

City Council Regular Meeting Transcript – 01/27/2022

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[10:13:33 AM]

>> Mayor Adler: Looks like we might have two people virtually here, councilmembers harper-madison and Renteria. There you are, councilmember harper-madison. Let's go ahead and convene this Austin city council meeting here on Thursday, January 27th, 2022. Austin city council meeting. We're all here at city hall. We have some councilmembers, councilmembers Renteria and harper-madison participating virtually. The time is 10:14. We're going to go ahead and begin. I'm going to start by reading some of the changes and corrections we have today. Austin housing finance corporation, item number 10 has been withdrawn. We're not in that meeting now, but just to give people notice

[10:14:34 AM]

when we do get there. Item number 3 on the council agenda as opinion postponed until March 3rd, 2022. Item number 33, it is the department is the fleet mobility services. Item number 37 is withdrawn. Item number 45 postponed to February 17th, 2022. Item 63, January 24th, 2022 is recommended with amendments unanimously on an 8-0 vote. Item 67 withdrawn. Item 77, the petition no longer valid due to withdrawal of a petitioner signature. Item number 85, a valid petition has been filed in opposition to this rezoning case. Item number 88 is withdrawn.

[10:15:35 AM]

We have two items on our agenda that have been pulled. Item number 19, the economic district, pulled by councilmember tovo. Item number 53, which is the employee rights and benefits, kitchen, ifc. We're going to go ahead, we have about 100 speakers signed up to speak to us today. We're going to start this morning with speakers in-person and then on the phone, two minutes each. When we get to citizen communication, three minutes. When we get to zoning this afternoon, I think we said one minute each on that. And that's how we'll proceed. The intent right now -- one

[10:16:35 AM]

second, councilmember kitchen.

>> Kitchen: Sure.

>> Mayor Adler: The intent is to hear the speakers first. It's going to be all the sparks speakers in the morning. Before we do the consent agenda, we'll pull up the consideration of the sexual assault settlement issue and we'll take a vote on that. And then we'll move into the consent agenda. We have no executive session item with us today. But obviously some zoning cases that look like there's significant interest in. Councilmember kitchen?

>> Kitchen: Just quickly, item number 39, I'd like to pull it for now. I may be able to put it back on consent by the time we get to it. I just have a quick question for staff, so I'll try to resolve that before we actually get to the consent agenda.

>> Mayor Adler: Great. Thank you. Councilmember tovo?

>> Tovo: Mayor, as you noted,

[10:17:36 AM]

the item I pulled, 19, I just have some direction and we may be able to leave it on consent. I do -- rapid fire questions for 33 and 36. I'd like to pull them. But those might be able to remain on consent if I could ask a quick question about each one.

>> Mayor Adler: Okay. And if they're really quick on new topics we haven't seen, councilmember tovo, we could pass consent and immediately go to those items.

>> Tovo: That's probably better. Thank you.

>> Mayor Adler: Thank you. All right. So, we have some late backup in Austin finance housing corporation. Please remind me to do this later on items 7, 11, and 10. On the regular council agenda we have late materials on 44, 45, 50, 52, 63, 68, 70, 73, 74, 75,

[10:18:40 AM]

78, 80, 81, 82, 84, 85, 87, and 89. Just to remember the consent agenda today is items 1-56 and also items 88 and 89. Councilmember Ellis?

>> Ellis: Thank you, mayor. I'm not sure if this is the appropriate time, but I know you read on item 63 that it was recommended with amendments by the resource management commission. And I just wanted to clarify either now or later whether that recommendation is part of what we would be adopting today. And I can ask that later, because I know --

>> Mayor Adler: That sounds good. That's also not on the consent agenda because that's a public hearing item, so we have a little bit more time. But if staff could -- manager, if you could be ready to answer that question. Councilmember tovo?

>> Tovo: Mayor, the renovation for the municipal building, as I indicated on Tuesday, I intend to ask for a postponement on

[10:19:41 AM]

that item and I don't believe we pulled it for today, so I need to pull those three items as well.

>> Mayor Adler: Which items

>> Tovo: I have to figure out what those are. Just one minute.

>> Mayor Adler: This is the downtown community court items?

>> Tovo: Yes, the renovation cost for the municipal building, mmmm.

>> Mayor Adler: So I have 9, 10, and 15, I think are the downtown community office buildings issues.

>> Tovo: That's right.

>> Mayor Adler: 9, 10, and 15, so we'll pull those.

>> Tovo: My intent is to ask for a postponement. I'm not sure if we have speakers signed up on that item today, but I want to make sure that they know that my intent is to postpone that.

>> Mayor Adler: Okay. Councilmember tovo, that's something I'll support you on. All right. Just noting, congratulations to

[10:20:43 AM]

chito vela, ran for what will soon be a vacated seat from councilmember Casar. I think this is your penultimate meeting with us on the dais. We'll be able next week to certify the results, then there'll be a swearing in tentatively scheduled for Monday of -- not Monday of next week, but a week from this coming Monday. Anything before we have speakers? Councilmember Casar and Pio. Pio, I'm going to recognize you. Sorry.

>> Renteria: That's all right, mayor. I just want to pull 28 and 29 if they haven't been pulled yet.

>> Mayor Adler: They have not been pulled, vaccine incentives, 28 and 29.

>> Renteria: Yes. I just want to learn a little bit more about it and I do have concerns, but I'll wait until we bring it up.

[10:21:43 AM]

>> Mayor Adler: Okay. So the items that I have being pulled are 9, 10, and 15, the downtown community court, I think primarily to address questions and postponement. Item number 19, also items 28, 29, 30, 36, 39, and 53. And the first one we're going to handle after speakers is going to be 44. Yes, mayor pro tem.

>> Alter: Good morning. I will be -- I think adding my consent -- my direction for item 48, which is about the covid costs on consent, and I'll do that when we bring up consent, but I don't need to pull item 48.

>> Mayor Adler: That's fine staying on consent, especially since you had a chance to see

[10:22:44 AM]

that. Okay. All right.

>> Kitchen: Mayor.

>> Mayor Adler: Yes, councilmember Casar then councilmember kitchen.

>> Kitchen: Okay.

>> Casar: Mayor, you laid out that the sexual assault survivor settlement would be up for a vote after consent. Are we taking those speakers as part of the consent speakers, or is that coming up separately with that item?

>> Mayor Adler: We're taking those speakers as part of consent. We're going to call all the speakers including those speakers. They're all here in person and I think they've signed up together. There aren't that many speakers. They'll be speaking pretty much that way. We're going to hear the remote speakers, but they need to have the chance to be able to speak on that item in case somebody does

that. But when we're done with speakers, we're going to take that item up and then we'll do the consent agenda.

>> Casar: Thank you for that clarity.

>> Mayor Adler: Okay. Councilmember kitchen.

>> Kitchen: I misspoke. You can put 39 back on. That's not the one I had questions about.

[10:23:44 AM]

So I'll identify which one before we get to the consent, but you can put that one back on.

>> Mayor Adler: All right. 39 back on. Councilmember Ellis.

>> Ellis: I was going to ask if you could read through the pulled items. I was writing some of them down.

>> Mayor Adler: I'll do it more slowly. The consent agenda is 1-56, items 88 and 89. From that list, the pulled items, 9, 10 and 15, the downtown Austin community court items. Item number 19, items 28 and 29, items 33 and 36, item 53. Okay? Not 30. No one has pulled 30.

[10:24:49 AM]

Okay? Councilmember pool?

>> Pool: If we're voting item 44 separately, should that also be pulled off to vote it separately?

>> Mayor Adler: It will be handled before we get to consent.

>> Pool: I understand. Thanks.

>> Mayor Adler: Okay? So, let's go ahead and have speakers. Clerk, I'm going to ask you to call the speakers. Please begin with the ones that are here with us. And it's two minutes per speaker.

>> Paul Wagner, item 29.

>> Mayor Adler: Who's on deck?

>> Greg Underwood.

>> Mayor Adler: Thank you.

>> This was pulled, but I would like to speak on it just because as a concerned citizen --

[10:25:51 AM]

>> Mayor Adler: That's fine. This would be the time to speak on pulled items anyhow.

>> Perfect. There is a presentation with this. It was sent in. Is it up? Okay. I can speak on it without it. There were two items on there, 28 and 29, \$550,000 has already been spent according to Claudio Rodriguez for the staples corporation for vaccine incentives. 29 was an additional \$1 million to be spent on gift cards for vaccine incentives as well. There is an accounting error that I caught on 29. Thank you. You can just leave it there. I know they got pulled, probably because I've spoken to a couple other concerned citizens about what I think is in some respects a bailout for the staples

[10:26:52 AM]

corporation and there's probably a lot of people in the room that have the vaccine that didn't receive an incentive which isn't the problem I have with it. But moving on to the next slide, please, just a highlight, how this is one, wasteful, if you were to count how much money \$1.5 million will buy in reams of paper, if you look at the independent it's the tallest building in Austin. And if you were to go biremes of paper with the sales tax included you'd be at 57 independents high in paper. I know this is an extreme case, but does anyone need that much paper? Anyway, next slide, please. I think there's a much better way to spend this money. If it has to be spent, which it does because it's federal money, take it. Everyone here has already paid for it with their taxes. I've spoken to the ymca. I'm not speaking on their behalf. But a better incentive would be to give people a gift card to the ymca, a nonprofit. It can be auditable with a phone

[10:27:54 AM]

call. They have multiple branches. This would incentivize people to maintain health, community development. It's a great facility, at least on town lake, the other ones are nice. I spoke with drew. He can be contacted to service these gift cards as needed. Any questions?

>> Mayor, if I . . .

>> Mayor Adler: I'm sorry, mayor pro tem?

>> Alter: Good morning, I appreciate you coming down. I shared your concern and in the q&a I asked a question about that. And the q&a, you can go onto the website for this council meeting and pull that up. And the answer to my question was the type of gift cards are Visa gift cards and recipients may use them at any retailer that accepts them, and the recipients acknowledge I understand that this incentive is not to be used for the purchase of alcohol or tobacco products, that the city of Austin employees and vendors are not eligible, and I affirm I am

[10:28:56 AM]

not a city of Austin employee or vendor and have not received more than \$600 in gift cards during this year. I appreciate your concerns. We have to be able to purchase the cards somehow. We don't have a way to do that otherwise. And I believe that staples is vendor providing us the Visa cards so that people can --

>> These are cash gift cards?

>> Alter: Yes.

>> Okay. That doesn't mean that the ymca can't print 5,000 gift cards in three days. People have been doing this --

>> Alter: It's not a gift card to the ymca. I mean, it's a card so that people can purchase what --

>> It's a cash incentive.

>> Alter: Yes.

>> I think that should be clarified, because it looks like you were giving money to the staples corporation.

>> Alter: I agree, which is why I asked the question in q&a and it was clarified there. But thank you.

>> Thank you.

>> Mayor Adler: Thank you for the opportunity to use this forum to clarify that issue.

>> Absolutely. I think it's a great incentive, it just could be better used for

[10:29:57 AM]

health and wellness.

>> Mayor.

>> Mayor Adler: Yes, councilmember tovo.

>> Tovo: After the q&a closed we had some communications with our staff, too, about the amount of fees that are part of those Visa gift cards, and that number is not in front of me at the moment, but it is in the neighborhood of about \$52,000. So, you know, I think these are really important. I'm going so to support it. And I believe it is wise to give people the opportunity to spend that money to give them a flexible opportunity to spend that money as they see fit for their family's budget. I do wish we could find a way to lower -- to get a deal that didn't have quite so much loss on fees, but I'm not sure that that's possible given the way the structure of those cards work.

>> Mayor Adler: Thank you. And real important to point out that this is a card that people can redeem at any place that takes credit cards.

[10:30:58 AM]

Councilmember Renteria?

>> Renteria: Yes, mayor. And the only reason I was concerned about it is that, you know, there's a lot of people that went out there and got their vaccination and didn't receive anything. And these are the questions they're asking me, how come we didn't get anything and we did the right thing. And now you're incentivizing people that didn't do the right thing and got their vaccination here when it's -- now we've got the variants out there. And I can see the need for it, but I'm kind of disappointed that we didn't offer anything to the ones that really followed our advice to go out and get vaccinated. So I don't want to pull it anymore because -- what the concerns were, and I'll just let it stay there on consent. And I'll just abstain from it.

[10:31:59 AM]

>> Mayor Adler: Councilmember Renteria, thank you. We'll put those two items back onto the consent. That's items 28 and 29. I share the frustration that you have. And it -- at some level, it's not fair. Everybody should be rewarded. Ultimately, the reward that people get when they take the vaccine and the booster is they help save their life and their health, and their family's. It's real important to do to help our children at school that can't get vaccinated yet. We know from looking at our hospitals just how effective this is. And in a perfect world, councilmember Renteria, everybody does this because not only does it protect them, but because we're doing it to help protect other people in the community. I appreciate you putting it back onto consent, because also at the end of the day this is a fight for numbers. If you walk through our icus

[10:32:59 AM]

right now as people that have not been vaccinated and boosted,, not looking just at the place we're in, we have to do everything we can for whatever reason, people have not gotten it, to try to encourage them. But I share the frustration. But we're just looking at it right now, what do we need to do today to help keep the community safe. Councilmember pool.

>> Pool: I do have one follow-on question. The gift card will be given to residents when they come to -- I guess, to the city and show that they have been vaccinated, or are we simply giving it out in advance and hoping that they will go get vaccinated? Mr. Gonzalez, do you know?

>> Let me see if there's -- Austin public health department.

>> Mayor Adler: We'll try to get an answer.

[10:33:59 AM]

Oh.

[Off mic]

>> Pool: Good morning, acm hayden-howard. How are you?

>> Good morning, Stephanie Hayden, acm. Those gifts cards are used as an incentive, so when people are coming in to get those vaccines, the goal is, is to provide that vaccine after they have received those vaccines. And I see Adrienne Sturup is on the call as well, so she can help out.

>> Pool: So just to clarify, to provide the gift card after having gotten the jab of the vaccine.

>> Yes. Not before.

>> Pool: That sounds like a really good intense. Thank you.

>> Mhmm.

>> Mayor Adler: Our staff is good. All right. Let's continue on with the speakers.

>> Greg Underwood and after is Gus Peña.

[10:35:01 AM]

>> Mayor Adler: Either of them here? Greg Underwood? No?

>> He was the person with --

>> Mayor Adler: Oh, the first person.

>> I believe.

>> Mayor Adler: Next speaker.

>> Marina Garrett.

>> Casar: Mayor, before Ms. Garrett speakers, I had mentioned this to you and others before, but there's a limited time that folks can speak under our rules. We know if we ask the speaker a question, that time can be extended. I certainly never want to -- for us to stretch that rule too far, but given how important this case has been for the last few years, when the different speakers, if their time is up I'm

going to ask them to finish their thoughts for these four speakers because I think they had a little bit more to say than our time. So, thank you all for that grace.

>> Thank you. Mayor Adler, councilmembers, the first time I stood here I was

[10:36:03 AM]

19. I was begging for anyone to help me to hear my voice. I was living a life that no one, especially a 19-year-old girl, should live. I wasn't sleeping, wasn't eating, wasn't going to class. I would sit in my room all night staring at the door waiting for my rapist to find me again, rape me again or kill me, because he knew I reported and he knew he got away with it. So I came to you all asking for help, because I thought if you knew what was happening, you would want to make a change. But that wasn't the case. Instead, I had to devote six years of my life to finally feel the healing and closure I needed. I gave up my early 20s to do what you all were elected to do. You are the leaders of my city, but I had to lead. You -- excuse me. You were the ones that had the power to make sweeping changes, but instead I had to find that power to stand here before you, to have this reform that is

[10:37:05 AM]

needed today. You are the ones that have the knowledge and access, but instead I had to teach myself and I had to learn how to see things through, to give the survivors in our community what they needed. You were the ones that had the influence to condemn the bad actors for their mistakes and not support them for reelection, but instead it was my voice, my trauma, and my pain that had to be told all over the city to hold people accountable. My journey and not anything you had to do with comes full circle today. I lost every piece of myself that night and for the past six years I have fought every moment to build myself back into the powerful person I am here today. I'm so proud of this settlement. And I'm so proud of myself and everything I have put into this. But I want you to know that survivors did this. My voice was heard by survivors all across the nation, advocates, lawyers, loved ones. But I still question if you ever truly heard it. I want to say thank you.

[10:38:05 AM]

[Buzzer sounding]

>> I do want to say thank you to councilmember Casar, because I do know that you heard my voice. You made sure that I knew that day on September 2015 that you heard me and you have fought for me and with me every step of the way and I do feel very honored to share this moment with you. Again, I'm so proud of what is happening here today. The money going into the APD budget for survivors and the policy changes that will absolutely have effect on someone's life are historical. I hope you look in that

audience and know this is because an amazing group of survivors that were told no over and over again and never stopped. With all that being said, it is up to you to see those things through, up to you to make sure the settlement means something. I don't want it to be the case that a year down the road you forget about this powerful moment and loosen these policy changes we're asking for and the next young woman that is raped has her voice and her power stolen the way that I did.

[10:39:07 AM]

While I wouldn't change a step of my journey, no young woman should ever be made to take it. So with that, I hope you vote yes today and approve this settlement and give survivors what they need in our community. Thank you.

>> Mayor Adler: Thank you. We'll get back to you, Mr. Peña. We did call your name. Next speaker on the list.

>> Next is Jose Garza, afterward is Dana Millson.

>> Mr. Mayor and members of council, I am hopeful, as I stand before you today. A few years ago, survivors of sexual assault sued our county and our city for our failure to investigate and prosecute the brutal crimes that they endured. There is no excuse for that

[10:40:07 AM]

failure. But the failures of the past do not relieve us of our responsibility to find a path forward. I am proud to say that because of the courage and leadership of survivors in our community, Travis county settled our portion of the lawsuit as part of our commitment to a path forward. I am proud and humbled today to stand in solidarity with survivors and in support of the city as you bring to conclusion the remaining portion of the lawsuit. I know that regardless of the details of the resolution with the city or the county that we can never truly right the harm that has been done to so many women in our community. But I also know that we can all move forward in a way that honors survivors guided by the mistakes of our past.

[10:41:09 AM]

We can and we must. We must hear their demands for reform in order to prevent future violence against women in our community. We must hear the findings from perf and the women's law project and work to honor those findings through change. On behalf of the Travis county district attorney's office and with humility, I commit to working with the city of Austin to fight for justice on behalf of survivors and I am so incredibly grateful for your commitment to the same. Thank you so much.

[Buzzer sounding]

>> Mayor Adler: Mr. Garza, good to have you back with us. Thank you.

>> Dana Nelson, following, Mary Ruth Reyes.

>> Good morning, mayor, mayor pro tem, and councilmembers. My name is Dana Nelson, assistant district attorney who is proud to work for Jose Garza. I'm here today on behalf of two of my friends and colleagues who

[10:42:10 AM]

were not able to be here but who were instrumental in supporting the survivors in the lawsuit. First I'd like to read the words of Niva who says, I can't tell you how many times I've heard my friend Liz wonder in frustration why can't folks just do the right thing? It's a good question. Most of the time, we know what's right and we fail to act and to change because it's too hard. For plaintiffs in this lawsuit, the battle to force our community to do the right thing has been much more than hard. It's been grueling. They have fought against a culture that didn't believe them, agencies that didn't fight for them and an entire system that fundamentally devalues crimes against women. We have responsibility to change that system. And I am proud of the progress we have made. Today is an important step towards that goal. Settling this lawsuit is long

[10:43:12 AM]

overdue for the plaintiffs and the thousands of rape victims they represent. Justice was not found in the legal -- criminal legal system. If they can feel that they found some semblance of healing through this process, I am grateful. No words can express the bravery of the women who stood up and demanding accountable -- demanded accountability from us. I am relieved we are closing this chapter in our city's history. I am committed to working with the city and survivors to start a new chapter. I know that together we can. Next, I'd like to read the words of Erin Martinson, currently the division director for the special victims division at the Travis county district attorney's office. Erin says, oh, man.

[Buzzer sounding]

>> I really wish I could be there today. It's been a hell of a road, a hell of a fight, and I want all of the plaintiffs to know I am with you there in spirit, in

[10:44:12 AM]

solidarity, and in my continuing commitment to give your voice -- your voice in the system. As most know, I made a very tough decision to quit my job, to challenge the status quo in Travis county in 2019. It was an experience I never would have agreed to, but for the women we honor today and the abject failures of our system. Would each and -- what you have been through is inexcusable. Words will never right the wrongs and settlements cannot undo the harm that has been done. I am so, so sorry for what you have been through. I am sorry you weren't believed, sorry you will walk away from this entire process still hurting from the trauma you've endured. But today I am taking a deep breath because I believe that together we have the power to change the system. Every single one of you lifted me up. And I -- and finally, now, our system is lifting you up.

[10:45:14 AM]

I promise I will never stop fighting for you and the thousands of other women who have been violated in our community. I am proud to be your partner as we move forward and I am also aware of the guarded trust you place in me. I promise not to take your trust for granted. And I promise your voices will guide us toward creating a system that does not re-traumatize survivors and that supports survivors throughout the process. I commend the city for settling their portion of the lawsuit. It's a vulnerable but honorable step toward a future where we will work hard every single day together to addressing the personal and systemic violence against women in our community. If I was there today, I would hug each and every one of the survivors for the courage and strength it has taken you to bring us to where we are today.

>> Mayor Adler: Thank you.

>> Mary Ruth Reyes, and

[10:46:15 AM]

following is Hana.

>> Hi, good morning, council. I'd like to start off by introducing myself as this is the first time that I've stood here in front of you. You may or may not know me by the 2008 Austin police report number 082860644 in which I was kidnapped and raped by a stranger here in Austin, Texas. In 2009, the victim 3090731, as the criminal case moved into the district attorney's office labeled one of the lucky ones to see it through. As the victim in case number dc1430, as my case was refiled due to DNA contamination. The defendant, my rapist, was ultimately released, but as the dismissal paperwork reads, other. The defendant has pending cases in Harris county.

[10:47:15 AM]

He raped not only two more but a minor after that. You may recognize me from a report by the science commission, an audit for the forensic science, DNA section on page 18 that supported the decision to close the lab for contaminating my exam. Or in the final report of the Quattrone center, page 49, section F, contamination of casework. But you probably won't recognize me at all because none of those choices were made. My name is Mary Ruth. It has taken me a minute to find my voice. And when I say a minute, it's taken me more than a decade of insurmountable anguish, dedication, stamina, and an unimaginable amount of tears -- 4,746 days of relentless commitment seeking justice because my mother taught me right from wrong. I am the lead plaintiff in the Smith vs. City of Austin case known until now as Amy Smith.

[10:48:16 AM]

I'm coming forward as myself due in part to the courage I've gathered after 13 years of fighting for myself, in part due to the support and advocacy I found in others during this very, very lengthy journey. I am only one of many where the city of Austin failed me.

[Buzzer sounding]

>> The city of Austin failed me repeatedly, emotionally, systemically and traumatically. My fight didn't come overnight. It sweeps over me when I watch my daughter fall asleep at night and when I hear other stories that preface with me, too. It burns when I watch the news. It has grown with the support of the community that all this has brought me to. You know that silver lining. I recognize this may be triggering for us to talk about rape, but it's the lack of trust, care, commitment and accountability from those sworn to protect us surrounding the subject that contributes to that trauma. And the thing about trauma is it strips you of everything -- memories, family members, friends, dreams, and all

[10:49:18 AM]

control. All of which in this journey I have lost. I'm here in person today to ask that you consider not just closing this chapter today and settling the lawsuit, but also turning the page, because maybe, just maybe this Austin, Texas trauma story can be a healing story. Let us choose to move away from this hurt together. We may even all come out of this experience different in truly remarkable ways because it's not just posttraumatic stress we are experiencing, but growth, breakthroughs, friendship, wisdom, and most importantly, change. Maybe we will find crocheting or painting or writing, or advocacy and never understand how we could have lived or breathed without such medicine before. And maybe we will learn how beautiful it is to care for ourselves and others intently. The fact is that none of us will ever be the same. I ask that we make this an opportunity to understand the feelings that come from

[10:50:19 AM]

surviving -- fear and chaos, exhaustion we may still feel. Understand that there were terrifying things and people beyond our control. Support us with proof of accountability as we come home to our bodies again. Understand the ways that we still ache even years or decades later. Show us that our thoughts, feelings and views deserve to be listened to. See the strength we have gathered in the resistance. See the garden we grew when we thought we were buried. City of Austin, city council, thank you for your time today. And before you are required to apologize, I choose to forgive you because I choose to hear. To anyone who has ever stood by me, advocated for us or offered a safe space, and especially the Sean center, thank you for saving my life.

>> Hannah and mayor, that's the

[10:51:20 AM]

last speaker I have for item 44.

>> Mayor and councilmembers, thank you for your time. My name is Hannah sanco, one of 15 plaintiffs that have brought suit against the city of Austin and their handling of our sexual assault cases by APD. With the settlement agreement up for vote today, I wanted to share a few words. In 2017, when I began the journey of digging into my sexual assaults for my own healing, I had no knowledge of where I was going or where it was going to take me. I had no insight that it was going to bring me here or what I would learn along the way. I learned that there wasn't something wrong with me and my case, there was something wrong with the system that my case fell into. I learned that I wasn't the exception, that I was the norm.

[10:52:20 AM]

I learned that willing attorneys and brave women had already learned these lessons, too. I learned that awareness didn't always mean alignment. I learned that safe wasn't always safe. I learned that matters of politics require politicians and matters of law require lawyers. And I learned that I am neither. I learned that eight could multiply into 12, and 12 into 15. I learned that justice wasn't always just, especially when liabilities were real. I learned that policies weren't promises when there wasn't buy-in. I learned that accountability wasn't meaningful without an owner. I learned that exceptional clearance wasn't exceptional and that I was one of them. I learned that apologies were harder to come by than dollars. And I learned this story doesn't end in a pretty red bow.

[10:53:23 AM]

I learned that while I thought I was fighting for them, just maybe I was still figuring out how to fight for me. I learned how to provide a testimony.

[Buzzer sounding]

>> I learned how to provide too many testimonies. I learned how to give a quote, a statement, or a photo to make the media story complaint. I learned that healing wasn't linear. I learned to find my voice. I learned that what I needed in my darkest hour on my dimmest day already resided within me. And I learned that I am not whole, but nor am I broken. And finally, I learned that lawsuits are more about stamina than they are about law. And I learned that this was as far as we could take it. And now it is time for the next to take it further. Thank you to our attorneys for making this possible.

[10:54:24 AM]

Thank you to councilmember Casar for standing by our sides, even when you were told not to. And thank you to the eight, the 12, and the 15.

>> Mayor Adler: Thank you. Those were all the speakers on this item. We're going to now go back to Mr. Peña, who we called earlier, if you want to come on down. Who do we have after Mr. Peña?

>> Kim Overton is next.

>> Mayor Adler: Okay. Ms. Overton is on deck. And then Rene Lara after that. Mr. Peña, you have two minutes.

>> Good morning, or good afternoon, whichever it is. I hadn't watched my clock yet.

[10:55:26 AM]

Congratulations to the chief on his victory -- chito vela, don't let us down. There's been a lot of letting down here in this council area. Mayor and councilmembers, I am speaking on housing and planning, and also one of the good things that occurred was that there was an authorization and negotiation and execution of a one-year agreement with Texas Rio grande legal aid to provide emergency eviction counseling and prevention services to ensure tenant stabilization in an amount not to exceed \$222,000. What a little percentage. We're losing people to the streets. \$220,000. And I understand what it means. I read it. I'm not a dummy. I ran for city council, justice of the peace, and mayor.

[10:56:28 AM]

And I'm going to tell you this much. It should be more than \$220,000 on this item, on number 40. I hope and I pray that y'all change it and have more money to fight this type of situation. Nobody should be on the streets. We're losing people to the streets. We need stabilization for them. And mayor, we're not doing a good job of it! We're not! There are more homeless people out there now. They don't want to stay in hotels and motels. I can show you where they're at. Something's got to be done, something better. Something's going on that is not compatible for the people that are homeless. I've been homeless, remember, because I worked on your campaign. My wife and I were over there phone banking. You --

[buzzer sounding]

>> And I'll -- just a little bit more.

[10:57:28 AM]

Please, do a better job, putting money enough for people to stabilize their lives. It ain't being done.

>> Mayor Adler: Mr. Peña --

>> Thank you very much.

>> Mayor Adler: Thank you. Brian Pollock and then Gary Warren is on deck.

>> Good morning, council, my name is Ryan Pollock and I'm speaking to you today as a long time austinite and representative of the Austin brotherhood of electrical workers. As a work her who has been on the receiving end of wage theft from my employers countless times I would like

[10:58:30 AM]

to thank council members for your initiative in addressing the practical institution of greed and wrongdoing that is wage theft. The near total lack of ability in this shockingly common issue is a great example of the failure of all examples of our government to hold up their end of the social contract at the most basic level. What's more bread and butter of an issue than happen honest day's pay for an honest day's work. If working people can't count on the public institutions to help to hold accountable employers. This has created a valuable tool to ensure that hard working austinites can lessen their burdens in these uncertain and trying times. Should this pass I hope the manager's office will approach this issue with the attention and resources that the hard working people of Austin deserve and I look forward to working with the

[10:59:30 AM]

city on this. Thank you.

>> Mayor Adler: Thank you. Renee Lara.

>> Mayor Adler, council members, my name is Renee Lara. I'm speaking here in support of item number 53 sponsored by council member Ann kitchen and also representing the carpenter's union along with Gary Warren who will follow me. I wanted to thank councilmember kitchen for sponsoring this. The co-sponsors and everyone who supports this item. This study resolution would address the issue of wage theft and misclassification of independent contractors. State and federal laws prohibit this. This is an issue -- denying a laborer their hard-earned wages goes back to ancient times and it's spoken of and condemned by ancient texts. So it's not a new issue, but unfortunately in modern

[11:00:31 AM]

times we still find that the legal framework that we have now fails to protect the most vulnerable workers especially in the construction industries. This resolution aims to create a system in which local authorities will collaborate on ways to assist workers in addressing the wage theft and misclassification abuses. Wage theft cheats workers from their wages, misclassification of them as independent contractors instead of employees, cheats them of many benefits including social security, medicare, unemployment insurance and worker's compensation insurance for workplace injuries. So workers are hurt, their families, and also taxpayers because many of these workers end up relying on the social safety net. And finally also the employers, the good actors who properly classify

[11:01:31 AM]

workers, are at a disadvantage when they compete with those who do not and are underbid as a result. So we ask you to support item 53, a study resolution to get this process going in terms of developing an ordinance.

[Buzzer]. Thank you so much.

>> Mayor Adler: Thank you. Bear Warren. And Paul Robbins who I think is the last in-person speaker, is on deck. Mr. Warren you have two minutes.

>> Good morning mayor, council members. My name is Gary Warren. I'm the political director for the carpenter's union. I speak in support of item 53, the proposed study resolution, relating to wage theft and tax fraud by councilmember kitchen. Thank you, council member. I hear real world examples day in and day out of

[11:02:34 AM]

illegal schemes by contractors that cheat workers out of wages and benefits. This stealing of wages remains out of the purview of most government regulators and the public. The structure enables fraud through the use of label brokers. This model to use brokers to provide manpower to contracts acts as a layer of plausible reliability to upper tier contracts. It happens on an unimaginable scale on some of the largest commercial construction projects and sites in Austin. This resolution is important. It's an opportunity to study real world social inequities with the potential to help taxpayers and responsible contractors and workers in construction face extraordinary challenges, challenges that are crippling the pathway to social and economic prosperity. According to a from university of California Berkeley, 46% of construction workers in Texas are enrolled in one or more public safety net

[11:03:35 AM]

programs. The public cost of low wage jobs in Texas construction industry to the state and federal government is almost two billion dollars per year. When employers cheat their workers the burden shifts to government to take care of working families and creates an enormous health and wealth gaps in the most taxpayers shouldn't be forced to pick up the slack for unscrupulous contractors. It's time to help workers by cleaning up the construction industry. This has the potential to create remedies for families in need of innovative economic solutions and to secure the future for construction workers in Austin -- [buzzer] -- thereby enabling workers to contribute to the economic growth of their communities and provide for their families. I ask that you vote in favor of this study resolution 53. Thank you for your time.

>> Mayor Adler: Thank you very much.

[11:04:37 AM]

Mr. Robbins.

>> Council --

>> Mayor Adler: Mr. Robbins, you came up to me before you started speaking to point out that you're also signed up on citizen communication to speak on this same issue. Without compelling you, we talked about giving you the opportunity to be able to extend your time here in lieu of the citizen communication time. That makes sense to me because you will be speaking on the same thing. So we'll let you go longer.

>> That's fine. Council, I'm Paul Robbins, an environmental activist, consumer advocate, and I have been working on energy related issues since 1977. First -- where's the powerpoint. There's no prompt here. Great. First, your -- next slide.

[11:05:38 AM]

Your resource management commission voted Monday to recommend a different approach to giving compliance rebates that are not cost effective regarding the center point conservation programs. This is item 63. The commission asked council, quote, encourage center point to consider the substitution of duct ceiling, ceiling insulation and cost effective weatherization measures instead of central furnace and water heater rebates. I urge you to include this when you vote on item 63. Center point's compliance rebates follow the same broken model as Texas gas service. They award large sums of money for home appliances that do not save much energy. If the goals are to help the ratepayers by avoiding high

[11:06:39 AM]

gas costs and to mitigate global warming, these appliances fail. Slide. Eye efficiency furnaces of this kind do not make sense in Austin's climate. It's make placing an efficient air conditioner in Alaska. Slide. And while tankless water heaters might make sense in high traffic commercial businesses, there is not enough water used in most homes to justify their high cost. The commission was split as to whether to cease these rebates in the center point pilot program immediately, but they definitely want to move away from them in the near future. The commission's resolution has implications for the

[11:07:41 AM]

Texas gas service conservation program which is wasting a much townner amount of money on green wash rebates. Slide. My second point is that center point tried to rebud the commission when the commission asked will you stop the rebates, they said that well, if we do away with the reoperates this year we have nothing to call back on. And I think that's a rather lame argument. Council, between the national appliance standards started 30 years ago, Austin energy's building code, energy building code, austin3 energy's green building program and Austin's weatherization retro fits, there is substantial conservation already occurring without throwing money at problems.

[11:08:43 AM]

My third and final point is that this is again failing in the city's regulatory office. I reviewed the cost effectiveness data that center point provided and found blatant errors. To my knowledge nobody in the regulatory office asked center point to correct them. I'm not even sure there is anyone in that office capable of analysis. If this was the case they could have surely asked Austin energy's staff for represent. That concludes my remarks: I hope you will include the resource management commission's recommendation in item 63.

>> Mayor Adler: Thank you. Is anyone else signed up to speak that I have not recognized?

[11:09:44 AM]

We're now going to go to the people -- I'm sorry.

>> [Inaudible - no mic].

>> Mayor Adler: What's your name?

>> [Inaudible - no mic].

>> Mayor Adler: Hang on one second. Did you have him as a remote speaker?

>> Mayor Adler: I think it could be that you signed up after the cutoff time. Is that possible?

>> Aphasia about 9:00.

>> Mayor Adler: I think it's probably open until 9:15.

>> I'll just take a minute. I'm Phil [indiscernible], president of the association of general contractors, builders working in Austin through central Texas. They are general contractors, specialty contractors, suppliers. We have about 260 company members employing about 10,000 people in the local construction economy. I wanted to talk about item 53. I signed up as neutral and I wanted to elaborate on that. I wanted to make it clear

[11:10:45 AM]

that our organization has union and non-union members. We strongly support no wage theft and support finding out who are the bad actors in the industry because they make the industry look bad and everyday we work with good companies and people. And the reason I signed up as neutral, I was a little frustrated because I didn't know about this resolution until it was placed on the agenda less than two weeks ago. Again, we only have 260 members, large and small, specialty contractors, general contractors, union and non-union. And we were not included in the drafting of the resolution. I was contacted by

[indiscernible] And he brought in all the other contractor associations who had not been part of the initial drafting resolution. Fortunately we were able to have some give and take with various council members to tweak the language a little bit. For example, the original resolution didn't direct city staff to reach out to business groups like ours in

[11:11:45 AM]

the drafting of the ordinance that is going to follow this resolution. So that has been changed, but let's -- we're all part of the industry so in good faith and in order to make an ordinance that's beneficial for all, let's all work together. I appreciate the opportunity to be part of the process moving forward. I had a great conversation with Jose Garza walking in here. We worked at the workers defense project along with which are, we worked on these issues trying to work out the bad actors in town. One item of concern is the joint liability issue will have some good discussion about that -- [buzzer]. I look forward to that taking place over the next few months. Thank you very much.

>> Kitchen: Mayor? Sir, thank you very much for your testimony. I'm councilmember kitchen. We -- I made changes to the ordinance as soon as I had the chance to talk to folks.

[11:12:46 AM]

It was also the intent to include stakeholders and that this was not to start the conversation, but I realized after talking to stakeholders that that wasn't clear. So that's why I went forward and made the changes. So I really look forward to the opportunity to work with you and with others and I appreciate your testimony today.

>> Thank you, councilmember kitchen. I wanted to let you know when you're going down south Lamar our building has been on south Lamar for 75 years and we're doing a really cool mural, which is an homage to the construction industry that's going on right now. We have a live webcam going on our social media. Check it out. You're really going to love it. It's going to be super colorful and 750 square feet. It's going to be really cool.

>> Kitchen: That's excellent. I'm really pleased to hear that. Thank you.

>> Mayor Adler: Anyone else signed up that we didn't get to? Yes. What's your name.

>> [Inaudible - no mic].

>> Mayor Adler: I

[11:13:46 AM]

apologize.

>> Good morning, mayor and council, I'm Kim Overton here to speak about item number 52 on renaming of the Lamar beach shores. I am Valma's Overton's granddaughter. I am an Austinite. He was my grandpa and I remember him working late at night on a regular basis. One night my father took me to his office when he was president of the NAACP. The office was on East 12th Street. At that time I was in awe and saw the reach in the depth of the work that he has done for the black community in Austin

and for Austin as a whole, and I was-- with all the countless clippings from newspapers and pictures on the wall, I was so eye opened on that point and I also realized as

[11:14:48 AM]

a young child that it takes an individual to fight for equal rights, tirelessly, late at night. That was my granddad. Fast forward years later it's so easy for us to forget the great work that he did, even those who knew him and remember his work and for those who are near to town, unless they do the research in the city of Austin and the leaders who developed this great city, they may never know about Valma. So this great renaming of Lamar beach to Valma Overton shores will remind us of the great work he did and inform those new to town. And the location being where it is, it's just a perfect symbol of the passion that he had in bridging the east to the west in Austin, Texas. Thank you.

>> Mayor Adler: Thank you. Councilmember Tovo.

>> Tovo: I'd just like to thank you, Ms. Overton and your family members for your

[11:15:50 AM]

advocacy and --

>> Thank you so much. He's inspired me and hopefully he will for other generations of individuals.

>> Tovo: I know he will. Thank you again.

>> Mayor Adler: Anyone else here signed up to speak that we didn't call?

>> Mayor, I'm sorry, we did have someone who signed up on the kiosk for 57, Bob Dobolina?

>> Mayor Adler: Is he here? Say the name again here.

>> Bob Dobolina.

>> Mayor Adler: All right. Let's go to the speakers who have signed up virtually. When we are done with that we're going to consider the settlement item. Go ahead, please.

>> Okay. The first two speakers are Spanish speakers and the first one is Rosa Lean in a Estrada.

[11:17:20 AM]

>> [Speaking Spanish].

>> Good morning, I am a member leader of workers defense and I am a resident of Austin district 8. I work in housecleaning. A few years ago my husband was a victim of wage theft. He was promised ten dollars an hour, but was only paid nine dollars an hour when he received his check.

[11:18:36 AM]

My husband worked 12 hours a day, but only received payment for eight because the boss said that time was not paid when he went from one work site to another. I had a newborn daughter and we didn't have enough money. It caused a lot of stress for my family during this time because we were worried about paying rent. This caused a lot of family problems and my husband couldn't spend much time with the family.

[11:19:48 AM]

I insisted to my husband that he finally went to complain to the boss. The boss told him that if he didn't like it, then he should leave. He took advantage of the need we had and gave my husband the excuse he had that he himself hadn't been paid and that's why he couldn't pay my husband. I am here supporting item 53 because as a worker I do not want other immigrants to go through what we went through. If there is a database, people can be informed and know who not to work for from the beginning.

[11:21:00 AM]

They can avoid the stress and problems of working with someone who is not going to pay them. Also contractors already know they can be in the database will think twice and stop stealing from people. Austin workers deserve fair pay on time as promised and to be protected on a job site. I speak on behalf of my community and I would like to receive the support of you council members because you have the opportunity to

[11:22:00 AM]

make a decision that will benefit all of us and at the same time will benefit the entire city. We look forward to your support. Thank you for your time. Next speaker is Louise Mondragon.

>> [Speaking Spanish].

>> Good morning, my name is Luis mondragondragon. I am a member leader of workers defense and I am a

[11:23:00 AM]

resident of district 4 in Austin. I am a father of a family with two children in school with 25 years living in Austin. I am supporting item 53. I support this item because a year ago I was the victim of an employer who did not pay me my salary and still has not paid me. When this occurred I was faced with something very hard since due to only a day

[11:24:00 AM]

of nonpayment I was not able to provide food for my family. If this resolution passes, employers will no longer be able to continue doing these types of injustices. I couldn't pay the electricity and I couldn't pay rent. I had to ask friends for help to pay the rent.

[11:25:04 AM]

I am a construction worker and I workday to day. If they steal my salary, I don't have enough to pay the bills or refill my pantry. I support this so we can stop abusive employers. If we get this resolution passed, all workers will be protected at the city level. A city that needs our work.

[11:26:08 AM]

We need you to pass this resolution so that all workers are protected from these abuses and continue until all workers in the world are protected. Austin workers deserve this so their families don't suffer and so they can live better. So they can return from work with their deserved and fair payment.

[11:27:10 AM]

>> This resolution needs to be passed for the benefit of the entire community. Thank you for your time.

>> Mayor Adler: Next speaker.

>> Carmen llanes-pulido. Carmen, please unmute.

>> Hello, can y'all hear me?

>> Carmen, yes, please go ahead.

>> Oh, thank you. Sorry about that. So I have had the privilege of serving as a city of Austin commissioner for nine years. I was selected as a commissioner and appointed by councilmember tovo and that's the way that I'm speaking to y'all today.

[11:28:10 AM]

I know almost every meeting venue in this city. For the last two years plus I've served on a sovereign commission, a land use commission, and we make recommendations on what I argue is the most important policy powers, how Austin gets developed, the land entitlements that grant and how to capture

[indiscernible] On our backs for our city's needs. I'm also speaking to you as someone who lives a four minute drive and 20 minute walk from the planning development center. So much time and traffic would be saved if we move there when we go back in person, but I'm also an organizer who has worked shoulder to shoulder with thousands of south austinites. I watch who loses power, who floods, faces the worst traffic and who gets all together to fix things and make them liveable. Every time. Please watch that November 29th meeting footage. Listen to Jim Duncan, listen to your appointed commissioners. We want to stay at city

[11:29:11 AM]

hall. It's the less evil thing to do. Please support the bylaws that we've presented to you. And if I don't get a chance to come back this afternoon, please take a look at gava's statement on your zoning cases. Thanks so much.

>> Carmen --

>> Mayor Adler: Mayor pro tem.

>> Carmen, I wanted to clarify that we received a memo that those three commissions would be staying at city hall. We did share that with the leadership that had been coming to speak with us about the bylaws at audit and finance committee, so the plan today will be to withdraw or to postpone indefinitely that item, but those three commissions are moved and we'll have some further commission for staff with respect to the other commissions.

>> Thanks so much for that update, council member.

[11:30:11 AM]

>> Next speaker is Monica Guzman.

>> I just heard mayor pro tem's update. I withdraw on speaking. Thank you.

>> Nora Comstock.

>> Hello? Good morning. Mayor and city council, on behalf of the central health policy council and the pandemic equity committee, I wish to thank councilmember Kelly for championing our recommendations for identifying inequities in disaster preparedness, disaster response and post disaster community healing and recoverment and to council member man Fuentes, pool and kitchen for co-sponsoring it. This has been a labor of love for our group and we

[11:31:12 AM]

couldn't have hoped for a better response. The pandemic brought into sharp focus the need for the city to respond for, plan for disaster recovery. We weren't prepared for covid-19 nor for winter storm uri. This time the resolution will engage us in the process to ensure we have the right resources and people in place before the next disaster. The pandemic highlighted the inequity we experience daily by people of color, including Asian American, black, indigenous and hispanic Latino communities and other historically marginalized populations such as lgbtqia plus, the elderly, the geographically isolated, people living with

[indiscernible] And more. We look forward to working with the emergency operations center and to help implement these recommendations and to help ensure equity is at the center of planning, response and recovery.

[11:32:12 AM]

Adding the emergency response community advisory panel will bring the community voice into the process. The advisory panel must be reflective of groups who have been actively serving marginalized communities during times of disaster and who represent their community. On behalf of the pandemic equity committee we look forward to working with the city on these recommendations. Again, if you for this resolution. We are looking forward to making it a reality. Thank you.

>> Carol Hawkins.

>> Hi. I was a junior in Austin high when valma Overton joined our all white Baptist church and I was afraid of what the media were saying

[11:33:12 AM]

about him, but Valma was at the church all the time then with kids my age, visiting the sick and nursing homes. I quietly became everybody's friend, a role model of how a Christian should live and helping the community in the world at the same time through the NAACP. Now I notice that first off Valma encouraged us to add personal involvement in low income AISD schools to our strong missions emphasis. Years later I was a parent when embarrassing racial incidents happened at a football game and the mode exploded again and the media exploded again. I was at the grocery store and found that two school boys were found to be responsible for the offenses and a vast majority of parents wish that it was a

[11:34:13 AM]

more diverse place to raise kids instead of the inflammatory

[indiscernible], my letter to the statesman didn't get published and I called Valma in tears. He said, Carol, come tell the NAACP. I didn't believe that Westlake people were bigots. I could see it in their eyes, but I also saw that they were beautiful, loving and amazingly generous people doing wonderful things for others. Not the way the media portrayed them. And I realized how much segregation had hurt me and I became an active member. A few years later the media inflamed things again when a slur was spray painted against Westlake High. This time I sent the image to my NAACP friends and they believed me because they knew me. Valma Overton, senior showed

[11:35:14 AM]

us a diverse Austin rich than I ever imagined. This humble and great man loved us first and God used that to change us. Such an honor could not be more appropriate. Thanks so much.

>> Christopher Willett.

>> I am here to register my support for resolution 53 and efforts made to assist in the city and protect them from age theft. And to provide additional resources and avenues for workers to enforce their rights. I'm an attorney at the Equal Justice Center. We provide legal services to low wage workers here in Austin. I've worked directly with workers here in Austin for the last 10, 15 years or so, and ways that have been and continues to be a serious problem for workers. For many especially with the

[11:36:14 AM]

high cost of living, a paycheck will create immediate serious and devastating impacts on their lives. Resolution 53 is a common sense approach to begin to take additional steps to address this issue. I thank you for those who support it. Thank you.

>> Fabio barrerra.

>> Thank you. I am the Austin policy coordinator for workers defense and I am in support of item 53. Workers defense is a membership based organization that supports Texas low income construction workers in improving their lives, living and working conditions. We want to thank councilmember kitchen for working alongside labor and the community to bring this resolution forward to strengthen worker protections and employer accountability. Most of the workers that come through our doors are construction workers that have been victims of wage theft. This includes people who

[11:37:15 AM]

were not paid overtime, not paid for working off the clock and not paid for any portion of their work. Wage theft has real consequences for workers. Surveys show that seven out of 10 workers who support wage theft have economic hardship, including the inability to pay bills, utilities or rent. Our members are particularly excited that this resolution includes the creation of a publicly available database of bad actors who committed wage theft or other employment related crimes. Workers want to work with someone who will respect their labor and this database will allow them the opportunity to do so. It will also dissuade businesses from robbing their workers if there is a publicly acceptable database. Not only does wage theft harm the worker, but it also harms businesses that act in good faith. Companies that pay the required taxes and provide worker's compensation and employee benefits are routinely underbid 15 to 25% of competitors that don't follow the law. Responsible companies are put in severe disadvantage, creating a race to the bottom. We are excited about the

[11:38:15 AM]

possibility to work with the city throughout this process and urge you to vote in support of item 53. Thank you.

>> Jeremy Hendricks.

>> Hi, mayor and council. My name is Jerry Hendricks and I'm with the laborers international union of north America and I'm also here representing building and trades this morning in support of item 53. As you all know I've spoken with many of you many times about how Texas is the most dangerous state for construction workers, is also the state with the most misclassification and worst wage theft of any state in America. And it is high time that we joined cities like El Paso and Houston who are already addressing wage theft and misclassification. And I just want to say that this is about protecting the most vulnerable people in our community. It's about ensuring both

[11:39:16 AM]

documented and undocumented workers are protected. It's about ensuring companies that robin tension nationally harm and lie and abuse workers are held responsible and it's about enforcing current laws and working with our new district attorney, thank him for being here to testify and our new county attorney, to identify bad actors. It is not about harming business, it is not about changing the way that good contractors do business, it is about helping workers in need. And I want to especially thank the members of workers defense project who came today to give their personal stories. And thank you all. We look forward to working with city staff and all of your offices in the months ahead to form an ordinance that will work for the city of Austin where we can be a leader on this issue to help folks in our community. Thank you and have a great day.

>> Frances Acuna.

[11:40:24 AM]

>> Can you hear me?

>> Yes we can.

>> Okay. My name is Frances Acuna, I'm a community organizer with gave and a resident of dove springs. I'm calling today against item 57. I understand it is that county commission, zoning and planning commission and board of directors are people that volunteer their time to serve the community. I believe they should be accommodated by what's comfortable for them just because they are not getting paid and they play a very important role for the community and for the city of Austin. Not to mention the barriers you are setting for residents that meets far away from highland location like the [indiscernible] Or southeast residents. I hope you do the right thing so that they can still be doing what they care about, which is serving the community and advocating for

[11:41:24 AM]

the community you represent. And I'm also speaking against item 76 and 77. I'm supporting the [indiscernible] Residents who are trying to fight for their health and safety that will be taken away if any drake changes are -- drastic changes are implemented in their community. As you know, district 4 is a heat island. Residents are already suffering the effects of the extreme heat wave that are causing chronic illnesses such as asthma, diabetes and hypertension to be more severe. By taking green space from their community that are more impacted, you are increasing chronic illnesses to be more severe. Please listen to residents' input and do the right thing. Thank you.

>> And the final remote speaker is Zenobia Joseph.

[11:42:27 AM]

>> Thank you, mayor, council members. I'm Zenobia Joseph. Mayor, before you start my time I have a technical request. Like councilmember Ellis this morning, when you call out the late backup, can you please slow down. I've never been able to write down all of the items, and it also denies an individuals an opportunity to sign up for those items.

>> Mayor Adler: I would be happy to do that, although we also post -- I'd be happy to do that. I'll do it more slowly. Also know that that's posted in the changes and corrections so it's also something you could pull down and look at.

>> Okay. I appreciate you telling me that. And thank you so much. As it relates to my comments on the agenda items, I just wanted to call to your attention item 41. I adamantly oppose the \$880,000 going to [indiscernible]. I would ask you to table that item and to recognize

[11:43:30 AM]

that Al guoin only serves about 93% immigrants and they also serve the hispanic population but that is not the only population that will be evicted or in need of rent assistance. I would call to your attention that the backup materials specifies the cares act and individuals who were ineligible under the cares act when it was first rolled out. As it relates specifically to Texas Rio grande legal aid I would like for you to table that item as well and actually discuss it in a joint meeting that you're having with Travis county commissioners' court on February 8, 2022. And the reason is because there's a strict eligibility income guideline. You have to be about \$24,000 annually, your salary can't exceed that amount if you're an individual. And as you will recall from the line of cars that needed food, there are many people who make more than \$24,000 that are in need. And so my recommendation is that the \$110 million that

[11:44:31 AM]

they set aside for homelessness that they take \$10 million and allocate that for prevention. And I would call attention, mayor, that on mlk day you mentioned that African-Americans are among the 40% of unemployed, when you were at houston-tillotson, and this does not include African-Americans who are facing eviction. I would also call to your attention as specifically related to item 57, I know you're going to postpone it indefinitely, however I would ask councilmember Kelly to work with you to bring remote access to the people in district 6 and also recognize that those of us who live north of U.S. 183, it takes

two hours to get downtown from district 6 and it takes about that much time really if you live near Samsung. And so while the people --

[buzzer] -- Vehemently for district 2, I wanted you to realize welcome to our world. That's how long it takes us to get downtown. So if you can --

>> Thank you, speaker, your time has expired.

[11:45:32 AM]

>> And can I just ask you one thing, mayor, to consider writing a letter to treasury, \$7.1 million was actually deobligated by Montgomery county so there is funding available for emergency assistance. I think that's my time.

>> Mayor Adler: Why don't you reach out to my office on that last issue. Next speaker.

>> Mayor, that concludes the remote speakers, however, Ms. Joseph has signed up for Austin housing finance corporation.

>> Mayor Adler: Okay. Hang on one second. If the speaker would stay on the phone. Councilmember Kelly.

>> Kelly: My understanding is people who live at district 6 are able to sign up at the library to do remote speakers so that is an option. The spicewood springs library on spicewood springs near Mcneil and 183 is available for individuals to do remote testimony.

>> Mayor Adler: Thank you. And while we have this last speaker here who is also signed up to speak on the Austin housing finance corporation agenda, we're going to accommodate that.

[11:46:33 AM]

I'm going to recess the Austin city council meeting here at 11:46. I'm going to convene the meeting of the Austin housing finance corporation here on Thursday, January 27th, 2022. The time is 11:46. We have the directors all present. We're convening slowly for the purpose of -- solely for the purpose of take public comment and I think we have one speaker that's signed up. Is --

>> Zenobia Joseph?

>> Thank you, mayor, council, I'm Zenobia Joseph. My comments are specifically related to item 9. My opposition to esparo Rutland has been consistent. Specifically he is sparrow the 1934 Rutland. As you recall you have not been honest with the public for this property, specifically looking at the

[11:47:33 AM]

may 3rd, 2021 item that was actually on KXAN and it showed 51 permanent supportive housing units and now it's 171. And there aren't that many housing units when you go south of U.S. 183. I want you to recognize as well that there was a conflation of the description for the supportive housing property in the Texas department of housing and community affairs board packet. It said specifically that this was developed two apartment communities that would be deeply affordable and intensely supported and then it mentions that it's high opportunity, high quality, supportive living and high opportunity transit connected. The truth of the matter, and I've said it before to Mandy de mayo, is that it's 240 Rutland was unilaterally eliminated June 3rd, 2018 from cap remap and she mentioned that there's a walk to the 803.

[11:48:35 AM]

I just want to remind you, mayor, that on July 9th, 2021 -- or when you actually did the budget over at community first village, council and the staff did not want to walk 200 yards and you had the fleet actually drop you off because it was raining that day. And so please recognize that transit dependent riders don't want to walk, just like you don't want to walk. And so I would just ask you to recognize that this is a concentrated poverty and it does not align with the executive order by president Biden 13985 which is has equity executive order and it also doesn't align with the fair housing act of 1968.

[Buzzer]. And I would just lastly call to your attention that there was some registrant that actually talked about moving low income residents to high opportunity areas.

>> Thank you, speaker, your time has expired.

>> Mayor Adler: Thank you

[11:49:35 AM]

very much. Do we have any other speakers signed up to speak at the Austin housing finance corporation.

>> There's no one left in the queue, mayor.

>> Mayor Adler: We'll go ahead and recess the Austin housing finance corporation here at 11:49. We'll reconvene the council city council meeting and continue to be here on Thursday, January 27th, 2022. It's 11:49. We're going to go ahead and consider item 44. As we indicated that we would. Is there a motion to approve the settlement in the Smith versus Austin case? Mayor pro tem, do you want to make that motion?

>> Alter: Mayor, I think we might need to hear the settlement before I make my motion.

>> Mayor and council, I'm assistant city attorney Sara Schaefer. I'm here to recommend that the city council approve the settlement in the two audits

[11:50:37 AM]

mentioned in item 44, the Smith lawsuit and the Sanko lawsuit. This settlement is comprised of a payment of \$825,000 to be shared among the 15 plaintiffs this those two lawsuits. There will also be an additional \$50,000 paid to the plaintiffs' attorneys. The settlement also includes budget allocations for operational and policy changes with a fiscal cost of \$3.5 million in budget allocations and expenditures that have been made sense fiscal year 2019. An additional 862,000 which has been earmarked for future budget allocations and improvements in fiscal year 2022 and beyond. And the operational and policy changes that have been made or will be made as part of the city's commitment to address the issues raised in these lawsuits and through this settlement include increased staffing in the sex crimes unit, including adding more

[11:51:38 AM]

detectives and victim services counselors to the unit, the creation of a cold case unit to investigate historic sexual assault cases, soft interview rooms for survivor interviews, the creation of an updated survivor innovation protocol to keep survivors updated on the progress of their cases. Additional training to the cadets, officers on responses and responding to sexual assault. The creation of a staff position to tracking collated data with investigations on sexual assault. A public information campaign on topics related to sexual assault. Creation of a voluntary survey for survivors at case closure. APD has rejoined start in 2021, the sexual assault resource and response time. This settlement also includes multiple look-back audits to ensure compliance with the settlement and a formal apology from the city

[11:52:39 AM]

as well as chief Chicon will host a sit-down meeting with any plaintiffs that would like to attend.

>> Thank you. Mayor pro tem, do you want to make the motion.

>> Alter: Thank you. I'm going to move approval of item 44 to settle these lawsuits with direction. And I will speak to my direction after I have a second. The direction was posted on the message board last night and there was a slight revised version which simply changed the item number at the very end back to 44.

>> Is there a second to this motion? Councilmember Casar is going to second the motion. Mayor pro tem?

>> Alter: No one should experience sexual assault. Let's start right there. No one should experience sexual assault and then have to spend years and years

[11:53:41 AM]

advocating to be believed, to be heard. We must fix the system that we have. I want to thank the 15 plaintiffs and your lawyers and those who supported you. Thank you for persisting. Thank you for speaking loudly and bravely. We heard you. It took awhile, but we heard you. Thank you for focusing on systemic change and focusing to ensure that others do not have to experience the trauma that you have already been through. I asked the lawyers to read the full settlement when they were presenting because I think it's important to understand so much of what you were asking for was so that no other women or man has to go through the same

[11:54:42 AM]

experience. We as a council are charting a path forward today. We've been doing this for awhile with you right there pushing us along. As we as a council, as we as a city take the step today to settle these cases. We need to be mindful that you and the city and the world, frankly, are watching. You are very brave and it is our responsibility to not just settle the case but to affirm our commitment to improve our sexual assault response system and the direction that I have provided, provides further affirmation above and beyond the settlement because we still have work to do and we all know from the experience of this. I've been involved for over

[11:55:43 AM]

three years, it takes time, it takes persistence, not just on your end, but on our end. So what this direction does is it has a first part that simply states again that the city council further affirms its commitment to improve Austin's sexual assault system by providing the following direction to the city manager. It then goes on in part 1 to provide direction related to implementing the comprehensive sexual assault evaluation recommendations. That is the evaluation that I worked with, several of the advocates back in January 2019 was passed unanimously by this council. It asked the city manager to come back with a report on the preliminary recommendations from that report and their status. And then in recognition that the final report will be coming out in May directs the city manager to

[11:56:44 AM]

prioritize the implementation of the policy and the budgetary recommendations of that report and sets deadlines for when they have to come back to us about implementing the recommendations and the plan. Secondly, it calls for improved training related to sex crimes. We are prioritizing the support that is needed to develop and maintain training programs that have important characteristics. You know, our sex crimes unit has not had the support that they have needed to do their job at the level that we expect, and so this lays out various types of training, the kind of training that we want, and suggests some mechanisms that the city manager can pursue to do those, and directs the city manager to provide is with a sex crimes

[11:57:44 AM]

unit training plan that addresses the goals above. And all of those goals are designed around to improve our sex crimes -- our sex crimes unit's ability to respond effectively and soundly in a way that helps to bring justice and healing. So thank you for being brave. Thank you for forcing change. I know that you will continue and I invite you to continue to keep us accountable, to keep us pushing in the right direction. It is my fervent hope and wish that Austin will be considered a leader in sexual assault response and that we will as we've gone through this torture rouse process. And thank you for

[11:58:45 AM]

identifying the need and

>> Mayor Adler: Council member -- council member Casar and then you

>> Casar: Thank you for sharing your stories and coming here today. If a son, wife, daughter, or any family member of yours I have to believe you would make in a priority. These are the words of Monica Garrett asking us to stand up for her daughter, one of the

[11:59:48 AM]

victims in the case. If any family member of yours was a victim in this case, you would make it a priority. They were before us because their families were not made a priority. Just a few weeks earlier top brass told me that survivors were -- and this is his quote -- "Making mountains of mole hills." In the months later this lab was shut down. There was even mold on evidence. Since then there has been a continue push and pull because of those who believe the mountains out of mole hills theory and those who believed the survivors. I know powerful people who disparaged you during this.

[12:00:49 PM]

That made this very difficult for you. But because of your persistence and bravery and advocacy at council, because of your lawsuit, it's undeniable that important things have changed. We cleared the backlog. The city has had to create a cold case unit. We were pushed to hire counselors serving people today. They will be allowed to be with survivors in case interviews with the police. There will be required training at the police academy on how to better handle the cases. We're legally committed to hear ING from survivors before closing cases. We're issuing a formal apology from the city. We have a new district attorney with new practices on sexual assault cases. Thanks to the work of surviving along lead sponsor

[12:01:52 PM]

alter there's a review going on. Thanks to the mayor pro tem's direction today we'll tell the city manager to prioritize those recommendations. The settlement today will be further enforced by outside groups and by the independent city auditor. This is all significant and only possible because of your bravery, period. But even still, with the settlement, many of the plaintiffs have spoken and feel unsettled. The matter is not over. I have to be honest that as a policy maker my first reaction on how to move forward was asking the plaintiffs what other council resolution I could bring forward today. When it became clear we were getting close to settlement I asked council what else I could author. When I floated the idea of another resolution, many

[12:02:53 PM]

survivors responded with exhaustion -- thanks but no thanks. It's no guarantee Austin would do better. The settlement in and of itself is not a guarantee that Austin will do better, but instead today's vote is proof of something else. To me, it is proof that a future does exist where sexual assault is less common and justice more within reach, but that future only exists when survivors lead the way and are heard. Instead of another resolution today, my contribution is to leave this message on the record. We can change when we listen. I've been asking myself since listening that day in 2016 what it would take to shift from a city that is defensive or neglectful or dismissive to become a place that responds to the call for justice. And the answer was always there

[12:03:56 PM]

in Ms. Garrett's words and by her example. If we want to create a city where survivors don't have to tell their story painfully time and time again, we don't have to get film makers and lawyers before us asking

us to do the right thing -- if we want to be that city, we must recognize it is our daughters and family members who are in pain. That is how we address sexual assault. In fact, I think that is how we address homelessness, end gun violence, that's how we get healthcare for all people. This is how we become who we say we want to be -- by reckoning with the fact that this is our suffering family and it cannot be dismissed. So I am for one permanently unsettled. I believe anyone who reads through your lawsuit or hears your story would be. To respect your sacrifice and

[12:04:57 PM]

work we will remain unsettled until we create a better city.

>> Mayor Adler: Thank you. Council member Renteria?

>> Renteria: Thank you. I have a father and grandfather. I would never tolerate anything like that to happen to my family. So I'm -- even though I only have one year on council, I'm going to be here in Austin, and I'm committed to make sure that this never happens. You know, when we step back and when this happened and we found out that APD wasn't taking care and -- how to take care of the kids and the refrigerator being out and no one cared about addressing those issues, we had

[12:05:59 PM]

to take action. With the action we did, we got such push-back from the Republican party and defund the police, and we were trying to tell the citizens of the state of Texas and Austin that we're not defunding the police. We're taking a step back to make sure these actions never happen again, and we made a commitment that it wasn't going to happen again -- not on our watch and not on the future watch. And we did pay a political price for it, and I hope the people that were fighting us realize now that what we were doing -- we were hurting people. And there was no remedy for them. And it's just so frustrating that when we try to be out there doing the right thing, that there's people who take that and turn it into a

[12:07:00 PM]

political -- turn it into political drama that it's not what's happening. I hope the citizens of Austin don't sit here and watch these testimony -- that they'll take it to heart, that what we're trying to do is help our community to grow and our children and our prosperities to make them strong and to be able to be not afraid, not hurt -- to lead a happy and productive life. And I just want to say I'm committed to that. Thank you, colleagues. And thank y'all -- the victims. I just pray for y'all that y'all have full recovery. I know it's going to be hard. And justice, you know, in your heart -- when there's

[12:08:00 PM]

injustice, you know, your heart takes a long time to heal. But I just hope the best for y'all.

>> Mayor Adler: Council member kitchen?

>> Kitchen: I just want to -- I want you to know that I have heard what you have said, and I want to add my voice to the support that you're hearing from the council and the commitment to continue the work that you have begun. I want to say thank you for all the work that you all have done. It has not be easy. I could never pretend to know how difficult it has been for you. And I sincerely hope that as you continue with your lives and your work that you will find peace. I know that this is a very difficult, difficult thing to have dealt with. I want to thank you for sharing your voice. I want to say thank you to

[12:09:04 PM]

council member Casar and mayor pro tem alter. They've both been champions in working with you. And I support their efforts and will always support these efforts. I also think it's important to note that the settlement provides a mechanism to continue this into the future. It is always important in making these kinds of reforms to have a mechanism in place to ensure that they stay in place next year, next five years, next ten years -- forever. So I think that -- I'm pleased to see there's mechanisms in place with the city auditor and other mechanisms to be sure that the city remains accountable for these thing changes and -- for these changes and that we don't slip back into complacency, into ignoring what's right. And so I just want you all to

[12:10:05 PM]

know that I'm here to support you also. Thank you.

>> Calderon: Council member Fuentes?

>> Fuentes: Council member. I want to echo my colleagues and sentiments and thank the survivors for being here today and sharing their stories. I know this has been a long time coming. As we look at the closure of the lawsuit I think it's important that as part of it the city will issue a public apology, acknowledging how our system has failed. That is a very important piece and we have to do more in holding the systems accountable. This is just the path forward. There's much more that needs to be done. And thank you for the leadership of our mayor pro tem and council member Casar. We have outlined additional direction to make sure this never happens again and that we do all we can to prevent

[12:11:07 PM]

violence against women. I want to share my commitment in seeing through the work and reforms that have been put in progress and to holding the system accountable. Thank you so much for being here today, for all you have done for your relentless advocacy. It has spurred cultural change and I want to extend my heart-felt thanks

>> Mayor Adler: Council member Kelly

>> Kelly: I know you have been suffering for years. It's clear that an injustice was done and I'm appreciative that you have lent your voices not only to yourselves and each other but to anyone who may follow in your footsteps. We all want to make sure that doesn't happen but knowing situations occur -- we are

[12:12:07 PM]

committed to changing the policies from top down, making sure victim services has the support it needs from us to make sure you are taken care of and anyone else who has to go through this is also taken care of. Thank you

>> Mayor Adler: Council member Kelly?

>> Kelly: I want to say your stories really touched my heart and I'm so proud to be up here on a council that can truly recognize what you went through and create change so that other individuals who go through similar experiences don't experience what you did. Thank you for being brave and coming here and being relentless. Without your advocacy we might not be where we are now. Thank you

>> Mayor Adler: Council member tovo?

>> Tovo: I, too, want to add my voice to the survivors who have been advocating for change for so long - those of you

[12:13:08 PM]

here today, those in the past. Thank you for sharing extraordinarily painful testimony and thank you for your endless advocacy and holding us accountable. Your advocacy has resulted in changes. You have my commitment to make sure as long as I'm on this dais I will join my colleagues in holding the manager responsible how we respond to victims in our society. You've led the dais in this work of increasing resources and others. Thank you for that. Part to have the settlement includes a formal apology from the city.

[12:14:08 PM]

As a member of the dais I would like to offer my own apology for the failures of the city in helping achieve the justice that you so rightly deserved

>> Mayor Adler: Council member pool?

>> Pool: I want to thank all of you for persisting through some unspeakable circumstances. I want to offer you my commitment as well, as my colleagues have offered to you, to ensure that your situation never happens again. And for those survivors who may not be in the room with us today, who may have suffered as well, our empathy and support to them for their healing. And I offer an apology to you all as well on behalf of the city for what you were forced to endure and I pray for healing -- emotional and

[12:15:10 PM]

physical and spiritual for each and every one of you. Thanks.

>> Mayor Adler: Thank you. I think I'll conclude by saying that in my seven years sitting on this dais I'm not sure there was a moment that was more impactful and transformative than that evening as we were beginning budget consideration, and you and others told your stories and your truths. Obviously this city should have been acting earlier, but that evening I think evidenced and created a point of inflection. There was just such a sense that night that so many systems had failed you. We initiated a process collectively and in this community that continues to

[12:16:12 PM]

take too long. I want to say thank you as well to a special group of survivors who stood strong and helped bring about significant improvements in how our city supports survivors of violence and sexual assault and how we do our part to try to bring justice for harm's endured. Our system will invest money into the systems and this work will and must continue. The additional \$875,000 settlement that we're approving today is both to give some small measure of compensation for what the survivors went through, noting that while your injuries cannot be made whole,

[12:17:12 PM]

we can recognize the very real injury. Importantly, I think the -- what we're trying to say with that component of the settlement is to recognize the importance of your advocacy in changing this city. We should all be sorry, as I am, that you had to endure the post trauma traumas and that our system did not fix these challenges on its own and that the burden fell to you in large part to correct what was going on. Please know that you made this a better city. There's still a long way to go, but you have set us on a better path. Thank you. There's a motion on the floor. Any debate on the motion

[12:18:15 PM]

itself? Then let's go ahead and vote. Those in favor, please raise your hand. Those opposed -- it's unanimous on the dais. The motion passes. Thank you. Colleagues, it is 12:18. I would propose that we take public communication and break for lunch and then come back to handle the consent items that have been pulled and public hearing items. I'm not sure they'll take very long -- those items. I want to give people the chance if they want to speak on the consent agenda item, but we'll take the break and come back and do the consent agenda. That's where we'll start. And if that's okay, if it's appropriate to make the comment

[12:19:15 PM]

then after the break? We'll do public communication, stop, come back, do consent, public agenda. There's no executive session. Public commission is three minutes each. I would ask the clerk to note that in our agenda rather than listing this component as citizen communication, we should change it to be public communication. We certainly invite others than citizens to speak during this time. Let's call the speakers. Is Leslie -- is anyone with us today from this group?

>> Dan Hess is who I have signed up.

>> Mayor Adler: Is Mr. Hess here? Dan Hess? Anyone else here to speak on

[12:20:17 PM]

public communications? Let's call the ones that are here virtually.

>> The first speaker is Leslie Padilla.

>> Thank you. I've spoken to you previously about Austin pets alive and the terrible conditions at the animal center. I volunteered there five years and for the city shelter at two. I left Austin two years ago and moved to New Mexico but Apa and the problematic animal welfare policies are following me. I met a

dog in New Mexico sent from the Austin animal center. I learned they took in 17 dogs. I doubt this needs explaining but New Mexico is poorer than

[12:21:19 PM]

Texas and the area is less prosperous than Austin. The shelters in the New Mexico county where the dogs were sent have a live release rate of only 86 per cent. How is it possible dogs from Austin are being sent to new Mexico? I don't lay this at the hands at Austin animal center. I think it was a bad situation. The root cause is not a ac. It's Austin pets alive and the perverse policies they've persuaded the council to endorse and the actions they have taken to bring in more animals. Just a few months ago this council supported ACA to tie the hands of city managers trying to ensure Apa was a good partner to the city. Apa succeeded in getting special treatment. Apa will be free and clear to

[12:22:21 PM]

continue importing animals from across Texas. This puts pressure on the city shelter which has suffered from overcrowding for years and now led to dogs being routinely transported out of the state. This game -- dogs being sent out of Austin while others are brought to Austin is irrational and absurd. They have stifled rational policy making. Many have conflicts of interests and have coopted council members to get what they want. Austin is the only large city in the United States with only a single shelter location. You've let them off the hook. I don't know what the answer is in Austin but it almost

[12:23:21 PM]

certainly doesn't include Apa being allowed to use a run down facility. Thank you for your attention.

>> Mayor Adler: Thank you. Next speaker.

>> Ethan Smith?

>> I have some light-hearted things to talk about. I think that bars in the town should be open until 4:00 A.M. In New Orleans the world keeps on turning. People want to get out there and party. It's been kind of a tough couple of years, and people want to be people. We kind of sell a lot of our

[12:24:22 PM]

economy, ability to attract top talent in the night life in Austin on O the events and I think it's worth considering. I think parking downtown is too expensive. I was at the domain and parking doesn't cost anything. It's a nice place to shop and it's nicely done. A lot of people seem to enjoy it and I think people would enjoy downtown more if parking wasn't so expensive. I know a lot of people work downtown in kitchen that might only make \$17 an hour and parking is a real issue. And I've been that person. I also wanted to say something else that seems obvious to me. Going to take you to west campus. The project connect stop in west campus I feel strongly should be at 24th and Rio.

[12:25:23 PM]

We should maintain auto traffic and the ability of considers and vehicles to -- cars and vehicles to get into campus. At 29th street they're half a block of from each other. You can get to Rio grand from there. I this -- if people are at 24th and Rio and walking to shops three blocks -- you have first floor commercial -- I think it makes sense to create foot traffic. It's good for safety. If you're downtown and, you know, you're walking home you're probably a lot closer to where you live than if you're getting dropped off at the drag. It's a safety issue. I think developers would give this a real look.

[12:26:25 PM]

Rio grande goes to 12th. It's a wide street. 12th is a boulevard. You can get back up and get to the route -- where the map says it goes. 12th and Rio is an ACC campus. You have a skate park down there. So I would say, hey, consider stops at 24th and Rio and 12th and Rio. If we're talking about redoing I-35. If you get rid of traffic on Guadalupe -- as much as we'd like it to disappear, it's not

>> Mayor Adler: Thank you very much. Thanks for being with us today.

>> Final speaker is Francis Acuna.

>> Can you hear me?

>> Yes, we can.

>> Okay. My name is Francis Acuna.

[12:27:31 PM]

I do want to thank all the departments, city departments, school staff, and county commissioners that have been meeting, working to develop a plan that can work for all. I wanted to ask all residents, community leaders, faith organizations, civic organizations and city departments to work together since everyone plays an important role in disaster preparedness. We need to stop waiting for someone else to

take the initiative to prepare. We expect the city to respond within 24 hours. The federal government within 72 hours and the residents to respond immediately. We all need to take disaster preparedness training for the people we care about and the people we represent. It's not my job. It's not your job. It's everybody's job and responsen't.

[12:28:31 PM]

I'm asking all council members -- the mayor and the city manager to prioritize standing orders for resilience hubs in the eastern crescent with caseworkers, case managers, legal advise to review contract documents and risk management strategies. We need to set aside funding for copays needed for prescriptions that can be -- that can help emergency medical response teams to do their job easier with residents that don't have medical access in those events. There is a spread sheet I believe most of you have. And I appreciate all the departments and everybody that has been working on this.

[12:29:36 PM]

We're working well and I want to thank everybody. And thank you for your time and dedication. Thank you. Bye bye.

>> Mayor Adler: Thank you. Colleagues, that's the public communication. It's been suggested we try to take a vote on the consent agenda so we can let a lot of staff go so they don't have to come back after lunch, which makes sense. Then we can give people an opportunity to comment. Council member Kelly?

>> Kelly: I noted some of our colleagues are missing. Should we give them a chance to come back?

>> Mayor Adler: Certainly they can. Yeah. Council member tovo?

>> Tovo: I think that's a good suggestion. I was going to say I have those two quick items. I can ask those questions of staff. And we can make comments. Maybe by then our colleagues will be back

>> Mayor Adler: Why don't you go ahead and ask those questions

>> Tovo: Thank you. Council member --

>> Mayor Adler: Council member kitchen?

>> Kitchen: I wanted to make

[12:30:37 PM]

clear -- identify the number R I wanted to pull. It's number 19. I couldn't tell --

>> Mayor Adler: It's been pulled already

>> Kitchen: It's already been pulled. Great.

>> Mayor Adler: Let's let our colleagues know so they can come back so they can vote. In the meantime council member tovo has questions.

>> I have a comment on the consent agenda

>> Mayor Adler: Thank you. Council member tovo

>> Tovo: First question is item 36. This is the lease for the ems station. I want to ask staff -- apologies that I didn't have the questions articulated before. What kind of research did you do to identify a location -- you know, where -- again and again from this dais we talk about the need to move from

[12:31:38 PM]

leased spaces into buildings that we own just for from a perspective of best financial case. It surprised me to see something that will end up being something like a \$9 million lease for this facility. I support having this facility. I think this is a location where we need the resources but it concerns me that we're entering into a lease rather than a sale. If we don't have the -- I guess we do. I was going to say that is something they can come back and answer after break if that's what we need to do

>> Mayor Adler: Want to go ahead and answer?

>> Yes. Good afternoon, mayor, mayor pro tem, council members. I'm from the financial services department. We have been searching for the site since September 2018.

[12:32:40 PM]

We couldn't find any locations for purchase. We went back and revisit the search in 2020. We have done extensive research. We have talked to broker ins the area and could not find any property for sale which would serve this purpose. When we start discussions with the property owner, the property owner wasn't willing to sell the property but they were open to the lease, long-term lease.

>> Tovo: Thank you for that information. I appreciate that you went back from -- after 2018, you went back to 2020 -- in 2020. Do you believe that it would be useful to go back again and do another quick search of the area to make sure there are no properties to identify? If so, I don't want to hold up the action but I wonder if we could pass it with the direction that asks you to take

[12:33:42 PM]

one more look before entering into a lease agreement. Is that?

>> Definitely we can look again. We have the right -- I believe the construction started in December. The completion of the fire station is scheduled for may 2023. So --

>> Tovo: I see. If we've started building on it, then it certainly would be disruptive to start all over again elsewhere and probably costly as well.

>> Yes. The actual lease -- the commencement date starts 24 months from the time we received the site approval, site permit or the certificate of occupancy

>> Tovo: Are we not paying lease during the construction phase?

>> We are not. The year one would start in 24

[12:34:42 PM]

months from one of those two, whichever occurs first

>> Tovo: Is there a reason why the construction began before this council approved the lease?

>> I can get back to you with the answer to that question.

>> We made need to get public works involved in the conversation. The way I read the rca is what's in process is site plan -- I'm not sure if there has been construction that's started

>> Tovo: Okay.

>> It may be worthy that we table the item and allow public works to answer that question.

>> Mayor Adler: Rather than tabling, one, I think council member tovo is saying let's approve this but take another look. And you have authority to move forward but take another look, and if you see something

[12:35:43 PM]

better, bring it back to us. I think that could go independent. But I think there is a potential problem to the extent that the city has been on the property now, has been moving rocks. I think there has been initiation of the opportunity. The question of how that could happen before council said to start is still an open question that deserves a response. I think we could approve it with ask -- you're authorized to move forward but take another look. From what I see this looks like a good deal because we're able to lease a smaller area than we'd have to buy. That said, I think it makes -- that -- what council member tovo said makes sense. Separate from that, too, the additional thing -- some kind of response as to how or why we would be on the property and how do we avoid that in the future so that we're not in the

[12:36:43 PM]

position where someone says you can't ask for that because we're not --

>> Tovo: I'll be glad to move approval today and I'll provide some more direction in a minute if I get a second

>> Mayor Adler: Council member Ellis?

>> Ellis: I'm happy to second that and have a couple of comments when time is appropriate

>> Tovo: I would like to get response from the manager on how work was able to start on a site we had not authorized the lease of. And two, the additional direction that we would like staff to do another scan of the area and make sure there are not other acceptable properties for sale. I talked about the philosophy we've talked about from here of moving to owned spaces rather than leased spaces, so that is what is driving my concern today -- not a concern about whether or not we need a location for EMS and fire

[12:37:45 PM]

because I believe we do and have supported that. I'm reminded of the Hyde Park post office. It recently closed and the reason is because it was on leased space and the property owner decided they were ready to do something different with the space. That post office is closed and the -- the city probably shouldn't construct a critical resource on a piece of property it doesn't own and put the tax dollars in there. I appreciate this may be the only solution and it sounds like you did your due diligence to see what other options are there. I'm appreciative that you went back and looked again in 2020 and just before we're too far along on the project to turn back I would ask that you take another look and make sure there aren't other available properties.

>> Mayor Adler: That will be added to the item and it will remain on the consent agenda.

[12:38:46 PM]

Council member Ellis, did you have anything else?

>> Ellis: I did. I'm supportive of this type of movement forward. I just wanted to note since this is where Mayor Pro Tem Alter's district is and shortly close to where my district is, district 8, it was our understanding that these had been -- there were efforts to make sure we could have the land, that we could buy it and it would forever be in the city's possession, but it's my understanding that wasn't an option, so this is another option that's mutually agreeable to parties. I do agree that we should own the

spaces if at all possible but mayor pro tem alter is back. I didn't know if she had thoughts about it -- 36, the fire ems station

>> Mayor Adler: While mayor pro tem is orienting herself on that, I would point out I don't think we've been given notice

[12:39:46 PM]

of this property. There hasn't been a prior memo or anything associated with that, which is why getting this thing to us as a council would be helpful. Okay? So mayor pro tem, this item is staying right now on the consent agenda with two admonitions. The first one is for staff to take a look at the area post 2020 to make sure there's not an available for-purchase option that we could consider and second to address with council what happened -- because it looks like apparently we may have already been on the property. We've gone on the property. Just to see if that's true and make sure our processes are set so this kind of thing gets to council first.

>> Alter: I was outside. I thought we were --

>> Mayor Adler: We had a

[12:40:47 PM]

request to let staff go.

>> Alter: I'm going to disagree with the first direction. We have been exhausting looking for purchasing. The reason this is a lease is because there was no other property. They spent about two years looking for property. This property is owned by St. Stephens and there are reasons that we are leasing -- a, because St. Stephens won't sell it to us and, B, because of the impesh R -- impervious cover -- we would have to -- they have trails nearby that are allowing that to happen. This project is already underway. It's fully designed. It has been in the memos that we've had for quite some time -- what was going on with this particular place, the amount of the lease was not --

[12:41:48 PM]

the rest of the process in the budget was through that process. So certainly you can have them go look, but it's not going to yield anything. So I just want to be clear about that just because of -- there's a lot of properties that need to happen, have to be present in order to put a fire station in terms of the turning rate. They already have the utility relocation underway. They've gone through the process with the neighbors, and so I'm perfectly fine if we want to have future procedures in place that look different so

that everyone knows where to look for this information, but I don't think much is going to come from looking for additional places.

[12:42:48 PM]

And there are a lot of --

>> Mayor Adler: I looked at the memos with the fire stations to see if we had been given notice to this location, and we had not. So the level of disclosure to the council on a property that apparently we've moved forward on and have designed for and maybe have actually physically been on is problematic to me. Council member tovo's request -- not that we don't approve this but that we do go ahead and authorize it today but asking them since they stopped their look in 2020 and now we're in 2022 to take another look. My sense is you're probably right, that given the work done earlier and the like that they're not going to be able to find another location. But I appreciate and will support -- council member tovo's request that they take another look. If they don't find anything they can proceed. But I would like us to look at

[12:43:49 PM]

our procedures with respect to this kind of decision moving forward without council having that level of notice. Council member tovo?

>> Tovo: Yeah. And we had an opportunity to talk about this a little bit more from the dais when you were out of the room, but it is my understanding from what I -- I didn't ask this question specifically but let me make clear the intent is not to slow progress on the site but is, as the mayor said, to revisit the area and make sure there's not something applicable for sale. I understand you have more information, given that it's in your district, but I -- and the procedural questions that the mayor highlighted that I raised earlier are important. But it's my understanding and my intention -- it's not slowing work on the project but getting answers to the questions -- to ask the real estate staff to take another look and to get an answer from the manager, how it was they

[12:44:50 PM]

were able to work on the site and expenditure of the funds without having us approve the lease

>> Mayor Adler: If we want to discuss this more, let's pull this off of consent. We can do that or we can leave it on consent with the two changes. Or if we want to discuss the changes, we can pull it off. Do you have a preference, mayor pro tem?

>> Alter: I don't understand if it's under construction, they're moving the utilities, how you don't slow it down with that process.

>> Mayor Adler: I don't think anybody is suggesting they stop the activities but to take a look --

>> Alter: If you want them to look again, that's fine, but it will cost money and create havoc to -- I mean, to do that.

>> Mayor Adler: Well, we had asked the real estate person -- and you weren't here. I apologize for that. We called that -- real estate said they were comfortable doing the review

[12:45:52 PM]

>> Alter: Okay. If real estate is comfortable and don't have issues and public works is comfortable, I'm fine with it.

>> Mayor Adler: I don't think there's suggestion that any of the activity now stop but to take another look. If there's a good opportunity there that would mitigate all the issues, they should bring it forward. Obviously one of the issues we have is we're asked to approve this and they're on the property. I'm uncomfortable with not taking a look because they're on the property when it didn't come to us that they would be on the property. But I think we continue to proceed in a way that doesn't disrupt the activity.

>> Although real estate has weighed in, we haven't heard from public works as to what has transpired. So that was going to be one of the follow-up items. To your question, mayor pro tem, I can't tell you whether or not public works is

[12:46:54 PM]

comfortable with this because --

>> Tovo: There was not direction that would impact public works at all. The direction -- number one direction is to real estate department, who is not involved, I assume, in the site work happening on the property. It is to the real estate -- the real estate staff to take a look and make sure. I appreciate you raising that because I think it's a really important clarification for you, mayor pro tem -- nobody is asking that the site work -- I take your point and acknowledged it. If we are in a position where we found another site it certainly would be. Interestingly, it is on. Can you not hear me?

>> Kelly: The mayor said something

>> Tovo: I see. In any case, I understand there are two separate processes. One is the work going on on the site. None of the direction impacts that. Would it be disruptive if we

[12:47:56 PM]

found another site? Yes. And I think that would be another conversation.

>> Mayor Adler: I'm going to ask the question. There's been suggestion to add those two directions. Any objection to those being added? Any objections?

>> I would ask that we pass it on consent and if Mr. Gonzales finds there's an objection that we reconsider later in that way. I hear what you're saying. I don't understand the logic, but if public works is fine with it, then we can move forward and we'll just reconsider it later today

>> Mayor Adler: We can certainly do that. The direction on its face, though, says don't do anything that interferes with public work's ability to move forward on the property. That was the direction that was given. I would be surprised if they have a challenge. If they do let's hear about it and we can reconsider

>> Alter: Thank you.

[12:48:56 PM]

At an appropriate time I have comments --

>> Mayor Adler: I think multiple --

>> Alter: Oh, sorry

>> Mayor Adler: That's okay. That is item number 36, and that now stays on the consent agenda. The items have -- 1 through 56, 88 and 89. The pulled items are 9, 10, and 15, 19, 33, and 44 and 53. 44 has been decided already. That's not on the consent agenda. That was independently voted on. Also pulled, 53. 9, 10, 15, 19, 33, 53, and 44

[12:49:57 PM]

because it's already been voted on. Is there a motion to approve the consent agenda? Council member pool makes the motion. Is there a second? Council member Fuentes seconds it. Any discussion on the consent agenda before we take a vote? Council member Kelly?

>> Kelly: Thank you. Item 51 is an item that arose from discussions I had. Concerns raised to me in the meetings were regarding covid-19 and how it taxed the community. Recommendations were brought to light as to what council's next steps should be from central health. On August 9, 2021 the committee sent a member to council. The memo is available on the city's website. As a council member who has held a role in emergency management at the county level, I recognize the great value

[12:50:57 PM]

this committee's recommendations will provide to the whole community and I'm proud to have sponsored the item on the agenda. My hope is despite our shared difficulties the community will be able to heal and overcome some new difficulties. I want to thank those who provided input. I want to thank the cosponsors, council member Fuentes, council member pool and council member kitchen for your addition to the recommendation. I'm looking forward to the passage of this item today. I also look forward to my colleagues supporting this important item. Also, on the consent agenda, let the record reflect I'm voting no on item 30 -- 40. 4-0. Thank you.

>> Mayor Adler: Got it. Thank you. Any other comments on the consent agenda? Council member Tovo?

[12:51:58 PM]

>> Tovo: I have several comments. I need to clarify 19 -- is 19 on or --

>> Mayor Adler: Pulled

>> Tovo: Thank you. Just a couple of quick comments that I wanted to make. First of all, thank you, council member Kelly and co-sponsors. I think that's important work and I appreciate you bringing that forward. I also am appreciative of the central health equity council for that. I want to emphasize the importance of renaming. This is a fit test -- tribute to an individual who played such an important role in civil rights here in Austin as well as across the state. I'm so grateful to his family members and the other advocates who shared with us this idea and to the neighborhood association who rallied around it as well. It is something -- having that renaming and having a place in the city, a prominent place in the city where individuals can

[12:52:58 PM]

go and will be reminded of the legacy will be important to recognizing both the history in Austin but also to inspiring us to work toward a more just community. I'm very excited to see that move forward. I'm also excited to see move forward transportation for -- on item 46. I want to acknowledge -- you know, sometimes things take so long that we forget who helped prompt the change. I want to acknowledge two community members who long ago came to my office and to other offices to advocate for the congregate meals program. She talks about how important it was to have a program that was culturally appropriate and believed it would have success and it has proved to be one of

[12:53:59 PM]

the most successful programs -- very utilized at the Asian American resource center. At the same time we were considering whether we could fund such a program and start such a program I asked our parks director are there other programs in the city, other requests from communities to have a meals program where there would be a high need and utilization. They identified dub springs that has long asked for a con GE gait meals program. It has been some of the same community members who have said if we had transportation it would be even better for individuals in the community who want to use the meals program. This is a great thing to see on our agenda. I have some other things that I

[12:55:00 PM]

think I'll wrap up there.

>> Mayor Adler: Council, do we have the settlement numbers on items 42 and 43? ?

>> Good afternoon. I'm with the law department. On item 42 we recommend a settlement payment of \$135,000 to resolve the car wreck case involving Ms. Andrews and Mr. Perkins and the city of Austin. It was a 2019 accident. And we recommend settlement of 135,000. On item number 43, the law department is recommending a settlement in the Williams V cancha case for one hundred thousand dollars. The lawsuit against the individual officer would be dismissed

>> Mayor Adler: Those items will be filled with those numbers. Any further discussion on the

[12:56:03 PM]

consent agenda? Council member Fuentes?

>> Fuentes: Thank you. Just wanted to thank council member Kelly for inviting me to cosponsor. Also thank the health equity committee for issuing a report with recommendations that will assure changes are made to the emergency operation center and that we have the community voice participating in part of any disaster response. I'm happy and pleased to be part of the effort, and thank you for your leadership on it.

>> Mayor Adler: Great. Thank you. I want to recognize as you did, council member tovo, the congregate meal and also recognize the chief who has worked on that and many others as well. I appreciate council member Kelly's leadership on the

[12:57:03 PM]

equity resolution and the cosponsors. I think that's important and recognizing Mr. Overton is real significant in our community. The other thing that I think needs to be highlighted is 39, the housing trust fund. I think that's one of the most significant things we did as a council, early in the process of focusing work done by earlier councils. By us that was one of the earlier things. Council member Casar, thank you for your leereder leader -- for your leadership on that issue. Making that more automatic in its application, I think, is also a step forward in the city. Any other comments? Council member alter? Mayor pro tem. Sorry.

>> Alter: Thank you. For item 48, this is the interlocal agreement with the

[12:58:05 PM]

county for governing the work of Austin public health posted on a message board direction. The direction reads the city manager is directed to continue negotiating an agreement with Travis county regarding the cost sharing of covid related expenses. Until the negotiations are completed city manager is directed to provide monthly update on the negotiationings. This direction is necessary because this does not cover covid which is a good chunk of what we're working on right now. We haven't been paid by the county since December -- an agreement of December 2020 -- or something like that. I believe that the county should be the county should contribute. They have funding from the federal government. We have put several million aside from our arpa funds and from our care funds, and I believe that the county has a

[12:59:07 PM]

responsibility to be shouldering that burden and we need clarity on that. I understand there are elements that are complicated because of FEMA reimbursements and you don't need to pay for things that we're getting FEMA reimbursements for, but if we had greater certainty about the contributions they were making, we would be in a position to help fund other things that are of great concern to the city and the county. But that would be under the city's auspices. So I add that direction. I also wanted to highlight --

>> Mayor Adler: Is there any objection to that direction being added to item 48? Hearing none, that direction is added. It remains on the consent agenda. Go ahead, mayor pro tem.

>> Alter: Thank you. I wanted to highlight item 20, a contract for weatherization services. This really helps lots of families in need stay in place. I believe there may be an opportunity for collaboration with Austin civilian conservation corps and/or the city's green jobs initiative, so staff may wish to identify

[1:00:08 PM]

opportunities that exist and if it's okay with my colleagues, I would provide direction that city staff explore whether there are opportunities. I don't know if that has to be done through the contract process or after, but if staff could take that step to initiate those conversations. I don't know if we need to see if there are objections to that.

>> Mayor Adler: I'm sorry.

>> Alter: I was providing direction for them to explore whether there were any opportunities for collaboration to this direction. I'm just pausing --

>> Mayor Adler: Any objection to that direction being included? Hearing none, that direction is included.

>> Alter: Thank you. And then I wanted to comment on two arts-related items that are on the agenda, item 7 ratifies the contract amendment with the better business bureau to provide additional grants to arts and culture nonprofits who applied for the program. This action enabled the city to provide grants to every organization that applied. And we've been able to help a lot of folks in our arts

[1:01:10 PM]

community. Item 8 is the \$500,000 grant administered by the national endowment for the arts to help the local arts and culture sector recover from the pandemic. These funds were awarded through a very competitive application process to only 66 local arts agencies across the country, only four of which were in Texas. Of the four Texas cities that received the award, Austin received the largest award amount. The funds will be used to serve the needs of arts learning in Austin through the sub-granting to teaching artists and arts learning organizations, to support new generations of artists, creative workers, arts audiences and residence who find rich meaning through the arts in their community. I look forward to seeing the impact of these funds and I thank the cultural arts division for pursuing opportunities to benefit our arts community. Thank you.

>> Mayor Adler: Thank you. Any other comments before we take a vote? Councilmember harper-madison?

>> Harper-madison: Mayor, I'm raising my hand for a while. But I remembered forgetting a

[1:02:11 PM]

few people when I was sitting on the dais. It's hard to see behind. I wanted to offer comments on item number 52 regarding Overton shores. I don't need to tell you I'm super excited about this item. Being a member of the black community in Austin, you know, since I was little, the Overton name was sort of a household name for us. And I know that it extends beyond black families, but it's special to me to be a part of the council that puts this forward. When we talk about the lions of the civil rights movement, Overton, Sr. Was the king of the pride in Austin, a veteran, a husband, a dad, a deacon, a tireless advocate for equity and equality. He led the local naacp during one of the most pivotal times in our

history. I get the great opportunity to have have mentors and guides like commissioner Travillion talking me through just what it looked like during those times. And I really appreciate the strength and valor that people who came before me -- we have his strength, the will of his

[1:03:12 PM]

leadership to thank for getting our schools desegregated, starting the first credit union in east Austin, developing monitoring programs for kids, the laundry list of things he did for our city would take hours and probably days to read off. We owe him so much. And his incredible family as well. Renaming this park after him is a step in that direction. It's a step that helps to bridge east and west Austin, which to the caller from earlier, to their point about bridging east and west Austin and recognizing the significance of that. It's well beyond symbolism. I'm incredibly thankful for the Overton family and the community members who brought this idea to us. I'm also grateful to councilmember tovo for coming up with a solution to fast-track what everybody is so eager to

[1:04:16 PM]

see happen. I look forward to the day when we can gather in the park, cut ribbons. Anybody who's been to a ribbon-cutting with me, you know how I feel about giant scissors. I'm proud to be able to offer these words today.

>> Mayor Adler: Great. Thank you. Let's go ahead and take a vote on the consent agenda. Those in favor of the consent agenda, please raise your hand. Those opposed? Unanimously with the comments that people made. Colleagues, it's 1:04. We're going to take a break. We're going to come back at 2:00. I would propose at 2:00 we begin with the speakers on zoning, since they'll be cued up and ready to go. After that the consent agenda zoning agenda, so we can let a lot of the members and the public and the zoning staff -- part of that staff go. Then we'll take the pulled and nonconsent items from this morning. Again, the consent -- the pulled items were 9, 10, and 15. Also, numbers 19 and 33.

[1:05:17 PM]

And 53. And then we'll do the nonconsent items which were items 58-63. We don't have to call 57 because that's being pulled and postponed indefinitely. Councilmember tovo?

>> Tovo: I think I found a solution for 33 that will allow me to ask my questions outside of this forum. I'll go ahead and pass it so our staff don't have to come back after. I'm going to move approval of this item. This is a fleet services item.

>> Mayor Adler: Okay. Then 33 will stay on the consent agenda.

>> Tovo: I think we just voted on consent, so I'm moving approval.

>> Mayor Adler: Thank you. Councilmember tovo moves passage of 33. Councilmember pool seconds that.

>> Tovo: My discussion, if I could. I had a very useful conversation last week with a member of our Austin police department who talked about the fact that they were able to navigate in the days after the winter storm because they had all-wheel drive. And we talked about -- he and I talked about the importance of

[1:06:17 PM]

looking at that citywide and determining how many -- maybe there's a certain percentage of cars and vehicles in each department that should have all-wheel drive to navigate in the conditions we space. I am interested in exploring that. I don't see anything in the backup that indicates whether any of the purchases would be that. And that may be something we need to set policy direction. So I will explore that with fleet services outside of this. But just know that I regard that as part of our resilience work and the work with we need to do going forward, thinking about how we might face those kinds of emergency conditions differently and be thoughtful about it in terms of the kinds of investments that we're making for equipment as well as in other areas.

>> Mayor Adler: Okay. Before we take a vote on three 33 an 57, mayor pro tem?

>> Alter: I need to offer direction on 57, that the clerk

[1:07:18 PM]

asked me to give.

>> Mayor Adler: Just one second. Let's take a vote on 33. It's been moved and seconded. Those in favor, please raise your hand. It's unanimous with councilmember Renteria off the dais. Is there a motion to postpone indefinitely item number 57? Mayor pro tem makes that motion. Seconded by councilmember Ellis. Any discussion on this item? Mayor pro tem.

>> Alter: Yes, thank you. So, as I mentioned, Mr. Gonzalez circulated a memo that the land use commissions that were requesting to stay in city hall would stay in city hall a few weeks ago. And that makes the bylaw item moot. So we're going to postpone indefinitely that item that came through audit and finance. The real reason that we sent it forward was to deal with the issue of the commission's location challenge. The clerk has informed by staff that the data that was requested at the audit and finance committee is completed.

[1:08:18 PM]

They are available to present that or they can distribute it via memo, as suggested in the work session. I suggest they do it via memo. Now that the cmo has determined that the board of adjustments and pcz.a.p. Will remain at city hall, the transition to hybrid meetings, the clerk's office is in need of direction which boards and commissions will conduct their meetings at city hall, the pdc, and Austin energy building. So, we need to have the cmo provide that direction. You can use the data that was collected. The clerk's office indicated it will take three weeks to schedule the 70 boards and commissions by March 1st. So they will need that direction fairly quickly. And if it's something that you need input from council on, perhaps you can let us know next week and we can have that discussion. From the conversation we had at audit and finance, it was

[1:09:19 PM]

broadly history of where you were and how many people were showing up for your meetings were the things that we were most focused on as most important for choosing the locations. And that was one of the reasons we were leaning towards keeping the land use commissions here, was the large number of people that are trying to get here to access those meetings and the history of being within city hall.

>> We can get with the city clerk's office. We'll go back to the audit and finance committee meeting from December 15th and look at that council discussion as well.

>> Alter: Thank you.

>> Mayor Adler: Okay. Motion to indefinitely postpone that item 57, discussion, been moved and seconded. Unanimous on the dais with councilmember Renteria off. All right, guys. We're going to take a recess here. It is 1:10. Let's be back here at 2:00 and we will start with speakers.

[1:10:20 PM]

See you guys then.

[2:08:53 PM]

>> Mayor Adler: We're going to begin with the speaker -- with asking staff to make a presentation on the postponement item. Going to lay that out and then we're going to -- just that one item, there's a discussion postponement. When staff has finished laying that out, there will be one speaker on each

side. Council will vote on -- if someone wants to make a motion to postpone at that point we would consider and vote on it. Then we'll go to the list of folks who have signed to speak.

>> Mayor and pro tem and council. I'm with housing and planning. Your postponement case is number 76. The related rezoning, which is 77 C 1420210039.

[2:09:59 PM]

We have Torie Hoffa here and Jay la Mera remotely. We have e-mail correspondence from the neighborhood that asked the applicant for postponement at the October 21st meeting. That postponement request was granted by the council.

>> Mayor Adler: The neighborhood previously requested and was granted a postponement.

>> Yes.

>> Council member Casar is not on the dais. I don't know if he communicated that --

>> Mayor Adler: That's fine. Can we find out where he is? Council member Kelly?

>> Kelly: I have a quick question about this postponement request. Will we as a city need to

[2:11:02 PM]

renotify if we were to regrant the postponement request?

>> If the postponement request is postponed to a date certain, then no notification will be required.

>> Kelly: Okay. Thank you.

>> Uh-huh.

>> Good afternoon --

>> Mayor Adler: Hang on one second. We're trying to see if we can get council member Casar present. Is this in his district?

>> Yes.

>> Mayor Adler: Okay.

[2:12:41 PM]

>> Mayor, are there any quick consent items that we might be able to knock out while we wait on the zoning?

>> Mayor Adler: Is Austin finance corporation here? Virtual? If they were close, I was going to.... All right. I'm going to go ahead and recess the Austin city council meeting here on January 27, 2022 at 2:13. I'm reconvene the meeting of the Austin finance corporation. It is 2:13.

[2:13:44 PM]

We have some late-filed back-up in Austin housing financing corporation item 7, 11, and item 10 is withdrawn. There's a withdrawn memo in the back-up. Want to take us through the consent agenda?

>> Absolutely. I'm with Austin housing finance corporation. Number 1 is approving meeting minutes from December 2nd and 9th of 2021. Number 2 is first of several contracts, in the case four nonprofits to administer our owner and renter architectural

[2:14:46 PM]

burial removal program. The other is the go-repair program in the amount of \$7 million. Number 4 is a contract with three contractors to administer our home rehabilitation loan program in the amount of \$2 million. Number 5 is a contract with seven nonprofit organizations to administer a plumbing program. That's \$250,000. Number 6 is an another 20-month contract with seven nonprofit organizations to administer the lateral program. Number 7 has late back-up and this is authorizing staff with the creation of a nonprofit subsidiary, and that will

[2:15:47 PM]

create a separate nonprofit to rehabilitate, develop, manage, and operate in conjunction with -- number 8 is a payment of 3.6 million for milestone community buildings for 44 affordable rental units, of which those are affordable to 60 per cent or below family median income. Number 9 is authorizing staff to move forward with the execution of an affordable housing program agreement through the federal fund loan bank for \$750,000. This is for the project at 1934

[2:16:52 PM]

wetland. This is in partnership with foundation communities and will help rehabilitate, manage and operate development for those experiencing homelessness

>> Mayor Adler: Is there a motion to approve the consent agenda? Any discussion on the consent agenda? Council member tovo?

>> Tovo: I know some of us probably received e-mail correspondence and whether the funds could be used for mobile homes and/or manufactured homes. We had some correspondence with Mandy about that. I'm supportive with the exploration that may already be

[2:17:54 PM]

in progress of how we might be able to use the funds to transfer those funds from mobile to manufactured homes for this kind of funding. Thanks for the work you've done on that and support you continuing that and potentially bringing us policy changes to make that happen

>> Mayor Adler: Let's take a vote. Those opposed? Unanimous by the directors. Thank you very much for the work you do. Thank you. We're going to adjourn the meeting then of the Austin housing finance corporation at 2:18. We'll reconvene the Austin city council meeting on January 22nd, 2022. It's 2:18. Before we do speakers we're going to consider the discussion postponement that's

[2:18:54 PM]

before us. This is in a matter that the -- has been postponed once previously by the neighborhood. Do we hear first from the person who wants to argue for the postponement?

>> That individual is remote. Jay Lavera?

>> Good afternoon. Thank you for your consideration. We urge you postpone the cases until March 3rd council. Postponement in October was initiated by the applicant. We were having a private communication about possibility of postponement and the applicant took it upon themselves to request an official postponement. We just found out this morning that the applicant submitted receipt of removal of the

[2:19:55 PM]

signature from a resident from the ballot petition dated November 22nd, 2021. I spoke with the resident today to ask if they agreed with rezoning or opposed it? They said they did not agree with the postponement and made it clear they were in opposition. They said the lady who talked to them talked and talked and they did not understand so they signed whatever she had. These are long-term

residence. English is their second language. Vietnamese is their first. I ask the petition be revalidated and included today to proceed with finalizing the case or we move forward for the residents to be informed in their native language. I spoke with them today to confirm their opposition. They signed a hand-written note that I sent to staff about 20 minutes ago to confirm that they do oppose this and confirm

[2:20:58 PM]

their participation in the petition. They're willing to speak with council. Their phone number was included as well. They're not here to speak today. If there's any way for you to call them and speak directly with them. I greatly appreciate your consideration and understanding in this last-minute fiasco. Thank you

>> Mayor Adler: Thank you. How much time did you set that clock for, clerk?

>> Three initially and then I went down to one

>> Mayor Adler: Okay. That's good. Got you. Thank you. Applicant want to respond for the request to postponement? You have three minutes.

>> Victoria hossy on behalf of the landowner. There have been multiple requests for postponement on this case starting in early summertime. We've agreed to the requests made by the neighborhood. You know, I understand that their requests for postponement

[2:22:01 PM]

is due to the petition being invalidated. The person that came off the petition this morning -- they had originally signed a letter in support of this case, and so when we saw that they had signed the petition against, we reached out to find out what happened. And it was conversation with them that we found that they were told things that scared them, and when they heard about the truth and the facts of what was going to happen here, they then agreed that they did support the case. And I'm just going to say that, you know, the request as far as the postponement -- postponement request to staff, that is something that staff was included on that communication, and so I'm not -- we made it very clear in our e-mail communication that we were not asking for a postponement but that we were agreeable to the neighborhood's request for postponement. We would like the case to move forward today.

[2:23:02 PM]

This case has been lingering for quite some time. Any petition that comes forward after today or in the event of today is for no change at this site. And I think there's a lot of information out there to say that the site does deserve change and does warrant development that's going to bring a lot of opportunity to this area. Thank you.

>> Mayor Adler: Thank you. Building services has asked that we remind everyone whether or not's with us today in the -- who's with us in chamber. We have to follow social distancing rules. I think some seats were marked that we're not wanting people to sit in. Make sure you're accommodating that. I think that stops people from being able to sit right next to each other as part of our social distancing practice here. Colleagues, there's a request for postponement. Does anyone want to move for

[2:24:04 PM]

postponement? Council member Kelly? Council member Kelly moves to postpone to March 3rd. Is there a second to the motion to postpone? No? Then the motion to postpone fails for want of a second. We're now going to go to speakers who have signed up on the agenda. Do we have any folks here in person?

>> Yes, mayor. There are a lot of speakers in person.

>> Mayor Adler: Let's call the in-person speakers first and then we'll do the remote speakers.

>> The first speaker is pat bucha

>> Mayor Adler: Speakers each have one minute. I think we have 60, 70 speakers for us today. Go ahead.

>> Good evening. I'm executive director of

[2:25:05 PM]

Austin Texas musicians. We asked our members of the academy -- 90 per cent support reducing the density restriction and bringing back the Austin opera house as long as there's an affordable housing component. 10 per cent did support without the affordable housing component. And zero -- nobody was against bringing back the Austin opera house. So that's what we found out. And I'd like to add that for the first time ever -- I believe we have the table is set to create these affordable housing solutions with the new cultural trust, with our impetus to create affordable housing in the hubs the stars are aligned, so to speak. If it ends here today, we won't have that opportunity.

[2:26:05 PM]

I implore you to continue this conversation. Thank you very much.

>> Bryan beatty, following is Noel bridges.

>> Hello. I'm a professional musician and record producer and have lived in Austin and been involved in music scene since 1979. We live and work at our home -- across from the only entrance of the opera house development. I'm against bringing it back. I have experienced how disrupted that final iteration. I've studied the various versions in the past. This is the first time someone has proposed reopening.

[2:27:08 PM]

This occurred when the lane development started six years. The property has been isolated from congress. I would never argue that the artists didn't give us wonderful memories. Don't sacrifice our neighborhood for an idea that's more sentimental than practical or reasonable.

>> Mayor Adler: Thank you.

>> Noel bridges and up next would be Valerie fowl Eric -- fowler.

>> I'd like to read a short message of support from a childhood friend. With all of the change going on in the city it is important for those who understand the culture of our city to solidify a solid staple in Austin that represents the live musical capital of the world as well as

[2:28:11 PM]

historic monument of sorts to let people know how rich the music history of Austin is. I'm more proud of where I came from and excite today be part of a legendary community. Let's do this.

>> Mayor Adler: Thank you.

>> Valerie fowler. Following will be Sarah Alisa.

>> I've owned by home since 1993. I live across from the proposed development and I'm part of the neighborhood committee which has worked on the case. I support housing, affordable if possible and mixed use on this tract but the proposed 10 to 17,000 square music venue is too large and incompatible at

[2:29:11 PM]

this location. It would cater to touring acts. Patrons arrive at the same time and leave at approximately the same time. The property has zero access to any main street. The only entrance and exit are onto and

from academy drive -- a small, winding residential street already overburdened by development on south congress. A smaller venue of 3,000 square feet is a compromise I do support. Thank you.

>> There are a listover speak Eric -- list of speakers for item 72 and I'll read them in the order given to me

>> Mayor Adler: Okay.

>> Maria Bowen, followed by Michael jergatist.

[2:30:24 PM]

>> Rogers lane cannot support dense housing safely due to substandard condition of the roads and lack of infrastructure. Next. Next. Lack of infrastructure. Road is not wide or long enough to accommodate many motorists and is in substandard condition. No sidewalks, not enough fire hydrants, no speak limit signs, no curbs with housing numbers. No storm drainage system to mitigate erosion. No traffic light at the intersection with high-speed road, no public transportation, no off the street parking, no traffic sign. Noncompliance with Americans with disabilities act. No street lights in some stretches of the road. No street lights at major intersections. Next. Rogers lane at night --

[2:31:25 PM]

extremely poor visibility. Next -- thank you.

>> Michael. And then Sarah Alisa.

>> Good afternoon. I live on Rogers lane. Continuing with the slides here, we have an image of a car in the dark facing 969. No traffic lights or anything like that. Complete darkness. Next. These details -- these points detail our grievances about the lack of infrastructure. We have narrow roads that don't support two-way traffic, heavily degraded with potholes, steep inclines, very dangerous at night and under inclement level. Here we have what school bus drivers have to go through.

[2:32:26 PM]

These are incredibly steep inclines. You can see he's struggling to maneuver up the hill. Next. This is more of a day-to-day -- as you can see it's one-way traffic. Some cars are parked basically on the street itself. This is some of our degrad Ed streets. They've been neglected.

>> Sara.

>> I'm one of the newest members in the community. It's been an extreme experience. We could see our safety is at risk as current level of community. Bringing in more housing would just amplify that safety issue. Next, if you could see -- here

[2:33:28 PM]

erosion is facing tremendous issues. We will have more issues there. Next. This is a highlight of our safety. We're beating this with a dead horse. You're putting us at risk and we don't want to put a price tag on our safety. With higher risk and steep hill we've seen with inclement weather some of the big trucks and vehicles spinning out. We've provided numerous examples in Google drive. This is day-to-day, you know, safety issue we face. Please consider that this is a huge safety risk as it is. We appreciate your public service. Thank you.

>> Next is grace Kramer, followed by Joe altomorono.

[2:34:31 PM]

>> Next. This is an example of a fire that we had on our street about a year or so ago, and it took down a building that they were not able to get to a fire hydrant. This picture is from 969. Next. The structure was a complete loss. Next. Hazard -- we have a hill. I don't know if you've been in that area. We are very high up this steep hill. Blind hill. Next. The hazardous road conditions show the bus comes up there and has to turn around on a fork in the road. And it's very poorly lit and very hard to get around up there. Next. Vehicles encounter each other on head on and you have to back up or get off the road or -- it's just very difficult to pass another vehicle going the other direction. Next.

[2:35:32 PM]

The parked vehicles do -- are on one lane of the road and that limits how you can get through there, and the parking is on the street lots of times

>> Mayor Adler: Thank you very much.

>> Joe, followed by parker hyeck.

>> Appreciate y'all letting me be here today. The biggest thing is that in our neighborhood there's only one way to come in. The thing is is if you develop the property the biggest question is where are the exits going to be? I mean, you only have one way -- two ways to come in. Two ways to go back out. We lost one of Austin finest apders in an accident below the hill because of traffic, stuff like that. I think safety is the biggest issue. So the thing is, we're probably

[2:36:33 PM]

about one of the only other neighborhoods in Austin that is a dead end. I think Nixon lane is the other location that there's no way to get out but one way in H and one way out. We're the other ones. So if you develop this and, say, affordable housing -- there ain't been no affordable housing in a long time. I mean, everything costs half a mill.

>> Parker hyeck and sandy Ballard.

>> This shows traffic exiting Rogers loop onto 969 in the morning showing how congested it can be. It would be nice like in the agave neighborhood if there was a light at the intersection. This shows a school bus swinging into the neighborhood.

[2:37:34 PM]

They have to go way over the double yellow line to come in. It's kind of humorous because the double yellow line only goes 20 feet up and then you don't need to divide. These are construction vehicles trying to back in. You can see the trash can makes the road nar rower. People put the trash can on the street and makes the situation worse. The other option is to put it in the ditch where it's eroded and it falls over. There's no storm drainage on Rogers. It would only accelerate the erosion. Trees and vegetation need to stay in place to prevent further erosion.

>> Sandy Ballard and then Linda Hitchcock.

>> Wild life will be

[2:38:35 PM]

displaced. There's an existing sink hole within 200 feet of 4400 ron Eric -- Rogers lane. Areas subject to flooding. Due to the topography an environmental analysis is needed to assess how the area may be further eroded. Next. This is examples of flooding and erosion in our neighborhood. Next. Continued showing of rain water flowing over our road and broken pieces of asphalt. Next. These are springs and ponds that are naturally existing in our area. Next. The width of Rogers lane on the right compared to the hills on the left where the agave neighborhood is located. Next. Erosion, fallen trees, exposed

[2:39:36 PM]

roots is common place.

>> Linda Hitchcock. And then Melony herb.

>> Environment, erosion, fallen trees, and exposed roots. Next. Erosion, fallen trees, exposed roots. Next. We respectfully limitations on the amount of housing per acre. Thank you.

>> Melony herb.

>> She's not here.

>> Okay. The next speaker is Michael curry.

[2:40:40 PM]

>> Mayor Adler: Is Michael curry here?

>> I apologize. We switched cases pretty quick. My name is Michael curry. Thank you for the opportunity to speak. I'm here to speak on item 73. . This is a simple case. It doesn't involve pressing issues as in some other cases or homelessness or housing problems. But it's -- it may seem small potatoes to some but it's -- I know it's important to the applicant and I know it's important to the folks who will be affected by it. The applicant acknowledges that redevelopment of the site could generate 1856 trips per day. Both Glenview and Jefferson --

[2:41:41 PM]

if you measure Jefferson at 34th street pursuant to the transportation criteria management, approximately 70 feet wide. Traffic from this building will exceed or contribute disproportionately to the site. We're willing to keep working on this and hope we can find something that works for everyone. Thank you.

>> Roya Johnson.

>> My office, about one property from this property. I travel in that location at least three to eight times a day. I feel like this project is too large, too much traffic. Dangerous for children. Children from all the neighborhoods walk through Jefferson in that park to go to

[2:42:44 PM]

properwood elementary school. My grandchildren will. So I would like -- I'm not against the development, but I want it to be much smaller, more neighborhood oriented. Please stop building big

boxes with no soul. That's what this will be -- a box without any soul for the neighborhood. They're planning to build 43,000 square foot of space in a lot that is not even half an acre. So please stop and save our neighborhoods.

>> Moving on to item 84. Ryan wecco.

>> Hello.

[2:43:45 PM]

I'm here on behalf of Austin hb residential. Our pud amendment was recommended by staff. I don't have anything to add.

>> Next we have Racey Hadad and Charles Steinman.

>> Good afternoon. I'm the attorney representing Austin hb residential. We've been working with Heather Chaven on this for several months. This is a small amendment to the ordinance that would sort of clarify a term on the story height for the development proposed here, which is multifamily. We're here to request council approve it as recommended by staff. We thank you for your time.

>> Charles diamond.

[2:44:46 PM]

Moving to item 85. We have Ruben Perez. Ruben? How about Eugene Sutton? Okay. Moving to item 69 and 70. Will bridges.

>> Hello. I'm born and raised in Austin and my career is preserving our city. Over the past 15 years I've been asked to represent the music economy and was appointed by the mayor's office. It's critical we have a diverse

[2:45:47 PM]

echo system of music venues. Currently Austin has a massive void. We don't have a single indoor venue. Our musicians are missing a steppingstone. There are examples that we have lost and not replaced. Here we have an opportunity to bring back a venue, perfect size based on census assessment. We realize neighbors have concerns. We're confident with good engineers all the concerns will be mitigated. Let's make the decision on data, not emotion and fear.

>> Freddy Fletcher and mark fort.

[2:46:58 PM]

>> Hello. Thank you for the opportunity to speak. My name is Freddy Fletcher. I grew up in Austin and watched it change and grow for over 60 years. I founded arlon studios. Our vision was an entertainment complex that housed a theater, studios and music related business. That's still our vision today. The opera house hosted artists of all genres from all over the world and laid the foundation to be called the live music capital of the world. Music has been the soul of our city and presevering our music history is preserving the soul of the city. I have a letter from Willy Nelson that he gave me September 4th.

>> Mark fort and then Nicholas

[2:48:05 PM]

James.

>> Mark fort is not here.

>> Thank you. Nicholas James and Amy Nelson.

>> Good afternoon. I am a proud native austinite. For my entire life I have listened locals like myself voice their concerns about gentrification in our city. I am confused as to why there's controversy to restore some of the same lost history. The loudest voices seem to come from those privileged to live in an area that will never be affordable to most locals like myself ever again. They seem opposed to the history that makes Austin wonderful today. I'm grateful the developer would go to the lengths they have to work with others on the project. It saddens me that other austinites would be opposed to the same wonderful history that made them and so many others

[2:49:06 PM]

want to move here in the first place. Thank you.

>> Amy Nelson, to be followed by charlly sexton. Amy is not present. Charlie sexton and then laically shiply.

>> I want to applaud what was said. I think it's important. What's going on here with 200 academy -- it's not just about a music venue. It's about what existed there. I think the potential to do things for the community which I have a history with, I think some of you know, as far as charitable events -- this size venue and what it could serve for the community is needed. This heart and soul and beat of all this -- this is not a

[2:50:10 PM]

nostalgia request. That heart beat would mean it's still there. If I could quickly, my friend says this -- it says what I would like to say. I would love nothing more than to see this space used to give back to the community. The realm of charity in music in keeping with the character that made this city one of the most sought-after in the nation to live. Thank you for your time

>> Mayor Adler: Thank you.

>> Laylee shiply followed by Eric van height.

>> Hello. I speak today in favor of the 200 academy project. Specifically as it relates to housing, I was born and raise in south Austin. I'm a current resident of

[2:51:10 PM]

district 9. After renting in Austin for the better part of a decade I'm about to purchase my first home. While I feel blessed to be able to purchase anything in today's market I'm saddened to be another statistic displaced by Austin's looming problem. The housing supply continues to decrease adds prices skyrocket. I can no longer afford to rent let alone buy in my current district but I cannot afford to buy in any district in Austin. I'll now be forced to deal with the traffic that coincide with the housing problem. If the 200 housing project is removed we have an opportunity to turn a vacant parking lot into a solution of one of Austin's largest problems. Thank you.

>> Eric van height followed by Chris Whalen.

[2:52:14 PM]

>> Hi. I'm a neighbor of this project at 200 academy. I live within the nccd. I support the preservation of the Austin music hall -- the Austin opera hall within its current footprint. I understand that change can be scary and there are neighbors that have concerns but I believe these concerns have been addressed quite a bit already and can be further addressed as this project moves forward. I and at least seven other neighbors I know who are neighbors attending the meeting to hear present takeses from both the neighborhood and the applicant. We were under the impression we were going to get to ask questions and express our opinions but that was not afforded to us. The agenda item was cut off without discussion or a vote. Perhaps because the president of the neighborhood association saw there were unfamiliar places in the crowd and media on the call as well.

[2:53:15 PM]

But I really regret not having the opportunity to discuss this within the neighborhood association. I think it's fair to say that this is not a unanimous feeling on the part of the neighborhood against this project.

So --

>> Mayor Adler: Thank you.

>> Please support it.

>> Chris Whalen, and then followed by Kelly Weiss.

>> Good afternoon. I'm the founder of spearhead properties and the owner and developer of 200 academy. Want to thank everyone for showing up today. The support has been incredible for the project. I appreciate it. It was about five years ago and I was out to dinner with my wife and I was telling her about my day. That afternoon I had spoken to my tenant, Freddy Fletcher, and

[2:54:17 PM]

Freddy had told me about the history about the opera house. A man at the table next door was listening in in -- he finally can't contain himself and says, B excuse me, are you going to bring back the Austin opera house? He said that would be really cool. That night -- well, he then proceeded to talk and tell me about the different stories and memories he had from the opera house. And that night stuck with me. And I realized it would be wrong to not do my part to preserve this important part of history and to help keep Austin the live music capital of the world. Thank you.

>> Kelly Weiss, followed by bill wellker

>> Tovo: I have a quick question for you. Can you -- I know there's been conversation including probably in the meeting that I had with you earlier about affordable

[2:55:17 PM]

housing. I know our first speaker today as we started off talking about the zoning talked about affordable housing for musicians which is likely a sentiment all of us on the dais and probably everybody in chambers shares as well. Can you remind me -- I don't believe I saw in your proposal a specific allocation of affordable units. Can you remind us if there is one and if so what it is.

>> Yeah. Obviously Richard Weiss who is representing us as well is going to speak and he will talk more specifically about it. We've applied for the smart housing program and that's the program we've qualified for and we have an approved application. That's something from talking to your office at their request -- originally we had not planned to do affordable housing, and I -- like I said,

[2:56:18 PM]

I was talking to your office that you suggested the smart housing program. We looked into it and we're committing to doing affordable housing assuming we can be removed from ncdd. We'd like to target musicians adds well and we're hoping that we can make this a great project for everyone in Austin

>> Tovo: Great. I look forward to getting more information about how many units that might yield.

>> Sounds good.

>> Mayor Adler: One last question. What is the difference of being taken out of the ncdd and staying in the ncdd with the multifamily tract but with the changes the staff is proposing?

>> Richard Weiss will get into this more, but the issue is -- ncdd -- and I don't know -- I'm sure you've all looked at it and read it. It is an extremely complicated document. What it does by staying in the

[2:57:20 PM]

ncdd, it creates additional limitations that would reduce the amount of housing we could do. So we've had some discussions because there's, you know, been concerns about us being removed by the ncdd. The issue is I guess it is possible we could make a lot of adjustments but it would be complicated to try to get the same amount of housing we could with the base zoning. The question is, if we're going to make a ton of adjustments to it and have to tweak every rule and regulation, does it not just make more sense to be removed from the ncdd? That's why we're suggesting it. Really the biggest problem we'll face if we're not removed from the ncdd is a loss of housing, and that's what will be affected. Unless, like I said, we can make adjustments. I'm assuming your legal department, too -- yeah.

[2:58:20 PM]

Would have trouble with how we word that. I'm not sure how that works.

>> Mayor Adler: Thank you.

>> Mayor Adler: Thank you. Councilmember tovo?

>> Tovo: That's a really important question. I have a little different answer to that. I think we can achieve -- I think the planning commission and the staff recommendation have given us a path for how to amend the regulations that we're providing to allow for additional housing on that tract.

>> Mayor Adler: Thank you. Next speaker.

>> Good afternoon, council, Kelly Weis with community house. I'm serving as the affordable housing consultant for the applicant. We are providing 10% of the units should yield about 20 units based on current design. And I think it's important to recognize to your point about nccd. In this context, it functions as exclusionary zoning.

[2:59:20 PM]

And it's something I think that council should be aware of. The equity involved, and the history of the neighborhood, and the type of development that's been allowed has basically made affordable housing unattainable in Travis heights. So I would ask you to think thoughtfully about how you approach the zoning and really understand what the ncc does to the housing component. So I strongly, of course, am thrilled to have so much community support for a project I'm involved with for affordable housing. That's new to me.

[Buzzer sounding]

>> And I also support the music. So, thank you.

>> Mayor Adler: Thank you.

>> Bill Welker and Jane Westfall.

>> Mayor Adler, good afternoon, ladies and gentlemen. My name is bill, I own south Austin music. I've been in business for over

[3:00:21 PM]

35 years. You might imagine the changes I've seen in our wonderful community. Less than ten years ago there were four other music stores between mine at 1400 south Lamar and the river. Mine is the only one left. Our city needs to nourish music-related businesses in order to keep Austin what it's been called for years, the live music capital of the world. Folks, there are changes that take place in all of our neighborhoods that we don't care for. I personally have to move two or three of those darn scooters almost every day. Our local musicians need our support and we need this venue. It's in the heart and soul of Austin. It's not new. It's been there. Let's please do our part to keep it there. Thank you.

>> Mayor Adler: Thank you.

>> Jane Westfall and then Paula Kofman.

>> Mayor Adler: Is Jane

[3:01:23 PM]

Westfall here? Then let's go on to Paula. Who's next after Paula?

>> Pat boucha.

>> Mayor Adler: Okay. Thank you. Pat spoke first or second. .Who's next?

>> There's a big misconception here. This house used to be on 15 acres. Is the owner willing to buy the hotel? There's no room for 600 cars for a 1200 capacity venue on tiny residential streets. The residents do agree for more capacity for affordable housing. So would you musicians rather live there and walk and be able to walk to your other jobs, or have a venue there? So, the land is too valuable for housing, you say? This property is appraised at only \$2 million an achier, while

[3:02:23 PM]

many of the lots are appraised at \$3 million an acre. Travis heights loves musicians. That's why many of us live there. But please don't make us the next Rainey street. The nccd does allow for more housing. It is well-planned, especially for people over 60 years of age. And that's something that we should all think about for people that may want to age in place and have housing for older people where they don't have to drive.

[Buzzer sounding]

>> I think about that, too. Thanks.

>> Marilyn Orton and then nikelly mead.

>> My name is Marilyn Orton, I live two blocks from 200 academy and four blocks from south

[3:03:24 PM]

congress on hillside avenue. And I'll add that I'm personally in favor of much more density and mass transit in our growing city. As we speak, cars are lining both sides of my street, academy, and all of the other small, narrow neighborhood residential streets nearby. Even though there are empty pay parking lots all around us. This is not only inconvenient for residents, it is unsafe for pedestrians, for scooters, for bicycles, and everyone who's using the same narrow streets.

[Clearing throat] I encourage councilmembers not to vote in favor unless you have personally driven the surrounding neighborhood to see what a project like this will do to exacerbate the situation. The site does not have --

[buzzer sounding]

>> Direct access to a major

[3:04:26 PM]

artery. No matter how much the developers imply that it does. And it's totally unsuitable for a large music venue and bar.

>> Mayor Adler: Thank you.

>> Jennifer butcher.

>> Mayor Adler: Mayor and councilmembers, I think my name --

>> I'm just here to answer questions. We represent some of the neighbors who are concerned about the project.

>> Moving on to item 80, 81.

>> Mayor Adler: Hang on a second.

>> Sure.

>> Mayor Adler: I think someone is here we may have also called.

>> Yes, Jennifer butcher, director of traffic engineering. I was asked to look at the site with the added traffic on behalf of the neighbors. With the added site, traffic -- I'm sorry, the concert venue -- that actually putting you over the land development code for a 40-foot street of traffic by 168% of the capacity. When you look at what happens with all the concert people leave and go to the adjacent

[3:05:27 PM]

intersection at south congress, you can also end up blocking the access to music lane, as all of those people are going to be queuing up. So these are additional things that should be considered. The original traffic study only looked at peak hours, which is normal for a traffic study of a site where that's the normal peak hours. But when you have a concert venue, that does not occur at 7:00 to 9:00 A.M. Or 4:00 to 6:00 P.M. I will be available for additional questions that you may have.

>> Mayor Adler: Thank you.

>> Okay. Item 80 we have Mario Cantu.

[3:06:52 PM]

>> Good evening, I'm with the contact team. If you look at this center line here in red, that is the gas line that's going through. On your left is a future one that they're talking about. And the one in the middle is going through concrete. Next. These are major gas lines. There's no concrete on top, no development on top at all. Next. AFD does not support nor object to staff's recommendations. So AFD basically goes out and checks all these things and passes it. Next. The center red line is where this development is at. You can see the major gas line there in Orange and the petroleum one in yellow. Next. South congress has affordable housing at 50% mfi, which we have worked with developers in the past. And the chances of survival with

[3:07:53 PM]

this gas line is 100 feet to 700 feet if there's an explosion.

[Buzzer sounding]

>> We ask for -- to deny the amendment and deny the zoning change and support our application that we put in for the petition. Thank you.

>> Next, we have Paul shepherd, followed by Clayton stroll.

>> Good afternoon, mayor and councilmembers, my name is Paul shepherd, I represent the applicant, legacy development. And what we are doing is trying to meet the needs that we hear every day about affordable housing as well as the housing crisis in Austin. We are putting 520 new homes on this land. And we ask that you support our proposal, of which 52 of those,

[3:08:55 PM]

10% will be affordable that we volunteered. We're not required to under this zoning ordinance. And we also have habitat for humanity, their Texas home base, will help us enforce the volunteered private restrictive covenant for affordable housing. Whether it's this or the existing zoning building, whatever that is, is built, this there will be a relocation of a gas line, I'm sure. So, there are constraints in place that make this safe through Texas gas. So, we're just trying to meet a need that's needed for the affordable housing and residents in that community.

[Buzzer sounding]

>> Thank you very much.

>> Clayton stroll.

>> Yes, Clayton stroll, civil engineer for Paul shepherd's project. I wanted to give some feedback on the gas line. We're working with Texas gas, we have preliminary plans to

[3:09:56 PM]

relocate the gas line, so we're in constant communication with them. They're going to follow all the safety standards and protocols that they're required to do to safely move the gas line farther away from the residences on the eastern side of our proposed building, which would be between us and the residences there. So we just ask that council follows the thing of planning and zoning and gives it thumbs-up. Thank you.

>> Mayor, I believe that's all the speakers we have in person. I'm ready to move to remote.

>> Mayor Adler: Is there anybody else in person that thinks they signed up? Come on down. Tell the clerk your name, please. Good to see you.

>> Good afternoon, mayor, councilmembers, Alice Glasgow representing the applicant on items 80 and 81. As you heard from my client, Paul, we are proposing to change the zoning to mf6. And under that zoning, the planning commission has recommended the mf6 with a

[3:10:57 PM]

conditional overlay. And we're proposing to build 520 new homes of which 52 will be affordable. And the site is currently undeveloped. It's a green field, eight acres. The project will have two types of developments, units for rent and those units will be affordable at -- for 40 years at 60% mfi. The units that are for sale, the condominiums will be affordable for 99 years. And the breakdown is 5% at 80% mfi and another 5% at 100% mfi. We have an approved analysis which calls for some improvements and those improvements include adding sidewalks along Shelby lane, and to also rebuild two intersections at Terry and St. Elmo. We ask for your approval as recommended by the planning commission to mf6 co. We have an executed private restrictive covenant with

[3:11:59 PM]

habitat for humanity's affiliate home base to enforce the restrictive covenant, and the restrictive covenant for the traffic impact analysis has also been executed, and the city attorney has all those documents. We will be -- should we get your approval, we will then, of course, record the private restrictive covenant for the affordable housing. We appreciate your support and can answer any questions you might have. Thank you so much.

>> Mayor Adler: Thank you. Anyone else here to speak? Then let's go to the virtual speakers. Thank you.

>> I have Jay back on the line. I believe she wanted to address item 76. Jade, please unmute.

[3:13:00 PM]

>> Yes. Can you hear me?

>> Yes, we can.

>> Okay. Thank you. I would like to make it clear that the petition should still be valid or at least reviewed. The shameful process of the applicant submitting at 9:00 A.M. Today to take advantage of the English deficiency and submit a letter invalidating the petition signed two months ago is a disgrace to the democratic process. The residents should have the respect of having the case details explained in their language. Austin is supposed to be a government for all. Failure to provide this speaks against what we stand for as a city. If for no other reason but to show that the council operates with integrity and does not condone these tactics, I urge you to vote in opposition of this case. In December, the applicant requested postponement to have discussions about adding affordable units. There has been no update on this to the neighborhood. It does not appear any affordability was added. What happened here? As a reminder, the owner owns

[3:14:00 PM]

the surrounding lots that are not currently in review of this case. This development is expected to be three times larger than currently being reviewed.

[Buzzer sounding]

>> As, it is incompatible and will add to negative quality of life for the neighborhood, as infrastructure is not sufficient to accommodate increased density.

>> Mayor Adler: Thank you.

>> Thank you.

>> Mayor Adler: Councilmember tovo, did you have a question?

>> Tovo: I do have a question for this speaker. I'm sorry, I heard the details earlier, but I need to be sure I'm understanding the details about what happened with the petition and this particular signer of the petition.

>> Yes. No problem. So, I received notice this morning after 9:00 A.M. That the applicant submitted a letter from a resident that retracted their signature on the petition. I went personally to talk to this resident this morning and asked if they were in agrees

[3:15:03 PM]

agreement or opposition to the rezoning. Their native language is Vietnamese. And they let me know they do not want the development. They made that clear. They said the lady that went to speak with them kept talking and talking and they felt like they had to sign it. They didn't understand what it was. They did provide their phone number. I let them know that you all may or may not be able to call and verify. At the very least I think that it is appropriate to have them have this explained in their language so that the debate of whether or not they oppose or not can be verified and established in their language. And they also signed a hand-written note this morning stating that they do support the petition and they are in opposition of this rezoning.

>> Tovo: Which would make the

[3:16:03 PM]

petition --

>> Submitted to staff --

>> Tovo: Your contention is that would make the petition valid again.

>> Correct.

>> Tovo: Okay. Thank you for going through that. I'm sorry I missed the up-shot of that conversation.

>> Thank you. I appreciate it.

>> Tovo: Thanks again.

>> Next speaker, Preston king.

>> Can y'all hear me?

>> Yes, we can.

>> Okay. My name is Preston king. I own two houses on west Grady drive. I do want to back up. I was pretty disappointed earlier when what she seemed to lay out about the Vietnamese family seemed really concerning to me and the whole council just let out a big collective yawn. I think that's really gross. Anyway. I live on west Grady. And west Grady has lots of traffic. Cars get hit all the time.

[3:17:03 PM]

I've told y'all before. My son is in a wheelchair. I'm scared to walk him on my street because there's so much traffic. If you approve this it's going to double or triple the amount of traffic on this street. The other way is up little fiskville which people say lets onto breaker, it doesn't. You have to go up and weave through a tiny industrial neighborhood with streets big enough for one car to get up to breaker and it's just not possible. The traffic alone from this thing is too much.

[Buzzer sounding]

>> I urge you to deny this and keep the zoning the way that it is.

>> Mayor Adler: Thank you.

>> Thank you.

>> The next several speakers are regarding item 69 and 70. The first is Susan Antone.

>> Hello. My name is Susan Antone. I have a club with great

[3:18:05 PM]

partners called Antone's downtown, and we have also the Clifford Antone foundation. I'm happy to be here. I love Austin so much. My brother opened the club in 1975 and a lot of it was based on community. Austin is a community-based city. You know, there were people like my partners today, Bill Bridges, Gary Clark, whose parents brought them down to Antone's way back to hear music. Now they are owners. We have a music community full of teachers, and actors, and students, and businesspeople, artists, whatever, great people that have supported Austin for so long. We're known worldwide for our city --

[buzzer sounding]

>> Because of all the business here. We are the live music capital of

[3:19:08 PM]

the world. They visit here because of our music venues. It's a fabulous place. We need a venue that would hold 1200 people or so. And we have the opportunity to do that with a well-known Texas, Austin opy house.

>> Mayor Adler: Thank you.

>> And the famous Arlen studios.

>> Mayor Adler: Thank you very much.

>> Next speaker is John David Swan.

>> Good afternoon, thank you for listening. I'm John David Swan. I used to live at 122b Academy Drive, that's right next-door to the site. The agent has recruited a lot on social media trying to make this about music history, but the issue is not about music, the love of music or music history, it's about a venue. And the venue that used to be

[3:20:09 PM]

there caused insurmountable problems for the neighborhood because of lack of vehicular connectivity and other reasons. So it's worse now in 2022. So, it's a terrible spot for a venue and a better spot should be found. It won't affect music history. Also, the agent's idea of an underground parking garage is pretty absurd. There's a tributary of the watershed area that goes right through the site. So I doubt if he'll be able to build an underground parking garage. He's got no direct access to congress.

[Buzzer sounding]

>> And the access using academy drive is very poor. So, the developer just made a bad investment and he's trying to recover that by making more money from this project with alcohol sales. Well, this isn't the site for that. It's not a good place for a

[3:21:12 PM]

venue because the venues that failed there closed many years ago. Arlen studios doesn't cause any problem. It's fine. It's not open to the public with a live audience, so that's okay. We shouldn't be changing the rules and procedures of good government in Austin about development just so one man can make more money and the neighbors all around this area will have to suffer because of it. So, thank you for listening. I hope I haven't exceeded my one minute. I've been involved with development and planning in this particular area for about 40 years and I'm very familiar with the site. It's not a good site for a music venue. We wouldn't mind some affordable housing, but the developer has never mentioned affordable housing in three years, so that's just a facade that he's putting up to try to win favor at this point in the discussion process. Thank you.

[3:22:14 PM]

>> Eloa Matthews.

>> Hi. I'm speaking in opposition to items 69 and 70 as acting chair of the contact team and many memory of our former chair, Claudette, who attended meetings until just a few weeks before her death in December. At no time during these almost three years of meetings ending last month did the applicant propose affordable housing to our neighbors or address our concerns about traffic and safety. What their traffic study did propose was that their concerts would only put 24 cars onto our neighborhood streets. The building currently has offices and exercise work space in the former club that has not existed for many decades. The applicant said the venue size was nonnegotiable. This is how they have treated the neighbors for almost three

[3:23:14 PM]

years. Please do not allow the venue with all its problems to be reinstated at this location.

[Buzzer sounding]

>> Thank you for your service to the citizens of Austin.

>> Rosalyn Clifton.

>> Hello. Can you hear me?

>> Yes, we can.

>> Hello, I live on hillside avenue around the corner from 200 academy. The neighborhood plan and overlay was motivated by the traffic noise and parking problems associated with the original Austin opry house. This zoning was in place long before the current owners bought the property. And now they're invoking the name of Willie Nelson and nostalgia for old Austin to change it. I love Willie and music also,

[3:24:15 PM]

but there is no music magic at 200 academy that can't be recreated in a more appropriate location. The venue cutoff from congress avenue by music lane development and only accessible by the narrow academy drive which can't be widened. The current building that housed the opera house has been reconfigured into offices for years and bears no resemblance to the original. It would have to be rebuilt anyway. Why not build it in an appropriate location that has the right zoning already? Thank you.

[Buzzer sounding]

>> Rivali.

>> Hi, I'm the traffic engineer for the project. The T.I.A. Was set up to capture the impact of the development and then the appropriate improvements to address them.

[3:25:15 PM]

To account for the pandemic-related traffic pattern changes, the adjustment factors were applied to the data that was collected during that time. And this process was approved by city of Austin staff. And, of course, in addition to that, emphasis was placed on how the access would be laid out in relation to the commercial and residential development so as to ensure that the neighborhood was not impacted with commercial development. Of course a detailed plan will be provided to hone into the details of that to manage commercial traffic. This approach was undertaken to minimize impacts from the commercial

development to the adjacent neighborhood. The T.I.A. Also went through a robust review process with the city prior to approval. And that concludes my input on this project from a traffic

[3:26:17 PM]

standpoint. Thank you.

>> Anna Aguirre.

>> Good afternoon, mayor and city councilmembers, I'm a district 2 resident speaking on four items. On items 69 and 70 I am representing myself. I am concerned mostly about the environmental impact, specifically drainage issues. I'm concerned any damage caused by this project will result in taxpayers paying for it. The final outcomes must be considered and we the taxpayers should not have to bear the burden for anything that is totally preventable. The contact team regarding items 76 and 77, we met and voted on this project last year. Re-respectfully request you support the neighborhood groups in this area. As part of the eastern crescent, our areas have concerns which include unprecedented gentrification and displacement of low-income and people of color, resulting in increases in property taxes. These families have established

[3:27:17 PM]

long-term neighborhood ties. Pushing them out will destabilize them and burden them with having to find new services.

[Buzzer sounding]

>> This project does not provide a demonstrated benefit to this neighborhood. Thank you for your time and consideration, and for your service to our community.

>> Rebecca Reynolds.

>> Good afternoon, mayor and council, this is Rebecca Reynolds with the music venue alliance. I attended a show at the opera house at 15 and saw a dozen more before the venue closed in my senior year of high school. So many friends and neighbors aren't fortunate enough to have memories of this place, but we are all benefiting from the fact that it existed. I submitted a written statement to your offices about the logistics of why we believe reviving the opera house is important and feasible. I'm speaking today to commit to

[3:28:18 PM]

working with you and our community to take advantage of this once-in-a-lifetime opportunity for Austin to forge a path ahead honoring preservation and progress equally. Thank you for your thoughtful consideration and please consider mba your partner in achieving a solution that works for those who created this Austin magic and those who moved here because they fell in love with it.

[Buzzer sounding]

>> Gavin Garcia.

>> Good afternoon, mayor and council. I'm here on behalf of the music organization eq Austin. My history with the Austin opera house goes back to the 1980s, as a musician and promoter. I can allow that it was a location where Rachel crossed in Austin. Generally speaking, communities of color found a welcoming space

[3:29:19 PM]

there. I was part of a group that produced several black urban and latin-centric events at 200 academy drive attended by a multitude of bipoc consumers, a rarity in segregated Austin. The address is important, like the riman auditorium, this location can't be moved. If Austin is going to be integrated, this will include marginalized communities. Please support the project. Thank you.

>> Colin Corgan.

>> Hi. I'm Colin, a south Austin resident. When Willie bought this much larger site in the late '70s it had almost three football fields of frontage on south congress. It now has none. Multiple access points from outcongress with free parking.

[3:30:20 PM]

Now zero. To address this change, the applicant commissioned a traffic survey. I would ask the council to do a sanity check. In the peak hour of traffic leaving this venue, including rideshare, how many departing trips do you think there will be from a 1200 person music venue? The survey shows a peak of 23 vehicles -- 23. And if drivers want to get back to south congress, avoiding the traffic on academy, the shortest drive is three quarters of a mile through the neighborhood. The detrimental impact to the neighborhood is based upon a wrong study. Thank you.

>> Lisa Fletcher.

>> Hi. Can you hear me?

>> Yes, we can.

>> My name is Lisa Fletcher. Thanks so much for giving me the time to speak. I'm one of the partners at Arlen studios and I would like speak on behalf of Arlen as part of this neighborhood. We do understand and respect the

[3:31:21 PM]

concerns of some of our neighbors. It's our neighborhood, too. It has been since 1984. It's our home, our staff, our engineers, our clients spend more time, a lot of them, than they do in their own neighborhood. We're protective of this neighborhood. We don't want high-rises. There are very few developers that take the time and have the care of preserving the history. We're thankful to Chris for trying to work on it. They listen to our concerns. I think they'll address them. And we really do want to preserve the history and provide a long-term home for Arlen studios. So with all due respect, we want to cooperate with the neighborhood, but please consider that this is a very, very vital part of Austin music history. Thanks so much.

>> The next two speakers are addressing item 73. The first is Mia.

>> Thank you. My name is Mia, I'm speaking in

[3:32:24 PM]

opposition to item 73 in district 10. I live 35 steps away from the proposed project in our beloved community. Our streets are 27 feet wide and this project is not compatible with our neighborhood. The elementary school is two blocks away. Kids walk to and from school and from their friends' homes. We have a valid petition, meaning business owners and neighbors alike do not support this project. This project is not compatible with the neighborhood. And I would really ask you, councilmembers, to search your own personal homes and ask would you like to live with an underground parking garage and a four-story commercial building? We appreciate your support and we know that your time and energy spent from hearing neighbors on projects like this can be exhausting. We know this is a small potatoes project, but it means the world to us. Thank you for your time.

[3:33:28 PM]

>> Sonya Spielberg.

>> Thank you. My name is Sonya, I'm speaking in opposition to the petition for the cf zoning change, the burger king parking lot. I have loved living in Austin for the past 12 years and in breakerwoods for the past four years. I'm also very close to the burger king site on the outskirts of the breakerwoods community in a small bungalow. And I and the neighborhood have major concerns about this office

project and overdevelopment creeping up on us, and the safety of schoolkids in the area that will result from the increase of this very large building. It may seem like a small case, but it's emblematic of a much bigger problem in Austin -- the loss of character of communities. With this creep of development and the risk to pedestrians from overdevelopment, we have an over 80-year-old community and we'd really like to preserve the nature of it. This is simply incompatible with

[3:34:30 PM]

what's going on in our neighborhood, which is one-story office buildings.

[Buzzer sounding]

>> This is a four-story building with underground parking. We know we've lost a lot of the battle here because this is mostly CS zoned but we're asking the council to hold the line for the sake of the historic nature of Breakerwoods and the safety of our kids. Thank you very much.

>> Addressing several items is Monica Guzman.

>> Good afternoon, mayor and council. I'm Monica Guzman, policy director of Gave. This morning, we submitted written opposition to the eastern crescent zoning cases, specifically items 74-77 on Regiene road and mixed use. From this point forward, I'm speaking as a district 4 constituent. The following remarks are mine and mine alone. On November 4th it was refreshing to hear Mayor Pro Tem Harper-Madison speak on how the

[3:35:31 PM]

average person does not routinely get invited to land use conversations. Instead, they're racing against the clock, learning along the way, information often in English. Now we're at a point with Grady where we have a resident whose position on the zoning is in question and I understand they need to be allowed time to receive information in their native language. I thank councilmember Kelly for making a motion for postponement. I am very disappointed there was no second to vote. It smacks of disrespect and disregard for our non-English speakers.

[Buzzer sounding]

>> I would certainly hope our elected officials, especially my own outgoing councilmember, to have better regard for our constituents. Thank you.

>> Lynne Galbreath.

>> Greetings, mayor, councilmembers, my name is

[3:36:31 PM]

Lynne, and I've lived in this planning area for 26 years. I'm joining Jane, Preston, Ana and Monica in recommending against item 76 and 77. We had two meetings where we've been over details of increasing density in this location, why it's wrong. A vote for this is simply not making a fair choice. It throws this community under the real estate profit steam roller. It rewards last-minute underhanded tactics by the applicant's agents. It perpetuates a system where citizens are gamed by city staff, developer agents and even their own councilmembers. It sets a precedent that it's okay to govern Austin this way. It's not the representation for which constituents vote members into office and it's still not too late to do the right thing, reject these tactics and reject this application. Thank you.

[Buzzer sounding]

[3:37:38 PM]

>> Lynne Davis.

>> Hi, everybody, my name is Lynne Davis and I am speaking against the Shelby lane residences and the zoning change request. I have been an owner since 2005 and this request is against the current land use map. We have a valid petition signed by neighbors and business owners in the area. They also are proposing moving a gas line over eight inches wide, which has never been done before in the city of Austin and causes a great danger and risk to both the current residents and future residents. We have been in opposition to this idea from the beginning. It is out of touch with the character and style of the neighborhood. And it is not something that we or the neighbors are in support

[3:38:38 PM]

of. And so we ask that you do consider our valid petition and consider our wishes.

[Buzzer sounding]

>> And we are not against development, but we do think that putting the residential multistory development in our neighborhood goes against the character of our neighborhood and what's currently in place. Thank you so much.

>> Miguel Briones.

>> Hello, mayor and council. Thank you for giving me one minute of your time. I am a community organizer with gave. I have supported residents in their fight against this rezoning. I've been in the meetings with the developer and the residents and kept up with the council meetings. When the council asked the developer to have meaningful conversations with the community, that has not happened.

When residents ask how this development would help the community, they could only give reasons that directly benefitted the landowner and developer. I sat with many residents who

[3:39:40 PM]

shared they feel advocating for the community is a lost cause from the start. This discouragement comes from what so often looks like developers and our city council working in collaboration with each other. Recent efforts from the developer suggest their intent was to invalidate the community's petition as the clock ran out. Allowing someone's limited English proficiency to be weaponized is not antiracist or just. You have a chance to change policy in this city. Vote no on items 76 and 77. Thank you.

[Buzzer sounding]

>> Pat griffin.

>> Yes, can you hear me all right?

>> Yes, we can.

>> Wonderful. I'm in favor of the opry house. Mayor and councilmembers, thank you for giving me the opportunity to speak. Hello, I'm the former owner of the red house at 210 academy

[3:40:40 PM]

drive. It has been in my family for over a hundred years before I had to sell it. The house is directly across the street from Austin -- street from Austin opry house. I'm very much into historical preservation. Bringing the opera house back will enhance Austin in several different ways. Austin is the live music capital of the world. Restoring the opry house will increase tourism within Austin year-round. I was born in Austin and raised at 210 academy drive. I grew up listening to the wonderful music that at the opry house. I even saw Willie in the old days. The opera house would enhance and strengthen Austin's musical reputation, much like the grand ole opry house in Nashville. I feel very strongly that the Austin opry house is important to the history of the neighborhood.

[Buzzer sounding]

>> If we don't preserve this piece of Austin's history now, it will likely be lost.

[3:41:42 PM]

Thank you, pat griffin.

>> Irene Pickard.

>> Hello, my name is Irene. I'm asking that you oppose a zoning change at 3427 Jefferson. We have a valid petition against this zoning change. When we were asked by the staff, Wendy, who was wonderful to work with, to go back and get additional validation from our business owners who signed, every one of them went through the trouble to get us that additional validation. The petition is valid primarily not because of all the residents who signed, but because of all the business owners surrounding

[3:42:44 PM]

this site. We want property that is in scale with the neighborhood. Giving this rezoning application a pass will make sure that we --

[buzzer sounding]

>> We don't have as large a building as we would, that we don't have 95% maximum building coverage and we don't have 95% impervious cover where the water would run down to the creek. I'm also concerned about a rooftop terrace that was suggested would be in this place. We don't need an entertainment center this close to our homes. I am only 200 steps from this property rezoning -- proposed rezoning myself. Thank you very much for all that you do.

[3:43:45 PM]

Please deny the applicant. Thank you.

>> Mayor Adler: Thank you.

>> Mayor, that concludes all the speakers that we have this afternoon.

>> Mayor Adler: Thank you. Colleagues, those are all the speakers that we have. I'm going to ask to take us through the consent zoning. It's been suggested that we handle the consent zoning so we get rid of -- we handle the things that are not contested, that we call up after we've done the consent zoning, that we call up the uncontested nonconsent items so we can let staff go on things that are non-contested and then we deal with the things that are contested. And suggested that we begin with the zoning cases because the public's here to hear that. And then we do the pulled and contested nonconsent items. So, without objection I would proceed that way. Yes, mayor pro tem.

[3:44:46 PM]

>> Alter: I texted you this, but I'm going to ask that we reconsider item 36 at the request of the public works director.

>> Mayor Adler: Absolutely, we'll put that in with the pulled items. Councilmember tovo.

>> Tovo: And mayor, can we at our earliest convenience do the dac items? I'm not sure that that's going to be contested, the postponements and I'm not sure if we still have staff here but we may.

>> Mayor Adler: That's probably going to be the postponement that you talked about earlier, quick as well. We'll treat that as an uncontested consent item. Do you want to take us through the consent agenda?

>> Sure, mayor. Jerry, planning department. I'm going to address item number 68 on consent and then joy will walk us through the rest. Item number 68 is case

[3:45:46 PM]

c14-2021-009, 1725 Toomey, to approve on consent on second and third readings. There is additional language that will be added to the ordinance. One is on section 2b we will be adding the words no fencing, railings, or barriers may be constructed within the buffer area. We will be adding benches may be located within the buffer area. Adding a new condition, vehicular access prohibited unless required by the city of Austin. So with those three additions, we can approve that case.

>> Mayor Adler: Thank you.

>> Could I say something?

>> Mayor Adler: Yes, councilmember kitchen.

>> Kitchen: I think the language we were talking about -- thank you very much, Jerry. I think the traffic-related language was vehicular access is prohibited unless required by -- I think you said the city of Austin, which is fine -- at the time of site plan for traffic safety reasons. I wanted to get that last part in the record.

>> Okay.

>> Kitchen: Thank you.

>> Mayor Adler: Okay.

[3:46:49 PM]

>> Joy harden, housing and planning department. I will take you through the rest of the agenda. I'll begin with item 69, mpa2019-0022.01. And the related rezoning item is item 70, c14-2020-0147. These will be discussion items. Item 71, c14-h2021-0164, a postponement request by staff to March 3rd. Item

72, c14-2021-0127. This case can be offered for consent second and third readings. You heard from all the speakers. There is a valid petition, so a supermajority is required for approval. Council did approve staff's recommendation of sf5 on first reading. Item 73, c14-2021-0137, again,

[3:47:51 PM]

you heard from the speakers. This item can be offered for consent first reading only. The planning commission's recommendation. There is a valid petition. At the final reading, a supermajority vote would be required. Item 74 is mpa-2020-0015.03, offered for consent second reading only. The related rezoning is item 75, c14-2020-0150. For clarity purposes I would like to state, this was approved on first reading. No size limit will be placed on the brewery. I can offer this for second reading only. I believe councilmember harper-madison would like this item to be placed on next week's council agenda. Okay, thank you. And item 76, mpa-2021-0026.01 and the related rezoning is item 77, c14-2021-0039.

[3:48:58 PM]

Council approved the staff's recommendation on first and second reading, but the applicant would like to discuss this case specifically tract two. So these will be discussion items. I would just like to pull both of them. I know there are no issues with 76, the mpa, but since we're taking these together, we can just pull both of them and discuss them together if that's okay. Item 78, c14-2021 can be offered for consent on all three readings. 79, car14-2021, can be offered for consent first reading. Item 80, 0020.01 and the related rezoning, item 81, c14-2021-0015. You heard from the speakers on this item. We can offer this item for consent first reading only for

[3:49:59 PM]

further discussions to occur. There is a valid petition, so a supermajority vote would be required upon the final reading. And so we can offer both of these item 80 and 81 consent first reading only. Item 82, c14-2021-0173. This item can be offered for consent on all three readings. Item 83, c14h20210165, consent on all three readings. Item 84 is c81490003.21, offered for consent on all three readings. Item 85 is c14-2021-0150. There is an applicant request to your February 17th council meeting. Item 86 is c14-2021-0151, consent, all three readings.

[3:50:59 PM]

Item 87, c14-2021-0166, there is a staff postponement request to your February 17th council meeting. And that concludes the reading of the zoning agenda.

>> Mayor Adler: I want to make sure that I have this correctly. So the pulled items, 68-87 would be 69 and also 76 and 77.

>> 69 and 70.

>> Mayor Adler: 69 and 70, rather.

>> Yes, mayor.

>> Mayor Adler: And 69 and 70 and 76 and 77t. And everything on the consent agenda needs just six votes with the exception of . . .

>> With the exception --

>> Mayor Adler: 72.

>> With the exception of 68 and 72, correct.

>> Mayor Adler: That would need the nine votes.

>> 68, uh-huh.

>> Kitchen: No, 68 is on

[3:52:00 PM]

consent.

>> Yes, but it does have a valid petition. It is on consent, both 68 and 72 are offered for consent, second and third readings and they would require a supermajority vote.

>> Mayor Adler: 68 requires the supermajority and 72 requires the supermajority.

>> Correct, mayor.

>> Mayor Adler: Got it. Thank you. All right. So, the consent agenda, it's all items between 68 and 87. The pulled items are six and 70 and 76 and 77 and 69. Is there a motion to approve the consent agenda? Councilmember kitchen makes the motion. Councilmember Fuentes seconds the motion. Discussion on the consent agenda? Councilmember alter -- mayor pro tem, I'm sorry.

>> Alter: Thank you. I wanted to speak to item 73, which is the case on the burger king lot at 35th and Jefferson. This case is on our constituent consent

[3:53:03 PM]

agenda today for first reading. It was only late last week that a valid petition was turned in. So I wanted to clarify that I am comfortable moving forward with first reading approval of the planning commission's recommendation, but between now and our next reading I intend to engage with the commercial property owners who signed the petition so that I can better understand their concerns and identify if we have opportunities to address their concerns. The project has been postponed before, and I look forward to having those conversations with the neighbors to better understand those concerns.

>> Mayor Adler: Thank you. Councilmember harper-madison?

>> Harper-madison: Thank you, mayor, I appreciate you recognizing me. I'd like to speak to item number 72, Rogers lane. I appreciate the neighbors' advocacy on this case, the time they've taken to voice their

[3:54:04 PM]

concerns. And I free with them that sf-6 is not appropriate for an area so far from our urban core and the middle of a transit desert. I do support sf-5, which in this case will allow the same number of homes at sf-3. And potentially, even sf-2. If you include the proposed changes to the accessory dwelling unit ordinance. But on top of that, sf-5 will allow for shared infrastructure which will help lower the cost of the future homes and also allow for a more environmentally friendly development and the cherry on top is sf-5 would require the developer pay into our shiny new street impact fee program, which could help fund badly needed improvements in this part of town. The proposed project isn't the only development in the pipeline out there which is why I've reached out to our transportation staff to request that we prioritize Rogers lane

[3:55:04 PM]

in our initial slate of street impact fee improvements. Growth is happening on this side of 183 whether we want it or not. I hope the northeast district planning process we initiated will help us get ahead of that growth. In the meantime, sf-5 is a pragmatic solution that helps us get housing along with community benefits. Thank you.

>> Mayor Adler: Okay. Thank you. Councilmember pool.

>> Pool: Thanks, mayor. I have a comment on 73 and a question on 70. I think we've pulled 70, is that right?

>> Mayor Adler: 69 and 70 are pulled.

>> Pool: I'll just make the comment on 73 and save my question on 70 for when that item comes up. I just wanted to say that the changes that are being offered on the Jefferson lane zoning case seem logical and needed to me. It seems an improvement on the structure and the site plan

[3:56:05 PM]

that's there currently. I do appreciate, however, hearing from the community. I'd like to suggest between now and our second and third readings that it would be good to hear from the neighbors about any mitigations they might be interested in. I'd be happy to work with our mayor pro tem on finding some really good relevant solutions to benefit everybody. Thanks.

>> Mayor Adler: Anybody else want to comment? Councilmember tovo.

>> Tovo: Yeah, on the same case, especially because there's a valid petition and we've had some communications from the neighbors in that area, I am going to support it on first reading today and look forward to those continued conversations that our mayor pro tem is going to have with the applicant and the neighbors. I think a few of the people who called in today suggested -- talked about the site and its proximity to breakerwoods, and

[3:57:06 PM]

my children went to breakerwoods. Both of them have now finished elementary school and are in high school, but their bus stops are at breakerwoods so I'm in that area literally multiple times a day, including this morning when I had an opportunity to walk the site. I'm really familiar with it. I do support the redevelopment of that tract. I think it's really ready and ripe for redevelopment. I appreciate the comments and the concerns you've raised and we'll continue to keep those in mind as we move forward after first reading. Thanks for the participation today.

>> Mayor Adler: All right. The consent agenda has been moved and seconded. Any further discussion? Let's take a vote. Those in favor, please raise your hand. Those opposed? I see it as being unanimous, which is more than the nine votes needed on those two items that needed that. That gets us then to the nonconsent -- I mean, the contested items on our agenda.

[3:58:06 PM]

And then we'll come back and handle the two contested zoning matters. Councilmember tovo, 9, 10, and 15. These are the downtown Austin community court. Do you want to make a motion on do you want me to come back to those?

>> Tovo: The you have another quick thing -- I think I've got it, actually. Mayor, I would like to move that we postpone this item until the 17th of February.

>> Mayor Adler: It's been moved to postpone until the 17th of February. Is there a second? I'll second the motion. Any discussion? Council member tovo?

>> Tovo: Thank you. Let me begin by acknowledging that we had a very well attended meeting this week.

[3:59:08 PM]

To back up -- and I'm sorry. Maybe this won't move as fast as I promised but I'll try to move fast. We have been looking for permanent location for downtown Austin community court for many years. Our city manager and staff have looked at multiple sites and recommended we move forward with the old municipal court downtown. In the meantime, we have -- we have been in temporary locations. When this was brought to us in the fall we had an opportunity at a work session to discuss it. It came forward in the fall before we broke for the holidays. At that time I started -- and probably the mayor also received a good deal of

[4:00:10 PM]

feedback of residents who wanted to raise concerns or provide feedback. I understand -- this is something we might want to highlight but typically when we uses in our city buildings there's not always a practice of having specified community engagement process. My staff asked for that, which we did earlier this week. We had nearly a hundred people. Most of them were downtown residents. They submitted lots of questions. I want to thank the community court staff -- judge coffee, Laura -- various others from the downtown Austin community court where -- our building director, director of

[4:01:11 PM]

facilities as well as other city staff. I appreciate all of them for taking the time to answer questions. They have committed to preparing the answers to all the other questions. We have received request to postpone this a longer period of time. I'm acknowledging we did receive request to postpone into March. I am proposing in consultation with other dleegs a shorter -- colleagues a shorter postponement. I'm happy to answer any of my colleagues' questions.

>> Mayor Adler: Thank you. I just wanted to make sure the record was clear. The consent zoning case -- we did consent -- was everything between items 68 and 87. There were four items pulled. 69, 70, 76, and 77.

[4:02:12 PM]

The other items passed as part of consent. Discussion on this items -- 9, 10, and 15. Council member Kelly?

>> Kelly: I just wanted to say I had the privilege of visiting the downtown Austin community court in the location it's in now and I was able to see the value it brings to the community. I appreciate the feedback on that location where it's proposed to move to and I will support you in postponement.

>> Mayor Adler: Any other discussion --

>> Tovo: If I could, thank you for talking about the important work. I forgot to acknowledge the great work they do every day. Thanks

>> Mayor Adler: Those in favor of the postponement? Those opposed? I see it as being unanimous on the dais. Those three items are postponed. All right. On the consent agenda, we have three items that relate to the

[4:03:15 PM]

burnet road corridor project. These are the imminent domain cases.

>> I'm happy to make a motion to approve all three of those imminent domain cases cited on burnet road.

>> Mayor Adler: I'll let you make the motion. I don't have the script in front of me. Is immeant domain being moved for the purposes as stated in the resolution?

>> Absolutely. On all three items.

>> Mayor Adler: Legal, did I come close enough to the

[4:04:16 PM]

script? Is there a second -- you made the motion. Council member tovo seconds it. Any discussion on the three items? All in favor of the 58, 59, 60, please raise your hand. Those opposed? I see that as being unanimous. Those three items are approved.

>> Was it 58, 59, and 60?

>> Mayor Adler: I think it was 58, 59, 60. 61 is another imminent domain item. Is there a motion to approve item 61 for the public uses and purposes as set out in the resolution? Is there a motion to pass? Council member Kelly makes the motion? Council member tovo seconds.

[4:05:19 PM]

Discussion? Take a vote. Raise your hands. That also passes unanimously, number 61. Number 62 is the Austin finance corporation, which we've already handled. And number 63 is center point energy natural gas rates. Motion to approve 63? Council member Kelly makes the motion. Council member Ellis seconds. Any discussion? Council member Ellis

>> Ellis: This was brought to my attention this morning. There is a recommendation in back-up from the resource management commission and so I wanted to just make sure that those recommendations were going to be incorporated into what we passed today. My understanding is that they are not currently included, and so I wanted to make sure that they were. I'm not sure if I need to make a motion to amend what's posted

[4:06:19 PM]

or if that can --

>> Mayor Adler: If it's not in there, I think you would need to amend. Is staff here to address that?

>> I think at this point it's okay for council to make that motion --

>> Mayor Adler: You're okay with that? If staff is okay with it, we can incorporate them.

>> You have to make the motion

>> Mayor Adler: Council member Ellis moves to amend. Any objection to including this? Hearing none it's included in the motion. Further discussion? Council member tovo and mayor pro tem.

>> Tovo: You are including the recommendation to include the weatherization measures instead of central furnace and water

[4:07:22 PM]

heater rebaits?

>> There are four items. It would be included in --

>> Tovo: Thanks for bringing that forward.

>> Mayor Adler: Mayor pro tem.

>> Alter: I see Ms. Hawkens here. I wanted to give her a chance if she had any concerns.

>> Mayor Adler: You're muted. That's okay.

>> There we go. I apologize. Good afternoon. Financial services department and I do want to provide you all just a quick overview of the amendments that were passed by the resource management commission and particularly center point energy are -- there are representatives in the audience to answer questions. Items 2 -- the recommendation number 2 and number 4 will take some time for review and

[4:08:24 PM]

implementation because this is a pilot project and they're ready to kick it off February 1st, and it will end December 31st of 2022. As far as removing the rebates for hot water and furnace it's going to take time for them to readjust and they want a relationship with Austin energy as -- Texas gas participates, the contractors in a program for weatherization and the duct ceiling. That will take time just for implement takes, so I just wanted to convey those comments that, again, centerpoint if they want to further elaborate -- to bring your

[4:09:24 PM]

attention that they are in the chambers.

>> Mayor Adler: Thank you for that heads-up on timing. Colleagues? Does anybody want any further discussion on this before we vote in those in favor, please raise your hand. Those opposed? Unanimous on the dais. This item passes. All right. I think that now has taken us all of the -- those items. So we're going to go back to the zoning cases, handle the two zoning cases, and then come back to the items that have been pulled. Again, those are items 19, 33, 36, 39, and 53. The first item that we'll call -- why don't you come on up -- is going to be the zoning

[4:10:30 PM]

item 69 and 70. Want to lay those out. We'll give the applicant a chance to speak and we'll turn to the dais.

>> Thank you, mayor and council. I'm from planning department. This is a mixed-use case. The requested zoning was to go from tract one, cs 1 and -- to cs 1 mu mp. Tract 2 to -- on tract 3 to just mf 4 np.

[4:11:32 PM]

The staff recommendation is to recommend the cs 1 nccn on tract one, on tract 2 and mf 4 on tract 3. Planning commission agreed with staff recommendation with the exception of tract 3 where they agreed with the applicant to remove the ncdd and have the property straight-up mf-4-np with the additional condition the height be limited. It's a neighborhood conservation combining district. It can combine site regulations as well as uses. Even though we have base zoning districts here it's important to remember that the usage you may typically see -- or site you may typically see can and is amended in the case of -- in all three of the tracts. The staff recommendation on the

[4:12:33 PM]

tract 3, mf-4 is about the equivalent over mf-3. Though it's a mixture -- tracts one and two are limited to what you would associate with -- there is a tie done with the case. I'm not going to go through the permitted and restricted uses. I think I'll stop and see if you have any questions.

>> Mayor Adler: Colleagues, any questions before we call the applicant up? All right. Let's give the applicant a chance to speak. You have five minutes. Thank you, Jerry.

[4:14:34 PM]

>> Would you prefer the slides or -- I would prefer to have the slides and I have confirmation they received them but they don't seem to have them.

>> Mayor Adler: I think that's your call here. It's being forward -- the clerk has it. She's forwarding it.

>> Thank you. Council member Kelly?

>> Kelly: I have questions for staff if they're available while we're waiting.

>> Mayor Adler: Sure.

>> Kelly: Is first is about community concerns about parking. How do they plan to mitigate traffic in that area?

>> Council member we have

[4:15:36 PM]

staff from Austin transportation department. They're here to address this issue. I believe that they're virtual. Yes. So if we have anybody on the line to speak to parking issues on the academy case.

>> Kelly: While we're waiting on that, I'm wondering if you might be able to answer this. I know there's questions regarding the square footage reduction. Is that for the entire venue or part of it?

>> The main issue has been the size of the venue. The neighborhood said they're agreeable to 3,000 square feet.

>> Kelly: When transportation gets on I would be happy to learn about the traffic there. Thanks.

[4:16:40 PM]

>> Mayor Adler: Have you been able to find the attachment? Have our tech people received it? Not yet?

>> While we're waiting for that, mayor -- council member Kelly had a question regarding parking for the academy case.

>> Mayor Adler: Okay.

>> Are you there? I'll send them a message, council member.

>> Yes. I'm development officer from Austin transportation department. I believe we have someone available to speak on the parking. I think he's in the process of being moved over.

[4:17:43 PM]

>> Yes. I'm with Austin transportation. Would you repeat the question, please?

>> Just a moment. I'm sorry. There are concerns in the community about parking. I'm wondering if you could expand on how they plan to mitigate increased traffic if the venue is created. It's good to see you again. Thank you for the work you do for us.

>> Thank you. As part as the this was looked at holistically. We do look at the peak periods traditionally because that is the greatest stress on the transportation network as a whole. The music venue will have a different peak. But the parking -- most of it is underground. There will be surface parking and a valet and drop-off area

[4:18:45 PM]

for uber/lyft drivers. It will be a right-turn only that will direct traffic to south congress avenue and the traffic signal located at that location. The number of parking spots -- I do not have off the top of my head. We have asked them to put a transportation demand -- management plan together at time of site plan. That would address how they intend to mitigate some of the site traffic through access to south

Congress itself. Scooters, parking, bicycling -- those types of facilities also. I will -- would like to indicate the Orange line will come in at South Congress at some point along this area -- South Congress will come from subterranean onto surface. They have not made the decision at that location. The location of where that exits from subterranean to the

[4:19:47 PM]

surface could impact operations at the academy and South Congress signal, but they have not made a decision -- ATP and Project Connect, so we had to analyze what is there at this time.

>> Kelly: Thank you for that clarity there. Is there anything else related to traffic or parking that you would like us to know about that maybe we haven't discussed yet?

>> Not particularly. We are well aware of the conditions of the neighborhood, the narrow roads, established streets and network. We are making some requirements that they are doing to prohibit on-street parking in the area. There will be requirements to structurally put improvements in place to do a ride up only onto academy to head back towards South Congress. Sorry about that. There's also a little bit of

[4:20:49 PM]

other improvements looking at the east Riverside and the neighborhood to see if there's improvements that could be made there as part of the development.

>> Kelly: Thank you so much. That's all the questions I have.

>> Tovo: I have a couple of questions.

>> Mayor Adler: While we have transportation here, go ahead

>> Tovo: Some of the commentary we have received and some of the conversations talked about the music venue that was there three decades-ish ago and the fact that there was a fairly large -- it was a large music venue of the sort being proposed now. Can you speak to whether that's a good measure of whether -- I guess can you talk to -- what has changed in the South Congress area -- South Congress

[4:21:49 PM]

area from a transportation perspective?

>> As you know, the population has increased over the past 10 to 15 years. It's a more activated street front. A lot more pedestrians, scooters, things of that area. It's a walkable, bikeable area. The amount of

activity occurring in this stretch has increased overall. Now there is a general method to look at -- I mean, there's been general improvements in the area looking at on street parking, how to improve that, both for the immediate businesses but for the area in general. There's been changes to on-street parking in that area. Parking enterprises have worked with different neighborhoods to look at residential parking permit programs in the area to take the burden off of the

[4:22:52 PM]

neighborhood streets to have free parking and to move them towards the paid parking on the street itself. There's initiative to look at the overall parking availability in south congress and there would be some recommendations in the future in that nature.

>> Tovo: So I can't remember now whether this is some of the e-mails we got or some of the conversation -- speakers we had here today who talked about the fact that when the music venue was operating a while back the access was actually available from congress whereas the access now would be from academy, which is a very different kind of street. Would you say that's an accurate assessment in terms of how the development as shifted along music lane?

>> Yes. The development along music lane has presented the direct public access from this proposed development through the music city development through south congress. That -- there's not a private

[4:23:55 PM]

access easement at this time to go through that development. There's been limitation by this, the former music opera house.

>> Tovo: So the access -- it is accurate that the access would happen primarily through academy.

>> Correct

>> Tovo: Which is in essence a neighborhood street.

>> That is correct.

>> Tovo: Thank you.

>> Mayor Adler: All right. Let's turn to the -- thank you very much. Let's hear from the applicant. You have five minutes.

>> Hi. I'm the applicant requesting 200 academy be removed and giving mixed use overlay. Our ask is for mixed use zoning. We have worked with the

[4:24:55 PM]

neighbors through 2019. At the meeting in January neighbors expressed new support for the housing but will not support removal from ncdd. However, since the existing building and parking lot -- nothing can be built without tearing down and building backless. Since every facet needs to change to provide housing we all support it seems reasonable to revisit how this is preventing development versus protecting a neighborhood character that has changed within. They did this when the historic district was approved. The new district does not include 200 academy. 200 academy shouldn't be in an ncdd. Which brings us to the size of the opera house and what

[4:25:57 PM]

appropriate venue size is. Our goal is to preserve 17,500 of the original building in order to save the main room and stage where Willy Nelson introduced Austin music to the world. The immediate neighbors have drawn a line at 3,000 square feet. To put that into perspective, slide. It's roughly the size of the opera house stage area shown in Orange on the top right. 3,000 square feet is less than a third of the size under construction across the street. We recognize the 1980s venue spilled out into a large open parking lot with no neighborhood protections. Concerns about traffic, parking and noise are valid, and working with city staff has produced a compatible solution that have gotten support from staff and the planning commission. Council member alter who's not on the dais -- her traffic engineer -- her commissioner

[4:26:58 PM]

who is a traffic engineer visited the site, reviewed the site plan in depth and made the motion supporting this venue side. Why is it compatible?

>> Alter: I am on the dais. I'm just virtual.

>> Got it. Thank you. Why is it compatible? 200 academy is adjacent to 500 space parking garage and will have pedestrian connecting. This is additional parking not mentioned or -- in the approved tia. On site underground parking will accessible from academy and calibrated with the transportation department to direct traffic from the neighborhood. None of this solves the parking problem. We have offered to spearhead an application to eliminate future parking concerns before breaking ground. Our project supports zero

[4:28:00 PM]

replacement, no changes in base zoning and proven code protections addressing setbacks, scale, noise, and traffic. The -- let's -- slide, please. One more slide. So let's close with context. Well, our project also has a certified smart housing application to provide affordability without additional entitlements over base zoning. Let's close with the actual context. 200 academy has remained unchanged. The development on music lane has no muse ING and only seven residential lanes. Imagine Austin was passed over a decade ago but there's no regulation plan to address a crisis. We've become the most expensive city in the country.

[4:29:00 PM]

Base zone tools require another tie. Checks and balances. Value your history and housing needs and recognize the support from the community and from your own experts as you weigh the merits of removing this overlay. Thank you. And if I have additional time I'd like to acknowledge the champions of preservation and will be sorely missed in the community.

>> Mayor Adler: Thank you. Council member Tovo.

>> Tovo: Thank you. I couldn't agree more. They were both real champions and have contributed so much to Austin and will be really missed. I wanted to talk about affordable housing. I know you talked about smart housing. It's -- I guess I would encourage you and will encourage you to really think through whether you can provide us with some real specific commitments to affordable housing.

>> We have an approved -- go

[4:30:03 PM]

ahead. Sorry.

>> Tovo: I understand you intend to participate in smart housing but that is a little different than the affordable conversations we have here sometimes because smart housing is a commitment if you accept the fee waivers and some of the other provisions that come with that. It is not built in to the zoning.

>> That is correct. I know we can't make additional overlay -- I'm saying it on the dais and we are firmly committed to it. As you know, affordable housing is a daily topic of conversation in our house, and we are committed to it. But, you know, in the city of Austin it's a give/get program and we're asking for the removal of handcuffs but not asking for anything additional over base zoning.

>> Tovo: Well, the base zoning at the moment is within an overlay. The base zoning?

>> Uh-huh.

>> Tovo: It's not achievable in the overlay.

>> Correct

>> Tovo: This is a conversation we can continue outside of this forum but I

[4:31:04 PM]

will ask you to consider -- I will ask you to consider making a specific commitment and also, colleagues, you know, given that we are contemplating adjustments as my amendments are doing, I will ask you to consider making amendments to the ncdd to allow for the density that's been requested. I am going to talk with our law department about whether or not that becomes a density bonus. It's likely a density bonus where affordable housing can be a provision that is a part of that increase and entitlement. Just heads-up that I think that's achievable and I hope we can have that conversation.

>> I appreciate that and look forward to working with you to find a solution.

>> Mayor Adler: Any other questions of the applicant?

>> Ellis: I wanted to ask -- council member tovo handed out a motion sheet and I didn't know if you had a chance to see that. I didn't know if there were

[4:32:05 PM]

extra copies.

>> I glanced briefly. I haven't been able to look at it in depth. It keeps all three tracts in the ncdd and -- as shown. Now we have two districts that are intended to protect and acknowledge the same houses and the second one was passed last year with neighborhood approval and doesn't include our tract. We all know how difficult it is to develop under the land development code. Adding that overlay or maintaining that ncdd overlay where every provision would have to change -- there are still got-yas. Staff agreed with our density -- on the mf-4 tract but by leaving us inside the ncdd part two, which is the compatibility, they then forced two stories and 30 feet all across the mf-4 tract when the neighborhood houses are three

[4:33:05 PM]

of the four neighboring houses are three stories and one is four stories with a widows peak. That doesn't translate to compatibility with the current environment.

>> Ellis: I appreciate the images you shared with the context of what's being developed around it and we talked about what is appropriate height and density where there is access to public transit and parking garages. That's something I'll consider. I saw -- did I see the exit would be right-turn only so the people leaving the venue would not turn left on academy? Is that the intent?

>> It's not only the intent but is part of the tia requirement and, you know, in asking for base zoning what we're asking for is a set of rules to design a project that will be best for the city and for the neighborhood. And so we want flexibility in order to design the best project possible, which then has to go through the

[4:34:06 PM]

site-planning process and get a new tia and new planning commission approval for the conditional use. So I don't think this is the end of the road on this case. I think it's the beginning, and we look forward to hopefully bringing music back to music lane.

>> Ellis: I appreciate that. I wasn't here in the '70s when everybody says Austin was so magical. I think this is an interesting project to try to revive the musical nature of the area knowing Arlan studios is still around and helping musicians in their recordings. I appreciate that you're trying to help us through a housing crisis and committing to affordability. I think that's so important. T.

>> Just as a quick note I was a professional musician in Austin for the first five years. I still play music live as many times as I can. I wouldn't have come here if

[4:35:07 PM]

not for the Austin opera house. I met my wife, raised two austinites. I want to thank you, Stevie.

>> Mayor Adler: Don't go too far. I want to say that I was here in the '70s because I'm that old. And it was magical.

>> I wasn't anywhere in the '70s.

>> Mayor Adler: I remember watching Willy Nelson play on this site in I think '78. It was my introduction to so much as a student. But I recognize -- you know, the issues are more complicated as we come back now. But I do think that that history is still important and that tie to the property is still important. Council member tovo, I appreciate all the work you're doing on this to try to find a

[4:36:08 PM]

path through something that is difficult. I appreciate that -- I understand the motion is to approve this on first reading today so there can be additional time to work on it. So -- you can go through in more detail, but today on this motion, you know, I appreciate the attempt to try and make the -- what the applicant wants achievable still under the ncdd since it's being approved on first reading. I think there's an opportunity to understand what differences, if any, exist, and I would like to see that. I'm not sure we

have to decide today what the size of the venue is. Nor do we have to decide today what the total amount of affordable housing is on the property because I think between first reading and second reading we can try to work through those issues. I will say as I sit here I

[4:37:09 PM]

would support the applicant's requested size for the venue because I think given the future traffic patterns -- what's happening on the property and what the traffic controls is something that ease feasible and appropriate for this particular site. But I'm not sure if we have any information on the whole survey of the field to really meaningfully decide that question today. So I won't be moving to amend that number, recognizing that that's my position at this point as we continue in the conversations. Council member kitchen and council member Renteria and council member pool.

>> Tovo: I would ask if there are going to be responses to my amendment that I be able to lay them out first.

>> Mayor Adler: Okay. Council member kitchen. >>

[4:38:10 PM]

>> Kitchen: I have a follow-up question and I'm interested in hearing from council member tovo on her amendment. So it seems like there's a path to amend the nccd to address the parameters that are being sought, so I need to understand again what the objection is to continuing with the nccd.

>> As I mentioned previously, we believe that staff supported our goal but missed a part of the nccd. This is no dig on staff because I have great admiration for what they have to go through every week. It's a complicated ordinance and if you have to change every facet to make it match base zoning and at the same time the neighborhood I believe has acknowledged that there is a historic boundary that is now codified federally. I don't understand -- I think it was misplaced in the first

[4:39:10 PM]

place, and so I just don't think it belongs in the nccd. We want to work with you because we want this to happen but I believe throughout the site planning process it will be cleaner and it also ties us to the 2022 regulations if we get past this year in perpetuity. So any code that's not addressed in the nccd falls to 2022. If we can reach a regulating plan for the comprehensive plan, then I envision in 20 years when the gold line and Orange line go down south congress this site is within a mile of every single rail line and I can't wait to the point in my life where I don't have to drive a car anymore and my 17 year old is about to graduate high school and doesn't want to get her license. I think trends are changing and the

parking spaces we're providing today, I can envision in 20 years being data storage or another use, but we will

[4:40:10 PM]

always be tied to the nccd regulations and 2022 regulations, as an example, if we stay within the nccd.

>> Kitchen: You're saying even if we amend the nccd you don't want to be under it because of some unknown change that may happen in the future or some unknown adjustment that someone may want in the future. Is that what I'm hearing you say?

>> That's what you're saying but what I'm saying is I believe this tool was misplaced from the beginning -

>> Kitchen: Okay.

>> Yeah. And also, I'm curious your thoughts on why the neighborhood left us out of the national register of historic district when they created a boundary and cataloged every historic property within the boundary. It's a question.

>> Kitchen: I'm not sure what

[4:41:12 PM]

that has to do with the nccd. I should have said this at the beginning. I am absolute in support of preserving this venue and, you know, proceeding with the kinds of things you want to do. I should have said that first. But I also think that nccd's in neighborhoods are important. So I think if there's a path, as council member tovo -- I'll let her speak to that. If there is a path to align what you're trying to do and what you wanted to do within the nccd, I don't see a problem with that.

>> Okay. And, again, it is my goal for us all to get to the same place collectively, so I would like to work through those issues and the last time I came before you was to get historic zoning on a property within an nccd. I'm not anti-nccd except in

[4:42:14 PM]

cases where it creates exclusionary zoning, which it does in this case

>> Kitchen: Maybe we need to have conversations following up. We can talk about it, you know, off line. I don't see that that's happening here.

>> Thank you, though, for eng engaging.

>> Mayor Adler: Council member tovo?

>> Tovo: I have a new question for the applicant. Council member Renteria?

>> Renteria: Thank you, mayor. Someone a little older. I wish I was a little younger. I also went to music events. We had meetings -- I went to that location once. We had conference meeting. And this is a really historic place. I -- and I just have to let the

[4:43:17 PM]

applicant know that this is a great project that y'all are working on, and I want to say that I really support it. And if there's some way that we can remove the nccd, then I'm going to be supporting it also. You know, this is -- brings a lot of fond memories to me. At one time academy went all the way across to Riverside but it was cut off once we enlarged Riverside drive. And it was -- except for the goal line, it's also going to be the blue line that's going to go down Riverside. It's going to provide a lot of opportunities in the future where we can use the rail to link up to these important events that we have an opportunity to preserve for our future citizens of Austin. You know, the development is going to come down into that area, especially along

[4:44:18 PM]

Riverside, the south shore -- it will provide a lot of opportunity. I think we'll be doing a disservice to our musicians out there -- and artists if we don't go for this project. I think it's very important for our mission -- the mission that we're -- we envision for that area. Thank you.

>> Mayor Adler: And then I think it was council member pool.

>> Pool: Thanks. I appreciate the information from the community and the residents and the applicant and the supporters. I was hoping to ask a question of the applicant. I'd like to see a comparison chart of the number of people that venue sizes would accommodate. So a comparison chart of the sizes -- how many people would be accommodated. You said something that you or our staff can provide to mayor and council? Before we get to second and

[4:45:19 PM]

third reading.

>> I can put that together and, you know, one of the reasons we're trying to preserve the 17,500 is that includes the original four walls that soaked up the sounds that made us the live music capital of the world and the original entry area and restroom areas. So it's not the 42,000 square feet. It's just the fabric of that one room, and when you say, well, let's just do 10,000 square feet, if we eliminate the restrooms or lobby or whatever it is -- those enter within those four walls and continue to reduce capacity. It's one of those items where you can't just say 10,000 equals this. The opera house stage which we would like to keep is huge but we feel like it's a part of history and want -- you know, it's 3,000 square feet, including the two side areas -- backstage areas. So we can do part of a detail of what we're proposing but you

[4:46:20 PM]

can't always equate a square footage with an occupancy.

>> Pool: I understand that. You mentioned the four walls. Are you literally retaining the literal walls that are there currently?

>> That is our goal. Our goal is to keep the fabric there. You know, we understand that we're facing a valid petition and we're going to have to negotiate down, but there's going to be a point where we negotiate down to a point where we have to tear it down. If you have stone hinge -- we have to go for the whole circle.

>> Pool: The performers' room at the back -- that stage -- are they being preserved? Are they going to be updated?

>> When you say the performer rooms --

>> Pool: It's been decades.

>> If you can call up the presentation I've got -- I've

[4:47:21 PM]

got the map of that. Yes, we would try and preserve the backstage area. Again, our goal just like the neighborhood is to preserve history. So we want to maintain as much fabric as is feasible in terms of not only saving the envelope but making it work with traffic and occupancy and all that. We have suggested the original envelope served 1800 and we suggested the same envelope but cuts it down to 1200. So cutting it by a third. It wouldn't generate as much revenue and it wouldn't feel as crowded but in doing the traffic impact analysis and looking at the neighbors' concerns we feel like 1200 is something that's very manageable given the conditions. If I can talk about not having access to congress because I think that's been something that's been raised several times.

>> Pool: I'll suggest before

[4:48:23 PM]

you go on to another question -- which wasn't something I was asking about. Maybe someone else wants to ask about that. I'll go ahead and offer a little bit of history for me with that location because I think everybody kind of, like, is wanting to share a little bit. But quickly I'm pretty sure it was backstage area, the opera house where I saw -- I was at a Nancy Griffith concert. Back in the '90s. Maybe Robert Earl Keen. Went around the back -- you could get around the back. I don't know if you'll still be able to. But she was leaning up against the wall smoking a cigarette, and then she signed my album for me. The access was there. It was small-town Austin, and I think it's that piece that we are wanting to preserve -- the access and small-town Austin. If that's something that y'all

[4:49:28 PM]

are intending, then that's terrific and bravo and I hope it happens. If this turns into something, though, that is flashy and not Austin and is just monetizing a place that -- you know, where we're all thinking it's going to be reminiscent and a reminder of the way we were and bringing it into the future, then that's great, but -- so that's a heavy burden for you all to carry because there are so many like me -- we all grew up here -- not literally. But we became the adults that we are.

>> I wish you could see how big I'm smiling right now

>> Pool: That's a big burden and big responsibility.

>> I've been the architect for Alamo draft house. I understand sound mitigation and creating buildings with

[4:50:28 PM]

character. One of the things I did not mention on my presentation is we've amassed a collection of over 4,000 artifacts from the history of Austin music and we intend to make the inside a museum to how we got here in the same way.

>> Pool: I was going to say it sounds like it, only better because it's in Austin.

>> Correct

>> Pool: Thanks, mayor.

>> Mayor Adler: Thank you. Council member tovo?

>> Tovo: Thanks very much. So I did distribute some -- a motion sheet on the dais. You know, I want to step back and say this is a really complicated case. And my staff has spent probably dozens and dozens and dozens of hours talking and trying to balance different perspectives and try, you know, looking at different items. I want to start by thanking all of the different voices who have weighed in in here on this

[4:51:30 PM]

case. I think this -- you know, this is Austin at its finest when we have a room full of people, as well as others now on the phone, providing their thoughts and suggestions and working to help shape a project and help it become even better. You know, I really feel strongly that we can end up here with a project that allows the return of this historic use on this tract and allows for increased housing opportunities, which we much need. And also, really balances those uses against -- balances in particular the music use against the needs of the hundreds and hundreds of people who live in close proximity. I'm sorry, Mr. Weiss. I said I had a question but we've resolved it. So you don't need to stand here.

>> You can sit down, sir

>> Mayor Adler: Don't go too far away.

[4:52:31 PM]

>> Tovo: The other thing I want to mention is my staff had a good conversation last night with our music commissioner. That offered a lot of good thought on this topic too. So this zoning includes three different tracts. Only one -- tract one involves the venue. And I want to sort of give an overview of the motion sheet. One of the things my motion sheet does is increase the entitlements on one, two, and three to allow for increased housing density over what could be built there today. And I want to be really clear and I'll detail this as we go through point by point, but the staff and the planning commission recommended increases as well. The ones you'll see on my motion sheet go further than the planning commission and staff recommendations. They are retaining the properties, proposing to retain them within the nccd and modifying site regulations as

[4:53:32 PM]

the applicant has requested -- well, to be clear, I understand you're not asking for the site development recommendations to -- we're achieving a similar outcome by retaining within the nccd but modifying the requirements. To be clear, the ones I propose go beyond what planning commission and staff have proposed. That involves a lot of conversations and compromises on the part of the neighbors and neighborhood association that is most involved in this case. As of this moment, there is no specific commitment to affordable housing. I addressed this earlier. I believe we would be in our legal rights to

include a provision, given that the nccd is an overlay and would fall within a density bonus program. That is an area I'm interested in exploring. If 10 to 20 per cent of the housing was at 60 per cent of

[4:54:33 PM]

mfi I think that would go along way for providing housing for musician and others who would qualify. This is the area where we'll probably spend the most time -- and have spent the most time -- the size of the venue. There's no doubt the area has changed dramatically in the last 30 years. The the access to the property itself has changed. The site itself -- lots of pieces of this tract, as I understand it, have been sold off. There are pretty vital, active businesses along music lane. It is a very different landscape in that area, and that will, in my opinion -- should shape what kind of venue is there. Yesterday morning I went to the uli panel on the cultural trust. They were talking about -- several speakers talked about

[4:55:35 PM]

the need for diverse sizes of venues, arts venues, generally and including music venues of different sizes. We need those different sizes. As I began the look with my staff at different venues around town, it is very -- we were not able to find one of the size that the applicant has proposed that is on what amounts to a neighborhood street. Most are on corridors. We have worked with music staff and will continue to do so to look at some of the equivalent examples. As I see the issues it's about how big that venue is. How can we support -- how can we continue from this dais and as community members to support and grow the music industry and make sure that Austin continues to be a place where artists want to live, can live, where we can see local artists of -- at various stages of their career -- those starting out as well as those who are more

[4:56:37 PM]

established and are nationally known. But it really is about what is appropriate on the site. So I do want to just mention -- I mentioned that I had -- my staff spoke with Ms. Pike last night. She offered to work with developers as well as other members of the community to come to an understanding of what might work on the site for everyone involved. She's terrific and I'm sure most of you in this room probably know Eric her. So I think -- know her. So I think I'll end there and lay out the motion sheet. If you look at it, it's for tracts one and two and three, to keep them in the nccd and modify site development standards and regulations. I have so many versions. I have to make sure I'm looking from the right one. With regard to tracts one and two, it would modify -- as I understand the three

[4:57:39 PM]

conditions -- that the applicant has indicated -- building cover, impervious cover, and unit count are the three elements that are limiting where the nccd sets lower limits than does current site development regulations. And so for tracts one and two, all of those things would increase from what is currently allowed within the nccd to what the current site development standards and regulations are for mixed use. And I have those somewhere if anybody is interested. It's something like 15 units are currently allowed. Current site regulations are no cap. The same is true for building cover and impervious cover. Those would increase from 35 and 60 to 95 and 95. And then on tracts one and two it would -- let me get back to the venue.

[4:58:39 PM]

Tract three, same. It would remain within the nccd and the site development standards and regulations would be modified as described. On one piece the compatibility buffer would be eliminated. On the other, the compatibility would shift from 100 to 75. Originally the request from the neighbors who were adjacent who benefit from that buffer of having that property and that height set back a bit wanted to see 50. They did agree to 75. If you look at the site, which I hope you do, you'll see it is immediately adjacent to lots of folks who have been there for a long period of time. And then building cover, units, and impervious cover would increase. And these would increase -- I believe beyond what was recommended by the staff and the planning commission. And then to back up to tracts one and two, the language here is important. And we can ask Jerry rusthoven

[4:59:41 PM]

to weigh in. You'll see that I've talked about cocktail lounge use and/or indoor entertainment. Some music venues operate under an indoor entertainment permit, some under a cocktail lounge use. I'm not sure what term is most appropriate here, but I think the gist of what I'm trying to accomplish is to come up with a size that is more appropriately scaled to this location. I have 3,000 square feet as the neighbors have requested. Their number began lower, but through compromise came to 3,000. Clearly it's a ways from what the developer has asked. There's a little asterisk here because my commitment from -- between here and second reading is to continue working with our music department, with members of the music community and others to look at what some of those venues are and what are some of the most analogous uses. But as I mentioned, if you look

[5:00:41 PM]

at the continental, Saxon, others of similar size to what is being proposed, those are on commercial borders. And this one is no longer even drawing access from that commercial corridor -- immediate access. That's my proposal, and I'm happy to answer questions.

>> Mayor Adler: Councilmember Ellis.

>> Ellis: I do have one. How does this relate to F.A.R. And height? Are there stipulations in the nccd that would affect those beyond these are listing going to current code as it would be without the nccd? Are there any limitations to F.A.R. Or height in the nccd? And maybe that's a question for staff.

>> I can answer that.

>> Tovo: There are limitations. And at the moment -- and this

[5:01:41 PM]

may shift, but at the -- we are proposing modifications to those. And I need to just check my notes on whether -- where some of my conversations landed, whether that was on planning commission and staff recommendation, or somewhere else. Mr. Rusthoven, I believe the staff recommended some modifications. Would you describe those?

>> For tracts one and two, the existing .35. The applicant's proposal to remove the nccd would kick it up to 2:1. The staff recommendation was for 1.5 F.A.R. With regard to height, the existing is two stories, three feet. The applicant's proposal to remove the nccd would take one and two to 60 feet. The staff recommendation is also okay with 60 feet.

>> Mayor Adler: It's also what?

>> Sorry?

>> Mayor Adler: The staff

[5:02:42 PM]

recommendation is also what?

>> Is also 60 feet. And then for tract three, the main limitation seems to be -- well, it would be the site area requirements, not the height.

>> Ellis: Okay. So under tracts one and two, would councilmember tovo's motion sheet that she has here, would we be voting on 1.5:one?

>> We'd be going to 2:1 to maximize development.

>> Ellis: I just wanted to check on that. Thank you for that clarification.

>> Sure.

>> Mayor Adler: Okay. I think councilmember tovo moves passage of this item with the changes that she has on her motion sheet. Seconded by councilmember pool. Again, I'm going to vote for this now, recognizing that we're in a process to be able to work through this. I want to better understand what

[5:03:43 PM]

the real delta is between being in the nccd with the changes -- these changes or similar kinds of changes versus whether it is outside of the nccd. I want to -- you know, again, I support a larger venue size. But I recognize that there's conversations that have to happen with respect to traffic and some of the issues that were raised about whether that was a legitimate assessment of movements. We have to have that conversation, council, the affordable housing conversation I need to understand better because I think that to a large degree, everybody's ready to extend themselves for affordable housing. I don't want to lose that. So with that and recognizing that this is kind of, you know, a process point as we move along, I'm going to support your motion, councilmember tovo. Any further discussion before we

[5:04:44 PM]

vote? Yes, mayor pro tem.

>> Alter: Thank you. Councilmember tovo --

>> Mayor Adler: We can barely hear you.

>> Alter: You can't hear me.

>> Mayor Adler: Mayor pro tem --

>> Alter: Can you hear me better now?

>> Mayor Adler: Yes.

>> Alter: I want to thank councilmember tovo for her motion and indicate that I intend to support that motion today. I don't believe that any of us question the merit of a live music venue and that our community would be fit from an -- benefit from an additional venue of this size and type. The question is whether it can be accommodated here. This is a complicated case which I'm still studying closely, particularly the details of the traffic impacts of the proposed projects. I'm supporting this motion today

[5:05:44 PM]

but I remain open to adjustment, various elements of the project, including the size of the venue and the site development standards on tract three. However, I do want to lay out elements which would help us to focus on a solution moving forward and at least related to earning my vote. All of these parcels should remain within the nccd. Changes to the nccd can be made to accommodate the project, but achieving this project absolutely does not require us to remove any of the parcels from the nccd. The increased development rights must remain compatible with the surrounding residential uses and the size of the music venue is largely dependent on what degree of increased traffic the area can absorb. I've been studying both T.I. A.s and I have submitted requests related to those documents in our q&a and I have outstanding questions about the assumptions in those studies that remain unanswered. I'm hoping between now and our next meeting I can get those

[5:06:46 PM]

answers committed to continuing to engage with the applicant and neighbors as I work with my colleagues and our staff to determine what is appropriate. I hope all parties can continue working constructively with one another as we balance the needs of our city alongside the impact on existing residents.

>> Mayor Adler: Okay. Fortunately, we don't have to work those things out here today. Councilmember Ellis.

>> Ellis: Yes, I do appreciate I councilmember for district 9 putting her head together and trying to figure out a way to make things work in a way that does support housing and does support the music community. I personally would prefer to see the nccd removed, simply because I like to be simplistic. I think it's clean. That portion wasn't included in the national register of historic places. There's some validity to the changing nature of that corridor

[5:07:46 PM]

and the fact that there already is a lot of music on that corridor. There's going to be mass transit soon. For simplicity's sake I would prefer to see the nccd removed. I haven't heard enough other people say they're comfortable with that. I'm okay to approve this motion sheet. It gets us most of where we want to be with this. I will say, however, on the size of the square footage of the venue space, I would prefer to see where planning commission had made the motion. I'm not sure if that's something we're open to doing, knowing there are folks that are more comfortable with a smaller size. But I think for simplicity's sake I worry about all of the moving parts and keeping track of all these different percentages and allowances and heights and things like that. And I don't know if I need to make a motion to make that amendment, since I know we'll have this conversation on the

[5:08:46 PM]

next reading.

>> Mayor Adler: Right now it would be the motion sheet that has 3,000. If you wanted to change the 3,000, you would be required to amend it. I had opted not to amend it but to express my hope that it ends up with a larger venue. That's real important to my support, only thinking that until we actually have the other elements, I'm not sure we're in a real position to have that kind of discussion on size. But it says 3,000 now, if you wanted to change it, it would require an amendment.

>> Ellis: I would like to move to make the amendment to change the 3,000 square feet to 17,500 reflected in the planning commission's vote knowing full well that we're going to have this conversation shortly as this case comes back to us.

>> Mayor Adler: Okay. There's been an amendment to have it at 17.5. Is there a second to that amendment? Councilmember Fuentes seconds

[5:09:47 PM]

it. Any discussion on this element? Councilmember pool.

>> Pool: Thanks, mayor. I appreciate the amendment that my colleague is making, but until I can see the list -- comparison chart I've requested from the applicant on the various venue sizes and number of people that can be accommodated and think about it a little bit more, I cannot support that amendment. We're in a good place with councilmember tovo's diligent work to go forward on first reading tonight.

>> Mayor Adler: Councilmember kitchen?

>> Kitchen: Yes. I also appreciate the amendment and, you know, certainly am willing to consider other aspects of size as we move forward on second and third, but I have to say that I appreciate the work that councilmember tovo has done. This is in her district and

[5:10:48 PM]

she's very well-aware of what's needed in that particular area. And so I trust that this is a good starting point at least. And I'm reluctant and can't support starting with something that's larger at this point.

>> Mayor Adler: Further discussion on this amendment? Councilmember Casar?

>> Casar: Yeah, I recognize as you've said, mayor, that this is going to be discussed over the next few readings and having to pick now that we have this amendment before us, I remember Mr. Bridges comments about this being a venue size missing in the city. I'll vote that way until we have further discussion on the other readings.

>> Mayor Adler: I'm going to vote for the amendment because I think it should be a bigger size. I don't think a no vote in this instance necessarily means -- my only concern about taking this vote is it looks like there might be people that might oppose it now but might later support something. That's a bigger size.

[5:11:52 PM]

So, I'm hoping that whatever this vote is, recognizes that we're in the middle of a conversation here.

>> Tovo: Mayor, if I may, I completely agree and that's one of the reasons I put an asterisk on that right now. You know, having had dozens of emails and my staff have had dozens of calls with neighbors going back and asking them to please reconsider the compatibility piece, a different size, increasing entitlements, I feel like there's been a lot of good faith work to really make sure that the housing piece could be maximized, really substantially beyond what is currently there. The venue piece needs more consideration. And I would ask that you please consider that this is an ongoing conversation and grant the ability for that to transpire over time with the hope that we would land in a different place.

>> Mayor Adler: Okay. Let's take a vote on the

[5:12:54 PM]

amendment. Those in favor of the amendment, sorry, councilmember harper-madison?

>> Harper-madison: Thank you, mayor. I was going to indicate my support for the amendment but I also had commentary prior to councilmember Ellis presenting this additional amendment. I have commentary for the original motion. So, a two-parter. I fully support the amendment and look forward to this continuing to be a fluid conversation where everybody's moving towards the same goal, which is what's best for Austin. So, once we finish with this vote I'd like to be recognized -- I've been trying to be recognized for the original motion.

>> Mayor Adler: Thank you. Councilmember Renteria?

>> Renteria: Yes. And I'm going to go and support -- vote for the original. I think it's needed and it's very important to preserve it.

[5:13:54 PM]

>> Mayor Adler: Okay. Let's take a vote. Those in favor of amending it to go to 17.5, please raise your hand. I count one, two, three, four, five, six votes. Those opposed are tovo, pool, Kelly, and kitchen. Six votes in favor and did I leave somebody off?

[Off mic]

>> Mayor Adler: And the mayor pro tem voting -- was that correct, mayor pro tem, voting no?

>> If the vote is on going up to 17.5, yes.

>> Mayor Adler: I'm sorry?

>> Harper-madison: Whether or not to go up to 17.5, my vote is no.

>> Mayor Adler: It passes on a 6-5 vote. Councilmember Kelly.

>> Kelly: I just want to be clear my no vote no does not mean I'm opposed to a larger

[5:14:55 PM]

venue, it just means there's more discussion that needs to happen and it's premature for me to be able to vote for it to be a larger venue. Thank you.

>> Mayor Adler: Thank you. We have a motion in front of us. Any further discussion before we vote? Councilmember tovo.

>> Tovo: I would just say I probably am going to be a no vote today, having worked really hard to come up with what I thought was a good starting place. That's an unfortunate thing to do. I support this project, what you're trying to achieve, having a music venue there and the housing. We need to work hard -- especially given there's a valid petition, we need to work hard to come up with a project that tells the community members who live there that we're listening to them as well.

>> Kitchen: Mayor.

>> Mayor Adler: As somebody voting in favor of this, I hope the applicants don't get overly excited with the vote that we just took, for lots of reasons. Votes can fall off as much as they go on. There's a higher burden given

[5:15:55 PM]

the valid petition. I think that people are supporting it in part based on where they think we're going to end up on some of the other elements as well. So there's still a lot of work to be doing here and I appreciate your willingness to roll up your sleeves and earnestly engage. Councilmember kitchen.

>> Kitchen: I have another amendment I'd like to make. I'd like to amend what's in front of us to remove the size. I think a 6-5 vote on the size indicates that there's a lot more conversation that needs to happen. And I am very reluctant moving forward with a size that is not something that the councilmember in that district has been working very hard on. It really concerns me. I think that she has been working very hard with the constituents and has a better read of where we might be. But I

understand for myself and others, if we're not sure on what would be the best size. At this point it might be better if we just don't address that.

[5:16:55 PM]

So I'm going to make a motion that we remove from the amendment that's in front of us the reference to the syces.

>> I'd like to second that motion.

>> Mayor Adler: Walking amendment, talking amendment. But we'll let it --

>> Kitchen: I'm sorry.

>> Mayor Adler: I have an amendment that is made to remove the size altogether, seconded by councilmember Kelly. Discussion? Which you've had.

>> Kitchen: Sorry.

>> Mayor Adler: Other discussion? Councilmember tovo.

>> Tovo: Councilmember kitchen, I appreciate that. Are you suggesting that we remove the size entirely, not just the amendment?

>> Kitchen: What I meant to do, and I would be open to -- if you have a suggestion -- is that we not -- I would like to keep the rest of what you're talking about, but just not decide on what the size, if that makes sense.

>> Mayor Adler: I heard the motion to leave the size undetermined at this point in the first reading.

>> Tovo: I really appreciate

[5:17:57 PM]

that. I think that's a very important amendment. What I'm trying to determine is whether it modifies -- in essence, the proposal was 17,000. So are you -- but your amendment is overriding the staff -- is overriding the applicants as well and leaving it as an indeterminate size.

>> Mayor Adler: I read that to be striking the 17.5 and putting in a blank.

>> Tovo: Thank you. I think that's --

>> Mayor Adler: A size of blank square feet of gross floor area. Okay. The motion is to go to a blank. It's been moved and seconded. Any discussion? No discussion? Those in favor of replacing 17.5 with a blank, please raise your hand.

[5:18:58 PM]

Seeing Kelly, pool, tovo, kitchen. Those opposed, please raise your hand? And the mayor pro tem. Those opposed, please raise your hand. And it's the same six that we had before.

>> Mayor.

>> Mayor Adler: Councilmember pool.

>> Harper-madison: I think you miscounted my vote. I think you counted me for what I didn't vote for and then didn't count mayor pro tem --

>> Mayor Adler: How did you want to be shown voting?

>> Harper-madison: The latter.

>> Mayor Adler: I'm sorry?

>> Harper-madison: I would like to keep the number so the latter, I voted no for the amendment.

>> Mayor Adler: I got you that way. I got us the same 6-5 we had on the earlier vote now 5-6. This amendment does not pass. So, the votes in favor of this last one were councilmember Kelly, councilmember pool -- these are votes yes on the motion -- on the amendment to put in the blank, the yes votes were councilmembers Kelly, pool, tovo, kitchen, and the mayor pro

[5:20:02 PM]

tem. I'm voting no on the amendment. And keeping it present. Actually --

>> Tovo: Mayor, I'm not understanding. Are you voting for a blank, or are you voting --

>> Mayor Adler: I'm going to vote for the blank. 6-5. Let's do it that way. That's going to help us get to what we need to. 6-5 I'm going to vote for the blank in the motion. So, we have a blank. Councilmember pool.

>> Pool: Thank you for that, mayor. I was fixing to vote no for the main motion because I do think that significant work has been accomplished by the district 9 councilmember, and I want to continue to have that work going forward for all parties. And this is frankly, a vote of confidence for her to continue the work with her constituents and the residents on a really important issue that I think ultimately we will all come to an agreement on, but it's not

[5:21:02 PM]

today. And trying to stage manage it at this point is counterproductive, from my perspective. I thank you for saving the main motion, at least as far as my vote is concerned. I will now be able to vote yes for this. Otherwise I would have been voting no.

>> Mayor Adler: All right. The main motion is in front of us. It has a blank. I don't want anybody to get excited either way. You need nine votes to get this passed. There's work ahead of you to get from here to there. The main motion is in front of us. It is a blank as to the size. Any further discussion? Those in favor, please raise your hand. Those opposed --

>> Harper-madison: I still never had the opportunity to speak to the main motion.

>> Mayor Adler: Go ahead. I apologize. Sometimes I miss the screen. Please don't hesitate to audibly call out, hey, my hand is raised.

>> Harper-madison: I will moving forward. I think it's rude, but I will.

[5:22:03 PM]

I wanted to speak to the main motion. But I appreciate having the conversation transpire without having had that opportunity to make my commentary. As you listen to -- as we have this discussion, I certainly don't want there to ever be any implication that the efforts of a particular councilmember, especially as it pertains to their district, are diminished by way of a difference of opinion. I don't believe that's the case. And so I would like very much to also recognize I know exactly what it looks like and feels like when you've worked so hard, and you've invested so much time in an item and not have your colleagues necessarily be in direct alignment. And that's okay. I hope it's okay. I hope a part of what we get to do here is not be in direct agreement but still support one another as we move forward.

[5:23:04 PM]

My original commentary, I wanted to say I'm not breaking news when I say Austin is a changing city. If you've been here for more than a week you've seen it. If you've been here since the '70s like I have, you've definitely seen it. Some change is good. Some is bad. It's happening. And with that change, we have evolving needs. And right now we need a lot more housing. We also need to be very intentional about how we nurture our priceless but incredibly fragile local music ecosystem. In my mind's eye, the applicant's proposal would check a lot of boxes. It would check the box for new housing, some of that being income-restricted. It would put housing less than a mile from downtown and just a few hundred feet from the imagine Austin activity corridor. And not one but two future light rail lines. It would provide support for a beloved recording studio, create space for a music museum. It would resurrect an iconic

[5:24:04 PM]

venue linked to Willie Nelson himself. We've received hundreds -- I mean it literally -- of emails in support of this and just heard dozens of speakers who took the time out of their day on behalf of this proposal. As an addition to my original commentary about not being in direct alignment but not diminishing the value of people's contribution, I heard the residents and hear the residents and their opposition and their concerns. But I also hear the hundreds of people that are reaching out to us as well. And I don't want to offer any more weight or relevance to a group of constituents over another group of constituents. So this item was backed by the music commission, the planning commission, the king himself, Gary Clark, Jr. Those things mean something to me and not just from a nostalgia

[5:25:08 PM]

perspective, but, the people who are invested in Austin music. It was created nearly 40 years ago to protect the architectural character of the neighborhood, the nccd was. But this building and its massive parking lot came along long after the homes in this community. Really, very comfortable, much like councilmember Ellis, with removing the property from the nccd. Like I said, this is a changing and evolving city with evolving needs. I think our policy-making should reflect that. Decisions that were made 36 years ago shouldn't be irreversible. If we always gave deference to the rules that we made long before our time, fairview park would be the whites-only subdivision it was when it was originally established. As we've heard, Austin is lacking in venues of this size, the one that's being proposed before us today. And I do appreciate that we have considerably more time to have the conversations. I don't feel comfortable supporting anything that

[5:26:09 PM]

wouldn't maximize our ability to address the evolving needs of our city and our constituents. So that said, while I'm struggling to understand the utility of maintaining this nccd overlay I am open to the idea of working out a solution through amendments, but will definitely need that additional time to re-them to ensure they support the project's desired goals, which I fully support.

>> Mayor Adler: Anything else before we vote? Let's take a vote. Those in favor, please raise your hand. Those opposed? Unanimous on the dais, it moves forward on the first reading. Thank you. Let's take up the other zoning case. It's 5:30. Let's work a little bit more. Thank you. And thank all of the neighbors and everyone who showed up and has put time into this as well as the community generally. It's 5:30 now. I propose let's see if we can get through this by 6:00, anticipating we take a look at the agenda and break for

[5:27:10 PM]

lunch -- dinner, rather. We can see what we have in front of us is this last zoning case and then we have the pulled items which are the contract for fleet, the ems station, and the wage theft issue. Councilmember tovo.

>> Tovo: Mayor, I think we dispended -- I forget what that word, we dealt with fleet earlier.

>> Mayor Adler: Okay. We're bringing back 36. So, 19 was already taken care of -- no. I'm sorry. I meant the economic district. 19 is coming back, the economic districts. We have 36 coming back, which is the ems station. And we have the wage theft

[5:28:10 PM]

kitchen ifc and the zoning case. So let's do the zoning case and see where we are. Councilmember Casar.

>> Casar: Mayor, I didn't make a motion earlier on -- I'll make my motion and then explain it. I move to postpone this to March 24th. No, the Brady --

>> Mayor Adler: The next zoning case?

>> Casar: Yes.

>> Mayor Adler: Okay, councilmember Casar moves to postpone zoning cases 76 and 77 until when?

>> Casar: Until March 24th.

>> Mayor Adler: March 21st.

>> Casar: 4th.

>> Mayor Adler: 24th, rather. Seconded by councilmember Kelly. Councilmember tovo?

>> Casar: No. I thought we were stepping out for dinner at 5:30. I'm happy to talk about it, but if folks just want to vote for the postponement, then we can get out of here.

>> Mayor Adler: Is the applicant here?

[5:29:10 PM]

>> Casar: Yes. Does the applicant have an issue with the postponement?

>> Mayor Adler: Do you have an issue with the postponement? The applicant is okay with it. Staff, is there any reason why not to postpone this? Staff is saying no. In that case we have a motion and a second to postpone this. Any discussion before we vote? Councilmember tovo.

>> Tovo: Thank you. And I had an opportunity to talk to councilmember Kelly, who had made the motion that didn't get seconded earlier to let her know having heard the members of the public who explained why they were asking for a postponement, and the conversation in particular about the individual who took her name off this morning, I think this is a really appropriate action here today.

>> Mayor Adler: I'm going to support it for the same reason, the same basis. And I don't think it's just councilmember Casar trying to push off a vote until when we we -- he won't be on the council. Councilmember Kelly?

>> Kelly: Thank you to my

[5:30:10 PM]

colleagues for supporting the postponement now even though originally it wasn't supported. I know that the testimony that we heard really solidified the reasons for the postponement and I knew that made a big difference. I would encourage anybody who may be watching now, if they feel like their voices aren't heard, this is a clear example of one way a difference was made. That's why it's important to speak about things you're passionate about. Thank you.

>> Mayor Adler: Moved and seconded to postpone. Those in favor, please raise your hands. Those opposed? I'm showing it unanimous. Councilmember harper-madison, are you good with that? That's okay. So, it's unanimous. This item is postponed. That gets us to the last couple items. Let's see if we can do this before we would break for dinner. Councilmember tovo, you pulled item number 19.

>> Mayor, before we leave the zoning --

>> Mayor Adler: Yes.

>> Renteria: I made a mistake on 80 and I thought we were going to discuss it. So if you can show me voting no

[5:31:12 PM]

on it.

>> Mayor Adler: Okay.

>> Renteria: Thank you.

>> Mayor Adler: Would the record please -- let's -- I don't know how to do that other than --

>> Tovo: Why don't we reconsider it.

>> Mayor Adler: Any option -- objection? Let's reconsider, let's take a vote. Those in favor of number 80, please raise your hand. Those opposed? Councilmember Renteria votes no, the others voting aye, councilmember Casar off the dais. That item passes.

>> Tovo: Mayor, I'll say on that one, I think there's more work to do and I hope the applicant will continue to work with the surrounding neighbors to improve that project.

>> Mayor Adler: Okay. All right.

>> Mayor, it's Myrna. 81 is related to 80, so the

[5:32:13 PM]

action would be for 80 and 81.

>> Mayor Adler: Let the record reflect that vote was for 80 and 81 both. No objections, I should have said it that way. We've been calling them that way consistently. Thank you. Mayor pro tem?

>> Alter: I wanted to see if we could do 36 quickly.

>> Mayor Adler: I think they're all going to be pretty quick.

>> Alter: We're going to try to do all of them before 6:00?

>> Mayor Adler: Yep.

>> Alter: I misunderstood.

>> Mayor Adler: Let's see -- I think 19 and 36 will be fast and then we'll close then with 53 and I'm not sure -- I think that will be fast, too. Councilmember tovo, do you want to take us through that one, 19?

>> Tovo: That's councilmember kitchen has pulled it.

>> Kitchen: Mhmm.

>> Mayor Adler: Okay. I thought you both had it.

>> Kitchen: That's okay.

[5:33:13 PM]

>> Tovo: I have direction.

>> Kitchen: Okay.

>> Mayor Adler: Okay.

>> Kitchen: Should I go ahead?

>> Mayor Adler: Yes.

>> Kitchen: My concern with 19, I think 19 is something that needs to happen. And -- but my concern is that we're moving forward with -- let me back up for those who aren't familiar. 19 is dollars for a consultant related to doing some analysis and work on our cultural districts and economic districts, which I think is work that is useful and important to do. My concern is that this is proceeding forward at the same time when this council passed the ccid, which was the cultural and climate innovation district 8 months ago, this council passed it and I still do not have a commitment from our staff to move forward with what was included in that resolution.

[5:34:14 PM]

And the reason I don't have a commitment is there's some concerns about funding for a consultant for that program. So I am very reluctant to approve \$120,000 for this, a more general study, when we have not yet identified a much lower dollar amount how we're going to proceed with the carrying out something this council passed. So I'm not going to be able to vote for this. I understand if others proceed with it. I don't think it's a bad study at all. It's something that's good to do. But I need to ask the city manager right now if you can make a commitment to carry out the resolution on the cultural and climate innovation district that this council passed eight months ago.

>> I can make the commitment to continue working with you on that resolution, as we have in the past. But we have not at this point in time identified the funds to hire that consultant. There are other ifcs and resolutions that have also not been funded.

[5:35:14 PM]

But those are part of our ongoing discussions as we look at our overall budget. Our budget director -- I'm sorry, our cfo may have additional context for this. But these are challenges that we're going to be facing as we proceed with our budget going forward.

>> Kitchen: Let me just say that the dollar amount that's needed for the ccid is much less than the \$120,000 that's being proposed for this particular consultant. And like I said, I'm not going to be able to vote for it. And I'm very concerned that we passed the ccid eight months ago and the order of magnitude of the dollars we need is \$100,000 or under and we could do it for significantly under \$100,000. Can I at least have a commitment that there is some action being taken right now to look for those dollars, and can I have a date by which I might be able to understand if we're going to be

[5:36:15 PM]

able to proceed with something that we passed last year?

>> I can commit to that and working with you and your office on looking for alternatives for that resolution. And we can get you some update in a month. And so we'll have a few weeks to be able to do that with you.

>> Kitchen: Thank you.

>> Mayor Adler: All right. Is there a motion to approve number 19? Councilmember Fuentes makes the motion. Is there a second? Councilmember Tovo seconds. Any discussion, further discussion?

>> Tovo: Yes, quickly, I did want to provide the following direction that we desire for the Austin economic development corporation to play a guiding role in the development of economic districts, including cultural and historic districts and please return to council by March. And this is formal direction. Please return to council by March 3rd, 2022 with any amendments necessary to ensure the role of the aedc in this process. There's some confusion about whether there's a need for an

[5:37:16 PM]

interlocal agreement amendment -- an amendment to the interlocal agreement with the economic development corporation to effect that change for them to guide that work. And so if there is a need for an amendment, city manager, I would ask that you bring it back so that we can make that amendment. But it was always contemplated that the economic development corporation be involved in this work, be strongly involved in this work, maybe lead this work. So I do want to make sure that that happens moving forward and we did get a memo earlier in the month that said additional roles or responsibilities of the economic development corporation would have to be approved by both the board and the board of the aedc and the city council, so this may fall into that category. We had a pretty lively conversation about this before we took a break last year. And one of the subjects that came up and one of the concerns I had was whether this would delay the signage for the 5th street mexican-american cultural heritage corridor. And the staff came back with what I think is a very good compromise to put signage up

[5:38:17 PM]

immediately. It's going to be going up in February. That signage will be more or less temporary. And then they will continue -- begin the work with our stakeholders who have done the research, have identified sites and have really advocated for that corridor for years now to identify additional sites and once the, kind of, district-wide signage and logoization has been done, those permanent signs might look different. I appreciate the responsiveness and getting those signs up, that recognition that really

long overdue and well-deserved recognition for those sites happening sooner and then we'll continue to work and look for the fuller stakeholder work and the fuller signage recognition.

>> Mayor Adler: Okay. So the gist of your amendment is just to say you want it investigated whether aedc can take a role in this?

>> Tovo: I'm being a little more directive than that.

[5:39:17 PM]

I'm saying they should be. They should play a guiding role and the manager should come back to us by March 3rd if there is a need for an amendment, with any amendment necessary to effect that change.

>> Mayor Adler: Is staff okay with that? Yes. All right. Is there any -- it's been moved with this element. Is there a discussion? Those in favor, please raise your hand. Those opposed? Kitchen is voting no. Pool is voting no. We have councilmember Casar and Renteria off the dais. Six others voting in favor. It passes on a 6-2-2 -- well, it would be 7-2-2 vote. Is that right? Pool and kitchen voted no. Casar is off the dais.

[5:40:18 PM]

Pio is off the dais. So it would be the other seven voting aye. All right. That gets us then to item number 36. We asked public works to come back to us if the direction to see if there was something else in the area, but not slowing or stopping any of the existing work would create an issue.

>> Afternoon council, Richard Mendoza, public works director. And I want to thank you for allowing me to speak. I believe the question from earlier was if reopening the property search would be detrimental to the project. Speaking as the project lead, I can advise that doing so at this moment would be hugely adversely impactful to the program and the success of this -- building this fire station, both to projects

[5:41:18 PM]

scheduled and project budget. This lease agreement supports the third of the five highest priority fire ems stations to be built within six years throughout the city, per council resolution in 2018. I'm happy to report that our team has successfully completed the first two of those five stations at the valley Morris crossing as well as Travis country. The decision point to identify the project site for the third station, this one here, was actually in summer of 2020. And that was necessary in order to meet that six-year timeline for the entire program. That's to allow the negotiations to be completed for the property, as well as for preliminary and final design to occur on time so we can start construction this year. If we

were to go back and revisit the property search for this third station now, it would essentially move us back two years and possibly more if we

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were not able to find a suitable site or had to go through condemnation to secure that site. In 2020, in that property search, our office of real estate services had been searching for a suitable site in this area since 2018. They were also at that time looking for a site for the second station, Travis country. That station was built just prior and schedule -- in schedule to this one. This area of the city presented a number of challenges, namely topography, a lot of hard rock, availability of utilities and environmental. So, we had to make that decision point early in 2020 if we were to satisfy the council desire to be successful in this program. If we were to go back now, even if we found a site tomorrow, and then entered into negotiations and then had to revisit the

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design, we would be beyond the six-year timeframe by anywhere from 2 to 5 years.

>> Mayor Adler: I'm sorry, go ahead and finish.

>> So my recommendation would be to move forward with this lease agreement so that the program can continue on its momentum so we can deliver these fire stations to the community.

>> Mayor Adler: Mr. Mendoza, just a quick question, because I just want to try and true up where everybody is on this. I think that the intent of what the council passed earlier was not to slow down the project or to tell public works they should do anything different tomorrow than what they were otherwise doing. It was asking real estate maybe early next week to take a look at the market and see if there was anything there they hadn't seen before. I don't think anybody was thinking they'd engage another rfp or another big search by mid-next week. Staff may have an answer to that. I don't think it's going to set you back two years. If they found a piece of

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property that was available, that wasn't available back in 2020, they could identify that and we could figure out what we wanted to do given where we were with the projects. But what gave rise to this was there was probably incomplete information that came to the council. We can't find anything that identifies this location. We looked at the budget documents and the capital campaign and didn't find them there. There was notice in December in a memo that just came out that said construction was going to commence, but it didn't identify the tract. And we missed that. And so there's a part of it on us,

too, I think. But I can't find in the record where this particular location came to the council for authorization to proceed. But this morning's vote was not to slow you down or to enter into a new rfp process or go through what we went through in

[5:45:23 PM]

2018-2020. It was just asking real estate to take a quick look to see if there was something that might be available that we missed. And I think it's in part because not everybody was quite on the same page yet, which is why we asked to take a look at what we might be able to do to change the processes going forward so as we might be able to catch something like that sooner.

>> I understand, mayor. Part of the reasoning behind not making this location as public as we may have is because those negotiations for the property were still ongoing and we were also respecting the wishes of the St. Stevens school. They were sensitive to making this information public as well. In the October resolution, which authorized the construction to move forward on the supporting documents, this height was listed by address as proposed. But the only reason was that they were still under

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negotiations. We didn't complete those until January. We did start construction under a right of entry. And that's not uncommon. We have friendly negotiations going on. We had a high degree of confidence we were going to reach an agreement with the property owner. And we were -- made that decision to stay on that schedule.

>> Mayor Adler: We want you to be able to work efficiently. We don't want to make things public that couldn't be. We have the ability to talk to councilmembers about specific pieces of property without making them public, which I understand in the negotiating process we don't want to do, especially as concerns real estate. That's why there's special rules that allow for staff to be able to elevate that and let councilmembers know. And again, if it was in the backup somewhere, I missed it. But I don't think there was an executive session that was called that said this is the tract we're looking at, these are the kind of negotiations that were happening, it's going

[5:47:23 PM]

to be a lease and not a purchase. So that the council could be informed. I'm not saying it wasn't absolutely the right decision to make given all the considerations. From everything I've heard, it was. The direction that we would choose to go. It's more a process issue.

>> Yes, sir.

>> Mayor Adler: That was being raised. It wasn't intent from anything we did this morning, as I explained and heard that would enter into a two-year process or disrupt anything, even if they found another piece of property it doesn't say you need to stop. I imagine that would come to us. And if that happened, we could decide what happened then. But we could move to reconsider it. My vote would be the same because it doesn't stop anything or do anything. I think it more addresses the process issue that's been raised. Again, you weren't here for the discussion but the discussion

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clearly said that we didn't want public works to do anything tomorrow any differently than it's otherwise doing and it should proceed full tilt boogie on the direction it's on. But doubling back I think was the request. And it sounded like a reasonable request to me. So I appreciate your testimony. Does anybody have any additional questions of Mr. Mendoza? Yes, mayor pro tem.

>> Alter: So I agree on your concern on the process stuff, but we do do real estate transactions all the time for, say, affordable housing or for other things that we don't have executive sessions on all the time. And it was in the October agenda. Again, I'm not sure -- I don't know what it means to say we're going to look around and see if there are other places but it's not going to impact construction

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that's already under way. Like, I just don't -- I understand the process part and wanting to improve that for certain types of projects, but I am not sure about the go check out what's for sale.

>> Mayor Adler: Councilmember tovo requested that, it sounded reasonable to me to touch base by background alone. And I can't think of any other real estate deal we've done of this magnitude that we've gone on the property and started physically possessing it and made the deals without coming to council on something like this. I can't think of another one such thing that we have done quite this way. Councilmember tovo.

>> Tovo: Yeah, just to add to that, mayor pro tem, I think you sent along the backup from the council item that we dealt with -- well, I just misplaced it. But in looking over it, when we

[5:50:27 PM]

approved the contract for construction it didn't indicate that it was happening on leased property. I think this is a fundamental gap in communication here. So I appreciate what you said. I think we still need to get some explanation of how and why it was handled that way and talk about -- the mayor has clearly outlined how we should proceed on future cases and especially as we're talking about leased

space where there would be a significant investment of city resources, of public dollars in a piece of property that we don't own.

>> Mayor Adler: Okay.

>> Tovo: Really important work that you're doing, director.

>> Yes, ma'am. Thank you.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: Well, I just want to clarify, because what I'm hearing is the concern is that to say now we should go look for other property. That's what I'm hearing the concern to be.

>> Mayor Adler: To survey the market and see perhaps --

>> Kitchen: I know.

>> Mayor Adler: Might be

[5:51:27 PM]

available that wasn't before.

>> Kitchen: But at this point we've already gone down this road. I'm hearing what our director of public works is saying as well as councilmember alter. And I'm comfortable with leaving us where we're at on this project right now.

>> Mayor Adler: Okay. Is there a motion to reconsider? Mayor pro tem makes the motion to reconsider. Is there a second? Councilmember kitchen seconds. Any discussion on the motion to reconsider? Councilmember alter?

>> Alter: I just wanted to clarify procedure because we don't usually do this. So I would -- what I'd like to do -- I think we have to vote on whether we can reconsider. Then I'd like to make a motion that passes 36 but adopts the portion of the direction that is the improvement to the process.

>> Mayor Adler: The first vote

[5:52:28 PM]

is on whether or not to reconsider.

>> Alter: I wanted to clarify that that would be the next move.

>> Mayor Adler: The motion is to reconsider. It's been seconded. Those in favor of reconsidering, please raise your hand. That passes. Now we need another motion. Mayor pro tem?

>> Alter: I would move passage of item 36. And with direction to the city manager to improve the process, especially for these sites, but especially when it's leased and adding whatever language was the language that councilmember tovo had on the process from before.

>> Mayor Adler: Okay. What we passed earlier, taking out the language about looking for a site. Is there a second to that motion, that substituted motion? Councilmember Ellis makes that motion. Any discussion? Those in favor, please raise your hand.

[5:53:28 PM]

Those opposed? Unanimous on the dais, councilmember Casar off. That moves forward.

>> Councilmember Fuentes also off the dais.

>> Mayor Adler: I'm sorry? And councilmember Fuentes also supports the new motion. Thank you, director. All right. That gets us to the last item, which is councilmember kitchen's ifc, pulled by councilmember Kelly. So we'll let councilmember kitchen make her motion and then we'll come to councilmember Kelly. Just go ahead and make the motion.

>> Kitchen: Yeah, I'll do it right this time. I would like to move passage of item number 53.

>> Mayor Adler: Is there a second to that? Councilmember pool seconds that. Councilmember kitchen, do you want to address it and then we'll go to councilmember Kelly.

>> Kitchen: Yes. Let me just remind everyone, I think you're all aware that we did make some amendments. And so we have a revised version

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that's on the web page. And what we did is we made amendments to address some questions and to be clear on what the purpose was here. Again, the purpose is to move forward, to initiate the action that needs to be taken on the potential for an ordinance. And so we made it clear that we changed the language to say directed to initiate development of an ordinance with stakeholder input, wanted to make it very clear that the intention all along has been stakeholder input and it wasn't clear. So we added language to that effect. And also added some other language and certainly open to -- I understand there might be some direction, which I think is good. And so the intent here is to move forward within the scope of what is a municipal authority to do what we can to be part of the

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solution with other bodies in our city to address the situations we heard about earlier, the situations where we have workers who are not paid for the work that they're doing. We heard some very compelling, very important and very, very concerning and heartbreaking stories earlier about our workers who live from paycheck to paycheck. And when they find themselves in a circumstance where they're not paid, it totally disrupts their lives and really puts them at risk and their families at risk. I appreciate the testimony that we had earlier. The purpose here, we understand and agree that there are many, many companies out there, most of our companies are doing a good job with their workers and they are good actors. That's not what this is about. This is about putting in place

[5:56:36 PM]

what we can do as a city to protect and help our workers. So I appreciate the support of my cosponsors and everyone else on the dais. I know people may have questions, which is fine. I'm prepared to answer those.

>> Mayor Adler: Thank you. Councilmember Kelly.

>> Kelly: Thank you. I pulled this item because I do have several questions about it and was hoping that councilmember kitchen could possibly answer them for me. I understand you might not be able to, but I think they're worthy of discussion. Wage theft is awful and a topic we can all agree on. It shouldn't happen. But I do need clarification on a couple things before I can cast a vote. Do you know if the city has resources to support this program?

>> Kitchen: Yes. We have been working with our office of civil rights, for example. And we developed this language with them. And so we know that -- we've also been working with our legal department. So we know we have resources to

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move forward at and we expect that the recommendations that will be brought back to us, whatever is recommended in terms of the city's role, we will need to have a discussion at that point about what kind of resources that might take. But the resources do exist right now to take this action.

>> Kelly: Okay. Do you know or anticipate that if this recommendation comes back and the city is unable to have the resources needed, if this may be contracted out to a third-party organization?

>> Kitchen: I don't know, and we would ask the staff to come back with recommendations so we'll have to see what they think. And there's two parts to it. What is appropriate and within the authority of the municipality. And then the other aspect is what is appropriate and within our resources.

>> Kelly: Okay. Is there supportive documentation that you have seen that shows this program is necessary in the city right now?

>> Kitchen: Oh, absolutely.

[5:58:37 PM]

And we have received -- we've all received back up and I encourage you all to look at it. We have information from a number of different entities, including workers' defense that really cite and the carpenters' union that really cite the incidences of wage theft and the impact economically to our community, as well as the impact to individuals. So I invite you all to -- I think that the information is in backup.

>> Kelly: I understand that there have been concerns from the public feedback that you have gotten from the community. Can you talk about the organizations and the individuals that you have spoken to so that everyone is aware?

>> Kitchen: Well, we've talked to -- you heard some of the testimony today.

>> Kelly: Yep.

>> Kitchen: So we reached out to different contractors to reassure them and as well as to make the amendment to let them know that this is a process of conversation with stakeholder input. I think we clarified that. I think that we had testimony

[5:59:38 PM]

earlier from agc, Austin general contractors, who were aware of that and appreciated it -- I believe they appreciated that change that we made in wanting to be part of the conversation.

>> Kelly: Thank you. My final question before I make another statement -- do you know what the fiscal impact of passing this item might be on the city?

>> Kitchen: I don't think that there's a fiscal impact at this point. What we're initiating is a conversation.

>> Kelly: Okay.

>> Kitchen: And we'll have to determine, again, within the law -- what's within our parameters that we could do and also what's appropriate. I look forward -- I know our legal department and our office of civil rights is very interested in working on this. And so I look forward to seeing what they bring back.

>> Kelly: Great. Thank you very much for answering those questions. I see in the resolution that you included direction to the city manager to convene a working group of local prosecuting agencies. I've spent time talking with organizations over the last week or so, constituents and contractors in the community who

[6:00:40 PM]

have combined decades of experience, and share these concerns as well. And after reviewing your board post and I believe the direction from the mayor, the mayor and I were on the same page, I was going to bring forward direction similar to yours, so I'm glad to see that you did that, I think that it's going to add value to this important resolution for the verbiage to have a separate working group that included participation from stakeholders in the community. I think that is a wonderful idea and this is a really great resolution in that regard. Once we bring everybody together, we'll have a more complete picture of what's going on in the community and how we might be able to combat wage theft. So, thank you very much.

>> Kitchen: Yes, we have language in the amendment about working with stakeholders and I appreciate the language that the mayor has in his direction also.

>> Mayor Adler: So to that end, councilmember kitchen, I did prepare and hand out, it's posted now and backup in the direction. First, I want to thank you for bringing this. You know, I think that there are certain rights that have been

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guaranteed to workers. Obviously, to be free from wage theft. And then there are laws that are pretty well developed on job and worker classification. And there are certain benefits and protections that come for workers in that as well. And when those protections and guarantees and rights are not provided, there's a problem, and we should be doing everything that we can to help. So I appreciate you bringing a resolution to address that. In my conversations with you, everything that I have in directions I think was your intent as you had originally drafted it. But as we heard in some of the people talking this morning, there are some people that still have questions. So, all I did here was just to try and make even more explicit what I understood your intent was anyhow. This was language that the union and the carpenters and the workers defense are also

[6:02:41 PM]

comfortable with. The first one says in that engagement provision input division where you said that you had have to have business as well as other people, just said specifically here make sure that you have people that might have countering views on this issue or how this issue would be applied. The second one goes to the questions that councilmember Kelly were asking about making sure we had options that both had potentially a budget impact -- so we could consider that if that's the way we wanted to go, or not, if we wanted to go that way. And the last one, just making sure that as we were doing any action that we were centering on the impact this would have on the most vulnerable. Are you okay accepting this?

>> Kitchen: Yes, and I read that to mean that -- that in terms of options, that is fine. But I do want our staff to understand that we want their recommendations. So we want to understand what the staff would like to see. And I don't think that those two things are mutually exclusive.

[6:03:42 PM]

>> Mayor Adler: No, options and recommendations, I think, absolutely. Is there any objection to including this direction in the motion? Hearing no objection, it is incorporated. Further discussion on the motion, the isc from councilmember kitchen? Councilmember Fuentes.

>> Fuentes: Thank you, councilmember kitchen, for bringing this forward. And to get to some of the questions that you were asking, councilmember Kelly -- we know that one out of five construction workers experience wage theft at some point. So that is one too many. In fact, the Texas workforce commission paid out over \$49 million of wage theft claims over the last five years. That's information that is included in our backup. So I want to, again, to thank you for bringing this forward, councilmember kitchen. It is something that affects us and so I'm proud to co-sponsor this and I believe that it is our obligation to call injustices and ensure that we have systems and processes in place so that we can support safe working conditions and

[6:04:42 PM]

support dignity of pay for many people. That paycheck is a lifeline. It is the difference of being able to pay rent, being able to pay your power and water, or being able to put food on the table. And so I think this is a great first step. I appreciate you including a process that outlines engagement with community partners and stakeholders and I look forward to see what our staff recommends.

>> Mayor Adler: A motion and a second. Any further discussion? Councilmember Renteria.

>> Renteria: I also want to thank councilmember kitchen. You know, as someone that -- when I built my Adu, I hired a contractor and one of his workers came back to my house and said that he didn't get paid. And this guy did all of the drywall in my house, did an excellent job. You know, and it really broke my heart to see this person, you

[6:05:43 PM]

know, that he couldn't get his wages. And I just made a recommendation to go to the labor board. But I don't know if he did get that or what, but, you know, I experienced it with a contractor. And the most I could do was to say that he's a very honest and I'm sure that those kind of postings don't get posted almost anywhere. I didn't even know where to, but, you know -- and those kind of things happen

because I have a lot of friends that are immigrants and they get hired and they say come back for your money and they never find where to go or anything. And they just lose out their wages. And it's very hard to see that, the struggle that these people are working so hard, you know, with sweat and -- and not get

[6:06:44 PM]

paid. And we need to put a stop to that. So, thank you, for bringing that up.

>> Mayor Adler: Councilmember kitchen?

>> Kitchen: I just want to say -- I want to thank all of the folks that helped to put this together. There was a lot of work on behalf -- on the part of our staff, the legal staff, our civil rights officer. And a lot of work from -- from the stakeholders who brought this to us. The carpenters' union, the workers' defense and many others. I appreciated the collaboration with the district attorney's office, and, most importantly, I want to thank Jason on my staff. He's always been a passionate fighter for workers' rights. And I really appreciate the work that he's done to pull this together.

>> Mayor Adler: Great, let's go ahead and take a vote. Those in favor of the kitchen

[6:07:44 PM]

proposal, please raise your hand. Those opposed? Passes unanimously with council man Casar off the dais. Colleagues, I think that is all of the items that we have on the agenda. We do have council meetings next week. I want to take just a moment and take a moment in silence. We lost a really important city staffer that we had mentioned here tonight, in the historical preservation. Kathie, you want to address it first?

>> Tovo: Thank you for taking the time. We recognized Steve Sadowsky with a distinguished sense award/proclamation at one of our special called meetings. And he did pass several weeks

[6:08:45 PM]

ago, about two weeks ago. He was a long-time public servant, served this city admirably and well and I know that so many of us will really miss him. He helped to make Austin a better place.

>> Mayor Adler: So before we adjourn we want to take a moment of silence for Steve Sadowsky. Thank you. And our meeting is adjourned here at 6:08.