

City Council Regular Meeting Transcript – 02/03/2022

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[12:13:31 PM]

>> Mayor Adler: Okay. Anybody has anything else, we'll go ahead and convene the meeting, which we will then do. Today is February 3rd, 2022. This meeting is being held in a hybrid fashion. I am here at city hall with the city manager. The rest of the council is on -- participating virtually. And the time is 12:14.

[12:14:31 PM]

I hope everybody has had lunch or grabbed lunch to have it with them. We're going to see if we can plow ahead here. I think there might be an eoc call at 3:00 o'clock. There might be a brief recess at that time to take a break, but let's see if we can keep working until then. The changes and corrections for this agenda -- let me pull that up. Item number 24 has been withdrawn. Item number 25, the correct address is 5111 Lancaster court. We have two items that have been pulled, 39 and 40 and we'll address those in executive session before we call those up. With respect to 39 and 40 I've posted an amendment to each of those that I think council

[12:15:37 PM]

member Casar -- are you willing to take those?

>> Casar: Yes, sir

>> Mayor Adler: You might want to take a look at that. They're posted in back-up. Yes, council member Kelly?

>> Kelly: I just wanted to say that my staff is working on also posting a motion sheet to the message board for item number 40 that I think complements what you have so that should be up shortly

>> Mayor Adler: Thank you. We have late back-up in Austin housing corporation -- if I forget to say that please remind me. We have late back-up in 20, 21, 25, 37, 47, and 48. Colleagues, we have some speakers that have signed up. We also have the public communication speakers, so it's my intent now that we're past noon we're going to take the

[12:16:39 PM]

public communication speakers so we have them. Then we'll do the folks that have signed up for the 10:00 o'clock meeting. I think all of them have gone virtual except for possibly one. But we'll make that call here in just a second. Let me -- is anybody here in person that wants to speak on either public communications or on the 10:00 o'clock call?

>> Mayor the in-person has switched to virtual. They're all virtual

>> Mayor Adler: There you have it then. That's good. We'll have the speakers. We'll do the consent agenda, and hopefully we'll be able to pass that. We know two items are pulled for executive session. At that point, after having done consent, there may be others. I know I want to address council member Casar for just a

[12:17:40 PM]

moment. That might be a time to be able to do that. After that, we'll handle the non-consent items. Hopefully then go into executive session on the two items we have there, plus we also have the personnel item with the manager. After executive session, we'll come back out. At 2:00 o'clock we have zoning speakers to speak. We'll handle the consent zoning, any contested zoning cases, 3:00 o'clock. Short break so we can handle the eoc call. And then we have a 4:00 o'clock special called meeting on a settlement matter. We can't take up earlier than that, but hopefully at 4:00 o'clock we can do that. I don't think that will take very long, and then hopefully we can let people go. All right. That said, would you call the speakers, the public

[12:18:43 PM]

communication speakers and then the 10:00 o'clock speakers.

>> The first speaker is Thomas elmossery.

>> Can you hear me?

>> Yes. Go ahead.

>> I want to talk about three things really quick. I know you only get three minutes so I'm going to rush through it. I was talking to a friend, trying to get her to move to Austin, and she pointed out that there's -- we handle sexual assault cases really poorly here, apparently. I said, no, we don't. The county settled, we have a new da, police chief. She pointed out, no, city of Austin is still fighting the case. I just want to plead to y'all -- 500,000 or a million but if it's less than 500k, give them the money. Don't let them suffer through

[12:19:44 PM]

what they've been suffered. Sexual assault, from the new York Times -- that's been happening a long time. I urge you to settle that and move forward with the city of Austin. You know, have -- I wouldn't feel comfortable with my sister or mother living in this city knowing how y'all dealt with rape and sexual assault in the past. Settle with these ladies and move forward

>> Mayor Adler: You'll be pleased to know that you were right and we did settle with all of the plaintiffs in that case last week.

>> Oh, last week? Wow. I haven't heard about that. That's wonderful. I'm glad the city of Austin can move forward with this. The second thing is I read in Austin -- an Austin statesman article that police are complaining about the oversight committee. I'm not anti-cop, I'm not for defund or whatever, but I do believe police need to be held

[12:20:46 PM]

accountable, so, you know, the commission is doing the right thing. And, you know, we need to know how much money we're spending and keep them accountable. The article was a few weeks ago now. I signed up for this awhile back. I want to say you're doing a good job. I'm glad our police are starting to get more oversight. They shouldn't run through and do anything. Thank you for supporting independent commissions and whatnot. Last thing I want to mention, I live in district one. Austin is growing but we really need to improve our roads. The area I live in -- there's a couple of purposeful roadblocks -- I mean, you know, road bumps, but most of the roads just driving through -- there's a lot of bumpy roads that aren't intentional

[12:21:47 PM]

roadblocks, so, yeah, I just urge you to do something about the roads. We're a growing city with higher traffic. I know the roads are only going to get messed up. We're continuing to grow. That's something we need to focus on. The east side will be growing as well. I urge you to consider that as well. That's all I wanted to mention. Yeah. I'm happy to see you settled. Keep doing a good job. Thank you

>> Mayor Adler: Hang on one second. Council member harper-madison

>> Harper-madison: I'd like to encourage the caller to reach out. I'd like to continue the conversation about road conditions.

>> Mayor Adler: Thank you.

>> Great. I'll send an e-mail and take some pictures of what I'm talking about

>> Harper-madison: I appreciate it.

[12:22:47 PM]

Thank you

>> Mayor Adler: Thank you. Next speaker.

>> Mayor, that concludes the noon public speakers

>> Mayor Adler: Great. Thank you. Please call the speakers that have signed up to speak on zoning cases.

>> Let me get to that page. One second. Okay. So we have two Spanish speaker -- two Spanish speakers. Looks like we've lost one. I'm going to interpret for her

>> Mayor Adler: Thank you.

>> Maria Rios. Okay.

[Speaking Spanish]

[12:24:04 PM]

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>> I'd like to thank council member Casar for all the works he's done for the workers and immigrants and would like to wish him the best of luck. And I'd like to thank him specifically for assisting and always helping my family.

[12:25:10 PM]

If he wins the congressional seat, me and my family want to wish him the best of luck in his new endeavor. We want to wish him the best and send him positive vibes because he has been there for all of us and we wish him the best through his future endeavors.

[12:26:20 PM]

Endeavors.

>> She thanks you for being there for them during last February's storm, that you have been there -- with them through the good and the bad.

[Buzzer]

[Buzzer].

>> We thank you -- we will

[12:27:22 PM]

always thank you for supporting the families, specifically the females in our communities, and we will support all the issues that you are in support of

>> Mayor Adler: Thank you very much. Thank you.

>> Mayor Adler: Gracias. We'll continue on. Spanish speakers, it's two minutes per speaker. The people with interpreters get four minutes. I think we have a second such speaker.

>> They disconnected and the next speaker is Paula Bedford.

>> Mayor Adler: All right. Two minutes.

>> Ms. Bedford, please unmute. The next speaker is Iric

[12:28:22 PM]

Wardlow.

>> Can you guys hear me?

>> Please proceed.

>> Good afternoon. So my name is lyric Wardlow. I'm a young adult living in north Austin. I'm 23. I do some homelessness work with ending community homelessness and other organizations around town. I think it's important for items 39 and 40 to approve of those because as someone who has experienced homelessness for over nine years to now having stability, there were some major issues staying stable, especially living paycheck to paycheck. I was very fearful of facing eviction almost monthly. I felt as though my landlord had every right to evict me for being late on my rent, for any kind of enaction on my side to be able to pay on a monthly

[12:29:25 PM]

basis, and especially with my mother when I was homeless. Often times her previous evictions were the reason why going into an apartment complex -- the immediate response was we cannot house you here. We stayed homeless for a longer period of time because of eviction and it caused more barriers than necessary to having housing stability. That's something we need to prevent at all costs -- knowing something that's creating a harder barrier for people experiencing homelessness and people trying to keep their stability going. We need to get rid of that and we need to make sure that people experiencing homelessness as well as people trying to reach stability have every opportunity to know what their rights are, to be able to argue when they have that right to do so. So items 39 and 40 are important to me and we need to make sure people experiencing

[12:30:27 PM]

homelessness can get rid of some of the barriers affecting them. So thank you.

[Buzzer].

>> Paula Bedford?

>> Yes. Thank you for this opportunity. I am addressing this to all of the city council persons and requesting waivers and assistance for the various city fees for the fifth Austin resolution race that was held for the benefactor of the central Texas food bank, and because a lot of the fees and different city fees that were levied on us, we were not able to give all that we had hoped to give to assist the Texas

[12:31:29 PM]

food bank that has an asset to this city and cities around us. So -- I do appreciate the opportunity to make the appeal and request to ask the city council -- and thank you for the representatives of the city

council that have already helped us. If the remainder would assist us and provide benefits for the various fees that we've been assessed. Thank you for this opportunity and time.

>> Monica Guzman.

>> Good morning, mayor and council. Regarding item 29, I've had conversations with Austin transportation staff about the civic innovation challenge and

[12:32:30 PM]

am excited to see the project moving forward. I hope it leads to actualization of the neighborhood circulators, for which many of us have been advocating several years. For 39 and 40, thank you for centering residents and their rights. We recommend including tenants in the planning process, especially those who rent small properties and are at risk of falling through the cracks. My lived experiences as well as though experienced by friends and neighbors, include unsafe conditions, with little response to maintenance requests. Retaliations and threats of eviction or deportation. I'm a former organizer. I engage residents who rent

[12:33:34 PM]

duplexes, etc. I urge you to center and include tenants of all types and sizes of rental property, especially those who are vulnerable, have minimal or no English proficiency and subjected to unique leases as found with small private property. On item 40 about reasonable exceptions to the eviction requirement, I understand when there is destruction of property to themselves and others but I hope you're taking in consideration a tenant's mental health status. I know people who -- they have conditions that can result in destruction of property. Thank you

>> Mayor Adler: Thank you.

[12:34:43 PM]

>> Elias hasar.

>> I serve on the leadership team of -- thank you for the leadership in the winter event today. Thank you to the city staff, critical workers and partners watching over us. I'm speaking in favor of items 39 and 40. By establishing renters' rights and providing renters -- this would ensure we support our tenants in safe and healthy housing. I have been a long-time renter in housing and have seen the difficulty with renting at times. The difficulty with trying to improve the conditions -- where I've seen landlords step up and do

the right things I have not seen others step up to the plate. These items will allow the landlords to do what is right. The pandemic, winter storm uri

[12:35:45 PM]

and our current conditions show the vulnerability in Austin. It is incumbent to create stable housing. I particular want to thank council member Casar for his leadership on these conditions and thank him for the work on -- his efforts created multiple opportunities for austinians to protect as many as possible. Thank you and your staff for your efforts and good luck.

>> Grant scanland. Grant, please unmute.

[12:37:00 PM]

Chrissy o'brien?

>> I'm here.

>> Go ahead.

>> Good afternoon, mayor and council. I'm with the American federation of state, county and municipal employees. We are calling today to express our gratitude and appreciation for council member Casar's years of service. Thank you so much, council member Casar. We will miss you very much and we look forward to continuing

[12:38:02 PM]

the partnership with council member vela. Thank you so much.

>> Julia sand? Julia? Please unmute.

>> Hello. Council members, thank you for having me here today. I'm speaking in favor of items 39 and 40 as other speakers have and really agree with them entirely. The safe alliance is the organization that works against violence and abuse, specifically child abuse, domestic violence, exploitation and family violence. We know that safe homes are

[12:39:05 PM]

essential to violence prevention and being able to create a community where people can feel safe and thrive and build a healthy future for themselves and families. Like others, I can't not speak today without saying thank you to council member Casar. His continued commitment to issues of violence prevention, ensuring immediate safety for people, being innovative in approaches taken, and his ability to keep constituents informed and inspired and connected has been exceptional. Council member Casar, thank you so much for your service. We look forward to what's next for you and we'll miss you something fierce. Thank you.

>> Grant scanland?

[12:40:18 PM]

Grant, please unmute.

>> Good morning. Can you hear me?

>> Yes. Go ahead.

>> Thank you. Mr. Mayor, members of the city council, I'd just like to give you background about myself and my interest in resolution 40. I'm a small landlord. I own two duplexes. Until 2020 I was a renter of 30 years myself. Resolution 40 starts off by saying renters deserve more rights and protection. Over the last few years landlords like myself have heard people speak about helping tenants. But nothing about protecting landlords from rent moratoriums. You were interviewed which you said the funds for renters were running out, which meant

[12:41:22 PM]

landlords weren't getting paid. Will you include protection for landlords, who are affected by government mandates? You said I think we pressed the courts for what they can allow us to do. How can we be assure this is not pressing the limits for what courts would allow? I would like to thank council member Kelly for her advocacy for small landlords like myself. Without her, it seems small landlords like myself would not be heard.

>> Chris Davis?

>> Hi there. Thank you so much for this

[12:42:24 PM]

opportunity. Here on behalf of echo, the ending homeless coalition. We know Austin is becoming less affordable every year and we don't have nearly enough affordable places for people to live. Just to put that in perspective. When we look at the low welcome housing coalition, they estimate Austin needs 70,000 more housing units. 70,000 more units. 50 per cent of that area median income is up to about \$34,600 for one person -- 50,000 for a family of four. Evidence shows this lack of affordable housing is a key driver of homelessness and our community. Until we can solve this affordability crisis, the least we can do is provide people the ability to access the support

[12:43:27 PM]

they need to stay stably hous

-- housed. This is a racial equity issue, both eviction and homelessness disproportionately affects black and brown communities. Eviction filings are starting to pick back up here in Austin and Travis county and most of them are happening in majority non-white neighborhoods. We also know a black austenite is six times more likely to experience homelessness than white. There's a link between rates of eviction and homelessness. Eviction on your record is also a major barrier to finding and maintaining that next stable living situation, so for someone who is living unhoused in our community, eviction on their record can preventing them from getting an apartment and ending their homelessness. Our current system sanctions the kind of generational racial

[12:44:29 PM]

trauma evictions create and homelessness perpetuates. I urge you to support items 39 and 40 to help break the cycle.

>> Mayor Adler: Thank you.

>> Dan powers?

>> Yes. Regarding item number 39, the -- I am a small property owner. I have one rental property that is my former homestead where I raised my son. And that's my only property. And I understand what the goals are in enhancing tenant rights, but what we've seen over the past two years is an absolute reduction in property owner ryings. I've not been -- rights. I've not been able to collect rent in months and not because someone is not able to work -- because they stopped paying because they knew there was nothing I could do about it.

[12:45:30 PM]

So when I hear about tenant rights, I'm all for it. If they have a landlord that's a bad actor and is not providing heat or sanitary living conditions for them, then that -- there are courses of action against that person. So that landlord -- there are laws that protect the tenant already. But when you see that everything is going toward pushing the landlord to become the provider of rent-free housing for citizens who are down and out or having tough times or who have just chosen to live in a very expensive place and not have the skills to be able to earn the income for the town they're living in -- that's a challenge and I get that. What we need to be doing is instead of fighting landlords that are small property owners like myself, we should be out there -- you as city council could be working with those people who can't afford to pay

[12:46:31 PM]

their rent, that are capable, that are capable of working and teaching trades. There are so many trades out there that need people to work. These people are able-bodied. Some are not. Some are on disability programs. That's not what we're talking about. We're talking about forcing landlords to take the brunt of housing. In all honesty that is the responsibility of the city council, not to put it on the people that actually own property, do work and pay taxes.

>> Your time is up

>> Mayor Adler: Thank you very much.

>> Thank you.

>> Mayor Adler: I appreciate your time and we're not adopting an ordinance today. What -- we're initiating a conversation. Together with amendments that I think are going to get added on. There's going to be real opportunity for differing points of view to be present and presented, and I hope you participate in that process.

[12:47:34 PM]

Thank you. Next speaker.

>> Chris Harris.

>> Yes. Chris Harris here. Calling in about item 51. First I want to thank Monica Guzman. Second I want to congratulate Chito Vela in his victory. He inherits big shoes but I'm confident he can fill them. I want to thank the voters of district four and the supporters of Reimagine Public Safety. I want to thank them for electing and reelecting council member Casar. I want to thank council member

[12:48:34 PM]

Casar. You have been a nuisance to those who seek to maintain an unjust status quo. Thank you for being our nuisance. I hope you are victorious in your congressional race and your on going success inspires officials to embrace controversy for a good cause but a new generation of political leaders to follow your lead. Austin has known few leaders as effective and impactful in the interest of justice as you. Your success here is reverberate beyond Austin to cities and towns around the state and nation. Thank you for everything. You will be missed.

>> Paul Wagner?

[12:49:42 PM]

>> Good morning. District seven speaking on item 7. The software agreement for Austin energy, probably for meters. When I looked at this deal it shocked me that the costs went up. There is a slide that I publicized and sent to the city council that shows nowhere in the history of the world does software costs go up. It's one of the few deflation goods. There's little barrier to produce software. Imagine your first cell phone when you bought it probably cost far more than it did today in those dollars. I want to compliment Austin energy today. They did a great job. They also did last year. It was a one off event. I don't think we can blame them for anything. I think they do an incredible

[12:50:42 PM]

job. They are a public utility. They need to be held accountable. When I look at this increase spend from the original 2017 deal, the years went from 2.8 million, 2.5 million, 2.5 million. Now each year it's going to cost the city 3.7 million to service this. Nowhere can I find the population or number of customers has gone up 27 per cent. There are additional features they claim they're going create. Those features are baseline features and off the shelf pieces of software around the world can be implemented nearly for free. I'm urging council to look at this deal because the Oracle software sales people and the lobbyists that work for them are laughing for a 27 per cent increase. The additional requests for subsidizing solar customers for

[12:51:43 PM]

futures is preposterous in my opinion because they have software to monitor those features. Thank you.

>> Paul caduro.

>> Thanks for keeping us organized. Austin apartment association. Good morning. Mayor, members of council, I came on items 39 and 40. On both items, it's very easy to say we welcome the opportunity to discuss these issues with the main stakeholders. For whatever reasons, comprehensive discussions among us have not occurred regularly. This is a good opportunity to clearly identify issues and discuss solutions. There are many circumstances property owners and managers have had to face while complying with regulations during the pandemic. Some of those have been identified by a caller today. So, you know, these have gone

[12:52:46 PM]

unrecked and unaddressed. With regard to item 39 and the renter's right to organize, we're not sure what situations or circumstances led to this. I'm not anxious to find out. Again, we look forward to that stakeholder process to vet these issues out. We do support the proposed amendment pertaining to legal analysis. This will help guide actions and result lingering questions about no solicitation policies and how those are applied for one group and not another. Some of those issues we look forward to talking about. On item 40 we appreciate the proposed amendment language and urge approval, rental property owners and mblger -- managers need to know all options are on the table. As far as the stakeholder process we embrace -- we will be seeking to find common

[12:53:49 PM]

ground solutions that avoid the issues raised surrounding no emergency notice requirements. We'll seek what defined actions residents must take to work with the property in effort to sustain the housing relationship and not just -- when notices are given. We know there's hard work ahead on these issues. We're not going to shy away from it. We're willing to put in the work.

>> Your time has expired.

>> Thank you. Paul Kauffman?

>> Hi. I hope everyone is safe. I'm a real estate investor in Austin and testifying against item number 2. I have grave concerns about the city's lack of transparency

[12:54:49 PM]

regarding right of way. My main concern is the city seems to favor commercial interests over the interest of residents. I was alarmed that I had to learn from community not commodity -- the city of Austin is contemplating expanded rights of ways for several streets near my property. The proposed widening -- these small houses on small lots would practically remove their lots and their ability to add if

they wanted to. The city is hiring outside counsel. Why is that? We have a real -- we taxpayers are often paying outside attorneys more than we're paying the landowners and it's outrageous. The city won't pay the landlords for the loss and value of the land which impacts

[12:55:49 PM]

the city's tax base. My solution would be to provide affordable parking downtown in an empty 490-space garage because it charges parking there. Also, put the Orange line underground along congress avenue. And also, don't allow over capacity in places near river side/bar ton springs. It's not fair to take lands from residents to build roads for offices. Several streets in Travis heights have proposed rights of way, small residential streets in the heart of the new historic district that we have worked so hard to get.

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

[12:56:52 PM]

>> Mayor Adler: Thank you very much. Thank you. Next speaker.

>> Daniel almedates.

>> Thank you. Can you hear me?

>> Yes. Please proceed.

>> I'm a staff member of ending homeless community coalition. I want to thank you for the opportunity. I'll try to be brief. I want to echo the support that's been expressed here for items 39 and 40. Just a few points respectively, item 39 -- we do know the balance of Hower power -- power is unequal between landlord and tenant. I think it's broadly recognized

[12:57:54 PM]

that underserved communes struggle to enforce their existing rights for many reasons. The right to organize increases the likelihood that tenants will seek to resolve their challenges through collective negotiations -- amicable negotiations. Right to organize should include protection tr professional organizers to enter a private residential property to assist tenants in exercising their right to organize -- or form tenant associations. And with respect to item 40, so-called right to cure, we know that thousands of families are one crisis away from losing their home. Today and this week's storm

[12:58:54 PM]

should be a reminder of that. Establishing a right to cure would affect a tenant's practical ability to avert eviction filing and therefore possible homelessness. Finally, any right to cure should take into account the time-related difficulties tenants face in seeking out applying for and obtaining rental assistance. I want to also thank -- councilmember Greg Casar for his outstanding work in the community over the years.

>> Mayor Adler: Thank you very much. Thank you.

>> Thank you.

>> Triciana Kreiger.

>> Hi. Good afternoon. My name is Shoshana, project director of Basta, and speaking today on items 39 and 40, which address tenant concerns and ability to stand up against

[12:59:56 PM]

landlord abuse. Project managers have called the police on Basta staff and tenants for engaging in organizing activities. The police have often sided with management, even when the tenant has told the police that the staff member was an invited guest. Last year, after Uri, when we were distributing water and food, the management of one of the properties where we have a tenants association, Creekside, called the police to prevent tenants from receiving food and water. Similarly, when gas was out at apartments last year, management told tenants they could not organize. It was only because the property was a HUD property with organizing protection that the tenants' association was able to organize and secure the benefits that it did. We have seen properties -- the vast majority of properties in Austin -- that management can quickly quash organizing attempts and retaliate against

[1:00:57 PM]

the tenants speaking out for themselves and their neighbors and shining light on illegal and immoral activity. Basta has seen how landlords use threat of eviction to push out tenants who stand up for themselves. Under state law, tenants do not have the right to cure, such as fixing a window or being behind on rent to avoid evictions and maintain housing. If a tenant called code over a ceiling caving in or being without hot water is a few days late on rent, the landlord can proceed with eviction. In properties with certain federal protections, we have seen people maintain their housing and be able to advocate for themselves and their neighborhood for better living conditions.

[Buzzer sounding]

>> The ability of tenants to organize --

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

>> Mayor Adler: Thank you very

[1:01:59 PM]

much.

>> Promotes housing stability --

>> Mayor Adler: Next speaker.

>> Yvonne flores.

>> Yes. Thank you so much. Firstly, I wanted to say congratulations to chito vela. I can't wait for you and your staff to work with us at afscme and become union members. If anyone is capable of continuing the great work of Greg Casar, it's going to be chito. Congratulations. Today I wanted to share some words that I wanted to write for councilmember Greg Casar. From the great words of Abraham Lincoln, if any man tells you he loves America yet hates labor, he's a liar. If any man tells you he trusts America yet fears labor, he is a fool. I'm here to give my utmost appreciation to the leader who is always giving his voice and his action with fighting for labor unions. Every event that we fought for

[1:03:00 PM]

workers rights, Greg was always there. It was always a guarantee no matter what that when those who tweet in solidarity or post on Facebook their support, Greg was always there, right there in the trenches every single time, standing with afscme. It was an honor marching with you. At such an incredible age, you have proven that younger generations, if given the opportunity, have a power that can make a change for the better, that it's not just words but boots on the ground. Now more than ever we need that. You are that voice and inspiration to get more young folk involved into the local political field. It has come to the point that there are those who stand for profit and those who stand for people. I'm so proud to know that you have stood with and fought for our workers from day one. You have done the walk when it came to fighting for better wages, sick leave, and work and safety protection, especially during our challenging times

[1:04:01 PM]

with covid. I cannot thank you enough. You have also proven your durable emotional intelligence by taking the high road when questionable candidates took the low road when you were trying to help those less fortunate in Austin. When it came to the belief of pushing those just because they were poor, you stood on the side for decency and basic human dignity.

[Buzzer sounding]

>> As an austinite who grew up on food stamps, this hit close to home, literally.

>> Thank you, speaker. Your time has expired. Val Deleon.

>> Hello. Can you hear me?

>> Yes, go ahead.

>> Hi. This is Val Deleon, I am the developer representative for item 26. I have no comment really other

[1:05:01 PM]

than to let council know I'm here to answer any questions for the proposed development in district 6 and I wanted to thank councilmember Kelly for -- and her staff for meeting with us to discuss it. Thank you.

>> Linda brown.

>> Hello. Yes. I'm here.

>> Go ahead.

>> Good morning, mayor and councilmembers. I'm here representing item 38, requesting a fee waiver in support of the resolution that was held on January the 2nd of this year. I want to thank the councilmembers that have supported this waiver and

[1:06:03 PM]

requesting support from all of the councilmembers, respectfully. Thank you.

>> Steven Jacobs.

>> This is Steve Jacobs, did you say it's my turn?

>> Yes. Please proceed.

>> Okay. Thank you, mayor, council, city manager. We're here on item 18, to express appreciation for the work of the city staff in moving us forward. We're available if you have any questions. Basically, what this will do is enable students who otherwise would have to drop out at Austin community college.

These are students that capital idea, your funding, the county and others have supported through several years to advance from perhaps not even being able

[1:07:03 PM]

to do the math and writing required of the college entrance exams, to progress through that, anatomy, microbiology, pharmacology, other tough subjects, and become qualified to enter the Austin community college nursing program, only to find that there are so many applications these days that they did not rank -- they met the minimum qualifications but they did not rank high enough to qualify in the third of the group of applicants who were admitted. What you make possible is for these students to have their way forward through a one-time opportunity with concordia and its nursing program. We very much appreciate it. The number of applicants at Austin community college in the nursing program continues to go up semester after semester. The number of spots is not keeping pace. So, again, we appreciate it, support over the years for those

[1:08:04 PM]

students and the others and available for any questions if you have any. Thank you.

>> Tovo: Mayor, I have one quick one.

>> Mayor Adler: Go ahead, councilmember tovo.

>> Tovo: Mr. Jacobs, thank you very much for your work through the years for capital idea and this really important program. As I understand the intent, and you have described it but I want to be sure I'm understanding. So typical, capital idea has worked to place individuals at Austin community college in various professions, but including and especially the health professions. As I understand the contract before us today, it is to really expand that opportunity for more applicants. So, can you please verify that this is really an expansion that is needed that you have very qualified -- as I understand it, you have very qualified applicants who would be great candidates for the nursing profession, but at the moment, the capacity at Austin community

[1:09:05 PM]

college is not sufficient to really provide them with the education they need. But we have both qualified applicants and we have a real need within the healthcare profession. But in the middle that education piece is where we're seeing the gaps. Is that about right?

>> Yeah, that's correct. You know, that's correct. This semester, capital idea, we had 28 students who had advanced from, as I mentioned, perhaps college prep academy all the way through anatomy and physiology, the other science prerequisites, were qualified to begin the nursing program. Of those 28 applicants, 18 gained admission in the competitive process, but that left ten behind. And so what this will do is enable those ten this semester to begin an alternative, rather than more than likely have to drop out in the coming years as they apply and reapply at Austin

[1:10:05 PM]

community college. They have 488 applicants in the fall semester. They have 550 applicants in the spring semester for 176 spots. So you can see the odds are really stacked against people. And again, this is a majority of color cohort, these are all low-income, these are majority folks that have dreamed about being nurses since they were little girls, mostly, but not entirely. They know what nurses are. They aspire to it. And at a time when nurses are on the front lines of the pandemic, they feel called to action. So for a number of reasons, this is a win-win-win-win proposition. So, thank you.

>> Tovo: Thank you.

>> Mayor Adler: Thank you. Councilmember alter.

>> Alter: Thank you, Mr. Jacobs. This is funding from the arpa dollars and is in addition to your normal contract.

[1:11:06 PM]

Is that correct?

>> Yes, that's correct. This is one-time, ad hoc opportunity that creates a short-term solution to the current problem and we feel very fortunate to have that opportunity.

>> Alter: Thank you. When we get to discussing the consent, one of the things I was going to ask the city manager is to see if the city can be a little bit more engaged in trying to work with ACC to address that gap in staffing that really could solve a problem that we're seeing over and over again happen in our ability to connect people to jobs that are good-paying and right in the fields that we need them most in our community.

>> Mayor Adler: Okay.

[1:12:06 PM]

Thank you. Next speaker.

>> Jeremy Hendricks.

>> Thank you, good morning, and thanks, mayor, council, and staff for putting this together. I'm with the laborers union, and vice president of central Texas building and trades. Sorry we couldn't be together in person this morning, but I hope everyone is warm and safe. I'm here to speak on item 51, a constituent of district 4 and a representative of labor, to first congratulate our new city councilmember chito vela. We're very proud of the hard work he has done and looking forward to working with him. We all know your predecessor casts a great, big shadow. I would like to thank Greg Casar for his years in city council, for his ability to problem-solve, his tireless hard work for Progressive causes, and

[1:13:08 PM]

his true friendship, both personally and to the labor movement. My wife and I, when we moved here nearly nine years ago when Greg was an organizer for the workers defense project, we got the opportunity to fight side by side to secure basic safety protections and wages for Austin's construction workers. And after seeing his passion to help people, our union was the first to endorse Greg for city council, the first to endorse him for congress. We are very proud of all the great things Greg has accomplished, more wins for regular people and Progressive victories in city council than most people do in a lifetime of public service. To do it at a young age and have so many other great things ahead of him is truly impressive. We are so thankful for the work you have done on city council, look forward to working alongside you to continue building a better America. Thank you all for your time this morning. Take care, stay safe, be sure to check on your neighbors. Thanks a bunch.

[1:14:14 PM]

>> Jalpal Connolly.

>> Hi, good morning, good afternoon, mayor and city council. And I wish I was calling from other circumstances, but I'm calling from my car in the middle of the response here to the cold, to the storm. So picking folks up, moving folks around. I'm calling from district 4. I just want to thank councilmember Casar for the hard work and tireless service that he has put in working for renters, for working class people all around the city. I particularly want to speak in support for items 39 and 40. You know, all too often in Austin, renters are treated as second-class citizens. You know, we hear a lot from the landlords, but the fact of the matter is renters make up the majority of the population in this city and if you go to most of the rental properties they live in pretty rough conditions sometimes and have very few rights, very little power or

[1:15:16 PM]

ability to come together and organize and demand better conditions for themselves. So this is an important step that we're taking. I hope that we can move forward, take it seriously, and renters can wake up to the power and the voice that they have making up the majority of voters in this city. If renters could come to that realization, we could change things in Austin. Thank you for making the time to listen to us. And thank you, Greg Casar. You will be sorely missed. And looking forward to all the next things that are ahead of you. Thank you.

>> Heidi Sloan.

>> Good afternoon, mayor and council, my name is Heidi Sloan. I am a resident of district 1 here in Austin. I worked for a number of years with folks experiencing chronic

[1:16:16 PM]

homelessness in our city, and I presently serve on the community development commission for the city of Austin. I want to just speak from those perspectives about items 39 and 40. In particular, my experience where every month we work to keep austinites in their homes and building sustainable futures for themselves. I know you all heard testimony earlier questioning what the city is doing to actually empower people to improve their own lives into a place where they aren't in conflict, having to scrounge for resources every month. And that work happens on many other commissions throughout the city. Thank you for the staff that commits themselves to doing that work. During the pandemic, we have seen thousands of austinites apply for assistance with rent, but we know that that is not a new problem. We know that the changing faces

[1:17:17 PM]

of our city are in large part due to living in a state that has been hostile to renters for a long time. A state that doesn't allow us to utilize our protective rights to stay in our homes. A state that doesn't allow tenants to organize their lives and to improve their circumstances by giving the time they need to do so. I believe that the right to organize and the right to cure are essential responses. These are some of the most important things that this council can do to make sure that we are creating a more just, more humane and dignified Austin. Connecting tenants, which are the vast majority of austinites, with their own rights, voices, and power --

[buzzer sounding]

>> Is a giant step forward to improving the circumstances of everyone in our city. Just to end, I wanted to also express my gratitude to

[1:18:23 PM]

councilmember Casar, his staff past and present, on issues like this and so many others. You have committed yourself to a better Austin. You have inspired leaders across the city, the state, and the country. I am so honored to have worked alongside of you on so many issues. I can't wait to see where you go next. Solidarity forever.

>> Zenobia Joseph.

>> Thank you, mayor, councilmembers, I'm Zenobia Joseph. Let me preface with title VI of the civil rights act of 1964 prohibits discrimination based on race, color, and national origin. I sent you an email as it related to public participation to express how saddened I am that you continue with this meeting. As you are away, Mr. Peña has been coming in person and capital metro has suspended

[1:19:24 PM]

service today. This is the second time in their history. Last year was the first time. I had to send CEO Randy Clark an email last year when he restored service because he left out the people who are transit-dependent and here you are holding this meeting with people like Mr. Peña who have no way to get to city hall. I want to speak to the item that I didn't even sign up for, item 29. That is your smart mobility, the northeast Austin transit desert, which councilmember Casar turned a blind eye to. It wasn't until I saw the \$1 million UT grant in the news that he spoke about the transit desert. Shoving project connect down our throats, \$7.1 billion and here you are talking about renters rights, it is disingenuous. As it relates to item 39 and 40. I certainly welcome that you are wanting to do something for renters, but I want to call to your attention the legal services corporation 2020 video

[1:20:25 PM]

where New York City actually has the strongest tenant protections. Even though we have a lot of lawyers, all the lawyers in the world are not going to make a dent in this problem unless there is the financial support. As it relates to financial support, I just want you to set aside at least \$20 per organization or at least two times that amount so that they can have the legal service referral fee paid so that if they do run into a land ladder landlord, they can get a consultation for a little bit of money.

[Buzzer sounding]

>> To the landlords who wonder why tenants need protection, it's because you have those that engage in self-help eviction, take matters into their own hands --

>> Thank you, your time has expired.

>> Mayor Adler: Thank you very much. I appreciate it. I'm sorry, councilmember tovo.

>> Tovo: Just very quickly, thank you, Ms. Joseph. I know others have written to comment on their opinion about

[1:21:26 PM]

our having a council meeting today. I want to note I think that's an appropriate consideration for us to have -- not today, but perhaps at our next work session. Maybe we can consider whether the council should have a policy of, if our school districts are closed, we follow alignment and not meet, either, or if bus service is cancelled that we not meet. But I don't want to have that conversation today, but I do have some thoughts on it and would look forward to having that conversation at our upcoming work session, so if we could add that to the agenda. And I want to appreciate, you appreciated our many, many city employees who are out staffing shelters and our public safety officers who are responding. Mayor, thank you for being present in the chambers today so we could have our meeting, and manager as well as ctm and our clerk's office and other staff supporting the meeting.

>> Mayor Adler: Councilmember Kelly.

>> Kelly: I'd like to echo councilmember tovo's comments

[1:22:27 PM]

about the discussion related to if we follow school schedules or not related to council meetings. As a parent, it's tough to get all that under control and get situated, but I want to appreciate the city staff who was able to come in and you for being there, mayor, today. Thank you.

>> Mayor Adler: Thank you. Thank you very much. Do we have any more speakers?

>> That concludes the consent speakers, but Ms. Joseph remains on the line for the ahfc.

>> Mayor Adler: Let's go ahead at 1:22 and recess the Austin city council meeting and at 1:22 let's convene the Austin housing finance corporation, also at 1:23. Today is Thursday, February 3rd, 2022. All of the board of directors are present. We're going to begin the meeting by noting that we have late backup in item number 1, it's

[1:23:27 PM]

exhibit a. There's a version two. Let's go ahead and call speakers. I think we have one that's signed up, and then we'll recess and go back to the city council meeting.

>> Zenobia Joseph.

>> Thank you, mayor, councilmembers, I'm Zenobia Joseph. I just wanted to make a comment as it related to the candlewood suites hotel. My opposition is really to process. It's not necessarily to putting homeless individuals in northwest Austin. I am looking as I mentioned last week at the may 3rd, 2021 spreadsheet that was posted by KXAN. And that particular spreadsheet has the hotel conversion of candlewood suites at 80 permanent supportive housing units, in line with the 78 in the backup materials, pretty much. However, I am really confused about how it changed from being permanent supportive housing to being a domestic violence

[1:24:28 PM]

shelter secretly to now it's going to be for the elders. And you didn't use that thoughtfulness when you put 171 units next to Cook Elementary at Rutland. In your backup materials it specifies there will be healing arts. It mentions services provided by the team will include case management, service coordination, living skills training, housing stability. All of these things are wonderful, but were you that thoughtful in northeast Austin? I don't think so. So my opposition is not to putting the homeless problem in northwest Austin, but it is because you're not treating these properties equitably. And I would ask you to do so. And recognize that you're handling this with kid gloves. I think our elders are probably least likely to engage in criminal activity, but there are schools around there, just like the outcry about schools being near this particular site. Those are my comments. I could cite a whole lot, but

[1:25:30 PM]

just be equitable, mayor. And please be transparent about where you're placing properties. If you have any questions, I'll gladly answer them at this time.

>> That concludes all the speakers.

>> Mayor Adler: All right. Thank you. Colleagues, the consent agenda is in front of us. Consent is items 1-40 and items 50-52.

>> Mayor.

>> Mayor Adler: Yes.

>> You need to adjourn the ahfc.

>> Mayor Adler: I'm sorry, I'm going to adjourn the Austin housing finance corporation meeting here at 1:26 -- not adjourn, we're going to recess the Austin housing finance corporation here at 1:36. We will come back. I'm going to reconvene the Austin city council meeting at 1:26. We still have a quorum present. We're going to move forward on the consent agenda. I'll get to you in just one second, councilmember Kelly. I see you. Consent agenda is items 1-40,

[1:26:33 PM]

also items 50-52. At this point, the pulled items are 39 and 40. Council, I have a question. If we pass item 51, which is the canvassing of the election, does that cause a change in who holds the office, or does that change effective with the swearing in of the new office-holder next week?

>> That change will not affect the moving. The councilmember elect will be sworn in on Monday, December 7th.

>> Mayor Adler: And the change happens with the swearing in.

>> Correct.

>> Mayor Adler: Councilmember Casar would remain in office until Monday. Okay. Just to read into the record with respect to item number 51, this is the resolution to can canvasthe results of the special election in council district 4.

[1:27:34 PM]

In the special election, in the district 4 race there were 349 votes for Amanda, 33 votes for Isa, 17 votes for ramses, 170 for Melinda, 402 for jade, 497 votes for Monica, and 2,141 votes for Jose chito vela, with Jose chito vela receiving a majority of all votes cast for city council member district 4. That item will remain on the consent agenda. In form of a resolution van vasting and accepting the returns for the special election that declared Jose chito vela in district 4 as being elected.

[1:28:35 PM]

He'll take office Monday with a swearing-in. Councilmember Casar will remain in his post until that swearing-in. All right, colleagues, any comments on the consent agenda that is before us?
Councilmember Kelly.

>> Kelly: I just wanted to clarify and also for the public, because I had pulled 39 and 40 for executive session, are theyoff this voting?

>> Mayor Adler: Those are the two items that have been pulled.

>> Kelly: Thank you.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I just want to make a comment on item 23. That's for a 9% tax credit item in district 5, cobblestone senior housing. I just want to say how excited I

[1:29:36 PM]

am to see that project that's part of district 5 in south Austin where these seniors will benefit. They'll be brought along one of the bus rapid transit lines for project connect. And my understanding is that they're already starting to think about how they can be part of the rolling strollers, which is the group of folks with aarp that are involved in using the bus system and educating folks -- seniors in particular -- on how to use the bus system. I just want to say looking forward to that project being developed.

>> Mayor Adler: Thank you very much. Councilmember Ellis, then councilmember Fuentes, then councilmember harper-madison.

>> Ellis: Thank you, mayor. I wanted to speak briefly about my appreciation for the transportation department on items 30-36.

[1:30:36 PM]

These are speed limit reductions. And I'm very appreciative that although a couple months ago we were able to lower the speed limits through neighborhoods in the central core of the city, this is the next phase of rollouts for speed limits to be lowered in and around where neighborhoods are. So I'm really appreciative that staff has been working diligently to identify the next steps and it's very exciting to be able to approve these items today.

>> Mayor Adler: Thank you. Councilmember Fuentes.

>> Fuentes: Thank you. And likewise also want to share my appreciation to our transportation department staff and team. There are a couple of items that will also reduce speed in district 2 in southeast. We know that speed reduction makes a significant difference. It could be the difference of saving a life. I'm excited to see that on today's agenda. I want to take a quick moment to speak on item number 17, I believe. It is the allocation from our

[1:31:38 PM]

previous commitment with the arpa dollars, the federal rescue plan act dollars, towards childcare. And we've already seen significant movement on our investments when it comes to strengthening our childcare system. We've seen it in del valle ISD, where our families have access to dual language pre-k. And we know that having this type of recovery relief dollars makes a big difference. And in some cases

we have families who are paying more for childcare than they would for college tuition. And so having these dollars and investing these dollars in our community will go a long way and will be a game-changer for some. And I know there's a lot more that we can be doing, especially when it comes to childcare workers and workers within the care economy, making sure that they are paid a livable wage. But in the meantime, this investment through -- a

[1:32:40 PM]

\$3.5 million investment through United Way and the success by 6 coalition's strategic efforts is an incredible pathway forward for us, so I'm excited to see this on the consent agenda and to see these dollars move forward. Thank you.

>> Mayor Adler: Thank you.

[Clearing throat] Councilmember harper-madison was next.

>> Harper-madison: Thank you, mayor. I just wanted to -- much to the point of the people who called in today, this is so complicated, right. It's like we want to be mindful and thoughtful about renters but we have to be mindful and thoughtful about homeowners, also. A lot of the folks -- even some of the callers today, these aren't big developers. These are people who just have one, maybe two rental properties. So we know rents have just exploded in the past couple years. We also know that half of our 1 million residents live in rental households. That means that nearly 500,000

[1:33:45 PM]

people aren't living the American dream of building wealth by owning a home. That's those people. So, some of that is by choice, but I think a lot of that is because our limited housing stock and outdated land development code are pushing prices well beyond working even middle class residents like in terms of the limit. And so there are ways that I think we can comprehensively address that. I think we need to do it. I think we need to do it sooner than later. But in the meantime, I support the idea of protecting vulnerable renters who are frankly just facing increasingly facing the threat of displacement due to skyrocketing housing costs. I'll live in my neighborhood, which is this very diverse neighborhood. There are people who have been here for 50 years. My neighbor across the street has been here for 52 years.

[1:34:47 PM]

But then the neighbor next to her, he spent a million dollars on his house. The threat of displacement by way of skyrocketing housing cost is real. And I'm watching it happen all around me. And I happen to be the person right in the middle. My colleagues on council, y'all know what we make. I don't make a lot of

money. I'm not a wealthy person. It was important to me to buy a house in the neighborhood where I grew up, so I did so. But much to the detriment of my family. We can't afford this house! That said, I really appreciate councilmember Casar for bringing this item and these items forward. I think for all the work that he's done in the past eight years on behalf of renters, thank you. And I'm just going to echo, I don't know how you didn't cry when all these people said all those lovely things about you.

[1:35:51 PM]

My singular hope is that on my way out, people say lovely things about me, too. So, thank you for bringing this item forward and all the rest of my commentary about your amazing work, and you being such an awesome colleague. Maybe I'll just tell you personally, but I appreciate you bringing this -- these items forward. It's so important. And really recognizing the dichotomy, right. Everybody is of equal importance -- the renters, the people renting. They're all of equal importance. And I want to make sure that we take care of everybody. But I think the thing that's most important for us to take into consideration is we don't need people on the streets if we can keep people in their houses. That's really important. And I hope we figure out how to take care of everybody.

>> Mayor Adler: Thank you.

[1:36:51 PM]

Councilmember alter.

>> Alter: Good morning, or good afternoon. I guess we're at afternoon here today.

[Laughing] I wanted to speak briefly to item 17 and item 18, which are funded from arpa. As councilmember Fuentes mentioned, item 17 is an item that is going to help transform our early childhood delivery system. It uses our arpa funding. This is a contract that's going to allow United Way to administer emergency childcare and family support services in austin-travis county, to support our pre-k partnerships and other childcare programs. I think everyone on this dais will agree when I say investing our children is something we ignore at our peril and these programs not only help to secure the well-being of our next

[1:37:52 PM]

generation, they also help advance our local economy, allowing mothers and parents to participate in the workforce. I'm grateful to my colleagues, staff, and childcare providers. I hope that the county will continue to make additional investments from their arpa funds as they make their next allocation and put it to childcare to help match the funds that we put aside. Next, I wanted to speak about capital idea,

number 18. We discussed this a little bit in the councilmember kitchen tear. Commentary. This is an arpa spending that is going to help capital idea to train nurses. Capital idea has a fabulous track record of helping adults gain the skills and training they need to for jobs that pay a living wage with benefits and long-term career paths. These are also really important investments in human capital

[1:38:54 PM]

that will help Austin grow and make sure our prosperity is a shared prosperity. As we mentioned during the discussion, I want to see that the Austin community college is taking seriously the need to improve their capacity to provide more training opportunities for austinites. I know this is a long-standing challenge, but I wanted to ask the city manager to be part of that solution, and to encourage ACC to take those steps. And lastly on this item, I want to thank Steve Jacobs for his decades of leadership at capital idea as the founding executive director. We all do work to plant trees we will never enjoy, but will be for the benefit of future generations. Steve, your work has transformed the lives of many. I'm proud to have worked alongside you in that work. I wish you well in your retirement from capital idea. Finally, related to item 51, I want to first of all

[1:39:55 PM]

congratulate chito vela on his victory. I look forward to working with you. I want to say thank you to all of the candidates who ran. It takes guts to run for office. We appreciate you taking that risk. I also want to thank Greg for your service and your commitment to uplift those whose voices need amplifying. I admire your focus and your willingness time and time again to roll up your sleeves and challenge the status quo. I wish you all the best in your next adventures and I look forward to continuing to work with you wherever you land.

>> Mayor Adler: Thank you. I would also just quickly want to reaffirm something that colleagues have already said. Item number 17, childcare became one of the priority items as we were narrowing down what we would spend our arpa dollars on. Absolutely key, as we see with training, absolutely key as we see with the disparities we saw in the pandemic.

[1:40:56 PM]

Item 18, capital idea for nursing education, the chokepoint in our city as we went through the pandemic just showed in great relief, probably this issue more than any other, where we have vulnerabilities and unmet needs. And we're not going to be able to weather public health emergencies or stresses in the future unless we can increase the capacity of nursing in our city. There have been some resolutions to try and figure out where those chokepoints are with respect to practice areas and the like, the

internships or apprenticeships. I appreciate this. I would add my thanks to Steve Jacobs for his work on this through the years and really providing a need that wouldn't have been met in this city but for his work, also for being open and letting the programming

[1:41:58 PM]

evolve as the workforce development needs in our cities transitioned and moved. The fact that you've had such support from the council is a testament to the mission of capital idea but the work that you personally have done. Encouraging to see the 9% projects on our agenda. The fact that it looks like we may only actually get one or so approved at the state level when there's so many deserving reaffirms the strategy of creating an additional entity that might also be able to complete. I'm happy that we continue to move forward on those projects. I'm going to go ahead and also add my thanks to councilmember Casar for his time on the council. Councilmember Casar, you were a

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foundational member of the 10-1 council in the city and over half of us started at the beginning of this process together. And I think everybody on the council now has participated in that formational years. This was a council that was imagined as a council of change, and of equity, and of access, of new voices at the table. And you helped fulfill that potential and that promise together with your colleagues on this council, in just an absolutely grand way. And I was looking back at the kinds of things that were accomplished by this council, and there were way too many to mention them all. It was impossible to pull out those things that were just you, because there are very few things that were just you.

[1:43:59 PM]

There are very few things that this council does that are just the person who serves as the lead author or sponsor. And the public doesn't often see the kind of horse trading and communal effort involved in getting things passed. But your fingerprints, large and larger on many of the items. I remember when we first came in, we were dealing with the Austin fire department and a contract that couldn't seem to get approved, a difficult issue that no one really knew how to get a handle of. This 10-1 council, and you were significantly involved, stepped into that moment. We were dealing with a federal government involvement based on a vindictive claim of racial discrimination and hiring

[1:45:00 PM]

practices. But we were able to move past that, un-stall that contract, center it on public safety and delivering it for a community and also equity. When I look back, though, there were just so many things - the city minimum wage moving up to \$15, which extended the work that you did with the hotel work as an organizer, extending that to not only city employees but those that were working for the city as contractors, expanding that this council to provide insurance for all city workers. And not only providing it for our city workers, but making the staff -- to try to get that for all workners our city through the paid sick leave effort which was groundbreaking, even though it's gotten held up here with the courts. But what we did as a council led other cities to take similar action in San Antonio and in

[1:46:00 PM]

Dallas. And that's how real change happens. And the lesson we've learned from the pandemic, I think looking at that is the recognition of just how many people would have been saved if we had ended this pandemic with everybody having -- entered into this pandemic with everybody having access to insurance and the protection that that would provide. The fair chance hiring work, extending that to fair chance housing so that everybody in our city gets judged on what's relevant. And to make sure that we're not keeping people out of the workforce for reasons that they shouldn't be, making a whole community healthier. Obviously a lot of consternation with the work on codenext. We spent a lot of time as a group on that trying to work our way forward. But even outside of that, efforts of this council, again you had a significant hand in,

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in expanding the use of ads throughout the city, the affordability unlocked to enable affordable housing to be achieved in areas is something which has been phenomenally successful. The work on jobs and labor, the apprenticeship programs that council brought forward and that you helped champion, the labor peace agreements that have served as a model in city facilities and trying to expand them through the influence and power we have to other places in the city, transformational work on the environment, you know, moving forward and really extending and great an even greater urgency to the community climate plan, turn it into a climate equity plan, the efforts on low-income solar and trying to bring those benefits to everybody in the community, the Austin energy rate case we went through that real clearly

[1:48:03 PM]

demonstrated that we could be forward-looking on how we did climate and still in a way that could reduce utility bills for people in our community, the focus on equity, I think, has been just phenomenal with this council relative to any other point in time, creating the equity office, the equity tool, the civil rights office, correcting injustice as we saw them like the mistake on the lake, language access, the spirit

of east Austin done in 2015-16, the mayor's task force on institutional racism and systemic inequities. You have been a loud voice and a proponent and a council that has collectively worked to really move that forward. I remember that when we all came into office, there was still confederate flags being waved at our veterans day parade in the

[1:49:04 PM]

city, something that had been noticed and spoken about, but there had been an inability to move past that and change that until this 10-1 council came in. You were a big part of that, and the renaming efforts associated with the confederacy. We did some great things on campaign finance reform. You took a lead together with other members of this council on women's welfare and healthcare, on abortion access. Planned parenthood will soon be moving forward on the remodel of a building they had from the city on a 40-year lease, making sure that the healthcare services they provide continue. We funded from city funding access helping to facilitate access to abortions even when we could no longer direct fund them. We moved forward on things like surgeries on intersex children,

[1:50:05 PM]

on voting rights. I think some of the most transformative change is on housing, the 2018 bond at \$250 million, when prior to that point we were locked in debates on whether 60 million or 80 million was as far as we could go. But the tie of that \$250 million then showing up again, \$300 million in bond election with project connect. And the link between that project connect 300 million because we were trying to stay within what we could do for the TRE, the movement by this council to separate from that TRE the act of transportation elements so that we could have the capacity to go to \$300 million for the displacement issue is a transformative change that we haven't seen any other city do. The work preserving mobile home parks and tenant protections, the expansion of the housing trust fund, the movement to take

[1:51:06 PM]

property tax from formerly publicly owned property so that we institutionally fund that trust. And then the work on homelessness, you know. In 2016 and the years around that we gave out 18,000 tickets to people who were experiencing homelessness, not because they were causing a public health risk necessarily, because they were causing a safety risk, but because they were in the wrong place and didn't have a home. It's just wrong to put people in jail or give them tickets for that. And you were part of and helped lead a council that moved past that. And I know it was disruptive change. And I personally believe we could have done a better job of managing public spaces. But that action has led us to the

summit, and the raise of 400 of the \$500 million to become the first city our size to actually reach net effective

[1:52:07 PM]

zero, something that we've all been involved in. Transportation, when we came into office might have been the most popular thing on polling that people wanted us to work on. In 2016 we did a bond that was of a greater amount than the city had done on bonding in transportation in the prior 20 years cumulatively. And thing that's remarkable about the 2016 bond is if you look at the last seven years you've been on the council, that's a small number relative to the advances and the transformative change that we have made in transportation. The 2018 bond, the 2020 bond with project connect, with proposition B on active transportation, the advances right now on I-35 and the capping and stitching of that project, the \$4 billion project now under way to double the size and capacity of the airport in

[1:53:07 PM]

the city of Austin. A lot of people don't know this because it's been divided into a lot of small projects, but it is the transformation of the Austin airport through those projects that represents that transformative change. There has been more funding for music and art, and cultural support with this council, much of it work you led in, all of it you participated in, the music omnibus bill, the trust, the fund, unprecedented allocations. A lot of time spent on public safety, the juvenile curfew issue, resisted by some in law enforcement, later recognized to be the right decision, recognizing the racial disparities that exist, not only to make sure everyone is safe but also feels safe, the work on discretionary rest to deal with disparities, the marijuana

[1:54:08 PM]

criminalization, those disparities, your and the council's work on the family violence center, the sobriety center, the work on sexual assault, on catching up on the rape kit work, the work on gun violence. And all that outside of the work to reimagine public safety as we went through the budget, much of it coming before that period of time. But to put into context the work that this council did on public safety. The policing work, the training for that and rethinking training began in 2016 when we were dealing with the transgender issues and changing how we train officers in this city, and the work since then, the continuation and deepening of that effort, the work on oversight. The work for immigrants in our community, using city funds to provide legal services, one of the first communities in the country to do that, recognizing that they, too, are residents of

[1:55:09 PM]

this community and our neighbors. The fact that the R.I.S.E. Funding, which was available during the pandemic to HPD help people went to every resident in our community and not just a subset of that group, which speaks to the pandemic and the work that you and others pushed on the disparities we saw in testing and on treatment, on health outcomes, recognizing that the work, while not perfect, was always before us and always a high priority. The fact that the mortality rate in this city is less than half of the state average -- less than half of the state's mortality rate. There have been almost 90,000 Texans that have died because of this pandemic. If the mortality in the state was the same as the city of Austin, over 45,000 Texans would still be alive. The work for rent, utility relief, and business relief, not

[1:56:09 PM]

to mention the fact that this city council used to meet until 10:00, 11:00, 12:00, 1:00 or 2:00 in the morning and we've been able to work with the manager, and staff, and others on all of these things, but certainly that issue, to change how it is that we do city council meetings. Councilmember Casar, I think that I probably will remember your time on the council most in the faces of the new people that came to this council and spoke on issues. It was opening up this hall, this chamber to people that never before felt like they belonged, never felt like they could have influence on what was happening here. You've created a whole generation -- or two or three, when I think about who was showing up -- that believe that they can come into this place and not only have the ability to be able to speak but come into it with the belief that they can

[1:57:12 PM]

effect change, that what they want to see happen, if they can make the arguments and find the moments that they can change what happens in this city. Such an incredible gift, not only to those people and those communities, but to our city generally. That was the promise and the potential of the 10-1 council on which you served. You know, there are times that call for a steady noncontroversial caretaking council. I do not mean that in a pejorative sense, because I think that there are times for that. And they would include times perhaps like when there's a recession and we're all trying to figure out how it is we get past these moments and these times. But in times when there are resources, when there is opportunity, then I believe councils have the chance to do

[1:58:13 PM]

more. It is in those moments, the gift of those moments, that a council has the chance to make real changes in equity and in justice. I also believe that requires disruptive action. Incremental change favors the preservation of the status quo, and all too often at best we'll just nibble around the edges of actually delivering real equity and real justice. In your time on the council, we did not nibble. Big, bold, transformative change. You participated, you helped lead, you did not do this alone. Many of the things that I listed as I was going through the things that council did were things that you didn't sponsor and you didn't take the heavy oar on. Many of them you did. This is a group effort. And clearly you helped create the tone, the urgency, the

[1:59:16 PM]

accountability, the ability to be able to negotiate and find paths forward. The reasonableness, the constructiveness with which you approached many of the things that were done on this council will be things that I'm not sure the public will ever see or realize as they get lost in the means and the themes of social but you did those things. This community will miss you on this council. And I will personally miss you on this council. Thank you, council member Casar. Council member Kelly?

>> Kelly: Thank you. It will be hard to follow your sentiments, mayor, but I wanted to also say good-bye. I wanted to say one of the best things of our community is diversity of thought.

[2:00:16 PM]

You know it comes as no surprise to the community that we're on totally different sides of the political speck

-- spectrum. I appreciate working with you in a professional way. You only visited in my office one time but I'm glad you stopped by. Our disagreements were done in a way that should be emulated, in a thoughtful manner. Thank you for the kindness you showed me when I was knew despite our disagreements on policy. I wish you the best of luck in your future endeavors

>> Mayor Adler: Council member Renteria and Ellis

>> Renteria: Thank you, mayor. You said it so eloquently.

[2:01:19 PM]

I'm really going to miss Gregg. We were able to pass the homestead act -- housing -- we got out of that but there is commitment that our district has low-income work force housing being built. As I look through the agenda with all the tax credit -- nine per cent tax credit. Not one -- for the first time not one

of them are in my district here in east Austin. There are some on district one and over there in two, but also, it's throughout the city. There's one in district six. There's just -- I mean, this is the -- one of the biggest goals that I had, is to diversify all

[2:02:19 PM]

the affordable housing west of 35 and make sure that there's one in each district where people -- because those -- there's people out there that are low income. People might not realize that but west Austin is not just all rich people. And through Gregg's leadership we were able to do all those and build more affordable units and diversify it all through the city. So, you know, with your help and leadership, we were able to accomplish a lot, especially in my passion, affordable housing and workforce housing. I'm going to miss you. Your leadership on the housing completed my goal and, you know, fulfilled my goal in building as many units as possible. Through your work and hard work that you did on the housing bond, it was just amaamazing. You were out there at every

[2:03:20 PM]

location and with press conference and pushing it, pushing it. And with your leadership, we were able to accomplish these kind of bonds for housing. So thank you for all you've done, and I'm going to really miss you because you were a real leader, a champion, when it came to that. Thank you.

>> Mayor Adler: Council member Ellis?

>> Ellis: Thank you, mamayor. You have made your community have conversations it may not have wanted to have. It's important when people agree or disagree you have made us identify our values as a city and how we'll budget that. We talk about that every year, that our budget is a living document that represents our values as a city. Sometimes we've had conversations maybe before people are ready to and sometimes in situations where people say the conversation didn't happen soon enough.

[2:04:21 PM]

I know either way a lot of the work you have done has been individual's first opportunity to feel like they want to come to city hall and feel like they want to speak in favor or against an item. Regardless, it got people involved in the process and I think our community is stronger from your work. So thank you. This isn't the last you'll hear from us, I'm sure

>> Mayor Adler: Council member pool and council member Fuentes.

>> Pool: I want to thank council member Casar for his service and to take this opportunity to welcome council member vela. I look forward to working with you in the coming years and I want to echo the comments that it takes courage to run for office. It's not an easy lift at all. I encourage all of you to stay

[2:05:22 PM]

engaged in your community because it really makes us a better place. Thanks.

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

>> Fuentes: I definitely won't say good-bye because I have a feeling I'll be working closely with him on meeting the needs of our southeast Austin residence very soon when he go to congress but wanted to share my gratitude for his welcoming and service that he has provided to me not only as a freshman colleague but to our community. You have been a strong, Progressive leader and your legacy on the dais and on Austin city council will be felt for decades, no doubt. And just knowing all the things you've done, that you've set in motion for austinites, on reproductive justice -- the mayor did an incredible job

[2:06:23 PM]

laying it out. We wish you the best on your journey and share our gratitude for everything you've done for Austin. Thank you

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

>> Kitchen: There's a lot I could say, but I'm going to focus on one thing, and that is there's -- we all know that there is a role that people play to make change. And I want to thank and congratulate council member Casar on the role he plays. He is a person who pushes the community and pushes us to think about what is right. And as others have said, I want to see you, Gregg, shaking things up to D.C. Because that just so desperately needs to happen. I want to thank you for your work on this council. I also want to echo what the mayor said in terms of the

[2:07:26 PM]

foundational change that has been made. I think that -- you know, I will say this without meaning any disrespect to previous councils, but I do believe that this council has approached things fundamentally differently, and I think that the approach from representing and listening to people -- I think, Gregg, that you have done a good job, a very good example an epitome of how we need to listen to people. So I appreciate that. So I want to say thank you for all that work. I also want to congratulate Mr. Vela for joining us, and I look forward to working with him. I want to thank everyone who ran in district four. It is

very hard to run for office and is very much appreciated when people put themselves out there. Thank you, mayor, for running

[2:08:27 PM]

through a lot of things we've done as a council. It makes me think about the first time we all gathered and were sworn in. I don't mean to dwell on that because about half of us were there. We weren't all there. We're all together as a team now, but we've come a long way in the last seven years, I guess. So thank you, Gregg, and you know you'll be missed. You're not going far and we won't let you go far. I'm looking forward to you shaking up D.C.

>> Mayor Adler: Council member tovo?

>> Tovo: Thanks for an opportunity to celebrate our colleague. Council member Casar, thanks for your years of service. My colleagues have talked about your work on the 10-1 council and there's great amounts of

[2:09:28 PM]

work to talk about. I want to talk about what you did before you got on council. The first time I met you was through the economic incentives work we were doing and you were one of the leaders in the community who worked to revise the economic incentives program we have here. There was lots of push-back in the community. There was push-back on council, but you really illustrated and demonstrated the kinds of skills that have been so visible in your role on council. It was the work that you did as a community leader, as a community organizer, bringing in those voices from the community who were most impacted by the provisions that were able to be implemented and the labor provisions, the really important labor provisions that became part of the economic incentive program

[2:10:30 PM]

that really do -- the support depending on the collaboration of worker's defense. I want to thank you. As my colleagues have said you've done a great job in bringing in the community and helping different parts of our community understanding the role they have in guiding and shaping policy and opening up those doors, continuing to open those doors to city hall and to city government is critical, and so thank you for your passion for that. Thank you for your service to this community, and thank you for really your -- the tremendous work that you've done on behalf of working families and labor and for really advocating for the needs of those who are most vulnerable in our community. And I wish you certainly the best of luck, and on your next adventures.

>> Mayor Adler: Thank you. Colleagues, the -- I don't want

[2:11:35 PM]

to force him to speak. If he wants to raise his hand, I'll call on him. Council member Casar.

>> I wasn't expecting to say good-bye so early in the meeting.

>> Mayor Adler: We can call on you later if you'd rather.

>> I think it's better this way. I feel very moved and touched by what you all have said and what people in the community have said, and I have just been so honored to get to be a part of all of this. And what I think about part of all this -- I mean both this dais but also all our staff and really our whole community because we're all part of governing this place and informing our society.

[2:12:35 PM]

We're all really just one family. And this has all been just like an experiment in democracy, a continued experiment in democracy in Austin. When I've had time to reflect on it -- not much because I've been, as we all are, really busy. I kept thinking democracy is how we care for each other. We have worked so hard these last few years to think about how we care for one another, and I believe we do our best and when we all stick to that goal. And I've seen it so often, even in these really hard years where when we all are focused on who that person is that is struggling, who those people are who are suffering and how we can make our democracy work for them and hear them, that we

[2:13:37 PM]

do incredible things and do incredible work. So I just am so appreciative of just the opportunity everybody has given to me to be a part of focusing us on those things. Obviously there still so much work to be done and we know what that work is. But leave here very hopeful that Austin has the ability to take those challenges on. I really felt last week as we settled the sexual assault plaintiff's case that that was just a real example of how when we listen to people who sometimes get -- or too often get left out, that we really can change and make things better. And there's still real things that I leave unfinished. I can't think of more powerful

[2:14:38 PM]

testimony than I've heard than the day when he spoke about his brother. That exemplifies to me both the real inequities and justices that drove many of us to do this work but also the path we have committed ourselves to to listen to people, to make things better, even when things have gone wrong. And so I just am so grateful to each of you because I know how much sacrifice it takes to do this work. I'm grateful to each of you, our families, and for the time I've gotten to spend with everyone -- whether you're in the community or city staff or council or council staff. I want to thank those folks that have worked in my office. Every single one of you currently in my office and those that worked with me in

[2:15:39 PM]

the past in the trenches early in the morning and late at night or sometimes both. I really believe in Austin's ability to care for one another and to really think about the poor and the sick first and I'm committing to be part of that whether I'm in elected office or just on the microphone testifying to council. I would really like to say bye to each of you, and so I've put on my calendar to come back and be on that microphone before some of my incoming class of council members leave as well. So I will come back and pay the favor, but it's just been a great honor to be able to work alongside all of you in this community. So thank you.

>> Mayor Adler: Thank you. All right, colleagues.

[2:16:41 PM]

Consent is through 40 and 50 to 52. Pulled items are 39 and 40. We've read into the record 51. We have late filed materials. Motion to approve the consent agenda? Council member pool makes the motion. Kelly seconds. Let's take a vote. Those in favor, raise your hand. Those opposed? Unanimous on the dais. Consent agenda is approved. Let's go ahead and do the consent agenda, zoning agenda. Any postponement cases we need to take up first?

>> Yes. Before we get to the speakers I would like to make note that all but one of the speaker froms the public are here to speak on items 54 and 55.

[2:17:43 PM]

Council member harper-madison will make a motion to postpone

>> Mayor Adler: Did you want to make a motion?

>> Harper-madison: Yes. I would like to make a motion to postpone

>> Mayor Adler: Second to that motion? Council member kitchen seconds that. Is this something that is opposed by either the applicant or the neighborhood and they'd like to speak?

>> The applicant is not opposed and I don't believe the neighborhood is opposed as well

>> Harper-madison: For what it's worth, mayor, I think we have an opportunity to get the applicant and the neighborhood closer to an agreeable position. It -- with just a little more time to have the conversation.

>> Mayor Adler: Moved and seconded to postpone the case. Any discussion before we take a vote? Those in favor of postponement,

[2:18:44 PM]

raise your hand. Those opposed? Unanimous. This item will be postponed. Since we're not going to call that item, we don't need to call speakers to speak on that item. Then if that's the case and that's the only postponement case in front of us, if the clerk would call speakers on other than 54 and 55.

>> We will only have one speaker. That is will Houston.

>> Thank you very much. My name is will Houston. My great grandfather was John Vermont. He and Alfred Robinson operated a dry good store and became the first bankers when they began taking credit. They were true entrepreneurs. They took different paths. John became a wholesale grocer

[2:19:45 PM]

and bought the building we're here to discuss today. For a little city history background, on the 6th and brazos building John bought the Littlefield building and needed to build a parking garage on the property across the street, which we own. We've had a couple of issues which we're holding up a long-term lease with Watson and the mayor took my father to lunch in order to try to talk him out of one of the positions. We ended up making a lease with John but the subject of any historical importance here was never brought up. We also owned the Guggenheim building. When the convention center needed to expand to the north, its historical significance was never brought up either. This is a very hold, sturdy

[2:20:47 PM]

structure. For two years my son worked with a lot of people who are involved putting together the half block to the north of 301 . Parts were to be occupied by the convention center. All during the two years the historical significance was not mentioned. So I would appreciate very much if you would let us go on and -- without historical zoning. Thank you very much.

>> Mayor Adler: Thank you.

>> Do you have any questions?

>> Mayor Adler: Thank you, Mr. Houston.

>> That concludes all the speakers.

>> Mayor Adler: All right. Colleagues, let's go ahead and pull 39. That leaves consent being items

[2:21:49 PM]

45 through 48. Is there a motion to approve the consent agenda?

>> Don't we need to read them out, mayor?

>> We can do that real quick, if you would like

>> Mayor Adler: Go ahead and do that.

>> Consent zoning is item 47. I can offer this for consent approval in all three readings. Second case is item 48. I can offer this for consent approval. As you said, mayor, item 49 will be discussion.

>> Mayor Adler: Okay. Consent is just 47 and 48.

>> That's correct.

>> Mayor Adler: Is there a motion to approve?

>> I have a quick question

>> Mayor Adler: Let's get a motion out if we can.

>> Sure. I'll move.

>> Mayor Adler: Moved and

[2:22:50 PM]

seconded. Council member kitchen?

>> Kitchen: I want to confirm that both of these are on all three readings, consent, right?

>> First one is. Second is restricted covenant. It doesn't need three readings.

>> Thank you

>> Mayor Adler: Moved and seconded. Discussion in those in favor of items 43 through 48, raise your hand. Those opposed? I'm seeing everybody vote aye. Those are taken care of. That leaves item 49. Is anybody going to make a motion on item 49? Council member tovo?

>> Tovo: I'm going to make a motion to pass this on first reading with some additional direction

>> Mayor Adler: Let's come back to that then. Let's do the Austin housing finance corporation agenda if

[2:23:51 PM]

we could. I'm going to go ahead and recess the Austin city council meeting here at 2:23. And I'm going to convene the Austin housing finance corporation again -- reconvene that meeting. It is 2:23. Is staff here to take us through the consent agenda? Hello.

>> Hello. I think Andy is coming over. We have one item, approving a resolution authorizing the formation of the nonprofit corporation. We can offer this on consent. I would also note there is late back-up to this item.

[2:24:51 PM]

>> Thank you.

>> Mayor Adler: All right. Is there a motion to approve this item number 1? Only item on the agenda. Council member Renteria makes the motion. Is there a second? Council member Ellis seconds. Any discussion? Those in favor of this item, please raise your hand. Those opposed? Item passes unanimously. I think that's all our business. No?

>> That is. Thank you very much

>> Mayor Adler: We're going to adjourn the meeting then here at 2:25. I'm going to reconvene the Austin city council meeting at 2:25.

>> Mayor, as you close the meeting, just thank you to the housing staff who have gone to work with -- as chair of that committee. I hope and expect that we'll as

[2:25:53 PM]

a community keep onramping up the amount we can do. Thank you for all your work.

>> Mayor Adler: Thank you. Council member?

>> Harper-madison: The 12th council member Rebecca Kelly voted on the last item

>> Kelly: I'm sorry about that.

>> Harper-madison: The 12th council member voted as well

>> Mayor Adler: She looked like she was tired. All right we're back in Austin city council meeting. Colleagues, let's go ahead and take up item 49. Council member tovo, do you want to make your motion?

>> Tovo: I do, mayor. I'd like to pass this on first reading with some additional direction to this. When I get a second I will talk about what that direction is.

>> Mayor Adler: Motion to approve this on second reading with direction? Council member pool seconds that.

[2:26:54 PM]

Council member tovo?

>> Tovo: Thank you, mayor. Our back-up talks about the historical significance of this, and this particular property does meet the requirements for historic zoning under several classifications of the ordinance. I would like to ask my colleagues to pass this -- to really confirm the historic landmark commissions assessment and to allow more time for the property owner and the property owner's representative to consider what options exist here. We are losing lots of our historic fabric. Have already and commercial buildings are in particular I think in jeopardy of demolition. Back a long while ago as a community member I attended the downtown Austin planning sessions. There were conversations about some really innovative strategies that other cities deployed to craft a careful

[2:27:56 PM]

balance between retaining some of those buildings that helped tell the story of a city and a place with allowing for significant redevelopment. One of the tools was transfer of development rights. When you look at other places you can see many of their commercial buildings have been retained and have been redeveloped and also, you know, often a lot of density has been able to be added to that site. We have never gotten far enough in our community in exploring the option. I would like to ask my colleagues to support this on first reading with additional direction to our staff to, one, consider whether there's an opportunity for transfer of development rights either to another property that this property owner owns and I think there may be some in close proximity or to potentially to a tract the city might own. Second, I would like the developer or his representative

[2:28:57 PM]

to come back and talk to us about what is possible on this site. It seems to me with some set backs that it would be possible to retain this structure and to develop on top of or around it. I don't know if we want to have that conversation today given the storm situation and the time. But that is something I would like the applicant to say -- to speak to. Again, doesn't need to be today. I would prefer it happen at our next session, which is why I'm not asking for postponement. I'm asking for passing on first reading.

>> Mayor Adler: Motion in front of us. It's been seconded.

[2:29:57 PM]

Discussion?

>> Mayor?

>> Mayor Adler: Yes?

>> We have staff from housing and historic preservation office present if you'd like to get a presentation on the staff for this. We have the representative of the applicant. There is a valid petition on the vase

>> Tovo: I would like to request we hear from Mr. Settling and historic preservation unless there's a will to pass this on first reading. I would request we have the presentation from historic preservation

>> Mayor Adler: Okay. Council member tovo, I'm inclined to have the presentation from historic preservation so we have that in the record. I would probably call that first and then give the property owner agent the chance then to speak at that point so they can respond to anything raised in the staff

[2:31:01 PM]

presentation.

>> I don't like when people interrupt you, but my hand is raised. I also have questions.

>> Mayor Adler: I'll call you in one second. That would be the order I would call that, colleagues. Council member Harper Madison?

>> Harper-madison: I would like to follow your path. I'd like to hear from staff. I'd like to hear from the agent but I'd like to understand the path forward. I personally -- because there are so many cases similar to this in d-1 that -- I'd really like to understand the path forward.

>> Mayor Adler: There's a motion in front of us to declare the property historic zoning. There's a petition. We can -- if we take a vote and the vote gets six or more votes, then that's sufficient for it to pass on first reading. If it doesn't get six votes, then the matter is denied.

[2:32:04 PM]

If it gets six votes and moves forward --

>> Harper-madison:

(Indiscernible) Nine votes. Can you clarify? Six or nine?

>> Mayor Adler: Six votes to pass on first reading.

>> Harper-madison: Thank you

>> Mayor Adler: If it's passed on first reading with six votes and comes back looking for final approval, that vote will require nine votes. If it doesn't have nine votes, it won't happen. It's six votes for first reading subject to that later vote for final passage. Colleagues, we want to hear the presentation from historic preservation, and then we'll hear from the property owner or agent. Staff, call that up.

>> Sure.

[2:33:04 PM]

>> Good afternoon, mayor, mayor pro tem, and council members. I'm with the city of Austin's historic preservation office. This is regarding agenda 49, C 14h 2021-0181. Staff and the historic land mark -- the planning commission recommends denial of the proposed zoning change. This building is a 1912 warehouse significant for architecture, historical associations and community value. In terms of architecture the building is a good example of a large warehouse. It is typical of rail side warehouses for wholesale distribution of commodities

[2:34:06 PM]

when the vast were on rail lines. This qualifies for historic landmark. It's not just high style. Prominent buildings that meet the requirement for architecture. Code allows a fine example of a structure such as this also meets that criterion for architecture. For landmark designation. This is a one-story, rectangular plan, flat roof, brick warehouse building. I don't know if we have photos that can be shown. That might be helpful at this juncture. It has brickwork, including arched windows. This brickwork shows a sense of aesthetic detail when that level of attention was paid to

[2:35:09 PM]

utilitarian buildings. This demonstrates the masonry construction from that era. It has a raised landing at the west end that speaks to warehouse use. In terms of historic integrity it has some alterations, most notably the replacement of the original windows. The window openings are still those original bricks around and it remains recognizable from the historic period. In terms of historic associations the warehouse was constructed around 1912, operated by an Ali. Around 1917 the company appears as the owner in city directories. These warehouses also sold produce and were coffee roasters. Around 1923 the building was

[2:36:09 PM]

sold to the John Vermont company, a grocery wholesaler. John Vermont's company was one of the most prominent businesses in Austin for many years. They supplied grocery stores and restaurants in the city. Business was established in 1947 with the grocery store opened by John Vermont. The family expanded the territory into the hill country. This served as the Austin warehouse until the building closed. The Vermont name is part of the history of the development of our city. John Vermont and his family were a major force in commerce, banking and civic life. There's a state historical marker at the site of the first grocery store on 6th street but that building no longer exists.

[2:37:14 PM]

Again, that former building no longer exists. So in other words, while the Vermont's grocery business predates this building, it's the oldest remaining structure associated with the business. It imported foods into Austin that couldn't be obtained from local farmers and ranchers. It was a game changer for the city, allowing for the city to import manufactured and cultural items. The railroad transformed Austin from a settlement into a city and it was firms like this that brought urbanizing influences of food to the city. Historic landmark commissioner Kevin Cook performed analysis based on research by the late historic preservation officer

[2:38:15 PM]

Steve Sidowsky. It meets the criterion for historical value. Most of us think of the warehouse district being west of Congress Avenue. Historically warehouses existed along the length of the east/west rail line through downtown. At present only the Nelson Davis warehouse is designated as a historic landmark. This would be eligible as a historic district unless there's a grass roots effort from the property owners -- the way we most often see property such as this is through demolition request and

the response to proposed demolition, the tool the city has to apply is not whether or not it qualifies as historical district but does it stand alone as a historic landmark. Based on that analysis,

[2:39:17 PM]

commissioner cook believes and staff agrees that this is the remaining warehouse in downtown, in addition to the Nelson Davis warehouse that meets two criteria for landmark designation. As a reminder to council meeting one criterion is not enough. They must meet at least two criteria to become historic landmark. This is the candidate that most clearly fulfills those criteria. Preservation of the building is an opportunity to mark the length of the rail line into downtown with the Nelson Davis warehouse and the warehouse district at the opposite end. This building is near the downtown rail stop, forming a connection between past and present in terms of the importance of the rail. Further, its preservation would round out in a way of landmarks near the convention center. And so it would provide a

[2:40:18 PM]

broader array of Austin's history at the city's doorstep. That concludes my staff presentation and I'm happy to take any questions.

>> Mayor Adler: Thank you. Colleagues? Any questions for staff?

>> Tovo: I may have some but I'll defer until after the applicant's presentation.

>> Mayor Adler: Applicant will have five minutes.

>> Harper-madison: I think you can't see my hand. I have questions I would like to ask after the applicant speaks. Want to make sure you know my hand is up.

>> Mayor Adler: Got it. Thank you.

[2:41:27 PM]

>> Hello?

>> Go ahead.

>> Hello, mayor. Council? Can you hear me?

>> Mayor Adler: Yes.

>> My name is Richard settle. I'm here on behalf of descendants of the warehouse. I want to take an extra 30 seconds to say thank you to commissioner -- council member Casar. I've enjoyed working with

you all these years, even before you were a council member. Thank you for teaching all of us how reasonable minds can differ and yet still be friendly to one another and usually work out compromises. I appreciate how you've handled your business with me as a council member. So thank you. Mayor, members of council, like I said, I represent the families that owns that warehouse that's subject to the zoning case. I want it on the record and it's in writing that they oppose the zoning, which will

[2:42:29 PM]

require a supermajority of the council. The owner's position has many elements but first and foremost the owner does not think it meets the criteria except that it is at least 50 years old. The staff contends it meets three. I'll go through and give our position on the three. On the architecture, the staff report says this is a, quote, good example of the utilitarian architecture but our code doesn't use the term "Good." It uses terms like "High artistic value, rare example, outstanding example, particularly fine example, or one of a kind" when they describe architecture. We maintain this warehouse does not meet any of those criteria under the architecture section of the code. As pointed out the doors and windows have been replaced. There have been exterior modifications in forms of ramps and sidewalks.

[2:43:30 PM]

It just doesn't meet the high bar of an architectural specimen we usually give tax breaks to and give the honor of having historic marker. The Vermont is an important family in Austin and the descendants still own the building. They have been honored with an entire block. There's a full historical recognition of the Vermont family and their contribution to the development of our city. When it's said that this would be the only thing associated with the Vermont business, that's not true. On community value, the -- when you read through the justification, it's basically this is the only warehouse east of congress. The community value was not recognized or even raised when this property owner was asked

[2:44:31 PM]

to negotiate with the city for a long time about the convention center expansion. When the city wanted to expand the convention center this was in the past. The historic designation never came up. It was only after the city asking this family to hold up for a long time did this community value of historic community value come up. The -- there's just not -- it's a warehouse. It's a cool building, but it's -- there's already a warehouse designated downtown honoring the warehouse district. In fact, arguably the warehouse district is on the west side of congress now, but we just maintain it doesn't meet the criteria. The owners don't want the tax breaks. What they want is to be able to redevelop this block in the tod. Designation of historic would prohibit the redevelopment.

[2:45:31 PM]

I know -- I'll be interested to hear council member tovo's thoughts on transfer of development rights, but we've shown in this downtown scenario that that really doesn't work. He doesn't have a market for those. Essentially designation of this would prohibit the redevelopment of the site. The building can't reasonably be incorporated into a new building because it's -- the way it's constructed, it's five feet off the ground. The loading docks are five feet off the ground. You can't have the sidewalks and entries and all the landscaping we currently demand of our downtown buildings to be incorporated. Story is told to me by the family that at one point early on they sandblasted this building to repaint it and the brick was so soft they nearly sandblasted the brick right off. We know the integrity of the brick is not that great and couldn't be incorporated into a new building anyway. Planning commission voted to

[2:46:32 PM]

deny the zoning. We ask that you not vote for historic zoning. Even on first reading. First reading simply delays the case. We will have to come back for second and potentially third. That basically stops in its tracks any future planning and any future redevelopment plans for the structure. So we ask that it not be designated as a -- with H zoning and I'll be happy to answer any questions you might have. Thank you.

>> Mayor Adler: Thank you. Any questions for the applicant's agent? Okay. Council member tovo, did you have questions for staff? And then we'll go to Harper Madison

>> Tovo: I have a couple and I know my colleague has some. I'm still thinking through what the applicant said. My question -- Ms. Brummet, I

[2:47:33 PM]

want to address the first issue -- one of the issues the applicant's lawyer just raised and that is in the conversations around potential convention center expansion there weren't references to this building as historic. Were you or anyone from the historic preservation office involved in the convention center negotiations?

>> To my knowledge, the historic preservation office does not involved in those conversations. That was prior to my time with the city. It's my understanding that we were not part of those conversations.

>> Tovo: That was my understanding too. I'm not certain if the manager can confirm that. Manager, do you have a policy of involving the historic preservation office and do you know if they were consulted as part of the work real estate does doing with property owners in that area?

>> Some of that may be before my time.

[2:48:34 PM]

I'll have to check with staff and get back to you

>> Tovo: I think it was within the last couple of years.

>> I'll get back to you.

>> Tovo: Thank you. I guess I want to point that out because I don't know that -- it's my understanding that historic preservation was not part of that. I think that's a good practice especially if there are conversations that may contain a structure that is historic. So the fact that this was not identified as a historic property to me is not -- the applicant's argument -- the property owner's argument is not -- does not to me mean the property is not historic.

[2:49:36 PM]

Our historic landmark commission -- none of those folks who are best equipped to talk about whether a structure does or does not meet the statute we have on the books were involved in those conversations so it's not surprising to me that that conversation didn't happen. If -- land historic buildings are being restored or redeveloped, can you help me understand how that interacts with our code requirements for sidewalks or other kinds of access? Applicant's lawyer talked about that this building couldn't be made to meet those requirements because it is above the street and wouldn't meet the requirement for sidewalks. Can you help me understand? Could the two of you help me understand whether this building would be required to have a sidewalk down at the street or how you work with historic properties to comply with codes of different sorts?

[2:50:36 PM]

>> Certainly. In terms of the building itself, the building is accessible. It has a relatively long romp -- ramp on the front. There are existing sidewalks adjacent to the building. The sidewalks in front of the building appear to meet the great street requirements in terms of having street trees and expansive sidewalk there. Where there is more of a limitation is on the west side of the building where the loading dock is. That is a significant historic feature of the building and there is an accessible sidewalk on that side but there -- without extending into the traffic lanes, there wouldn't be enough space for a great streets quality sidewalk at that location.

>> Tovo: If the applicant was able to proceed with a project that incorporated the building

[2:51:37 PM]

would be there be a waiver or other variance they could seek given the fact that they -- this historic feature would prevent them from doing the sidewalk on the loading dock side exactly as a new construction would proceed?

>> I believe so. I believe we would work with those colleagues to come up with a reasonable solution.

>> Tovo: Does that sync with your experience?

>> Yes. If it were a new project compliance with great streets would be a requirement. The urban design section which is over great streets is under my purview as well. We'd have to work to find a modification for the historic structure if that were the case.

>> Tovo: My guess is you've had to do that with other historic structures as well.

>> We have

[2:52:37 PM]

>> Tovo: That's not really an impediment as far as I see it. So Ms. Brummet, the applicant's lawyer talked about that the family who owns this structure does not wish to have a tax break. The way we proceed here in the city is that a building is zoned historic if it meets the designation and received an affirmative vote at city council but there is another step where an owner of that property would have to seek that tax exemption. Is that correct? So granting designation does not equal an exemption. The owner has the ability to seek that exemption but is not required to do so and in fact I know at least one property owner in this city, and I am sure there are more, who have buildings stoned historic -- zoned historic but don't apply to the council for that

[2:53:38 PM]

exemption.

>> That's correct. Our staff inspects land mark properties every year to ensure they're being maintained with the requirements to receive that tax exemption and we prepare a list that gets approved by the historic landmark commission and ultimately city council in terms of which properties can receive that tax exemption. From the property owner's perspective, they have to apply to the Travis central appraisal district in order to receive that exemption -- order to receive that exemption and it's an annual application process.

>> Tovo: If you don't wish to seek that exemption you don't have to. You can have a historic property that never receives a tax exemption.

>> Correct

>> Tovo: Thank you. Could you speak to the applicant's lawyer -- the property owner's lawyer's discussion about whether or not this is a significant building?

[2:54:39 PM]

You talked about its significance and the way in which your estimation and the estimation of the landmark commission it meets several of the criteria for historic designation. The applicant -- the attorney brought up several points about this. One, that there were alterations and that this is maybe not historically significant given there are other structures associated with this family. From what I understood from the application, this is not about honoring a family. So if there is a structure or other ways to honor that family, that really has no bearing on whether this structure is historic. Could you address that piece of it but also whether the architectural integrity -- whether it meets that

[2:55:42 PM]

criterion, please.

>> Yeah. The requirement in the land development code to meet the architectural criterion, it does include high artistic value, you know, it's -- the words used were in there, but it includes a particularly fine or unique example of utilitarian or vernacular structure. That's the criteria that -- that's the area of the architectural criterion we feel this building needs. It does have changes. The replacement of the windows and doors is -- it's -- it is a change to the building. But the most important features are the load-bearing masonry and those arch lintels, the brick belt, the loading dock -- those elements are still there. And so despite the changes, the building can still convey its

[2:56:43 PM]

architectural significance. In terms of the historical significance for the building, Mr. Subtle is correct. There's a whole block of buildings associated with Vermont family in the western portion of downtown. This is not necessarily akin to residential property where we would only see one landmark associated with a particular individual. We wouldn't then seek to nominate second residence that was associated with a particular individual or, you know, that family. This is different in the sense that this is representative of the commercial side. You know, certainly we can understand the history and significance of the Vermonts through the Vermont block but this is a piece of the

[2:57:46 PM]

commercial development of the city. It's significant for its contributions to the development -- growth and development of Austin as a grocery warehouse.

>> Tovo: Thank you for that.

>> Mayor Adler: Colleagues -- Kathy? I'm sorry. And I hate to interrupt. I apologize for this. I said earlier we were going to take a forced break at 3:00 o'clock. There's a call that I have to get on. We've also lost council member Renteria who has had equipment problems. He texted he and is trying to get back on so he can be part of the conversation as well. Here at 2:58 we're going to take a recess in this meeting. I would anticipate I can be back probably in 20 minutes or so, would be my guess, and then we're going to be able to continue on. And I apologize. I'm the only one here, and I

[2:58:48 PM]

have to be here to move this meeting forward. Council member kitchen?

>> Kitchen: Why don't we give you a

>> Kitchen: Why don't we say 3:30?

>> Mayor Adler: Okay. Councilmember harper-madison?

>> Harper-madison: Is it fair, mayor, for me to request that, one, my colleague, councilmember tovo gets to complete her thought and line of questioning, but then that you call on me next?

>> Mayor Adler: I will call you -- on councilmember tovo when we come back after the break so she can finish her line of questioning.

>> Harper-madison: Please, absolutely.

>> Mayor Adler: I'll call on you after I call on councilmember tovo.

>> Harper-madison: I would appreciate that. Thank you.

>> Mayor Adler: We'll see you back here at 3:30. We're in recess.

[3:37:30 PM]

>> Mayor Adler: Let's see who we have here. One, two, three, four. Okay. All right. We're going to go ahead, then, and reconvene the Austin city council meeting. It is 3:37. It continues to be February 3rd,

2022. Councilmember tovo, in the intervening break, it's my understanding that the applicant understands your request, obviously can't support it, just to maintain their position, but doesn't feel like there will be prejudice with a two-week delay, and is willing to engage in a conversation with you and with staff to see if there's an option that they haven't seen. If that's the case, then I'm going to go ahead and support your motion to pass this on first reading, coming back in

[3:38:33 PM]

two weeks. And if that is voted on and approved, then we can go into executive session, keep this moving, since we just learned that when the sun goes down, we're going to get a freeze tonight. The roads are wet, which is the other thing that I would say. Tonight, precipitation is probably going to stop in the next two-three hours and we won't have it probably through the weekend, but the roads are still wet. So it's anticipated the areas where it's slushy it's going to freeze tonight. Nobody should be out if they can avoid being out and driving. It's going to be freezing tomorrow. So I think that many of the institutions and schools, and the city are going to be continuing their call today to tomorrow, remaining closed. That includes aid. And on Saturday, we should get

[3:39:34 PM]

to a place where things then begin to thaw. Sorry for that little commercial message. Kathie, I support you on your motion to pass on first reading coming back in two weeks. Given that, is there any more discussion on this item? Councilmember Renteria?

>> Renteria: Yes, mayor. I'm not going to be able to support that, besides the fact that the owner doesn't want to be zoned historic. And it reminds me of when we were down here trying to protect some of these houses. And to the department, and they said they couldn't recommend it because they had changed the windows and the doors, and it was not the same historic building. And, you know, this was over here in east Austin, so I just

[3:40:35 PM]

don't -- it's an equity issue to me, so, you know, so I'm not going to be able to support it.

>> Mayor Adler: And I understand that. And just so that it's clear, my favor in vote of this is not a substantive vote, it's a vote to allow the conversation to happen in the next two weeks. And I would suggest that anyone looking at this vote hear that vote that way and we'll have the substantive conversation in two weeks. It's been moved and seconded. Any further discussion? Let's take a vote. Those in favor, please raise your hand. Those opposed? I'm showing two votes against, three votes against. Harper-madison --

>> Harper-madison: Mayor, I'm not voting against, I -- [clearing throat] -- excuse me. Sorry, y'all. I thoroughly support my colleague's decision to give us

[3:41:36 PM]

further opportunity to discuss this further.

>> Mayor Adler: Okay. So, I have two votes against, councilmember Ellis and Renteria, the others voting aye with councilmember Casar off the dais. First reading passes, and we'll have the conversation over the next two weeks, and then we'll have actually the substantive conversation in two weeks. All right. That gets us, then, to the place where we can go into executive session. Let's go ahead and do that. We'll call that we still have to come back out and vote on items 39 and 40. And we also have the settlement item that we can't consider before 4:00. So we'll come back out and handle those three things. But in the meantime, we're going to now go into closed session, potentially take up three items

[3:42:39 PM]

pursuant to 55107.1 of the government code, discuss legal issues related to items 39 and 40, and pursuant to another code, personnel matters related to item 46. Without objection, let's go into executive session. If you guys would just go straight on over there and sign into executive session, I'm going to call that up here as well. 3:42.

[4:56:55 PM]

>> Can you hear me?

>> Yes.

>> Mayor Adler: Yes, we can hear you.

>> You don't see pool?

[4:58:04 PM]

>> If ctm could send me the invitation again. I'm on my phone and I don't want to do this on my phone. This is Leslie. Just send me another invitation. Someone dumped me out of the meeting when we went

into executive session. It completely removed me and I was not able to use the invitation I had previously. I'm going to hang this up and look for a brand-spanking-new link.

>> Mayor Adler: So that they don't have to come in tomorrow, we're going to post the agenda that normally would be posted tomorrow, we're going to post it on Monday.

[5:02:34 PM]

>> Mayor Adler: Okay, again, we're waiting for Pio. The council, the staff, rather than posting the agenda tomorrow, is going to post it on Monday so that they don't have to come in or some measure of them will have to come in tomorrow. If you have an ifc pending and you were looking for comments from the attorneys and the like, I and they urge you to look at your emails, because the attorneys may still be communicating with you about ifcs. Councilmember Fuentes.

>> Fuentes: Yes, thanks, mayor. I just wanted to have the record show that for the vote regarding the zoning -- the historical zoning for the stake house building that I was off the dais. I was having trouble getting moved over to be a panelist. I was not present for that vote.

>> Mayor Adler: Okay. The record so notes. I did not call that out.

[5:03:40 PM]

Okay. I'm going to go ahead and reconvene the Austin city council meeting. Today is still February 3rd, 2022. While we were in closed session, we addressed legal issues related to items 39 and 40 and personnel matters related to item 46. Colleagues, we are now back in our meeting. I think that gets us to items 39 and 40. These are ifcs from councilmember Casar. Councilmember Casar, do you want to make a motion on that?

>> Casar: I move to pass these two items with the amendments as posted by the mayor.

>> Mayor Adler: Okay. The motion is to pass items 39 and 40 with my amendments incorporated. Councilmember Fuentes seconds that. Discussion? Councilmember Casar, you can go first if you want to.

>> Casar: I appreciate everyone who cosponsored here

[5:04:41 PM]

and for the work on this over time. During the pandemic, we put in place important protections as a council, along with support from the mayor, and were able to keep our eviction rates amongst the lowest in the country. But with the escalating housing costs that we see and with the daily emergencies

that we know so many families face, it's clear to me that we need permanent renter protections and these two resolutions would move us closer to having that. If we want to push fewer people out of the city, then we need protections for the 500,000 renters that we have here. And if we want to reduce homelessness, then reducing evictions is a key way of doing that. So, thank you.

>> Mayor Adler: Okay. Further discussion on these two items? Councilmember Kelly. Your amendment, if that's what

[5:05:44 PM]

you wanted to do.

>> Kelly: I'm sorry. I posted a motion sheet on the message board and I was wondering if you would be appropriate to discuss that.

>> Mayor Adler: Yes. You can either discuss it, or you could make the motion if you wanted to and then discuss it after you make the motion.

>> Kelly: I'd like to make the motion to include my motion sheet.

>> Mayor Adler: Okay.

>> Kelly: Item number 40.

>> Mayor Adler: Councilmember Kelly proposes her motion sheet. Is there a second to that motion? Councilmember kitchen seconds that. Councilmember Kelly, you can discuss it.

>> Kelly: Yeah, absolutely. So, there's different parts in this motion sheet. The first part of my motion is to replace the term shall with the term may. This would help because the term shall to me is too proscriptive and predetermines how city staff would draft this particular

[5:06:44 PM]

requirement in the ordinance regardless of the feedback they may receive throughout the stakeholder process. I also believe that with this change in this motion sheet, we will be able to allow landlords to have some say in the process as well. I understand that we do need to provide renters with specific rights in regards to the eviction process. I'm a renter myself. But I also recognize that we have to have some kind of happy compromise with the landlords and the tenants themselves.

>> Mayor Adler: All right. Thank you. It's been moved and seconded. Discussion of the amendment? Councilmember Casar.

>> Casar: Mayor, I'd like for us to consider taking the motion sheet up as three different amendments. And I don't know whether you need a motion for that at this point, or whether that's something we can do by assent of the group.

>> Mayor Adler: We can do

[5:07:45 PM]

that. There's been a request to divide the question, so we'll divide the question. What makes sense as a division, the language at the end makes sense as something that could be considered by itself?

>> Casar: I think there's three changes, but I'll leave that up -- I'm interested in what councilmember Kelly thinks here, because I'm fine with one of them and pretty close to fine with another one. But one of them, as councilmember Kelly mentioned, was the change from shall to may. I would see that as one. And the next sentence about a minimum time period to respond I think is a second topic. And then the third topic is that of additional languages beyond English and Spanish. And that third one, for example, I'm fine with. So we could just pick that up and see if everybody would be fine with incorporating that one, for example.

>> Mayor Adler: We grant motions to divide questions. And we'll do that here. Are you comfortable dividing it those three ways, councilmember Kelly?

>> Kelly: I'm okay with that,

[5:08:46 PM]

and I'm glad that you like the final edit that we proposed, because my district, for example, has a very high population of Asian Americans, for example. And I know that people speak languages other than just English and Spanish across the city, and it would be fair to do that. So, sure, we can take them up as three separate items. Thank you.

>> Mayor Adler: Okay. So, with respect to the last one, where it adds shall be in English striking and having Spanish and adding any additional language that may be required. Any objection to including that into the motion? Hearing none, that's included. We have then two amendments in front of us. We'll take them one at a time. The first one is the change from may to shall. And the second one is the adding sentence about the notice may include. We'll take up first the may to shall issue. Yes, councilmember kitchen.

[5:09:47 PM]

>> Kitchen: Yeah, so, just for a question, so, councilmember Casar, I see on the message board that you posted an amendment to councilmember Kelly's amendment. I'm a little confused about what we're -- is that different than what we're doing now, or . . . ?

>> Casar: Mayor, if I may?

>> Mayor Adler: Councilmember Casar.

>> Casar: Councilmember kitchen, so, as I'll lay out here, we're looking at councilmember Kelly's motion sheet. There's three changes to it. The third one we just accepted, which is about incorporating a variety of languages. And then there's two others. This one we're talking about right now is the change of the word from shall to may, which I'll lay out why I disagree with that. And the second one is about tenants responding. And what I posted on the message board was sort of a compromise in between place I thought I would be okay with when we get to that one.

>> Kitchen: So that one is relevant -- what's on the message board is relevant to the

[5:10:48 PM]

second one.

>> Casar: Correct.

>> Kitchen: Okay.

>> Mayor Adler: Okay. So let's focus for just a second on the change from "May" to "Shall." Or "Shall "-- the motion is to change from" shall "To" may." That's what we're talking about now. Councilmember Casar.

>> Casar: And mayor, I will vote no on this change, because I think this is just the core of what we're directing the staff and the community to look at and deliberate, is having a notice that gives tenants the ability to have adequate time to respond and prevent an eviction. That's what the core of this is. And so by changing it to "May allow," if it doesn't allow for it, I don't know what we're getting everybody together for in the stakeholder process. So at the end of the day, I

[5:11:48 PM]

think functionally, we'll have an ordinance that provides the ability for there to be more time. And if we don't want it to provide more time, then I think we just don't have the ordinance and people can argue about why we shouldn't have it or why we should. But at its core, the notice giving people time to respond is what this is about. And we just want some clarity for the stakeholder group about what the ordinance does.

>> Mayor Adler: Okay. Councilmember Kelly, then councilmember Ellis.

>> Kelly: Thank you. For me, leaving the word "Shall" makes the sentence read in a manner that the notice would prevent the landlord from pursuing an eviction case if the tenant cues the issue, and I don't think the goal is to take away their right. If the tenant has a history of

[5:12:50 PM]

lease violations the landlord should have a right to pursue the case if they believe they have just cause, which is why I have it changed to "May" incity instead of "Shall." Thanks.

>> Mayor Adler: Councilmember Ellis.

>> Ellis: Thank you, mayor, I'm going to agree with councilmember Casar here on the original intent of what the notice would do. I'm more comfortable with it just maintaining the language of "Shall" for this step in the process.

>> Mayor Adler: Any further discussion before we vote? Let's take a vote. Those in favor of changing "Shall" to "May," please raise your hand. Councilmember pool, this is the first one of your amendments. Councilmember pool is in favor of changing from shall to may, councilmember Kelly is in favor. Those opposed to that change, please raise your hand. It's the balance of the dais, so that change is not made. Let's now discuss the second

[5:13:52 PM]

change. The language of the sentence as we can see that is proposed by councilmember Kelly is the notice may include a reasonable minimum time period, by which a resident much make initial contact or provide an additional response after receiving the notice of proposed eviction. Councilmember Casar, I guess what you're doing is in the nature of an amendment to the amendment, because you're adding language to it, is that correct?

>> Casar: Correct, mayor.

>> Mayor Adler: I'm going to recognize you for your amendment to the amendment.

>> Casar: So, my amendment to this amendment is to -- sorry, I'll make a motion to amend this amendment which would say is that a resident has to respond to this notice, make initial contact with the landlord, if we wind up requiring two weeks. So basically, if there's a

[5:14:53 PM]

two-week grace period or longer, then it may require that a tenant get back to the landlord and make initial contact earlier.

>> Mayor Adler: So are you adding -- you're amending by adding that parenthetical phrase at the end?

>> Casar: Correct.

>> Mayor Adler: Okay. Councilmember Casar moves to amend the amendment by adding to the end of the sentence comma if the proposed notice creates a period of 14 days or more. Is there a second? Councilmember Fuentes seconds it. Any discussion? Councilmember Casar, then councilmember Kelly if she wants to address it, then councilmember Ellis.

>> Casar: So, to me, because we are starting a discussion about how long grace we should try to provide in the case of an emergency and somebody isn't able to pay their rent, I

[5:15:55 PM]

understand that folks may think we're going to provide a week, or a month. There's different best practices in different cities. And so I had some concerns about councilmember Kelly's amendment, potentially, because if we only provide people, say, one week and the current law gives you three days, then putting the onus on tenants to get back to people before that week, what's the point? We haven't really created much extra time. But if the notice and the final ordinance comes out to be lengthier, let's say over a couple of weeks long, then having a check-in point required of the tenant might be something to consider. So instead of -- I was trying to figure out if there was a good middle ground way to say yes, if this winds up being an extended notice period, it might make

[5:16:56 PM]

sense to have a check-in. That's why I crafted the amendment this way, to try to strike a middle ground.

>> Mayor Adler: Councilmember Kelly.

>> Kelly: Thank you, Greg, for laying that out. I appreciate it. If our intent is to foster communications between tenants and landlords, these conversations can only occur if both parties are at the table. Thanks.

>> Mayor Adler: Okay. Councilmember Ellis.

>> Ellis: I have a question, and I'm not sure if this is for the authors of these amendments, or if maybe legal could just help with the terminology. When it uses the word "Must," I just want to understand the relationship of if the tenant doesn't respond in the given window, what changes? Do they just proceed through with the rest of the process of an eviction, or -- I'm kind of hung up on the word "Must" and not sure if we should change it to something like should or is expected to. I just want to be sure if none had

[5:17:57 PM]

thoughts about that -- anyone had thoughts about that word and the strength of the tenant having to respond versus choosing not to.

>> Are you on the line?

>> Mayor Adler: Did someone say something?

>> By having a must, the idea would be -- and we've seen it in other cities -- is that if the tenant does not respond back to the landlord, then that grace period doesn't -- for that opportunity to cure doesn't stay in place. So let's say hypothetically we want the 30-day, and the ordinance required the tenant to check in with the landlord at day 15. If that tenant doesn't do that by day 15, then in theory, they would not have that additional

[5:18:59 PM]

15 days. That's the way some other cities have done -- have utilized the check-in period. So it's an incentive to give the tenant -- make sure that the tenant and the landlord have the communication.

>> Ellis: So the way it's written right now seems straight and narrow on the tenant would be given that information and they could choose whether or not to respond.

>> They could choose. The question would be when it comes back, whether or not -- what the consequence for not responding to the landlord would be.

>> Ellis: Okay. That makes sense to me. If the authors of these amendments are good with the must staying in there, I can be okay with that, too.

>> Mayor Adler: Councilmember alter -- mayor pro tem alter, sorry.

>> Alter: Since councilmember Kelly's motion is based on the

[5:19:59 PM]

original draft that we're incorporating the mayor's language above that and his changes as well. Just having a little confusion trying to read through it. It occurred to me that we might want to just clarify that in adopting her amendment, we're not saying we're going back to the old language. Is that correct?

>> Mayor Adler: In drafting my amendments, that's what I had intended to do. So there was a stakeholder that had provided that language that councilmember Kelly has brought forward. I thought it

was stated most neutrally in terms of the discussion between parties with the language that I had had in the sentence above that. And that's why I had taken out the next sentence in what I had proposed. So that was my intent in doing that, thinking that change would then have been covered.

[5:21:02 PM]

>> Pool: Mayor, I have a quick question.

>> Mayor Adler: Councilmember pool.

>> Ellis: If I can just finish. So, right now we're adding --

>> Alter: Your amendment didn't delete anything, though.

>> Mayor Adler: It didn't delete anything from councilmember Casar's, but some of the stakeholders that asked for the amendment that councilmember Kelly and I did not move that recommendation forward, instead made the change to the proceeding sentence.

>> Alter: Oc. Okay. if I'm reading through that section, it would be the part on line 19 would be what you have written, those two sentences.

[Coughing] Then we would go to the third sentence where we kept it as may. And now we're debating the fourth sentence.

>> Mayor Adler: Correct.

>> Alter: And we added a fifth sentence.

>> Mayor Adler: We added -- we

[5:22:04 PM]

extended the fifth, yes. Councilmember pool.

>> Pool: I just wanted to make sure, I thought that -- maybe the clerk can read it back to us, the original motion. I thought the original motion was councilmember Casar's language without yours in it, mayor.

>> Mayor Adler: His motion included my amendment. What is in front of us right now is the Casar motion including my amendment.

>> Pool: That's the part that I don't remember him saying. I thought he just said that he moved his amendment, his resolution.

>> Mayor Adler: No. He moved his amendment --

>> Pool: Okay. Does the clerk reflect that, too? Myrna?

>> Mayor Adler: That's how I called it out. You can ask that question.

>> Pool: Let's just double check. I think we all expected Greg's

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motion would include your amendment. I just don't remember hearing --

>> Mayor Adler: I'm 99.9% sure that I did, but in the event I didn't, the motion in front of us includes the amendment.

>> Pool: Okay.

>> Mayor Adler: Okay? And that was the motion, okay? Oh, I see. But there were more changes than that.

>> Pool: I don't think -- sorry, I'm on my phone, so I don't have everything in front of me. Can we just confirm that the motion is the original --

>> Mayor Adler: I'm confirming that for you. The base motion is my change. And Casar motion with my amendment. And the question we have now in front of us is whether to add the sentence "The notice may include a reasonable minimum

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time period by which a resident may make initial contact to the landlord or provide an initial response after receiving the notice of proposed eviction." That's the question in front of us. Councilmember Casar has amended that sentence so as to add to the end of that sentence the language about so long as it's a 14-day period of time. And it is that amendment to the amendment that's in front of us -- not at the amendment yet, just whether we add the Casar parenthetical phrase.

>> Pool: All that's good. It was the base motion piece I missed, because I don't remember hearing you put in your change, and then I just remember Greg saying he was moving his -- making his motion with no change.

>> Mayor Adler: No problem.

>> Pool: All right. Thank you.

>> Mayor Adler: Okay. Question in front of us, do we add the 14-day parenthetical phrase? Is there any further discussion on this? Let's take a vote. Those in favor of adding the

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parenthetical phrase, please raise your hand. Those opposed to adding the parenthetical phrase. I'm not seeing anyone voting no, so I'm showing everybody voting in favor of the parenthetical phrase as added. Now the question in front of us is, do we add the sentence, now amended with the parenthetical phrase? Any discussion before we take a vote on that? Let's take a vote. Those in favor of adding the Kelly amendment as amended by Casar, please raise your hand. Those opposed? Councilmember Ellis votes no and councilmember harper-madison, how do you vote? No. Two no votes, others voting aye. That amendment passes. We now have the main motions, items number 39 and 40 in front of us. Item number 39 is as Casar originally proposed. Item number 40 adds the language

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about languages and it also adds the sentence we just added. Any further discussion? Councilmember Casar.

>> Casar: Mayor, I meant for item number 39 to include your amendment as well.

>> Mayor Adler: Yes. That's how we called it. It was 39 and 40, inclusive of the amendments that have been posted. That's the base motion. We just made some changes. Ready to take a vote? Those in favor? Councilmember tovo.

>> Tovo: Sorry. Are we voting on the overall motions?

>> Mayor Adler: Yes.

>> Tovo: I wanted to just make a few very rapid comments. I really support this. I'm happy to be a cosponsor. Thank you, councilmember Casar, for your leadership on these. These are necessary protections and I appreciate the work that several of you on this dais did to incorporate feedback we heard from stakeholders. But I'm solidly supportive of making sure that tenants have these rights to organize.

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I shared a story at the press conference earlier this week of our -- my staff and I standing up with some of the residents of an apartment complex in district 9 where families had repeatedly tried to get reasonable repairs made so they would have safer places to stay with their families. And, you know, in addition to -- when we went and I stood alongside one of the residents in the property manager's office, the resident was asked to leave. I was asked to leave. And while the group of us stood outside the property manager's office talking about what else we could do to support those tenants in trying to get their work -- trying to get these needs met, I left to go to a meeting. My staff member Ashley remained and some of those other residents remained as well and the police came. To me, that illustrates, along with many other examples, the

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need to make sure that renters throughout our city have the ability to organize, have the ability to raise those concerns that are necessary to making sure that their families have safe places. One of the women who we worked with through that period did get an eviction filed on her several months later. It was eventually dropped, but it was a concern. And I think it's enough of a concern for many of our neighbors that it makes sense to really make sure that families who advocate for themselves aren't going to face retaliation in terms of eviction. Thank you again, councilmember Casar, for your leadership on this and many other issues. And thanks to the others on the dais for helping work with some of the issues that were presenting challenges for some of our stakeholders. I look forward to seeing these come back to us.

>> Mayor Adler: Further discussion? I do appreciate your leadership on this and I appreciate being

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part of a council that has worked to strengthen consumer and tenant rights. I also appreciate the involvement of the organizations that spoke today against this concept, the apartment association and some others that I know are going to get involved with this effort, rica and the Austin board of realtors, all really important organizations in our city, all organizations that are doing much for our city, including great assistance on the homelessness response we have in the city, for example. And I hope by the amendments we've set up a process that really gives everybody the opportunity to be able to raise concerns and raise issues. And I think that will help frame the debate and the discussion that we have as it hits boards

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and commissions and works its way back to us. Anything else before we vote? Councilmember Casar.

>> Casar: Thank y'all for moving forward on this. I want to just highlight the story of one person who spoke at this, Ms. Jeannie was talking about how during the pandemic, she lives in east Austin. During the pandemic she was in the hospital and had a bunch of unexpected bills, and couldn't easily get back to figuring out what was going on back at home at her apartment complex. But knowing she wasn't going to get evicted while she was in the hospital was something she appreciated and thanked this council for. So these are really important rules. I know I won't be here for the final passage of the ordinance, but this is a city trying to figure out how we address affordability and housing. That's one of the great challenges that still faces the

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city. Here on my last council item to set forward, I choose and we all choose to be hopeful about how we can have an outlook on protecting renters' rights and homeowners while also adding a diverse set of housing options to deal with the supply crunch while also focusing on subsidized and lower-income housing for people, that we can be a city trying to address the issues of gentrification in our neighborhoods and affordability, and keeping working people in the city. And I just appreciate how hard that work is. So, I want to thank each of you for continuing that work.

>> Mayor Adler: Let's go ahead and take a vote. Those in favor of passing 39 and 40, as 40 has been amended, please raise your hand. Those opposed? I'm seeing it as unanimous on the dais. Both those items pass. I think those are all the things we needed to take care of in

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this agenda, so I'm going to adjourn this meeting here at 5:32.