Item number 97 is related zoning case, 2020-22 for 5010 and 5102 Heflin lane and requested zoning from S f-4 anp, to sf 6 np. Both recommend approval on this case there is a valid petition of -- that is offered for second and third readings. It does require nine votes for it to pass on third reading. And with that I am available for any questions.

>> Mayor Adler: Okay. Is there a motion? On 96, 97? We also -- do we have the applicant here? Is the applicant present? Let's give the applicant a chance to speak.

>> Can you hear me?

>> Mayor Adler: Yes. La let's have the applicant speak and go to councilmember harper-madison for a motion.

>> Good evening, commissioners,

[8:21:44 PM]

sorry I, councilmembers this is

-- with design on behalf of the property owner and the developer of this tract, let me know when my presentation is up .

>> I am still waiting, right?

>> Mayor Adler: It is now up, go ahead.

>> Okay. Okay. You can advance to the second slide, please. So the two tracts of land combined are five acres that is undeveloped, while the site is green, it has unfortunately become a dumping ground for trash over the past several years. Our client has received violations since owning the property and had to pay to have those things taken care of and cleaned up, so at the very

[8:22:46 PM]

least in that regard development of the site will benefit the community and the descierpt and will not displace anyone from the property in the process. Next slide, please.

>> So we are asking for future land use not change to higher density single-family and for a zoning change to S 6. Next slide, please.

>> The request for the rezoning of the site are supported by various comprehensive planned policy and goals and one of those the first thing is transportation, communicate support best and that the three zoning wheels -- -- what could be built with the zoning with complexity of the property. Next slide, please.

>> This shows location proximity to the corridors and existing transit stops shown in red. The property is well positioned at least with -- at at least a quarter of a mile, I am sorry, at less than a quarter of a mile from the corridors. Next slide, please.

>> This is also a priority

[8:23:46 PM]

transit network and quarter of mile away from high capacity bus rapid transmit and this is ideal for -- homes and ppe in problems imthe toy transit options. Next slide, please.

>> -- Comparison of the existing and proposed zoning shows how similar the districts are, same density and building heights enjoyed by all other sf-3 neighbors.

>> Six allows structures to work around key land features instead of subdividing the land in very small lots. All four properties lines due to compatibility. And the stone gate neighborhood association, does not want this development to have any connections with their subdivision, and we have made agreements to -- we have made several agreements with them to follow through on addressing a lot of the concerns that they have. Some of the other concerns we spoke of were concerns of

[8:24:47 PM]

increased drainage and this allows less impervious cover than what is allowed today with S f-4 a, the further development of the site will bring drainage infrastructure that does not exist today and in with regards to cover, sf 6 is actually a down zoning. Next slide, please.

>> This image shows the creek in critical water quality zone that bisects the property, this along with flood plains compatibility, and topography significant complexity and flexibility in order to achieve hopes that can be offered at the most reasonable price and yield reasonable development at the same time. Sorry. Responsible development. At the going of the zoning process, the project was conceptual at 34 units, however since that time, preliminary findings estimate infrastructure costs at nearly 4 million, greater density beyond 34 units is needed to make the project feasible and especially be able to provide affordable units, and the engineers for this project are available if you all have any questions that you would like to ask of them.

[8:25:48 PM]

The proposed project does meet

-- next slide, please.

>> The pro proposed project meets several mlk neighborhood plan goals. Next slide. And yes engaged with the stone gate neighborhood association on numerous occasions as early as today we did have a private agreement with them that we have executed and they will be -- they will have that agreement in their hands by tomorrow. So with that, we have addressed a lot of the concerns that they have and next slide, please. So we need your support in order to produce the development that is more responsible and efficient for this property and what can be achieved with the existing zoning. Offer lower home prices and for ten percent of the units will be affordable to income earners at 80 percent mfi, a development that gets closer to what the neighborhood wants and further away from the things they don't want. And with that, we respectfully

[8:26:49 PM]

ask for your support and we are available if you have any questions.

>> Mayor Adler: Thank you. Councilmember harper-madison.

>> Harper-madison:.

>> Thank you. Why are you calling on me for comment.

>> I am negotiating a pod member

-- why are you calling on me for comment or extension of my motion?

>> Mayor Adler: To sustain your motion. Make a motion. I am sorry. Please give me just a moment.

>> Mayor Adler: That's okay

[8:27:49 PM]

. Were you calling on me for comment P I am negotiating a pod member.

>> You are calling on me to comment or an extension on my motion?

--

>> On my computer for one minute. I am not sure.

>> Mayor Adler: Make your motion.

>> -- If you could just offer me

--

>> I am sorry, please give me just a moment.

>> Mayor Adler: That's okay.

>> -- Teenagers.

>> Mayor Adler: No, no. Go ahead.

>> Thank you.

>> Tovo: Have we done the street change.

>> Mayor Adler: Yes, we are down to this one and Ann's. South --

>> I think she made her motion, mayor.

>> Mayor Adler: I don't think on this one.

>> Okay.

>> Mayor Adler: I haven't yet,

--

>> Just do let people know, we should be pretty quick on mine, because we have reached some agreements on it.

>> Mayor Adler: Okay. Good if you have reached agreements you want to proceed with it now?

>> We could, I do have to ask

[8:28:50 PM]

two clarification questions for some of the staff. So that will take maybe five or ten minutes.

>> Mayor Adler: Let's go ahead and moves to yours. Let's go ahead and do that.

>> Okay.

>> Mayor Adler: So Jerry, do you want to call up the south Lamar.

>> Sure, just a quick second.

>> This is item -- I can't remember what the case number is, 2019-0 021 for the property location at 218 south Lamar, the requested zoning changes from csv to pud, or pud, this is offered for second and third readings, I believe that the council has the parks and recreation staff as well as the transportation staff have been working with the applicant today on several additional conditions that they would like to impose upon the pud, I did have a handout I believe has been sent to all of the councilmembers this evening, I do have -- I would like to summarize real quick what those conditions are without reading them verbatim and the park staff asked for a

[8:29:52 PM]

last few minutes added so I will read those into the record but they don't substantially change what the agreement say.

>> The first item on the yellow sheet you should have provides for 40 years the applicant will provide 30 spaces within the parking garage for the use by the parks and recreation department. The changes to the language that I have already handed out to you is instead of using the term landowner we are going to use the term 218 south Lamar pud and also on the very last sentence we will change it to say that the operation of the garage, including the 30 spaces provided to fard shall be subject to such rules -- let's see, such rules and regulations provided that access to, location of and grouping of 30 such spaces is approved by the director of -- and recreation department and the Austin transportation department or 0 their designee and the property owner.

[8:30:53 PM]

So there are 30 spaces for parks within the garage. Another change, to the second paragraph discusses the addition of 50 validation spaces provided by -- for the Daugherty art center, those spaces would be provided for a period of ten years, and they would be allowed for a 50 percent discount from the

standard evening parking rates within the garage for a maximum of three hours. On that paragraph we are simply changing landowner to 218 south Lamar pud, similar as in the first paragraph.

>> On the third paragraph it describes a layout for the, again, discussing the parking garage, I would just like to add the words except as provided in 12-f at the beginning of that paragraph. And to change the last sentence to say -- let's see, except as provided in 12-f, all of the structured parking provided in the property shall be available for public use on a pay per use basis. So, again, a minor amendment but what it provides for is the fact that public space -- public parking will be provided within

[8:31:55 PM]

the garage. The fourth paragraph discusses a provision that allows for use of the rooftop terrace by community organizations and nonprofits at no charge for them. So that paragraph is not changing. We are also the second part does allow them to provide a maximum of the code required parking to make up for the fact they are providing the parking for pard. We also are clarifying the open space is 38 percent, and also that the connect can shun to the purple dash shall construct a service connection from the property to connect to the city's purple pipe system when the purple pipe system is extended and the property is made available. Two addition, last-minute additions to this are on part 6-a of the ordinance we would like to add the V, vertical mixed use to the cs zoning and that provision, this would allow if the applicant does not construct the office building as proposed in the pud they would still have the ability to do a

[8:32:57 PM]

vmu project, a so that is something that is desired by the applicant and the city staff and just a very minor, 6 H makes a reference to code section 25-25, it is actually supposed to be section 25-2. So those are some additional community benefits that van negotiated by mostly by the parks and recreation department, just very recently. So with that, the case is available -- or is ready for approval on second and third readings. I am available for any qu questions.

>> Mayor Adler: Okay. Thank you. Councilmember kitchen, do you want to make a motion? Is the applicant here? Do we want to hear from the applicant?

>> I have some questions. I wasn't going to make a motion.

>> Mayor Adler: Okay. Councilperson --

>> Will -- I will make a motion.

>> I will move to pass this on second and third reading and

[8:33:57 PM]

then speak to that and then I will yield for councilperson kitchen's questions.

>> Mayor Adler: Okay. Do we want to hear from the applicant or proceed with the questions first from councilmember kitchen?

>> Kitchen: Why don't we just proceed with the questions if that's all right.

>> Mayor Adler: Go ahead.

>> Kitchen: Okay. So --

>> A second to my motion.

>> Mayor Adler: Is there a second to the motion?

>> Mayor Adler: I need a second to councilmember Casar's motion -- it is seconded. Right before councilperson kitchen goes into her questions I would like to say that the -- for going forward on second and third -- is ready for us to just go forward on second, but the folks that have advocated for the important space for pard in this building, and so I and others pushed for us to try to get to this agreement with pard so we can get down on second and third today, and I know that councilperson kitchen and others will ask those questions and I

[8:34:59 PM]

understand that councilperson kitchen may or may not be able to ultimately support the final promise but I want to thank her for continuing to push to make this one better, because I think without your advocacy we couldn't have gotten to this agreement which I think is really important.

>> Mayor Adler: Okay. Councilmember kitchen.

>> Kitchen: I have a question for forward forward pard .. I am not sure who the right person from pard is, are they here? For questions?

>> Yes, councilmember -- boca -- direct director is here with --

[indiscernible]

>> Kitchen: There is a question for Leona. Did you say she is available?

>> Mayor Adler: She is.

>> Yes, I am here.

>> Kitchen: Okay. Sorry. I can't see everybody. So, Leona, there you are. So I just wanted to confirm and I wanted to confirm that the

[8:36:01 PM]

amendment language that Jerry read in coming forward today provides enough parking assistance for park at the future park to alleviate the need to build a second parking structure on the open green space and that the parking arrangement provides the ability for park to reduce the parking footprint size so that they will be able to do some small scale, underground parking to keep more open park space. Is that -- is that -- did I say that right?

>> Yes. So definitely the 30 spaces that we are getting for employees and the city for the visitors do reduce the parking plans for park project but they don't eliminate completely the need for the park to provide parking infrastructure.

[8:37:01 PM]

We are in the early design phases and as we explore options we are looking at a number of different solutions and I would like to briefly mention a couple of them that we are trying to reduce and consolidate this across the entire site so that the -- divides the connected green space for everybody to enjoy. We are also trying to provide the primary parking access to the facility from Riverside, rather than -- so we provide additional relief to the neighborhood from -- and we are also looking for underground parking rather than aboveground. I can say that if

[8:38:16 PM]

-- that part I would like to maintain the flexibility for the underground portion of the parking to not say that it is going to be limited, since we are trying to consolidate the extensive surface parking across the park.

>> Okay. So Leona, my understanding is that this parking space that we reached agreement on would allow you to say that you would not have a parking structure.

>> Kitchen: Our conversations aerial today that would be sufficient, you would not have an aboveground parking structure. So that's what I am trying to confirm. I understand that there would be underground parking and it is great what you are talking about in terms of -- in terms of making the green space and I understand you all are doing that, but that was the purpose behind this entire conversation, as you know, was to confirm that we are not going have

[8:39:18 PM]

aboveground parking structure. That's what we talked about earlier today so I am just trying to confirm that right now.

>> Well, okay. And my understanding was that we didn't want to have a two-story parking structure aboveground. This is our goal, not to have parking aboveground. This project has ambitious goals and a lot of constraints. We are trying our best to meet that. The site also has a lot of -- space. We will continue certainly to work with the community and with the council offices and we -- I feel confident that we will have a solution that will meet the -- the expectations of the neighborhood and from council.

[8:40:19 PM]

I would like to reserve some ability -- some flexibility for this design and I can say that even if it is anything aboveground, it is going to be limited.

>> Kitchen: Okay. The I am going put on the record right now that was not my understanding for this agreement. We worked on this agreement all day and we talked earlier this morning and my understanding from our conversations was that what you are asking for, efficient parking so you could commit to the fact that you wouldn't need an aboveground parking structure. So at this stage of the game, you know, we have got an agreement, we are going forward with. That's my expectation, that we are not going to have an above ground parking structure. That is the reason -- this pud is about, this pud is community benefit, it is a parking benefit, and that's been our conversations about what was the level of parking benefit that

[8:41:19 PM]

was needed too ensure that, to ensure that the dac did not need an aboveground parking have structure. So that's what my expectation is and that's what this whole agreement is based on. So I am putting that on the record right now -- standing.

>> Councilmember, this is Kimberly Mcneeley, director of parks and recreation. We absolutely hear and understand your direction. I believe that our explanation was just to be able to make sure that everybody was understanding that there were some constraint and there may be some consequences, but that we absolutely hear the direction and we absolutely understand the conditions.

>> Kitchen: Thank you. Thank you.

>> So, then I have another clarification, I think this one is for Jerry, perhaps.

>> Kitchen: So this has to do with -- so, Jerry, this has to do -- maybe for Jerry or maybe

[8:42:21 PM]

for -- I am not sure, but I am understanding that there is no variance being requested with regard to the materials and so the section of the code about butler shores about what materials have to be used, that's what -- that's what the

-- that's what they would be following. Is that -- there is no variance for that? Correct.

>> Kitchen: I just want to read that into the record, then. So what this says is, it says except for transparent glass required by this subsection, natural building materials are required for an exterior surface visible from parkland adjacent to town lake. So I am reading that, that in, colleagues because truly one thing that is really, truly important for this particular location is how it integrates in with the park, surrounding park

[8:43:22 PM]

land, and that is reflected in these requirements for, you know, for -- shores, so I just want to emphasize this by reading this in, it is really important to have those controlled building materials and preferentially natural stone. And I know that -- I know applicant is intending to do that. It is something that is important to the neighbors and so I wanted to put it on the record. That's all I have.

>> Mayor Adler: Okay. There is a motion on to the table from councilmember Casar, it has been seconded. Any further discussion?

>> Kitchen: Let me explain my position on it. Is that all right.

>> Mayor Adler: Go ahead.

>> Kitchen: So colleagues I am not going to be able to vote for this. I do very much appreciate the ability to work with the applicant, we have made a lot of

[8:44:23 PM]

progress on this, as you could hear from what was being read in to -- were the parking so that we can actually protect that parkland around the dac, and the other thing is the V, putting evac back in, what that means is, if this is not built as -- at the end of the day if this doesn't end up being built as an office the ability to have affordability housing there is preserved. So while I appreciate working with the applicant, I cannot support it because of two reasons. I do not think it is appropriate to use pud zoning on a small area like this. This is something we talked about when it came up on first reading. And the second this thing is, I really regret the fact that we are not going to be in that space for housing or for

[8:45:24 PM]

affordable housing. So I am not in a position that I can support it.

>> Mayor Adler: Okay. Moved and seconded. Let's take a vote. Those in favor of this item, Casar's motion, please raise your hand.

>> Mayor pro tem, councilmember Casar, Flannigan, harper-madison, Ellis, Renteria and me, that is 7. Those opposed?

>> Alter, tovo, pool, and kitchen, 7-4, it passes. That means we have one thing left. Which is the last item.

>> Mayor, both items 96 and 97 which are the Heflin cases I think we were just waiting for councilmember harper-madison to make a motion, if I understand correctly.

>> Mayor Adler: I think that's where we were.

>> Harper-madison: Well we were waiting for me to make the motion but prior to my abrupt

[8:46:24 PM]

interruption, I was hoping to also ask some questions of the applicant.

>> Mayor Adler: Is the applicant here?

>> Yes. I am here. Can you all hear me?

>> Mayor Adler: Yes. Would you like to make a presentation and answer questions?

>> Can you all hear me?

>> Mayor Adler: Yes.

>> Mayor Adler: Would you like to make a presentation and answer questions?

>> I am available to answer questions but I don't have an application.

>> Harper-madison: I think she did that already.

>> Mayor Adler: Okay.

>> Mayor Adler: Councilmember harper-madison, do you have questions?

>> Harper-madison: I do, thank you. I appreciate that. I would like to know if we approve this item on second and third reading today, will they be willing to state -- are you willing, rather, to state on the record that you have a commitment to finalizing the private agreement that was provided to the neighborhood?

>> Yes, ma'am. Actually, we have already, our client has already executed that

[8:47:25 PM]

agreement and we have made arrangements with -- neighborhood association he will pick that up, bring that up tomorrow.

>> Harper-madison: Fantastic, thank you very much. I appreciate that. Mayor, I would like to comment on it as well but if you would like my motion then I would like to move we approve, second and third reading with the conditions detailed in version 2 of the motion sheet.

>> Mayor Adler: Okay. There is a motion S there a second to this motion? Councilmember Ellis seconds the motion. Go ahead councilmember harper-madison.

>> Harper-madison: Thank you. It has been -- this has been a long one and a long day because these folks are working on this to the very end, so my office, has worked diligently with them, with the applicant, with the neighborhood, they are really pleasant and offered us the opportunity to come out and see it for ourselves and we got meet some of the neighbors I would like to thank the applicants for their efforts and their work with the stone gate neighborhood

[8:48:25 PM]

and definitely thank the neighborhood association president and membership for their leadership and their support, you know, of their community on the case. Also I want to thank the applicant for provide the estimated cost of the housing units that we requested that first reading, I think it perfectly illustrates how limiting housing impacts affordability for our cash the existing entitlements would produced homes from 750 to the 800 range and, you know, those are certifiable numbers, not arbitrary data, that's a price range that very few in the city can afford, I think by approving this designation will cut that cost in half. And we will have ten percent income restricted units available, you know, that run around 227, so I am happy to support this and happy that the neighborhood and the applicant were able to reach an agreement.

[8:49:32 PM]

>> Mayor Adler: Okay. Any further discussion? Are we ready to take a vote? Is there a valid petition in this case?

>> Mayor, yes there is a ballot petition of 5.5 so it would need nine votes to pass on second and third or seven or more to pass in the second.

>> Mayor Adler: Okay. Let's take a vote. Those in favor. Councilmember alter.

>> Will you just repeat motion, the base motion because I wasn't here for the earlier part of the discussion. I want to make sure I am clear.

>> Mayor Adler: Councilmember harper-madison, you want to repeat your motion?

>> Harper-madison: Sure, I was trying get mute, the motion is top a prove this item on second and third reading today. Yes.

>> Approve this item on second and third reading today. There was a condition but the applicant agreed to it.

[8:50:34 PM]

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>> -- Buffer with the --

>> Harper-madison: They are detailed in V 2 of the motion sheet.

>> Okay. Great. Thank you.

>> Harper-madison: Thank you.

>> Mayor Adler: We have a most and it has been seconded. Are you ready to vote? Those in favor of the motion please raise your hand. Me, kitchen, harper-madison, alter, in fact it is everybody on the dais. So it passes unanimously. So it passes on second and third reading.

>> Thank you, mayor. That concludes the zoning, you all have a happy holiday and see you next year.

>> Mayor Adler: All right, you take care. Greg.

>> Casar: Mayor, before we close out too quick I just wanted to note the last council meeting of the year is usually notorious for going really late and being really contentious and we have a lot of really good work at this meeting and it was a belong agenda, and long agenda

[8:51:35 PM]

and we are not even having to do the vote to extend past 10:00 and, you know, it can be contentious and hard because we all really care, and that's okay, and, you know, nobody would say I am against us wading into hard issues, but this agenda we had brought it forward, we had street impact fees, these were big issues, you know, we had zoning issues, where we might have disagreed on things, and I can't we worked through stuff even if we were on different sides of votes, I lost some votes today. But I think we were able to feel strongly about things but still get through a lot of items so I think it was good work.

Councilmember alter's cat program on water is like a really big deal, and stuff, got stuff like that done, evict hundred stuff, some zoning cases in district 1 that have been sitting around a long time that councilmember harper-madison worked us through, so I just -- I want to recognize that just because this being the sixth last meeting of the year for me,

[8:52:37 PM]

it has -- it is different and I think it is a good thing and I just want to recognize that for us as we head into the new year.

>> Mayor Adler: Anything else? You are going to be missed, I don't know how to keep stalling to keep this meeting alive and keep you on the dais. So with that, everybody, happy Hanukkah, have a great holiday, rest, everybody earned it, this time, and we will gather together next week on the joint meeting with cap metro. Good night. You all take care. >>