

City Council Regular Meeting Transcript – 02/17/2022

Title: ATXN-1 (24hr)

Channel: 6 - ATXN-1

Recorded On: 2/17/2022 6:00:00 AM

Original Air Date: 2/17/2022

Transcript Generated by SnapStream

=====

Please note that the following transcript is for reference purposes and does not constitute the official record of actions taken during the meeting. For the official record of actions of the meeting, please refer to the Approved Minutes.

[10:05:22 AM]

>> Mayor Adler: We'll go ahead and convene the Austin city council meeting today, Thursday February 17th, 2022. The time is 10:05. The meeting is being held in a hybrid way. Many of us are here on the dais. A couple of my colleagues participating virtually. Good to see everybody. We're going to go ahead, colleagues, and begin with the reading in of the changes and corrections. Item number 9, it's fiscal year 2021, not 2020. Item number 15 is postponed to March 3rd, 2022. 19 is withdrawn and replaced by

[10:06:24 AM]

agenda item 56. Item 24 postponed to March 24th, 2022. Item number 34, councilmember Ellis is added as a sponsor. Item number 36, councilmembers tovo and kitchen added as sponsors. Item number 39, setting a public hearing for March 24th, '22. It should be noted on 48, a valid petition has been filed in opposition to the zoning request. Items that have been pulled off the consent agenda at this point include item number 12, 13, 18, 34, and 60.

[10:07:30 AM]

All right. And then we have late backup in items 9, 24, 32, 34, 35, 42, 43, 48, 49, 50, 51, 52, and 60. I'm posting on the board direction on item number 21. I hope it can still stay on consent. It's going to be posted now. It just recognizes the work that the association of realtors have done in the past in helping us get incentives and open up space and thanks them for that. I want to make sure that the staff is an

echo as they work through this, bring them back in. They may be our best help in identifying incentives that might be actually used in the

[10:08:36 AM]

real world. The consent agenda for today is items 1-39 and 53-60. We have almost 50 speakers that signed up to speak this morning. We're going to go a minute each on those, consistent with the rules, and then this afternoon on zoning it will be three minutes for speakers. The intent is to go through the consent agenda today after we do consent. We'll call up the water item first that the mayor pro tem has filed, and we'll have the ability for councilmembers to ask questions if they want to. We will limit that to no more than an hour. We don't have to take the hour. If people want more than an hour, we need to figure out a different forum for that to continue. Today an hour is what we allot to that. Mayor pro tem? >> Alter: Good morning. I just wanted to clarify that on

[10:09:38 AM]

item 24, it is a motion to postpone indefinitely and direction, not just direction. >> Mayor Adler: That's correct. And unless someone pulls that off -- anybody object to that being the way that it appears on the consent? With an indefinite postponement? Councilmember tovo? >> Tovo: No, mayor, I don't object. I support that and I want to make sure that we're signaling to the community that we don't anticipate that coming back. And so I would say if there are differing opinions on the dais that maybe we should air that. From my perspective, I don't believe this is the right direction for the city. And so that's why I'm supporting an indefinite postponement. >> Mayor Adler: I've asked

[10:10:41 AM]

questions, as you can see in the q&a. My understanding was initially that by opening up a marshal's office we were lessening the things that we asked our police department to do. And by doing that here, doing that in mental health intervention, doing that on 311, all the other things we were trying to do, we would end up with a need for less police officers potentially because we're asking them to do less. I did ask the question on q&a if we did this, would it result in fewer APD officers than would otherwise happen. The answer came back no, it would still require the same number of APD officers. And for me, that was the only reason I was in there on it. I support the indefinite postponement on this as well. Mayor pro tem? >> Alter: Just for the interest of clarity since I didn't manage to post it on the message board, I want to ask the clerk if they can post it into

[10:11:41 AM]

backup and if I could read the direction, in case we have speakers on this item. So, for item 24, the motion that would be on the consent agenda that I'm putting forward is to move to postpone item 24 indefinitely with additional direction to the city manager. And that direction is that council wishes to indefinitely postpone the establishment of a marshal's program. The manager is directed to conduct public engagement with stakeholders and community members to discuss how best to meet the civilian, staffing, and security needs of the municipal court and the downtown Austin court. If the results identify needs which require council action, the manager is directed to return to council for approvals. Stakeholder engagement should begin within the next 30 days. And as has sort of been discussed by my colleagues already, I think that having heard the timelines for the marshal's office, having heard

[10:12:43 AM]

the amount of effort that would have to go into make an academy that lines up with the academy that we've invested so much in, and given the work that's already been done to find some alternative ways to meet the security needs by contracting out pieces, reducing the number of APD officers, but recognizing that there's really clear needs that the municipal court and at the dac for security provided by well-trained police officers, it does not seem like the marshal's office is an idea whose time has come. I really appreciate staff looking into this. You were given direction to try to look at all different ways where we could reduce reliance on sworn personnel. However, I think this is a case where through our discussions and our investigations that it doesn't make sense. And I think that in postponing this indefinitely we are

[10:13:44 AM]

recognizing that and saying that we want the community to be engaged in a conversation about any further steps that might need to be taken to meet the court's security, building off the mix that we have at this point in time. >> Mayor Adler: Okay. Councilmember Fuentes? >> Fuentes: Thank you. Just to build off what the mayor pro tem shared, I also support this indefinite postponement for the reasons you shared. One of the questions I have is, part of your direction, mayor pro tem, includes that community should start within the next 30 days. From my understanding, as part of one of the questions I asked in the backup there was a couple of community engagement meetings planned for next month. So would those still continue? Okay. So those two community meetings listed in the q&a backup will continue as part of the stakeholder engagement. Thank you. >> Mayor Adler: Okay. Before we go to speakers, councilmember tovo? >> Tovo: Yeah, just a quick

[10:14:44 AM]

question for the mayor pro tem. I unfortunately am having a few computer issues here this morning that I'm working to resolve, so, thank you. Somewhere in here I have your motion sheet. You mentioned contract and I want to remind our staff as they proceed with the direction that we do have a council policy to phase out the use of contract labor for security and custodial and some of the other ways that our city has relied on contract positions for areas where there really is a long-term need. So while we understand and appreciate that sometimes there is a need for additional resources, I want to make sure that we're not proceeding, that as they have those conversations, they're proceeding with those permanent jobs as well for consistent long-time use. That's been a long time coming and I want to make sure that we continue to gain ground on that. >> Alter: To be clear, I wanted to point out that they have reduced the number of officers by using other security

[10:15:45 AM]

personnel who are currently under contract. That's not in the direction. And nothing in the direction precludes fulfilling the other direction that has already been provided by council. >> Mayor Adler: Okay. All right. With that, then, we're going to hear from speakers. We'll begin with the speakers that are here in person, in case for covid or other reasons they want to not stay in the room. If the clerk would call those speakers, please. >> The first speaker -- these are for items 12, 13, and 18 -- Hannen levy. >> Thank you.

[10:16:45 AM]

Councilmembers, you're not questioning the importance of the dac. We are sure this is not the right location for it. And we ask you to treat us equally. We raised questions and got inadequate responses on why -- and really very late -- on why the location on east 2nd street you answered neighborhood opposition. Councilmember Renteria cited safety concerns. But you're saying 8th street, no impact to surrounding areas. So which one is it? If new data says there's no impact, let's please reevaluate old previous locations. If not, then please treat us equally and reject the proposal. The notion there's no impact to the community is unfounded. There are no broken windows in the current location. People don't sleep outside of it. Or people working there don't need police escort.

[10:17:47 AM]

So -- [buzzer sounding] >> Sorry. Anyway, point being, this is not thought through. This needs to go back to the drawing board. >> Mayor Adler: Thank you. >> And we ask you to treat us in the same way that you treat other communities that rejected that exact notion. Thank you. >> Mayor Adler: Thank you very much. Next speaker. >> I Na Pesner. >> Thank you. Councilmembers, we are not questioning the importance of the dacc. We simply say placing the dacc here at our doorstep puts us at risk. On the

question of whether more security will solve our problems, I want to ask you, will you be willing to live where you need police supervision 24/7 to have a normal life? This is unreasonable and unacceptable. And we strongly oppose this.

[10:18:47 AM]

Personally, I already feel unsafe walking in some parts of downtown Austin. And just the intent to move the dacc here forces families in our community already to move away. This relocation will force residential communities like ours to abandon downtown Austin and I'm sure that you don't want that. Thank you. >> Kareem badar. >> Hello. I'm speaking to you today as the co-owner of the hideout theater and coffee house, a downtown business in the 600 block of congress. I have contacted council many times about how challenging that block of congress has been, in part due to the unhoused population that tends to be there. The dacc is going to attract that same exact population a block and a half from what is already a very challenging part

[10:19:51 AM]

of congress. The business owners on that block of congress got contract security for a while but it was very costly. It wasn't as effective as we would have liked. And councilmember tovo just mentioned that the city is no longer going to contract security through private corporations. APD has already told us they just don't have the manpower or the ability to patrol downtown to the extent that just the 600 block of congress needs. So I don't see how the dacc can possibly be effectively policed or taken care of with regards to security. >> Susie. >> Tovo: Mayor, I need to clarify. >> Mayor Adler: Go ahead. >> Tovo: I want to make sure the speaker understands what we were talking about. When I was just commenting about the contract security, it is a new policy of the council to try to bring in in-house jobs that

[10:20:54 AM]

had previously been contracted out. So, for example, we had custodians who had worked for the city for years as contract laborers with private companies, and as part of the goal of making sure we are setting a great example for our community we are starting a phase of bringing those in-house. I led a resolution and a work group to do that. That's what I'm talking about. It's not about understaffing or not providing security where we need it. If there are permanent positions and they tend to be in the custodial or security realm, we are not relying on long-term contracts and long-term contract employees. We're making those part of our city family with permanent jobs and benefits. I want to make sure there's no misunderstanding on that point. >> Mayor Adler: Thank you. >> Susie gallahue. >> Good morning. City council has been pouring money into downtown Austin to make it economic. Moving the dacc to the center of

[10:21:56 AM]

Austin's tourist and historical district is not just irresponsible, it doesn't align with the policies that you've already implemented to enable economic growth. A 2019 study by nyc's budget office found residences located within two blocks of a shelter when another shelter is a few blocks away saw property values decrease by 25%. By relocating the dacc to 8th street with the arts center a few blocks away, the brown building is primed to mirror that scenario, setting up each owner to lose 120k, 10 million in the building. That's just one building. These property values are directly tied to your tax revenue. Disregarding the fact that nobody wants to lose property value, if you approve this you're going to be slamming the brakes on all the economic growth you've created downtown. Let's get real. Businesses don't want to be located near this. Nobody wants to live near this and people don't want to stay in hotels a block away from this. Would you? [Buzzer sounding] >> Mayor Adler: Thank you.

[10:22:56 AM]

>> Jeff Stanley. >> Hello, I'm Jeff and I live in the brown building. We strongly oppose agenda items 12, 13, and 18 today which, the proposal to move the dacc to the municipal building. Using councilmember Renteria's own quote regarding the first building that was rejected, "Moving the dacc to the 2nd street neighborhood will have harmful impact to that neighborhood and its surrounding quality of life." The research I've done agrees and concurs with that exact quote. I submitted this data to the city and it shows real safety and security issues around the dacc, even at the current location at 1 Texas center. It also shows negative financial impact to property owners if moved into our neighborhood. So, councilmembers, mayor Adler,

[10:23:56 AM]

I ask you, knowing the real facts that knowing the dacc into a neighborhood can cause security and safety issues to your person as well as to your financial pocketbook, would you vote yes to bring this dacc to your own neighborhood? [Buzzer sounding] >> We think not. We believe we don't want it in our neighborhood and we implore you to vote no. >> Elizabeth Kirk. >> Our travel and tourism industry had \$164 billion economic impact on our lone star state in 2018. I cannot comprehend putting that amount of money at risk, or to do anything to jeopardize any portion of that. Moving the dacc to the old municipal building at 124 west 8th street does exactly that. Do not move the dacc into this neighborhood. This is a beautiful building, a historical landmark in an area

[10:24:58 AM]

of great cultural, social, economic, political and architectural significance in the heart of Texas, a few steps away from a national historic district, congress avenue, less than two blocks away from our governor's mansion, the Texas state capital and its grounds and smack dab in our front yard at the brown. As good stewards, we must protect and enhance our economy, our visitor's experience and our Texas heritage areas. Right now for everyone and for future generations. I'll close by reminding us that Austin is our state's capital and this is a state issue, not just a city of Austin issue. The capital belongs to all the people of Texas in all of our cities and to degrade or compromise the integrity of this area for the people of Texas is wrong. [Buzzer sounding] >> This is not an appropriate area for the dacc. It will neither complement nor enhance the community that already lives, works, plays and visits here. Thank you so much.

[10:26:00 AM]

>> Bill Bryce. >> Good morning. I'm bill Bryce with downtown Austin alliance. Downtown Austin alliance has been an advocate for community court since before its inception. The alliance opposes moving the court to 8th street. Our opposition is about what is best for downtown and what's best for the court and its clients. Deciding today the question of where the court should be located is focusing on the wrong question first. Before we can decide where the court should be located, we need to have clarity on what we wanted court to be, what its jurisdiction should be, who the court should serve, and how the court can best serve its clients and the community. Challenge your staff to deliver recommendations on a better service model before asking the question of where the court should be located. Your decision regarding the

[10:27:02 AM]

future of 124 west 8th street will have long-lasting impacts on downtown and the city as a whole. Failure to make a fully informed decision will create lasting setbacks on the vibrancy of a thriving downtown and more importantly, on the clients the court was created to serve. Thank you. [Buzzer sounding] >> Tovo: Mayor, I have some questions for Mr. Bryce. Mr. Bryce, I have some questions. The downtown Austin alliance has supported the work of the community court for the two plus decades that it's been in existence and it has been downtown for all of those years with the exception of the very brief period that it's been out of the downtown looking for the more permanent solution. I know the downtown Austin has suggested another building be considered, the waller building. Are there other buildings that the downtown Austin alliance would suggest, and if you could help me understand why those would be preferable to the one that's being considered, I think that would be helpful.

[10:28:04 AM]

>> Councilmember, mayor, and councilmembers, we do not think the question of where the court should be located should even be asked until there is more information to inform our decision about who the court serves, what its jurisdiction will be, and then only can we determine and begin to ask that question. Last Friday's community court advisory council meeting is a perfect example where no advisory council board member would make a motion on the court's jurisdiction and the type of cases it should hear because they did not feel they had enough information to do that. Asking the question of where and what building is preemptive to knowing what the court needs to do, how it can best serve the community, and then determine that. It may not be a singular building. We may need a new court model to say this goes out to all parts of the city. >> Tovo: Right. As you are aware, in the budget process this year I passed budget direction asking our staff to consider adding

[10:29:05 AM]

satellite locations in other parts of the city. We got back the memo yesterday. I'm happy to forward it or perhaps we can ask our city staff to make it part of today's backup, but I'll look to our downtown Austin community court staff to talk about their model. It's my understanding that very much you've asked for them to rethink their model. I think their model is to continue to serve the individuals they've been serving for several decades downtown consistently and successfully. And I know the downtown Austin alliance has supported them in that mission. So while they may be adding additional elements to it, I believe, and I would look to our manager to confirm that their core mission is not changing. Manager, would you mind confirming that, please? >> That's correct. >> Tovo: Okay. Thank you. Well, I look forward to the ongoing conversation, Mr. Bryce. >> We know that in the past, the community court's failure to appear rate, the rate at which people don't show up, has been

[10:30:05 AM]

in the 90% range. I don't know what that number is today. But if it's even 50%, the court is not effectively serving the people it was created to reach and provide services to. It's information like that that needs to be known and understood to determine if there is a better way to serve the clients. >> Tovo: Okay. Mr. Bryce, I want to be respectful of the process that we have here. I would ask you to please forward concerns you have about the dacc's operation. Some of these are new to me, even though in the past you and I have been in lots of communication around these issues. If there are questions that need to be answered about the model, I think those are probably best handled outside of this conversation with the downtown Austin community court. I will say, you know, they are a key function, a core function of this city and have done tremendous work, including through the pandemic, as I mentioned in the public meeting you were in attendance at. They were one of the few

[10:31:05 AM]

departments that stayed open face-to-face for in-person assistance through the pandemic, and they are very dedicated staff who work every day on behalf of the city. I want to make sure that those who are in the audience are aware of that point as well. >> Thank you, councilmember. We agree. Our objective is to see that the court functions better, to understand what models there are for that, and to talk about the location. >> Mayor Adler: Thank you. I think it would be good if the clerk would put that memo into backup so that it is part of this. It would be good to hear from staff a little bit about what's happening at 1 Texas center in terms of activity now. I think there's going to be -- hmm? >> Tovo: Do you want me to mention what our intention is today? >> Mayor Adler: Yes, please. >> Tovo: The mayor and I have been discussing what additional information I think would be useful here. And because of a variety of things that have transpired over

[10:32:06 AM]

the last couple weeks we have not gotten some of the information that I know the downtown Austin alliance and others requested explaining why one of the other downtown buildings -- the waller building -- is not, in the staff's opinion, as well-suited as this location. It is my intention today to postpone this one more time to the next meeting to allow staff to really provide a side-by-side comparison of what I see as the two buildings that have been discussed. We might add health south into that mix of looking at those three downtown properties and seeing. But I will say now, you know, it is my belief that the downtown Austin community court needs to be downtown. The majority of the individuals they serve are downtown. It's located in close proximity to other services and has operated successfully without difficulties for decades. I think what -- and has operated successfully while it's been temporarily out of downtown at 1

[10:33:08 AM]

Texas center as operated without problem and successfully in that location. It is a core function. I know that we have -- we certainly have a lot of challenges before this city and we need to support the city functions that are successfully helping us meet those challenges, and the downtown Austin community court is one of them. There are many of you signed up here today to speak to this. We are going to get that side-by-side comparison to everybody on the dais can decide on the issue that will be before council in March, which is whether or not to expend the funds to renovate the building. That's really the question. The manager has the ability to move that department where he sees fit based on the facility needs and the needs of that department. The question before the council is whether to renovate the building. >> Mayor Adler: Okay. Councilmember tovo, I appreciate that. I'm going to support, as you said, the motion to postpone this. When this comes back, as I look at the memo that is being posted

[10:34:11 AM]

on locations, I think there was one that should be added to backup so people can find that, if the clerk would do that. I'm not sure that the waller one was mentioned as one of the 27 that was looked at. But I would also like if staff is here and available to talk about one Texas center when it's appropriate. The item has been pulled so we're going to get to that so we can hear that. >> Tovo: And mayor -- sorry. >> Mayor Adler: It's been pulled, so we're going to discuss it later. I don't want to go into too depth, but I'm going to recognize councilmember Kelly because she pulled it to also speak to it now. >> Kelly: I just wanted to thank you, councilmember tovo, for the work that you've been doing with the downtown Austin community court. It is a valuable resource. My questions are along the same lines as what you had. I'm glad you raised them just now. I think the discussion will be pretty limited later since it's pulled. With your intent to postpone. Thank you. >> Mayor Adler: Okay. Councilmember tovo and then

[10:35:12 AM]

councilmember kitchen. >> Tovo: Mayor, I wanted to clarify that I will have a motion sheet at that time during the postponement, laying out what additional information we might need and also responding to yesterday's memo about the potential satellite locations, which would be, as we pass the budget direction, in addition to but would not supplant the need for the downtown location. >> Mayor Adler: We'll talk about whether we ask staff if it's possible to look at the downtown Austin court commission. I don't know if this has been sent to them for them to take a look at. Councilmember kitchen. >> Kitchen: I just want to say I appreciate and agree with this approach that you all are laying out for today. I think at some point, whether it's timely today or in a future discussion, I think a reminder to the public about - a summary-type reminder of the role of the court. As you mentioned, councilmember

[10:36:13 AM]

tovo, this role has been pursued for a long time. And while I certainly appreciate and agree that we want to be as targeted and effective as we can be in serving people, I don't want that to slow down our ability to find a location. We've been working on that for a long time. So that aspect of what Mr. Bryce brought up should be addressed in some way in our conversations. So, thank you. >> Tovo: And manager, if I could ask our staff to add a couple documents into today's backup as well, including the presentation that our dacc staff did to the community recently, I think that would be a helpful overview. And we have had, as you referenced, really years of looking for another location. And so I think there are some responsive memos that have come back from that as well. And I would just invite our city manager to add those into the backup, too, because it has been a multiyear process of identifying a different location downtown because we are having physical issues with the location where they've been for

[10:37:14 AM]

several decades. >> Mayor Adler: Great. Thank you. All right. With that -- councilmember Renteria. Thank you. >> Renteria: Yes, mayor. You know, my name has been mentioned about my opposition there on 2nd street and I just want to let the speakers and the city know that the location they wanted to put it was in a single-family neighborhood, the furthest distance away from downtown that they could put it at. And I just want to let the audience know that where it's at, where they wanted to put it at was -- it's a single-family house district. It's surrounded by single-family and then small retail businesses right there next to -- on Caesar Chavez with a couple neighborhood bars all the way around it. So, you know, it's not downtown. My neighborhood is not downtown.

[10:38:16 AM]

It's east of 35. We've always been dumped on every time. We have the methadone clinic half a block away from that location. We have the intake service just down there next to the methadone center. So with in east Austin are just getting sick and tired of being dumped on all the time. Downtown is downtown, it's not east Austin. So please don't take my words. We're just fed up with being -- these kind of services being put in east Austin and we as a community do not want to be considered downtown. We are a neighborhood. Thank you. >> Mayor Adler: Sorry. Let's continue on with speakers. >> On to item 34, J.C. Dwyer.

[10:39:16 AM]

>> Good morning. I'm speaking this morning on behalf of the Austin library commission, which unanimously recommended in favor of removing library fines and fees. The Austin public libraries are among the last free spaces in our city. And the access to free knowledge is a major driver of equity in our city. Library fees are inequitable. Over 400 urban library systems have removed them because they do fall on those who are least able to pay. All of you have at least a thousand, some of you 2500 people in your district who currently owe fees. This isn't just about equity. This is also about removing a fee or tax on the public that serves no useful purpose and does not go back into library coffers. To goes into general revenue. When I asked my 8-year-old about this policy, he said they shouldn't make people scared to return books. Thank you.

[10:40:17 AM]

>> Tovo: Mayor, sorry, I'm going to stop talking here in a bit. I wanted to thank the library commission. This is an idea they have been studying and really put a lot of thought and energy around and it's exciting to see this moving forward today. Thanks for your work. >> Mayor Adler: Next speaker. >> For item 36, corby jastro. >> Good morning, mayor and council. I'm corby, a resident of district 10 and president of the greater Austin crime commission. The greater Austin crime commission supports item 36. The public safety vacancy staffing plan resolution. Nothing this city does is more important than keeping its residents safe. Understaffed ems, fire, and police departments put the community at risk. Rapid growth strains public safety. This resolution is an important first step in evidence-based

[10:41:18 AM]

long-term resource planning. That approach is why the crime commission was pleased to fund the research for the police department's patrol staffing model. It's scientific, it's not guesswork. Item 36 will start a much-needed discussion about public safety staffing. Thank you for your time. >> Kerry Roberts. >> Good morning, mayor and council, councilmember vela, welcome. I'm Kerry Roberts, a district 8 district eight resident, executive director of the greater Austin crime commission. We support item 36. The timing of this resolution is important, because all three of our public safety departments are in contract negotiations and those decisions will affect the community for years. And so when it comes to police staffing, for example, decisions about authorized strength should be based on science, not guesswork. We rely on science for public

[10:42:20 AM]

health decisions. We can do the same for public safety. The city and the police department now have a machine learning model for patrol staffing by this summer, modeling will also be completed on administrative and specialized units including investigations. This resolution signals that city leaders support first responders and are taking staffing problems seriously. Let's not make their jobs harder by failing to provide the resources needed to protect Austin. Thank you. [Buzzer sounding] >> Mayor Adler: Thank you. Next speaker. >> Cole cunan. >> Good morning, I'm Cole, a policy analyst for the greater Austin crime commission here in support of item 36. Vacancies within police, fire, and ems have adverse impacts.

[10:43:20 AM]

First responders are spread thin throughout the city and response times suffer as a result. In the relationship between response times and public safety outcomes and fire and ems, it has been long established with national standards for how quickly ems and fire should respond to events such as cardiac emergencies and structure fires, but the crime commission's patrol staffing model is the first of

its kind research to establish a standard for police responding to calls for service, six minutes and 30 seconds for urgent calls. That said, this resolution is an important step to filling vacancies within the department, improving response times and achieving the best public safety outcomes for the city. Thank you for your time. >> Selina si. >> Hello, I'm president of the

[10:44:23 AM]

Austin ems association. And I just wanted to thank y'all for item 36. In September I will have ten years as a medic for austin-travis county ems and throughout this time we've relied on mandatory overtime to staff our ambulances. And because of covid-19 in the last year it's really caused our medics to reach a breaking point in how much mandatory overtime they can be required to work. I'm grateful for the conversations that I've had with councilmember Kelly and also mayor pro tem Alison alter. I want to thank y'all so much for your leadership on this issue. But we really need to stop the practice of mandatory overtime. And I know that this resolution will help all of our public safety agencies get us to a point where we aren't relying on that. And also we have the slack built in our department so that we don't need to rely on that. And I also appreciate adding it into the idea of negotiations, which is in the resolution.

[10:45:23 AM]

Thank you. [Buzzer sounding] >> Sharon Blythe. >> Good morning, I'm Sharon Blythe. I'm here in support of item 36. What is amazing to me is the fact that this has not been done before. This is the job of the manager, the job of the city to plan what they need to run the city and protect the citizens. So, I think about this. Why has this not been done before? Please approve this item. Thank you. >> Susan spitaro.

[10:46:28 AM]

>> Good morning, mayor and council. Thank you, councilmember Kelly, for sponsoring this. I think for most citizens, public safety is the most important thing. And Austin doesn't feel very safe anymore. 89 murders last year, 11 in January, the fatalities on our roads, this is serious. And so while people have been talking about reimagining and studying and thinking, people are dying. And our downtown is no longer safe for people to go like they normally would. So I absolutely encourage -- support 36 and hope that you will come up with a staffing plan that makes our town safe, because to me, that's your primary function. Thank you very much. >> Back to item 18, we skipped two speakers, Chris Harshbarger. >> Good morning, council.

[10:47:28 AM]

According to this council, Austin's exercise of representative democracy is well-served by the timely and substantial participation of its citizens. Unfortunately, this hasn't happened with respect to the dacc. Only one meeting has been held with the citizens of the affected community. During that 90 minutes we listened to multiple presentations on the value of the dacc, which is not the issue. Citizens were given only ten minutes to voice their concerns over the lack of planning involved. Answers to the list of questions submitted at that time were only returned to us last night after 6:00 P.M. Regardless, those answers continued to show a manifest lack of planning and a lack of regard for the affected community. The council assures us based on its experience our quality of life will not be affected by the relocation. My question to the council is, what experience --

[10:48:29 AM]

[buzzer sounding] >> It's certainly not the experience you've had with the third district and 1719 east 2nd street. Thank you. >> George cayle. >> Good morning, city council, mayor, Ms. Tovo. I am an 80-year-old Vietnam war vet who lives in the brown building along with 89 other families. They are my family. We all live basically across the street from the homeless center you are proposing. I also have three children and two grandchildren also living in Austin. At one time the grandchildren loved to come to the brown building and visit me. They would ride their bikes with training wheels, see movies at the paramount, visit the capitol and have a special dinner at Perry's, all of which are basically in my front yard. My grand kids don't want to visit me anymore at the brown

[10:49:30 AM]

building. They are frightened and confused by what they see happening in our front yard -- people sleeping on the sidewalks and our beautiful new benches provided by the city are being beds for these people. People staggering from alcohol and drugs, people screaming obscenities at 2:00 in the morning at imaginary individuals, people struggling to survive. I can't imagine the damage that another 50 homeless people per day will do to our area, like my 10-year-old twins, I'm as frightened as they are. [Buzzer sounding] >> Kathie tovo's website tells me her goals are to support and represent communities in which family and children can thrive. This cannot happen with the dacc right around the corner. >> Mayor Adler: Thank you very much. >> Thank you for your service, Kathie. >> That concludes the in-person sparks. Speakers. >> Mayor Adler: Is there anybody else here in person that thinks they signed up to speak?

[10:50:38 AM]

[Off mic] >> Mayor Adler: Why don't you come down and speak, but talk to the clerk. I think -- let's make sure that you understand the cutoff times, because -- okay. [Off mic] >> Mayor Adler: Okay. What time is it that people need to sign up by? >> 9:15. >> Mayor Adler: Okay. Why don't you come down and speak, Mr. Peña. I had heard in the past there was an issue with the 9:15. I want to make sure that you knew that time. [Off mic] >> Mayor Adler: Okay. You have a minute. Go ahead. >> My name is Gus Peña, I grew up on 5th street, the heart of east Austin, Renteria. I hear a lot of stuff here. And I just want quality of life for people. I am a former IRS investigator,

[10:51:41 AM]

deputy sheriff with Travis county. And I've done a lot of things for the community free of charge. We need to help out the homeless. I've been homeless. We were phone banking for you, Steve, when you were running for -- remember, when you were running for mayor, in your headquarters, my wife and I. Anybody knows that, also. But the issue is that we need to help out the people but make it a safe environment. The crime commission is right on top. I also have heart for people that are homeless. I'll leave it at that because I don't feel well. I just got out of the hospital yesterday. I know I signed up. Is there a conspiracy here, Steve, against Gus Peña? I know you're not going to give me a cup of coffee, but at least try to be respectful, okay? [Buzzer sounding] >> Thank you very much. >> Mayor Adler: Thank you. Let's go then to the speakers -- >> Harper-Madison: Can I speak briefly to the last speaker? >> Mayor Adler: I'm sorry? >> Harper-Madison: Can you hear me?

[10:52:41 AM]

I said, can I speak briefly to the last speaker? >> Councilmember Harper-Madison. >> Mayor Adler: Yes, I'm sorry. Yes, councilmember, please, go ahead. >> Harper-Madison: Thank you. I wanted to tell Gus I'm glad he's out of the hospital and I hope he feels better soon. >> Thank you. >> Mayor Adler: Okay. Let's go to the speakers participating virtually. >> Ron Comeau. >> Good morning, Austin city council. I'm not sure if this is where I'm supposed to be because I'm talking about animal sheltering. I want you to understand and know for a fact the failure that Austin Pets Alive program has on El Paso. Our adoption comparison from 2019-2021 is down 558. Our rescue calls are down 1,019 and that's a low number. These numbers are important because it shows how much the community has pushed away from our shelter and is no longer

[10:53:43 AM]

supporting it like they were in 2019. I also want to point out that Austin pets alive states before Austin pets alive was implemented, return to owner was 18%. After implementation, 38%. I want to point out that on el Paso animal shelter reports like all the other information it shows that the return to owner is down by 1961. All these numbers are ten-month figures because our shelter is so ashamed of their numbers they have not posted for 11, 12, and January 1st. >> Thank you, speaker, your time has expired. >> Thank you, ma'am. >> Compton Harrison. >> Good morning, mayor, council, thank you for giving me the opportunity to speak on agenda

[10:54:43 AM]

items 12, 13, and 18. I'm the general manager of 721 congress, less than 200 yards from the municipal building. You know Hyde hotels are one of the largest players in the hotel market, five downtown, 12 properties in Travis county, generating millions of dollars in tax revenue, hosting tens of thousands of visitors and providing jobs to the community. We have doubled down on our presence in the city via investment in developing projects that will contribute positively to the neighborhood, while supporting Austin. This situation is characterized in our development on 8th and congress. We've focused on the outcomes of the underachieving pocket of the corridor. The sector of congress from 7th to 11th holds potential, with building vacancies and low foot traffic pushing customers out of the immediate area to find attractions in other parts of the city.

[10:55:43 AM]

[Buzzer sounding] >> While hotels can redefine a neighborhood, support from stakeholders is critical to allow -- >> Thank you, your time has expired. >> Mayor Adler: Thank you. >> Blaine Seville. >> Thank you, council, I'm opposed to moving the dacc across the street from my home. We are a community of 90 single families that happen to reside in one building. It's not a commercial building. We try to sleep here at night. We don't feel part of the process, or understand the services. The dialogue has been one-way. My quick math shows \$20,000 a day to operate a facility that serves between 3-30 people a day. Consolidation elsewhere seems a better use of tax dollars. The proposed location sits on a hill with one and two-story elevations coming from 7th and congress. This can never be remediated.

[10:56:44 AM]

You'll never comply with tlr, and doj guidelines. Over half of the homeless are disabled. This imposes a huge burden on the disabled. Please vote as though you were putting the dacc across the street from your home or a playground where interaction with criminally disorderly is a constant. Thank you for your time. [Buzzer sounding] >> Ilana Ulrich. Alanna Ulrich. >> Hello. I am speaking on behalf of the

brown building and I vote no on items 12, 13 and 18. I have years of experience working as a community safety director in a nonprofit in San Francisco. It started as a pot luck 50 years ago and has become a

[10:57:45 AM]

\$30 million nonprofit. Homelessness has only increased, becoming the most dangerous area in the city. If these cautions are not put in place to protect residents and buildings and without understanding the individuals you serve, the area will become the tenderloin of Austin. Homelessness is a choice. It is a choice made by someone either tired of the economic system we are a part of, a mental illness, or choices made due to addiction. There is no justice that allows those individuals the right to the neighborhood more than anyone else in the community. Thank you. >> Richard Strech. >> Yes. Hi, my name is Richard and I want to thank the mayor and council for allowing me to

[10:58:46 AM]

speaking. Sorry I'm not there in person today. I'm a long time owner at the brown building. And I don't want the city to follow faulty reasoning in coming up with a location for the dacc. I speak against the relocation of the dacc to the old city hall building. Part of the city's reasoning seems to be that the dacc in its previous locations did not have an impact on the surrounding neighborhood. But you've got to consider that the impact on the surrounding neighborhood is going to depend on the environment. So if the dacc is placed in a location that's not near retail, not near homeowners, it's not going to have much of an impact on the surrounding neighborhood, but if you put it right across the street from homes, if you put it right within the two-block radius of three new large hotels, if you put it within a two-block radius of retail and tourism, it's likely to have much more of an impact on the neighborhood than it

[10:59:46 AM]

did in its previous location. [Buzzer]. >> Thank you, speaker, your time has expired. >> Thank you so much. >> Esteban Meyer. >> Good morning. My name is Isabelle and I'm a former animal volunteer, former animal advisory commission member. Based on emails from the public information request, I'm asking that council reconsider extending aph license agreement from one year down to three months for the following reasons. One, Austin animal center developed a tier system for aac based on the provider fiscal years. The tier system has aph pulling approximately 1300 to 1600 animals annually. Two, with Apa's current

[11:00:48 AM]

request, the number of animals pulled by them would be reduced to five percent. If the five percent was in place for fiscal year 2021, Apa would have pulled only 547 animals. Aac tirz' calculation for 2021 would have been 1300 animals needed for overcrowding. The aph, ample science and opportunity for aac, reasonable proposal as well as a sufficient time should they decide to go through tlac. [Buzzer]. >> Thank you, speaker, your time has expired. >> Wendy Murphy. >> My name is Wendy Murphy, a long time resident of district 4, I would like to take a big congratulations to our newest councilman, congratulations chito vela.

[11:01:49 AM]

And recording the city agreement with Austin pets alive, it's my understanding that this extension today is going to be for one year. That's a sudden big leap for what it has been all along. It's been three months, I believe. Now suddenly a year. It's bad timing with the condition of the shelter right now, the Austin animal center, and we shouldn't be bringing in animals from other counties when we're not even taking care of the ones we have. Our shelter here is in crisis again our was this past week anyway, begging people to come and foster, and when they foster they are given the option of keeping the animal for free. Giving animals away for free is not a good solution to this problem. I cringe every time this happens. It's terribly unsafe for the animals. [Buzzer]. And not anywhere near a permanent solution. >> >> Thank you, speaker, your time has expired.

[11:02:53 AM]

Juli Verga. >> Believe it or not I'm calling from Sacramento, California and we have recently, I should say, since 2019, hired a animal shelter manager who is a member or I should say follows all the components of Haas, which is currently at your shelter. We have had a nightmare situation basically. Our shelter turned from one of the best shelters in the United States to one of the worst in. In the last year our animal intake is down by 4,000 animals. So I'm here to support the opposition to continuing with any shelter that uses Haas as its guide. Appointment only system has not worked here.

[11:03:53 AM]

It is not working across the country. It is harmful to public safety and it is harmful to animal welfare. In addition, I think it would be horrible if you put someone like Kristin Hudson on your -- [buzzer]. >> Thank you,. [Please speak up] Speaker, your time has expired. Mayor, I believe councilmember harper-madison has a question. >> Mayor Adler: Councilmember harper-madison, go ahead. >> Harper-madison: I did have a question, but I believe we probably lost that speaker at this point. I was going to say I'm endlessly

curious why anybody from sack ra tow is following -- Sacramento is following Austin politics. But we probably lost that caller. >> She's still on the line. >> Harper-madison: I would like to know how somebody in Sacramento is following our council meeting today.

[11:04:56 AM]

>> Ms. Verga. >> Harper-madison: That's okay. It was just a curiosity. I was just curious. It's not urgent. >> Mayor Adler: Go ahead to the next speaker. >> Pat valles-trejos. Pat, please unmute. We will reach out to her. Next speaker is amber Roland. Amber Roland. >> Can you hear me? >> Yes, go ahead, please. >> Regarding item 17 and 32,

[11:05:58 AM]

in animal shelters live intake numbers and live outcome, euthanasia and [indiscernible] Are especially important. That's why Apa's gross misrepresentation at last year's press conference was so damaging. It fires up supporters against the bad city shelter and focuses on the idea that what the city needs is a shelter with a near 100% live release rate which is not what the most vulnerable in our community needs. It sends a message without Apa and hyper criticism about the high kill rate. Apa not only spreads disinformation to further their own interest, but repeatedly mails to meet their license agreement and to use their majority on the commission to redirect and provide busy work for the city shelter. The council should work to end this toxic situation to ensure contractual obligations are met and this body represents community

[11:06:59 AM]

interest. [Buzzer]. >> Pat valles-trejos. >> Hello. Can you hear me? >> Yes, go ahead. >> Thank you. , Mayor, mayor pro tem and city councilmembers, my name is pat valles-trejos and I am here to speak on animal issues, but first I want to congratulate council member chito vela. As far as the agreement with Austin pets alive, I request that you not approve this license agreement for one year, but rather reduce it to only three months as previous speakers have requested. There has been no community discussion on this issue. There no, sir not been an animal advisory meeting on this issue and there hasn't even been a staff presentation to the community to tell us what is in the agreement. So I have a lot of questions

[11:08:00 AM]

about why you would be having a one year agreement when for the past year you've been having three month agreements in the hope that there could be a resolution of the issue that Isabelle spoke to, which is bringing animals in from other counties and also reducing the number of animals that Austin pets alive takes from the Austin animal center. I think that is -- [buzzer]. >> Speaker, your time has expired. >> Mayor Adler: Thank you very much. >> Monica Guzman. >> Good morning, mayor and council. I'm Monica Guzman, I'm policy director at gave, go Austin, vamos Austin. Thank you, councilmember tovo for sponsoring items 33 and 34 and thank you to the supporting council members as well. For item 39, thank you for scheduling a public hearing for late March, notice for which we hope will use

[11:09:02 AM]

layman's terms and being language accessible and digital Ali inclusive. The zoning is mentioned citywide, but district 4, the northern end of the eastern crescent, has more than any other council district. District 4 is also one of the, if not the poorest districts in the city according to the city's 2015 poverty rate map, district 4 has 20 to 40 plus% poverty levels. Gava urges you to consider the potential harm that could be created if this is not strategically applied only in very high opportunity areas with higher land values, meaning the way you apply this may not be appropriate and not for all neighborhoods. [Buzzer]. >> Thank you. Speaker, your time has expired. Leticia Anderson. >> I'm calling to touch on

[11:10:02 AM]

the strategic outcome for item 25, which is safety. Colony park, Johnny Morris, when you travel down it, have gravel trucks on that road and someone will get hurt or even killed. There's an adequate signage -- inadequate signage and I'm requesting your cooperation and working with each and every one of you to address this issue. Thank you. >> Rupaul shadari. >> Good morning, mayor and council members. I'm here to congratulate each of you in advance of passing item item 36. We all finally agree that not having enough staff puts additional stress on emergency services and our police. Their jobs are tough enough to begin with. The added pressure of being short staffed can have disastrous consequences. I don't need to remind you

[11:11:03 AM]

of 911 calls. This is the difficulty of retaining officers, we all get that. Every industry is making every effort to fill vacants in their areas of work. I'm glad that it's time for the city to do the same. Finally we have a proposal that doesn't politicize the issue. Thank you for this great agenda item. Have a great day. >> Carla George. >> Please support resolution 36 today. Last October I met the new commander of baker district at chief Chacon's swearing in. He seemed genuinely concerned about what is happening in west campus. And just last week I learned there's already another new commander at baker. We need

to increase staffing and turnover to allow leaders to understand issues that are unique to their area. For example, when female students called to report a

[11:12:03 AM]

creepy dude masturbating outside their windows they asked if they wouldn't wait until he finishes. I ask that you vote yes for this resolution so emergency personnel can provide timely response. Thank you. >> Joel Mcnew. Joel, please unmute. >> My name is Joe el Mcnew, I'm calling in support of item 36 to prioritize public safety vacancy staffing plan for ems, fire and APD. The ripple effect of the negative narrative around our police officers is affecting recruiting and the vital efforts of host, chip and pac teams. Staffing issues are negatively impacting

[11:13:03 AM]

community engagement, education that supports crime prevention efforts in our communities. Please take action and prioritize public safety in Austin. Start by changing the negative narrative from the top down in regards to our officers and focus on impact to morale and support to all first responders serving Austin. Vacancy staffing must be a priority. Thank you, councilmember Kelly for cutting this forward. >> Jennifer Powell. >> Good morning. Public safety is a core function of city government. As you know, all three of our emergency services departments are understaffed. We need to get back to basics and fill these positions as a top priority. Please approve Mackenzie Kelly's resolution and staff these departments. Thank you. >> Sandy Ramirez mcnull.

[11:14:06 AM]

>> Hi, good morning. My name sandy and I'm calling in favor of item 36, which directs the city manager to develop the Austin public safety vacancy staffing plan. City council seems to prioritize spending our money on pet projects while last month alone in Austin we had more homicides than traffic fatalities. Crime is completely out of control and our safety and we are in danger daily. We need to thank councilmember Kelly and looking out for the public health and safety for all austinites. We all deserve safety in our city. Thank you for your time. >> Richard Smith. >> Mayor, council. My name is Richard Smith. I'm speaking in support of agenda item 36, the public safety vacancy staffing plan. I also want to thank councilwoman Kelly for

[11:15:06 AM]

bringing forth this resolution. Ems, firefighter and police vacancies create an immediate and ongoing danger to Austin residents. Such vacancies also create an unnecessary burden and stress on our dedicated and critical ems, firefighter and police personnel. I urge you to approve resolution of item 36. Thank you. >> Beverly Barrington. >> Yes, hello. Thank you for hearing me today. I'm a long time Austin resident, born Austin resident and I live in d4, and I just want to call in complete support of item 36 by councilwoman Kelly. I think that it makes a huge difference to have community engagement with our first responders, particularly APD, which is -- which has been the increased response

[11:16:08 AM]

time has been really felt. And it used to be a lot better than it was and it really did help. So just I want to support that. That's it. >> Zenobia Joseph. >> Thank you, mayor, council members. I'm Zenobia Joseph. I am speaking on item 33 and 34. 33 as it relates to changing the citizens communication to public communication. I'm neutral because I think a bigger issue is really to address the disaster declaration emergencies that closed the city of Austin operations and school closures that particular day of February 3rd actually disfranchised all citizens citizens and I would remind that you on April 9th, 2020 for the state of relief and emergency funds undocumented immigrants had no problem casing the line and they actually were advocating for direct payments. As it relates to item 34, I

[11:17:09 AM]

do appreciate councilmember tovo and the rest of the sponsors as it relates to amending the ordinance for the la due fine. I wanted to ask a technical question. The posting question has fy2021 and '22, but in the backup materials it actually goes to fy26. I wanted to know if you were going to pass this item or bring it back each year or how it will work. [Buzzer]. >> Thank you,. Speaker, your time has expired. >> No problem. Thank you. >> Kitty Seville. >> Hi. I am the president of the brown building condo association. And I am opposed to items 12, 13 and 18, which have to do with moving the dacc right across the street from

[11:18:11 AM]

our 90-family residential building. I'd like to know why Mr. Renteria admitted in this very meeting that this was dumping the dacc in his neighborhood and why is it not considered dumping in our just because we're multi-family? Are we getting treated as second class citizens here? The city says that this is a low cost option for them, but what's going to be the cost to our residents here? We own our units. This is not a corporate-owned apartment building. Thank you very much. >> Mayor, that concludes all the speakers. >> Mayor Adler: All right, thank you very much. Councilmember pool? >> Pool: I had a couple

of comments, remarks I wanted to make on a couple of items on the consent agenda? >> Mayor Adler: Let's get a motion. I'll get to you in just one

[11:19:13 AM]

moment. The consent agenda colleagues is items 1 through 39 and 53 through 60. The pulled items are 12, 13, 18, also 34 and 60. We have items that have been submitted into the consent agenda with respect to I think it was item 24 and also item 21. Is there a motion to approve the consent agenda? Councilmember Ellis makes the motion. Is there a second? Mayor pro tem seconds that motion. Now we can speak to the items. Councilmember pool. >> Pool: Wait. I need to also pull off 53 and 54. >> And I would like item 34 back on consent, please.

[11:20:15 AM]

>> Mayor Adler: We're going to pull 53 and pull 54 and what would you like, councilmember Kelly. >> Kelly: 34 back on to consent. >> Mayor Adler: 34 back on to consent. >> Harper-madison: Mayor, if I may, I had my hand raised and councilmember Renteria had his hand raised. I wonder if there's a system where somebody can notify you when people who are virtual are raising their hands because I think we're pretty inconsistently raising our hands. >> Mayor Adler: I appreciate that. Please call that out to me. This morning my computer that enables me to see both screens went down and so I'm at a greater disadvantage than I am normally. >> Harper-madison: I appreciate knowing that. Thank you. >> Mayor Adler: Councilmember harper-madison. >> Harper-madison: No, I raised my hand to make the motion about the consent agenda, but even before I raised my hand councilmember Renteria had his hand up. I wonder if there's a system where we could be more consistent with recognizing the people who aren't in the room. >> Mayor Adler: We'll try and people around me with help as well.

[11:21:15 AM]

Thank you. We'll try to get my computer back that just looks at what's happening on the screen here. So we have a motion and a second on the consent. Yes, councilmember pool. >> Pool: Great, thanks. I wanted to make remarks on two items. First item number 36, and I wanted to be really clear on this one. Staffing levels have not been in our labor contracts. In the past it has been up to the city council on a yearly basis budget to -- during budget to decide what public safety staffing levels will be as part of the budget. That is not changing and you are intent today with the resolution, with the item number 36, is not to dictate what staffing levels should be negotiated at the bargaining table, but instead we are ensuring that the labor agreements are negotiated with some context of what the staffing plan would be for the future.

[11:22:15 AM]

And I think that the sponsor of the item may be speaking to that a little bit further as well. So just to reiterate, we are not negotiating staffing levels for -- in any of our contracts during our labor negotiations with our public safety associations and unions. So that's item number 36. And then I had a comment that I wanted to make on item 9. This is the shop the block program that we initiated a couple of years ago and it's now becoming a permanent part of our city opportunities. So this approves the newly titled private parking patio program so we're not going to call it shop the block anymore. We will have to rebrand it. Private parking patio program. This allows businesses to operate outdoors, provides a safer environment for staff and customers. It's part of the shop the block program that's been

[11:23:15 AM]

such a successful pilot that helps small businesses during the pandemic recovery. It's really made a big difference throughout our city. I wanted to thank development services department leadership and the staff who are working hard to make the pieces of shop the block pilot program permanently available to our small businesses. We may not see all of those pieces come back to the dais. So there is one in particular that I just want to call out and acknowledge. And that's dsd leadership and staff are creating an easy one stop shop menu of permitting tools for small business. And I understand the web page and menu are being crafted and that will be available soon. So this will ease that transit and make it easier for the community to participate in the patio program. So thanks to our staff for all of that work, for all of their efforts to implement shop the block. It is really helping our small businesses to thrive. And thank you, city manager, for the leadership on that

[11:24:16 AM]

as well. Thanks. >> Councilmember pool, thank you for your leadership on this issue as well. Colleagues, we have some blanks that we need to fill in. >> Kitchen: Mayor? >> Mayor Adler: Let me fill in the blanks here so that we have that record. Item number 57 and item number 58 -- 57 and 58. >> Mayor and council, my name is Dan Richards. I represent the city of Austin in two federal lawsuits related to the may 20th protest involving APD. I'm here today to recommend that you approve settlements in both cases. I recommend that you approve a settlement payment in the amount of eight million dollars to resolve the

[11:25:18 AM]

Justin Howell versus the city of Austin lawsuit. This arose following significant issues that Mr. Howell sustained during his participation during the May 31, 2020 protest near APD headquarters. In exchange for the payment, plaintiff Howell will execute a full and final release and also dismiss with prejudice his lawsuit filed in the United States district court, western district. I also recommend that you approve a settlement payment in the amount of \$2 million to resolve the Anthony Evans versus city of Austin lawsuit. Mr. Evans also sustained injuries during the same incident at the May 31st, 2020 protest, filed suit in federal court. In exchange for this payment Mr. Evans will also execute a full and final release and also dismiss with prejudice his lawsuit filed in the United States district court of the western district of Texas. >> Mayor Adler: Sir.

[11:26:18 AM]

Thank you for your representation on this. Colleagues, that would have the blank filled in for item 57 and 58 at 800:00:00. Any objections to the blank being filled in this way. Hearing none the blanks remain that way and they will remain on the consent agenda. Thank you, sir. And then Megan, downtown density bonus to come in, Ms. Riley and talk about item number 23? >> Thank you, mayor and council. Meghan Riley on behalf of the law department. I'm here to recommend a settlement payment in the Francie lawsuit and legal claim of \$350,000. This payment will be made, \$250,000 to Mr. Francie related to a March 2020 accident involving Austin resource recovery. In addition to that 2 fist thousand dollar payment to Mr. Francie, a 1,000-dollar payment will be made to those individuals who sought

[11:27:19 AM]

property damages as a result of the incident. In exchange for those payments the city will obtain a full and final release from all of the parties and the lawsuit involving the city and its personnel will be dismissed. >> Mayor Adler: Thank you. Any objection on item number 23 filling in 23 filling in blank with 350,000? Hearing none it's filled in that way and will remain on the consent agenda. Further comments on the consent agenda? Councilmember Kelly. >> Kelly: I'd like to highlight a couple of items on our agenda today. On item number 6 there are improvements coming to the YNCA in district 6 that are coming up today. My daughter has played at this location since she was five years old. My daughter learned many lifelong lessons through her time and activities and programs there. They are an incentive based and will allow for the YNCA to use Soler electric systems at their facility to

[11:28:21 AM]

provide electricity for on-site consumption. This is a great thing to be happening. So item number 36, first and foremost I want to acknowledge the work that our public safety departments do everyday. Fire, EMS and police work tirelessly to help others in the community, often times when someone else is

experiencing the worst die of their life. This resolution tasks the city manager with the creation of a comprehensive plan to address vacancies across these departments. My goal is to have a transparent process for the city and it's important for the council to be aware of the steps necessary to move to fill these vacancies, which has already been budgeted for. As we've heard in previous council meetings publicly, much of this work is already being done by departments and has been done historically by city staff. I look forward to working with the city manager and my colleagues when the proposed plan comes back for council to evaluate. I also want to thank my co-sponsors, mayor pro tem alter, councilmember pool, councilmember Ellis, councilmember tovo and councilmember kitchen for signing on to this item. I'd like to thank councilmember pool for her clarifying comments earlier

[11:29:21 AM]

and just echo those sentiments. I also want to thank the speakers who volunteered and the individuals who emailed us from the community to speak on behalf of this item and participate in a local government process. Thank you. >> Mayor Adler: Councilmember Ellis, councilmember kitchen and then the mayor pro tem. >> Ellis: Thank you, mayor. I do want to share my appreciation for economic leading on this staffing vacancy plan. I appreciate being asked to co-response they are and appreciate the data folks who came out in support of this as well. I think it's important that all of our departments have vacancy staffing plans as we know they've been a little harder to fill in this past year and so that's something I'm definitely thinking about moving forward a is how do we retain the folks who are working very hard during this time and sometimes working overtime or filling in for positions that there's no one there to fill right now.

[11:30:23 AM]

I also appreciate my library commissioner, Mr. Jc Dwyer, coming out and speaking to us about the library fines. He was very excited to see this come on the agenda so I appreciate councilmember tovo's leadership on this. And council member Fuentes I know you've been looking into this as well. I appreciate being able to be added on as a co-sponsor. And I am also very excited that the next step in shop the block is taking place because I know that councilmember pool invited me to co-sponsor that with her when it first came out. And as I've traveled to other cities and taken this next step and used outdoor space in a more creative way for restaurants and things of that nature, it really does bring the community together and I think it makes our community walkable and inviting so I'm really excited that those next steps on her initiative are moving forward today. >> Councilmember kitchen. >> Kitchen: Thank you very much. There are a couple of things I wanted to speak to on

[11:31:24 AM]

consent. I wanted to speak to item 21 and mayor, I appreciate your additional direction. This is the item that relates to the contract with echo to begin -- not begin, but to continue the kind of work they've done with others in the community on a very important piece for our community-wide homeless strategy and that is working with landlords to identify locations that people who are unhoused can move into. So thank you for your direction, mayor. I think that's really helpful. So I'm looking forward to see how echo proceeds with this. I also want to thank my library commissioner for item number 34. I know they worked very hard on bringing that forward to us and I think it's exciting to us to be able to go ahead and proceed with it. With regard to the staffing vacancy, I appreciate the

[11:32:24 AM]

opportunity to co-sponsor that. You know, over the years we've -- as council members we've worked with our public safety departments on various approaches to staffing, and I know that they each have a staffing vacancy plan. So I think that this resolution just confirms the work that's been done, but also really points to the importance of looking at the kinds of challenges that we are having right now in our community. And doubling down on the work that's been done in the past. So I appreciate that. I want to thank councilmember pool for the shop the block. I know that I've had the opportunity to benefit from that as have others in our community. So thank you very much. And finally on the rowing dock, I love using the rowing dock. Is one of my favorite places as a woman-owned business so I was going to speak to that.

[11:33:25 AM]

So hopefully councilmember Ellis you just have some questions and we can proceed with it. I think you pulled it. >> Ellis: I did and I can go into more detail in a second. >> Kitchen: I'm planning on voting for that and wasn't aware of any issues. Soy look forward to that. >> Mayor Adler: I'm sorry, we'll get to that as a pulled item and we'll get to that after it's pulled. The mayor pro tem was next and then council member Fuentes. >> Alter: Thank you. First I want to take a moment to welcome Robert luchrotz as ems chief. Your enthusiasm for the role and your experience are clear. And I very much look forward to working with you to advance the health, safety and well-being of Austin. I would also like to thank jasper brown who served as interim chief who I enjoyed working with over the years. As chief brown knows, much

[11:34:26 AM]

has been asked of our ems system during this pandemic. And I appreciate you working with our office and staffing and support the ems department and our medics overall. I also want to speak to item 36, the resolution directing the city manager to develop the atx public safety vacancy staffing plan for our

first responder departments, which I was pleased to draft alongside councilmember Kelly to sponsor and co-sponsors pool and Ellis and welcome councilmember tovo and councilmember kitchen as co-sponsors as well. In order to fill our vacancies in EMS, AFD and APD, it's important for us to understand where each department stands relative to past vacancy trends. The current challenge is preventing full staffing and moving forward. We need transparency and clear plans to fill the positions we have authorized to serve our community, especially when they exceed normal expected vacancies. We've had several good

[11:35:27 AM]

conversations, particularly in the last few months about how to do this and I would call folks' attention in particular to our conversation I think it was last week in the public safety committee of the council which focused on EMS. I look forward to seeing the city manager's report in April, but hope that the work to fill those vacancies both with respect to recruitment and retention, etcetera, is ongoing and moving forward. While I'm talking about public safety I'm going to take a moment of personal privilege here and just remind folks that we have a high wildfire risk today. And if you are in the media watching this or if you are colleagues on council, please help us get the word out that it is a high wildfire risk day. Wind conditions are ripe for wildfires. This is not just in Austin, but all over the state, and we need people to exercise caution always with their burning activities, but especially today to avoid

[11:36:32 AM]

outdoor burning, and I would ask the city manager if they are not already putting that message out that we make sure we get that out there. >> Mayor Adler: Thank you. Council member Fuentes. >> Fuentes: Thank you. I wanted to speak to the item 3 library item. Thank you for bringing that forward and I want to give my appreciation to the district commissioner for her leadership on the commission. And I know she was also very involved in the creation of that recommendation. And as you all know, I have a strong love for our libraries and believe certainly that our libraries are the hearts of our communities. So to see fines as a barrier is an issue that we need to address. And many cities across the country have gone fine free so I'm happy to see Austin added it to that list. Any time we can reduce barriers, especially when it comes to obtaining access to information, knowledge and resources is truly a great thing. So I'm pleased to see this

[11:37:33 AM]

move forward. I know a lot of community momentum is behind it and I want to thank our Austin public library staff for their hard work and all that they're doing amid this pandemic. And so thank you, councilmember tovo, for bringing this forward. I also wanted to speak to another item that we have on our agenda and it's around maternal and infant health outcomes. We are approving a contract to

continue that work and it's so important because we know especially for black and Latina women we are disproportionately at risk for severe outcomes when it comes to maternal rates and maternal mortality. So to have this preventive work when it comes to public health efforts is another great thing I believe in and I'm pleased to see it move forward and I know throughout the last few years we've been able to help at least 150 women and to have this type of service continue in our community is something I strongly support. Thank you.

[11:38:36 AM]

>> Mayor Adler: Thank you. Councilmember Tovo. >> Tovo: I have a couple of things, mayor. Hopefully I remember all of them. Aimed like the clerk to recognition of items 5 and 7. I have a family member living there. We will pulled 12, 13 and 18, and if we can get to them later I'm still trying to get out my motion sheet on the dacc items. I have a quick question about 16 if I could pull that one. And I have a couple of comments about some items on the agenda. First of all, item 30 this is an important contract and I'm excited to see this go forward. This is to provide assistance with food shopping for those participate in women, infants and children supplemental food program. Since we're talking about that and it's on our agenda I want to highlight that our sustainable food center market is offering triple food benefits.

[11:39:37 AM]

Triple veggie and food benefits for clients through March and there's more information on the sustainable food center. 33 is something we've talked about and a change we've already accomplished. After we had a conversation on the dais about changing the language in our agenda from citizens communications to public communications, mayor, you incorporated that into our speaking and we were advised by law that it was easier. If we wanted this change to replicate itself through our boards and commissions, which we did and our committees, so the easiest way to accomplish this was with an ifc, which is why it's on the agenda and I'm glad we're able to do that even though the change has already happened because I think the language we use matters and we want the public to know that this is an inclusive place and that we want to hear from them. 35, and then I'll switch back to 34. 35 is initiating a really important renaming for Maggie May's.

[11:40:38 AM]

Maggie May's was an important leader here in the city of Austin, an important black leader and she founded one of the first schools, the first school in Clarksville, an historic community. So it is part of our commitment to removing the names and considering the removal of structures that are associated with the confederacy that we've made as a city council to change -- to initiate the change here today of confederate avenue to Maggie May May's to honor this community leader, this really important

community leader who helped shape just not her own neighborhood, but the city generally. I'm excited to see that move forward. I want to thank the community members who generated attention and support around this change and to welcome them to continue to be part of that process. I think one of the wonderful things that I hope will result is that we will all learn more about Maggie May's and the other ways in which she helped shape our city. So I see this not just as initiating the name change, but also initiating a time where we all have an

[11:41:39 AM]

opportunity to share information and learn more about Maggie May's. 34 is the fine free resolution that several of you have mentioned. And as has been indicated, and I mentioned it in our comments, this is an item that the library commission has been very supportive of and did a lot of work around. And I want to recognize director Weeks and his staff. Thank you for being here today, but thank you for really embracing this idea. As soon as my staff reached out, and Ashley Richardson has done a lot on this issue. The library staff was fully supportive. They have been really working with us to make sure this gets done in a way that works well for all and I believe is very much in keeping with the work that the library had already initiated with removing fines for children, users of our library. One little tricky part that we haven't completely figured out, I just want to highlight, is what to do about the fines for those users who have existing late

[11:42:40 AM]

fines. So if you lost a library book or you damaged a library book you're still responsible for those fees because we want to make sure our collection is full. For those users who have late fees, I would like to see us explore options for waiving and wiping the slate clear. So I don't know whether we need to pull this today and talk about it. Perhaps we can sort it out afterward. I'd like to pass this on consent. That is my hope that we can figure out a way to do that and we've reached out to law and director Weeks. And I know our foundation is willing to assist some users to the extent that they can, but my hope is that we can come up with a city solution for that so that the foundation can use its scarce resources in other ways. But fine free libraries is a very important idea. This is one of the ways that we're going to continue to make sure that our public library serves its mission of providing information and access and education to everyone in the community.

[11:43:42 AM]

No matter their economic background. We know that fines really hit lower economic families more than others. It creates a disparate impact on different users and different of our neighbors. So I'm very happy to see this move forward and I think it will be a good thing in terms of helping promote usage of our

libraries, which is central to their mission and always has been. And I believe that is that. That's what I wanted to say on that? And manager, if we could maybe explore in the break for that additional direction? >> Mayor Adler: Okay. Councilmember harper-madison. >> Harper-madison: Thank you, mayor. I appreciate it. I had some remarks on the consent agenda. I wanted to start with item number 35. I wanted to point out that this is the second time in less than a month that we have voted to rename a public asset in honor of a local black icon.

[11:44:44 AM]

I deeply appreciate councilmember tovo's leadership for this item, deeply appreciate it. And I think the action that we took in January to add Overton senior's name to the park system is just an additional win. By taking this vote today we aren't erasing the history of this street's previous namesake. I want to make sure we all remember that. That's a history that belongs and needs to be confronted openly and honestly, frankly. In textbooks and in almosts and in public discourse. It is not a history that deserves the recognition and honor of a street name, particularly those in honor of slaves and their descendents. It is for the countless people who shaped not only African-American people, but straight up American history. I think sometimes we forget that. African-American history is

[11:45:45 AM]

all our history. Maggie may's was definitely one of those people, she wasn't an astronaut or a general or famous movie star, but she was a pioneer in education at the time when the prevailing policy in Austin and across the south was separate but definitely and certainly not equal. The school she founded served as a beacon of enlightenment for countless kids who grew up in a society that would have preferred to keep them in an oppressed darkness. I'll reserve that for later. It's a great day in our city's history when we can elevate this woman and salute her achievements and contributions by giving this street and her community her proud and everlasting name. I also want to say that I'm very happy to support item number 37. I appreciate councilmember pool's leadership on that item. I'm not crazy about them, but if the private sector wants to create gated communities, that's their right. However, we as a municipality should be using

[11:46:45 AM]

our resources to uphold -- should not be using our resources to uphold exclusionary infrastructure that literally divides communities. At the very least I think it makes sense from a mobility perspective to promote a more inclusive city. There's a lot of pragmatism embedded in this action we're taking. Again I thank councilmember pool and the community members who have been advocating for this for so long. Thank you, mayor, I appreciate the opportunity to speak. >> Mayor Adler: Thank you. Councilmember

Ellis. And then councilmember Renteria. >> Ellis: I would like to put item 53 back on the agenda. And I think we have former council member Mike Martinez here and I was wondering if there was any issue in the postponing? Is there any concern from staff? Would you like to speak? We have you here and I would hate for you to come all this way and not.

[11:47:53 AM]

>> Council member, mayor, council, thanks for allowing me to address this item. This is the first time I've been here since I left city hall, so it's good to see you all and congratulations, council member vela. This is a -- the rowing dock is a concession on lady bird lake and last year the owner reached out to me for some help knowing she was going to be coming up for renewal on her concession space. And so we've been working with staff since that time. We have met with some of you just to introduce you to Susan and the business. And we've been anticipating in the rfp to come out and then we heard this amendment was going to be proposed. And while we're not enthusiastic about it, we certainly are considering it and we've been going back and forth in discussions with staff about the amendment. We were not made aware that this was going to be on the

[11:48:53 AM]

agenda today. So we're just asking for a postponement. We have a meeting scheduled with you, councilmember Ellis. I think in the near future to bring you up to speed on where we are and some of the concerns we still have. And we can come to an agreement and continue to move forward. She's the only woman owned concessionaire on lady bird lake. This concession has been on the lake for 22 years. We look forward to continuing that relationship. We just need to have a little more time to digest the proposed amendment and to meet with you guys and share? Concerns that we have moving forward. >> Mayor Adler: Manager, does staff have a problem with the postponement? Councilmember kitchen?

[11:50:01 AM]

>> Kitchen: A quick question, if you can, I'm not sure if you feel like it's appropriate to share in this setting, but I'm curious is it the -- is it the timeline or the dollar amount that concerns? What can you share about that? >> There are several components that are concerned. One is it's very, very difficult to operate a business plan on a two year time frame, especially one that is as involved as rowing dock. But we're open to that. If that's -- because of the zilker vision plan, which we are also very involved in, very excited about, we understand where staff is coming from. There are some provisions, though, in the original agreement that carry over with this amendment that make it difficult and I'll give you that one example. And that is a 10% requirement of annual proceeds to go to improvements to the site.

[11:51:03 AM]

And as you can imagine, 10% is several hundred thousand dollars. And so if we've done all of our improvements, we've just rebuilt the dock and all of the equipment, it's very hard to meet that threshold on an annual basis. That's one concern. But there are some other concerns as well. We want to continue those conversations with you and staff and hopefully come to a mutual agreement with colleagues. >> Mayor Adler: Colleagues, we pulled this item so it will come back up for discussion. At that point we can hear from staff whether they have an objection to it as well. And we can certainly delve deeper into this issue. >> Kitchen: Okay. Could I finish my thought? >> Kitchen: Okay, very, very quickly. Given what's been said to us and of course I want to hear from staff, I support what councilmember Ellis is wanting to do in terms of postponing it.

[11:52:03 AM]

I would also appreciate the chance to talk with the -- with your group. As councilmember Ellis said, this is a very fun rowing dock and having a woman owned business is important. So thank you. >> Pulled items -- E the contract does expire in April so we realize that there is a time crunch. We simply would like to request a postponement to March 3rd so we can meet with some of you folks and talk about some of the issues that are still outstanding. >> Mayor Adler: Manager is okay with that. Any objection to keeping item 54 on the consent but postpone until March 3rd? No objection, so it will appear that way on agenda. I think that councilmember Renteria was next. Councilmember Ellis, were you still going? >> Ellis: I wanted to very quickly close that O I know we're trying to move to voting on the consent agenda, but this is also in

[11:53:04 AM]

partnership and collaboration with the rowing dock. I was fortunate to be able to visit with them during it's my parks day with the parks foundation and they are using their equipment for free to let people go and do litter abatement in the creek. So I just think they're doing such wonderful work and enjoyed meeting with them and Martinez and we certainly support the work they're doing. I want to make sure we iron out these last couple of wrinkles before we move forward. But thank you. >> Councilmember Renteria. >> Renteria: Thank you, mayor. On the confederates, changing the name, we're just correcting an injustice that happened. And I got to live in Jim crow -- growing newspaper a gym crow environment - - growing up in a Jim crow environment. Our city was segregated growing up with the African-Americans to the north of 11th street and we

[11:54:13 AM]

weren't welcome across 35. That's why we always said that was I-35 was a wall that separated and kept us on the eastside. But we also had a community of African-Americans on the westside and it was totally injustice what they did because there was a retirement home at the end of that street for confederacy veterans. And they put it right down the middle of the African-American community here. And just to show that even though they lost the war, they lost the battle, they hadn't lost the way. The confederacy has always been like that in Austin. And it's to put that behind. Completely behind us. You know, I told the manager when we hired him and he asked me what was going on here with all the

[11:55:14 AM]

demonstration that was by the right wing, white supremacy. And I said they haven't given us on -- given up and accept that they lost the civil war. They're still fighting the civil war here, and it's time that we put that behind. So I really want to thank you for bringing that amendment to change that name. Thank you, Kathie. >> Mayor Adler: Thank you. I would just highlight as well, colleagues have already spoken to the sidewalk cafes. I think that's a wonderful continuation of the pilot program. Thank you, councilmember pool and others. On item number 2021, the echo landlord incentives, manager, staff is coming up with these incentives to further this? It's real important.

[11:56:15 AM]

I think it's also real important to make sure that the potential landlords know that the folks that are looking for these homes are primarily not our folks that have the greatest immediate need for attendance because that housing issue is usually picked up in a more supportive environment that's done by those agencies. But this in many instances, most instances, is rapid re-housing. It's the woman with children, it's the person who has lost the job and on the street and if they could just get a place for a few months, half a year, there's a full expectation that they're going to be back in to the current of society the way they were before. And I think a lot of

[11:57:18 AM]

hesitancy is we just don't have the information out as to what it is that's really happening here. So I hope that the community understands that and I just want to reiterate the thanks for these particular groups who helped us in the past and they do that even with a council that is not always delivering on the things that they want, but all the issues they bring to us, but have been really helpful and supportive in the community and do really important work in the community. And I hope that continues here.

Councilmember tovo, thank you for fixing that, going from citizen to resident communication. We certainly have a lot of people who speak to us that are residents and not citizens, and this is on all our boards and commissions for anyone who lives here to have the opportunity to come and talk to us. On item number 36, thank you

[11:58:18 AM]

councilmember Kelly for bringing this forward. We obviously have vacancy issues in our public safety departments and these are already funded but unfilled positions and we need especially a public safety because it concerns public safety. But I'd also point out that we heard yesterday that we had 20 people leave the water department in January. And I hear that -- on review that number might actually be higher. At the water commission yesterday I think there was a suggestion that it could have been as high as 40 in January. Our retention and vacancy issues, like virtually every employer in our city, is hitting us as well and it's across all and I know that in public safety sometimes the conversation doesn't go past issues with respect to morale

[11:59:25 AM]

or questions to council action. A lot of what our public safety folks are dealing with here is the same that public safety departments are dealing with all across the country and cities all across the country -- the same kind of vacancy issue and the same thing we're dealing with in our city across departments and our city is dealing with private employers as well. All that said, it's a challenge we have to meet and I agree with council member Kelly in prioritizing public safety because I think that's the right way to do that. The other positions in water and other positions are also important, and we need to figure that out. With respect to the settlements today, items number 57 and 58, I just want to say that these

[12:00:25 PM]

settlements remind us of a real difficult and painful moment in our city. No one should be injured while merely exercising their constitutional right to protest. It's important that we address these two injuries, and it's also important that we make policy changes going forward as a result of these incidents. And then just concluding with also welcoming new chief of ems. Excited to have him here. Enjoyed the opportunity I had to speak with him and appreciation to chief brown who has been leading this period during an incredible period of

[12:01:25 PM]

demand. Want to thank him. Consent agenda is items 1 through 39, 53 to 60. The pulled items are 12, 13, 16, 18, and also 60. We've had a motion and we had a second. With the statements made in course of the debate, those in favor of the consent agenda, raise your hand. Those opposed? Unanimous of the people voting, and I think that's everybody, so that passes unanimously. It is 12:02, colleagues. Let's do citizen communication? >> Mayor, it's public communication. >> Mayor Adler: Really?

[12:02:26 PM]

We need a jar to see how that goes. Resident communication -- public communication. We'll do public communication. At the end let's take a lunch break. Maybe we can come back at 1:00 o'clock to do the water item and then go into zoning at 2:00 o'clock. That might take us for the day. As we go into the agenda, some staff can leave. I'm not sure there's going to be any discussion really that needs to take place on item number 40, which is the local standards of care for youth programs as well as item number 61, which is a public safety suggestion or nomination of substitute judge for the municipal court. Without objection, is there a

[12:03:26 PM]

motion to approve items number 40 and 61? Council member pool makes the motion. Mayor pro tem seconds. Hearing no objection, those two items pass unanimously. Those staff can leave. Clerk, if you'll call for us, please, public communication. Make sure I was doing it right this time before I put money in the jar. Let's proceed. >> First speaker is R.W. Rushing. Ashley Colins.

[12:04:36 PM]

Rosy Darby. Casion chokair. >> Mayor pro tem? Council members? Thank you for allowing me to speak today. I come to you as a member of the most people in the community. We reach out to organizations and nonprofits to maintain sustainability, betterment of

[12:05:37 PM]

life, health, and other things that are needed to survive. In June I had weatherization performed on my home. During the process of this weatherization I was robbed by the individuals who came to my house -- the criminals who came to my house to rob -- I mean, to do to work. I reached out to everyone that I

could possibly speak to because initially all I wanted was my stuff back, and to no end -- no one helped me. The detective that was assigned to the case -- when he found out it was a federal case, he called me and I've since found out he was out with covid. The other detective that called me in January, she encouraged me to forget about it, to just

[12:06:37 PM]

lie. I don't understand why I should be asked to forget about this heinous crime perpetrated on me and my person and the violation of my home. I spoke with one of the sergeants, and she informed me that she was tired of me calling and reporting her detectives. I spoke with the city of Austin -- the person that -- the director of weatherization. And of course she accused me of lying and explained to me that people sent to do the weatherization at my home had been with them 12 years so she didn't believe me. She asked me who else had this happened to, and I told her Mr. Overton. Of course she got off the phone. Another lady got on the phone who wasn't affiliated with

[12:07:38 PM]

weatherization, but she listened to me and then at the end of the conversation she says, well, I can't help you. I said who do I need to contact, the city manager? Who is it I need to speak to? She says that won't do any good because all he's going to do is send you back to us. So I -- with no recourse I subsequently stepped outside and called every federal agency I could think of, everyone I could find to try to mediate this. The company advisor returned to my home and he informed me the city of Austin was not going to do anything to them because he had been with them for X amount of time. And he was -- they were not going to do anything to him. They were going to let -- I could call them, do anything I wanted to do. I could contact them. They're not even going to come

[12:08:39 PM]

out there. Anthony, the licensed inspector, came to my house, looked at the work, told me they did not do the work and suggested it was good that I did not allow them to come back, which I did -- I told them they could not come back. What I would like done -- I have to say this, please. Forgive. I would like these gentleman that perpetrated this time on me to be prosecuted as if they are black men. I want them -- >> Mayor Adler: Go ahead >> I want them to look at this and consider me as an anglo Saxon senior citizen conservative. This was a hate crime and in addition, it was organized and colluded. >> Mayor Adler: Manager, do you think -- is this something you would be able to follow up?

[12:09:41 PM]

>> I'll have any staff get your contact information. >> I do. I honestly feel that -- you know, I need closure with this. I told the detective that I talked with -- I said, you know, I have anxiety with, you know, living in my house. These people went through every inch of my house. They took pictures of everything in my home. I told her, I said -- you know, I have anxiety. She said if you have so much anxiety, why don't you sell your house? My house has been a bone of contention, and I don't understand it. >> Mayor Adler: What we're going to do? >> Thank you for listening. >> Mayor Adler: Thank you for speaking with us. The manager said he and his office will reach out to you directly. Make sure you leave your contact information with the clerk. >> Okay. I will.

[12:10:41 PM]

All right. >> Mayor Adler: Thank you very much. >> Are you still residing in district 8? >> I am. >> We can be of assistance to you so this can be worked out further. >> Mayor Adler: Okay. Next speaker. >> Clinton areary. Carol Ann rose Kennedy. The online speaker is Bridget Hyde. >> Hello. My name is Bridget Hyde. I live in east Austin. I want to thank you for the opportunity to speak. I have concerns about an article in the Austin American

[12:11:44 PM]

statesman. February 1st it was on the front page. It was concerning a Samsung -- two Samsung leaks, and I -- the -- what I learned from the article was that the waste water in the leak, in the most recent leak, was described as sulfuric acid and it killed aquatic life. Mr. Alinas contacted me when he saw I was going to speak on council and told me it was not sulfuric acid, it was something else. There's kind of a lot of different information about this, but I think it's a very serious issue, and I think that the citizens of Austin need to hear about it -- need to hear about what happened and what will be done to remediate it

[12:12:44 PM]

and what will be done to prevent it. So those are my -- you know, I basically have four questions -- what happened? What's being done to protect our water resources, and I'm asking will be city council please add this leak by Samsung as an item to be addressed on its agenda. I would also like to know when will the city council give a report to the citizens of Austin? I formally request this be placed on the city council's agenda, and I formally request all the parties involved be present for the discussion, so that would include city council, the tceq, water shed,

[12:13:45 PM]

walnut creek, and Samsung, of course so everyone can begin to give us a full and accurate picture of what took place. I'll be concerned to hear what the city is going to do to address it. But I very much want to hear from the mayor and city council about this incident, and that's pretty much all I have to say. I thank you very much for your time and your consideration. >> Mayor, may I -- >> Mayor Adler: I'm going to come to you in a second. We're in public communication. We're not noticed to discuss this item, so there's a limitation in the conversation that we can have. But certainly council members can put this on the agenda if they want. Council member harper-madison?

[12:14:52 PM]

>> Harper-madison: I'd like to encourage the caller to reach out to district number one at austin.tx.gov
>> Mayor Adler: Great. Anyone else signed up to speak on public communications? Hearing none then, we're going to go ahead at 12:15 and take a recess. We'll come back at 1:00 or 1:15, at which point we'll have an hour to put to this topic. Does 1:00 o'clock work for people, or do you want 1:15? 1:00 o'clock, I'm seeing. Come back at 1:00 o'clock. We're recessed until then.

[1:13:31 PM]

>> Mayor Adler: We have a quorum present, both in the room and we have the folks that are with us virtually. Leslie, I don't see your hand raised, Pio, until I get my second computer, please call out so that I see you and I won't be rude or anything. It is 1:13. I'm going to call up item number 60 and let the mayor pro tem lay out that and then we'll engage in the question and answer we talked about with the council and staff. There were questions posted on the message board and in the q&a, and staff's response to questions that have been posted as well in the q&a, which is all

[1:14:35 PM]

publicly available. And it's in backup as well. Mayor pro tem? >> Alter: Thank you, mayor. I'd like to move passage of item 60. >> Mayor Adler: Is there a second to that motion? Councilmember Ellis seconds that motion. Go ahead, mayor pro tem. >> Alter: Thank you. So, I'm pleased to offer to the council a resolution that calls for an audit of Austin water. It focuses in on the five most recent water quality water supply incidents that we have experienced and creates an opportunity for us to have review, for outside experts to help us understand what happened in those situations and what operational management infrastructure investments, etc., we may need to take in order to prevent further disruptions to our system. It's really important that we

[1:15:35 PM]

have experts who know and understand how water treatment systems work, how they function, what the lay of the land is nationally. We have set this up so that this is going to be managed by the city auditor that reports to the council. The city manager is being asked to facilitate the procurement process, but it is the city auditor who will be managing that process. There will then be a report back to council. We need to make sure that we get answers to questions. This does not preclude anything that the new director of Austin water or the city manager thinks is necessary or needed from Austin water's perspective. They are free to do what they think they need to do in their own investigations and I would encourage them to undertake them. But we as a council need an independent set of eyes so that we know that we are taking our

[1:16:37 PM]

oversight responsibilities seriously and have the benefit of the expertise to be able to take actions that need to be taken and to move forward in restoring trust and public faith in our water delivery system. >> Mayor Adler: This continuation of the conversation that began on Tuesday, but with the additional focus on the resolution today. We want -- we ran out of time on Tuesday. We wanted to give people additional time to be able to ask questions of staff. Some of those questions may have been answered in the q&a that's part of backup, but let me come to the dais now for people to ask questions or to speak to this issue. Councilmember Fuentes. >> Fuentes: Thank you. And thank you to Austin water staff for putting together the

[1:17:38 PM]

q&a that was sent earlier, I think it was this morning. I had a chance to read through it and I want to appreciate the information that you were able to provide so quickly. I know some of the questions posed by my colleagues, including getting more clarity and more information regarding what happened, the alarms and the functioning of the alarms, as well as the sops and more detail on the chain of command in regards to the specific incident at Ulrich, the responses were that an investigation is under way and once the investigation is completed, we'll have more information available. Do we know how long the investigation will take? What kind of timeline are we looking at? >> Good afternoon, councilmember. The investigation process, both interviews of employees and then linking that with some of the analysis of the systems we think is probably about two weeks to complete all that work.

[1:18:40 PM]

>> Fuentes: Okay. >> That's kind of a broad timeframe. It may dial down exactly, but that is our working, kind of, goal. >> Fuentes: Gotcha. For the public that are watching, we have our Austin water oversight committee meeting that will be held next Wednesday that will continue to be a conversation, but we won't have the investigation completed by next Wednesday, is that right? >> That would be my sense. We'll continue to supplement questions as we can, that we can continue to respond. We're going to document some of the questions asked from the dais on Tuesday, the questions in the q&a that we distributed this morning were ones on the message board. And so we'll be adding other questions that we had responded to in part on Tuesday into this question mix. So we'll keep growing that list of questions. But some of them we think it's important to do in a holistic way through the investigation. I will say -- this is also in

[1:19:42 PM]

our q&a -- some of the questions are getting very specific about how our scada system is configured, how it works, alarms. And we certainly understand the need for council to understand that, but we'll need to work with you all on making sure that that data is not free in society, you know. There's sensitive cyber risk there and we'll need to work on how best to share that once we complete and have that available. >> Fuentes: Good deal. Okay. So, when the investigation is completed we'll have that information via a report -- a memo that is issued to council. >> Probably a report and a memo, and maybe some appendixes. It will be probably a series of things. And also, some of the questions also kicked off on the conversations about staffing and

[1:20:42 PM]

vacancies. Councilmember Renteria asked some of those. And those are in the q&a. And we got a good start there. And I think those will be supplemented. And you'll see more of that completed by your committee meeting on Wednesday next week. >> Fuentes: Oh, good. Great. And then my last question that I have here is the question that mayor pro tem asked about whether or not our utility had participated in a peer review by high-performing U.S. Water utilities. Y'all listed all of the affiliations that Austin water is associated with, but can you please confirm whether or not we've had a peer review with other utilities, and the last time that was conducted? >> Yes. We'll be supplementing that answer. But as I mentioned during the work session we have gone through the partnership for safe water, which in my opinion is a peer review, where you submit turbidity data, other procedures of the plants, go through a series of phases.

[1:21:44 PM]

We ultimately -- Ulrich in particular went through and was acknowledged as the president's award in the partnership in 2016. It's a very analytical review by peer utilities. And we'll document that more for you, but that would be the closest I would call a peer review of our surface water plants. At one time, awwa had a program called qual serve, where utilities would come into your own utility and benchmark you or compare. And we've done that, but that program has faded. That doesn't really exist anymore. Some of that is dated. It goes back 15-20 years. We didn't think that as relative -- or relevant to the council's questions. >> Fuentes: Okay. Gotcha. Okay. Thank you so much, director. And thank you, mayor pro tem, for bringing this item forward. I think that having this external audit that takes a look at the five most recent

[1:22:44 PM]

incidents that we've had is necessary in rebuilding that trust. And director, I want to thank you and appreciate your service to our city and to Austin water. And I know that you and your hard-working team have been working diligently to get us the information out that we need for both this incident, but also to the plunge to inform them about -- public to inform them about what we're doing. >> Thank you. The staff will work collaboratively as needed with Kori and her team on the audit, so we'll be ready for that, too. >> Thank you. On item number 60, I'd like to be listed as a cosponsor. I agree with my colleagues that it's important we move forward in a way that will hold Austin water utility accountable for the boil water notice and previous events, but it will also give us information we need in order to ensure this doesn't happen again. The external audit we are seeking to approve today will allow for outside technical experts to take a deep dive into the utility with oversight from the city auditor in order to

[1:23:46 PM]

manage the audit. I'm confident we will be able to provide a better service to the residents of Austin and I appreciate mayor pro tem alter's leadership on this most important item to prevent any disruptions in the utility moving forward. There are a lot of questions in the community about the cost associated with this audit. I am hoping we might be able to understand the clear investment the council will be allocating for with this audit and where those funds might come from. Mayor pro tem or city manager, might you be able to help us understand the costs that we're looking at here in regards to this investment in our community? >> Alter: Thank you. At this point we don't have a specific estimate. The city auditor will consult with external experts to make sure that this is the most effective and efficient audit that it can be. And we cannot dictate to the city manager at this point where the money comes from. We can put in a recommendation that it comes from Austin water,

[1:24:47 PM]

which is what we have put in terms of the source. It will be anywhere from 250,000 to a million dollars. I can't tell you exactly where it will be. And it might be less. That's just from my experience with other similar kinds of studies. We've tried to focus it on the water side of the house so that it can be more focused, but I'm not sure that we could put a price tag on the importance of making sure that we have addressed the challenges that we are facing. >> Thank you very much for that thoughtful response. I can tell you've done a lot of looking into how we might be able to make this investment in our community happen. I agree money-wise there's always a cost associated, but the benefit sometimes far outweighs the investment that we're making to make our community better, so, thank you. >> Alter: Thank you. >> Thank you, mayor. I appreciate the mayor pro tem's work on this. I'm happy to be a cosponsor on

[1:25:47 PM]

this resolution. And I know that we're going to be in good hands moving forward with it sounds like maybe audit and finance may take up some components, since you also chair that. With Austin water oversight, it's going to be in good hands having that discussion and public input process through the committee work to be able to keep this conversation going. People are still very much wanting to know what happened, but I appreciate Austin water staff being responsive to all of the questions that we have submitted to them. And I appreciate your work and service to our community over the years, director, as always. >> Mayor Adler: Okay. Councilmember kitchen. >> Kitchen: Yes, I just wanted to say thank you for your continued responsiveness. Director mercaros, working as quickly as you can to help respond to questions. You've always recognized the importance of trust in the community, and I appreciate

[1:26:48 PM]

that. I think -- I don't have additional questions. I think I raised some the other day and also we've got a good list of questions from my colleagues. From my perspective, what's important here -- the goal here is to most cost effectively and expeditiously get to the bottom of, are we operating at best practices? And what improvements do we need in order to do that. And there's a lot of questions that go into that, but that's really the fundamental thing we're doing here. This is an opportunity for us to make sure that we're doing the absolute best we can with the latest in terms of technology and thinking and to provide support to Austin water to do that. >> Mayor Adler: Mayor pro tem.

[1:27:48 PM]

>> Alter: Thank you. I neglected earlier to recognize my cosponsors. I want to thank councilmember tovo and Austin water oversight chair, councilmember Fuentes, councilmember pool, councilmember Ellis, and councilmember Kelly, and councilmember Kelly, you were added on the changes and corrections. We can only put it in with five of us on it, so we were respecting quorum on that. I appreciate you and your staff working to try to answer the questions in a short amount of time, director. Councilmember Fuentes raised some of the, kind of, followup pieces that I wanted to raise. I'm happy to hear that the investigation will be, sort of, two weeks time, but, you know, we're still looking for some answers and would really much like to hear -- and perhaps it's not in this forum -- how we get those answers that you're concerned about being critical infrastructure vulnerabilities

[1:28:48 PM]

if we discuss them in this forum. I appreciate that and I'm very much aware of the need to do that, as chair of audit and finance. So I hope that in a followup you and the city manager can make us aware of the forum in which we'll be able to get more of those answers. Again, you mentioned 2016 you thought was the last time we had, sort of, the peer review. Can you tell us a little bit more about, sort of, the strategic planning process with respect to these resiliency questions, with respect to our emergency preparedness, and some of these kinds of protocols? I want a greater understanding of that process. And one of the things that gives me pause is, I remember there was -- we discussed this in Austin water. After storm uri, there was a

[1:29:48 PM]

risk assessment that was prepared required by the federal government. It didn't include a freeze. You're not the only department that didn't include a freeze, because our client models didn't say that that was the risk. However, it does concern me about how we're approaching these processes. So if you could speak a little bit to the broader strategic planning that you're doing for emergency preparedness, for climate resilience, for overall operational readiness in cases of operational failures or asset failures. >> Sure. So I think at several levels, one, we identified improved resiliency as one of the strategic focus areas for the utility and we've set up cross-functional teams and executive-level sponsors of resiliency-related efforts. I think there's several pieces to that. One -- and as you're well aware and as we included in the

[1:30:49 PM]

answers, when we do have an event, we go through a very thorough after-action process and we document recommended actions and then we program those and execute on those. And we summarized some of those in the q&a, the steps that we took after the 2018 boil water notice, which

was kind of a high turbidity event of the source water. And that led to polymer systems and other steps. And, you know, we carried through on zebra mussels, we established a system to eradicate zebra mussels from our piping systems and then winter storm uri. So this after-action process that we do is kind of baked into what we do. There's also requirements of the America water infrastructure act. I think you were referring to that, were you identify various whole hazard risk and how you're responding to those and planning for those. There's also our climate

[1:31:52 PM]

adaptations, things like -- certainly at its heart that's what water forward is about. It's about how you're continuing to manage water use for existing customers and the tools that are going in there like our advanced metering infrastructure technologies, which is an adaptive technology, our growing reuse system. Also, longer-range resiliency. Certainly aquifer storage and recovery is a part of that, how we're leveraging our Colorado river supply through our own river rights, as well as with our lcra agreements, that that's all a part of I would consider our resiliency work. There's also, I think, specific risks that are unique to our community that Austin water addresses. And that would be things like wildfires. And we have wildfire activities where we are evaluating and taking steps to reduce wildfire risk at some of our critical

[1:32:54 PM]

facilities that are in wildfires, as well as we, Austin water, are responsible for all the city's wildland holdings. And so we're taking steps to build shaded fuel brakes and mow lines along all the high-priority boundaries along that. That's another branch of resiliency work that we do. Certainly we articulated other resiliency is not the kind you would think of, but how we're managing the human side and knowledge transfer systems and how we're managing attrition, compensation considerations so we can continue to attract and retain. I think there's activities under way there. So I think it's a whole basket of things that we do. I don't know if that's getting at some of the questions that you have. >> Alter: I think that's helpful for today. I may want to look at some specific documents that you have that are governing that a little bit more, particularly.

[1:33:55 PM]

I wanted to sort of check my understanding of what I'm hearing about what we think happened. So, we had the basin-filling process of starting up the basin where the live sludge was added and it kept being added longer than it should have given the levels of the turbidity that would have been in the basin. What we're hearing is that all of the alarms and all of the protocols to your knowledge were followed, but yet the turbidity levels were not followed up on to take action to reduce them until many hours

after they likely started. Is that correct? >> Essentially, yes. >> Alter: Okay. And at this point in time, the questions of why it kept going with the turbidity -- why we kept putting more sludge in and why the turbidity levels were

[1:34:55 PM]

not addressed is the subject of the investigation and we're not getting answers of that until that investigation is through, is that correct? >> Yes. And I don't want to be picky, it's not sludge, it's what we call lime solids. It's two different things. But, yes, as we've been describing, we're going through and reviewing with all the employees that were involved -- not just that shift, but employees before that shift, the shift where the bulk of this occurred, the shift that took over afterwards, supervisors, superintendents, others. We're interviewing all of those, documenting those notes, what decisions were made, why did you do that. And we're pairing that with a detailed breakdown of what the scada system and other logs are showing -- you know, what you wrote down, when you wrote that down what did you do, why did you do that. When you acknowledged that alarm or didn't, whatever the case may be, we're trying to pair all of

[1:35:58 PM]

that together so we can get a clear picture of what the staff experience was and then what the technology and the alarms and the other data were showing, what the handwritten logs and others. And just bringing that all together to draw appropriate conclusions on what happened and how we can use that to strengthen the system going forward. >> Alter: Thank you. Can you -- I don't know what you can tell me on this, but one of the puzzles that is there for me is why this wasn't escalated to a supervisor, or a supervisor supervisor more quickly, and why if alarms kept going off and they were clearly not addressed because they kept going off, there wasn't a system that was alerting supervisors or someone further up in the chain that there maybe a problem that needed to be addressed. >> I think that is one of the

[1:36:59 PM]

key questions we'll work through in the investigation and the report, is how or why wasn't this escalated, why did you think you were trying to solve this on your own or did you think you had it solved, whatever the case may be. But, you know, clearly that was one of the concerns is that this was not escalated. We don't have in place automatic escalations to supervisors. I think that is one of the steps that we've communicated in some of our responses that we'll be taking where there can be more automatic escalations. In the end you kind of depend on the operators there, and I think there's probably a need for a little bit more watching and watchers. We don't have supervisors on night shifts.

We don't have enough supervisors where we assign supervisors 24/7. That's not one of the things that we do. Similarly, we don't have process engineers on every shift. There's a process engineer assigned to each plant, but they're more of a Monday through Friday process engineer that's

[1:38:00 PM]

consulting on, kind of, process technologies, ordering chemicals, other kind of more technical things. But those are some of the things that we'll be examining and making additional steps to rectify as needed.

>> Alter: So you'll be implementing the automatic patrol of automatic -- protocol of automatically alerting. What was the standard operating procedure, with those alarms going off, in terms of alerting somebody higher up? >> When you're in a situation where you're not taming the process properly, you know, you would want them to reach out to their supervisors and superintendents. And that does not appear to have happened. But we'll be documenting all that and working through all that. >> Alter: I guess I understand that you'd want that. I'm trying to understand what their protocols would have been in that situation. It wasn't happening automatically. You know, were they trained to reach out under a certain set of circumstances? >> Well, there is always a list

[1:39:03 PM]

of pagers and numbers to call. I mean, I don't know quite how to answer the question. It is what you would be expected to do if you can't solve the process -- problems that you're experiencing. And that's what we want to understand. Did you think you had it solved? Why wasn't it escalated out? >> Alter: Okay. >> I don't want to debate the whole process with the report now. I really prefer that this all come out holistically. I'm not interfering with the interviews. I don't know all the answers now. I don't talk to the interviewers. I want to make sure it's a clean process and there's not undue pressure from the director that they write up things that they think they want me to -- so, you know, I can't answer it all in detail for you right now. >> Alter: Okay. Thank you. >> Mayor Adler: Sorry, councilmember tovo, councilmember kitchen. >> Tovo: Thanks, director

[1:40:05 PM]

mezaros. I have a couple followup questions about some things you just said, and I appreciate what you're saying about not being part of the ongoing q&a. But this is about one of the answers you gave about not having supervisors on night shifts because there aren't enough supervisors. Is that something that's changed, or that's always been the practice of not having supervisors on night shifts? >> That's always been the practice. >> Tovo: Thank you. I heard you say that's one of the things that would be considered in the future. >> Yes. You know, that will take a lot of time and effort to create jobs and hire supervisors. >> Tovo: Sure. >> It's difficult. Each plant typically has a superintendent. At Ulrich we have

two. That was one of the steps we took a couple years ago, was to divide -- Ulrich is a very large plant. We divided the superintendency into an operations and a maintenance superintendent just to beef that up a little bit more. Each plant has at least one

[1:41:06 PM]

process engineer assigned that they specialize in that plant. This is just process. This isn't like capital improvement engineering. This is just somebody that is embedded at the plant on a regular basis. But they work more of a standard Monday through Friday kind of shift? And then there's a series of supervisors. I think Ulrich has four supervisors right now. I don't know, Rick would have more details on that. And so that's that. And then there's other -- we have a division manager, we have an overall water treatment operations manager. They're not working night shifts, but they are there and they're actually at Ulrich, at least the ops manager is. They cover all the plants, but often they're based at Ulrich because it's just our biggest plant. So we have -- and some of these positions are new that we added. So we've been adding more horsepower to the utility and

[1:42:10 PM]

Ulrich in particular, but obviously we still have a ways to go. >> Tovo: Thanks for that explanation about how things -- how you have responded to some of the past things with additional layers of supervision. I think I had a few more questions about that, but I'll leave that there for now. And I know my colleagues have other questions, and I have a few more, too, depending on our time. Thank you, Dr. Mezaros. >> Mayor Adler: Councilmember kitchen. >> Kitchen: Yes, I just want to say thank you for those answers. I appreciate the explanation. It helps while we -- you go through the process of the after-action report to have some initial information. From my perspective, I'm very interested in an analysis that's more holistic than answering one question at a time. And that's also set in context and is an analysis that's done by experts.

[1:43:11 PM]

So I'm really looking forward to the results of the audit and the after-action report, because to me, that will give me all the pieces that I need to see at one time, instead of a piece here or there that I can't really tell, because it's not in context. So I'm looking forward to the analysis that gives us the whole picture from experts, and then that will help us with the set of recommendations. I appreciate your answers today because I know people are anxious to get answers as soon as they can. So it's helpful that you're able to be transparent, but I wanted to say from my perspective I can't tell what the -- what really happened or what the recommendations should be by just looking at individual questions. I need to see the whole picture in an analysis by an expert. So, thank you. >> Thank you, councilmember.

[1:44:12 PM]

>> Mayor Adler: Manager, to go one step farther from where the mayor pro tem was a moment ago, it sounds like you have information that you could share but need to share it in a way that doesn't put it in the public domain. If you could work with legal and figure out how to get that for us at the work session on March 1st, I'd appreciate you figuring it out by then. Thank you. Colleagues, any further questions on this item? Yes, councilmember tovo. >> Tovo: Thank you. If we have a moment, thanks for the questions. I think I misunderstood one step on Tuesday and that was if we asked questions verbally that we also put them in writing. I apologize I didn't do that, but I will. I think there may be a few things I asked that I need to follow up on. I wondered if, director mezaros, if you felt comfortable just explaining one part of the process that I just need a more

[1:45:14 PM]

general language associated with. Do you feel comfortable going back to the memo and just explaining to us one of these processes that I couldn't completely follow from the memo? >> I think so. I might have to have -- >> Tovo: Maybe -- yeah, that's fine. >> And councilmember, before you get into that I would back up to your first comment. My staff has listened to the work session and they will write up the questions. >> Tovo: Great. >> So you don't have to do that. >> Tovo: Thanks. >> Unless you feel that it's missing or not properly characterized. >> Tovo: No, I think you've done a great job of capturing most of the questions. One of the challenges of the way we're having this conversation -- this does not reflect on our staff -- it's just the way we're having it. There might be a followup question to something -- if we do it in the way we're doing it, it's hard to -- we have sort of

[1:46:15 PM]

ten issues before somebody else asks a question and then you can't ask the followup question and then -- it's just a little challenging and I think the same is true in the way we did it the other day where we sort of laid out all of our questions and then we got responses, but we didn't necessarily have an opportunity to follow up. So some of them aren't big questions, they're just clarifications about some of the responses, which is just a little bit more -- just takes a little bit more teasing out. But the question I had the other day that I'll raise again is I'm not fully understanding this passage. And I think it's important because it's asking about the conditions at Ulrich during the heavy rain and ice events in the days leading up to the boil notice, and was the plant fully staffed. And then the response that you've provided is that conditions were normal with elevated awareness. And here's the part I just need a little more explanation about. The staff was manages solids

[1:47:15 PM]

production, since hauling operations were suspended due to the freezing water. Lines that are part of an ongoing construction project had frozen and needed to thaw out prior to additional basins. Because they're under construction, staff were working on thawing the lines in addition to normal duties. The plant was fully staffed for operations on Thursday, Friday, and Saturday. The remainder of staff were grounded, etc. The staff and supervisor were on-site. Can you just talk us through that, what that means? Because people have said, you know, this happened right after the winter storm. There's still that wondering about whether there was any connection between these events. I think you've said pretty clearly, there really wasn't. But then there's this passage, so I'm just trying to reconcile and understand how those two things fit together. >> So I'll call on Rick here. I'll just kind of maybe high level. So I think that response goes to what was happening during the day on Friday.

[1:48:17 PM]

And, you know, this event really happened Friday night into Saturday morning. So during the day shift on Friday, you know, you recall we were still in winter weather conditions. And when there's icing, we don't haul sludge away from the plant because of the icy roads. So that's just a protocol. And so they were managing sludge on-site during the day because of the trucks weren't hauling and so that was a part of it. We also have a capital improvement project under way at the plant to improve the line delivery system. And that project, the contractor on-site, some of their lines that they were installing had frozen. They had thawed them out during the day and that's what that was communicating. >> Tovo: Okay. Thanks very much. This may have been really clear to my colleagues, but -- >> Was that accurate? >> Yes, Rick, Austin water.

[1:49:19 PM]

That's accurate. I think it's kind of the way it's lumped all together, it kind of addresses several questions. And I think when we talk about plant fully staffed, the plant was fully staffed for the operations team, which is typically three persons. We also had additional support staff during that timeframe, during the daytime to support just in case we had any failures. We had maintenance staff also on-site and supervision. >> During the day shift. >> During the day shift. >> Tovo: And so the basins - - so, is the fact that some of the lines were frozen that led to the basins, does that have any relationship to what happened in basin six? >> No. >> Tovo: Okay. All right. Thank you very much. >> Rick, I'm going to ask you to confirm that. >> No. We were able to bring on basins online after we unfroze those lines, which were the sections of the line for slurry.

[1:50:20 PM]

>> Tovo: So this passage is sort of relevant to what was going on about the storm, but it really doesn't have anything to do with the boil water issue. It's just kind of the context leading into Saturday. It doesn't -- >> I don't know what the proceeding question was to that, but you're exactly right. >> Tovo: Super. Thanks very much for that clarification. >> Mayor Adler: Colleagues? I had asked a question, director, on Tuesday. I submitted it late, so it wasn't reflected in the answers. And that goes to the question of, there was a certain amount of water that was released with high turbidity into the drinking water system. We don't know at that point whether it was contaminated with bacteria or not, because we were

[1:51:22 PM]

not able at that moment to do the test to determine that because of the turbidity of the water. The answers you have given would indicate that there's no belief that there was any bacteria based on the tests you took before the turbidity, and the tests immediately after the turbidity when you could actually do the tests. My question, at the time that that that was happening, the time it was being released, and we don't know whether it has bacteria or not because we can't do the test, what if any risk was presented to the community? >> So, mayor, I think a couple of thoughts there. One, we use the word bacteria -- I would generalize it a little broader. It's harmful microorganisms. It's not -- when it comes to turbidity, it's not just bacteria, because really, bacteria is killed through the

[1:52:23 PM]

chlorine system. But there are certain microorganisms that can be resistant to chlorine. They're harder to kill. That's a key part of why you manage turbidity so much with surface utilities, because if the microorganisms are present in the source water, they can get through chlorine and that's where you use turbidity as another barrier. When you have turbidity exceed a standard, that's an elevated risk that that could be happening. And so you issue a boil water notice, because boiling the water kills everything. It doesn't just kill bacteria, it would kill anything in there. So that's the risk that you're managing. You know, it all gets down to, kind of, if you ingest water with a harmful microorganism in enough volume you can get sick,

[1:53:23 PM]

it's diarrhea and those kind of things. And certainly the highest risk would be those that are vulnerable with compromised immune systems or very young children. That's probably the highest risk profile that you're trying to manage. >> Mayor Adler: Is there an issue with -- it's there, it could have those impacts.

Relative to the water overall in the system, I would imagine for the period of time that it was actually getting into the water system, it's going to be pretty dilute. Is that true? >> That's true. The existing water storage and distribution system is just filled with hundreds of millions of gallons of water. And this new water that's going in is diluted with all of that. And so the risk is small. And our source water is at low risk for some of these microorganisms that are chlorine-resistant, and we always grade out in the lowest risk bucket. And that's one of the things we have to go through periodically,

[1:54:24 PM]

assess our source water for those kind of risks. And so the risk is small, but the risk is not zero. That's why when you exceed a turbidity standard -- and turbidity standards are always changing. They're always getting skinnier, smaller. A few years ago, turbidities on finished water were much higher but the regulations keep appropriately so bringing that down to drive up more and more public health and safety. >> Mayor Adler: Great. Thank you. Colleagues, do we have any other questions before we move to something else on the agenda? All right. So I appreciate the water committee that will be picking this up on the agenda. Thank you, chair, for that. And back in executive session with the information you have that we're not able to receive otherwise. There's been a motion and a second on the mayor pro tem's resolution. Let's take a vote. Those in favor, please raise

[1:55:26 PM]

your hand. Those opposed? And I think that's everybody except councilmember Renteria, who we can't see, who's off the dais right now. So that passes. All right, colleagues. It is 1:55. We have in front of us the zoning cases that we can't call until 2:00. I don't know if there's one of these items that we might be able to handle quickly. Councilmember Tovo, I don't know if you're ready yet on the dacc motions, 12, 13, and 18, or on 16, red cross. >> Tovo: I can ask my question about the red cross lease. >> Mayor Adler: Okay. >> Tovo: So this is the negotiation and execution of an amendment with the red cross. I believe it's responding to a resolution that councilmember Harper-Madison brought.

[1:56:26 PM]

One of the things that we noticed in looking at it is that there's quite a bit of land on that tract. And I wanted to ask our staff -- and I have -- gotten back the information that it is -- they plan -- the red cross plans to build another structure on it. But I think there's still quite a bit of land there. And so I'm not clear on whether or not our lease -- the plan -- the planned execution of the lease allows for some adjustment of the land area. And I see director Gates on the line. >> Hi, mayor and council, Michael Gates, interim officer, real estate services. So the lease does not currently contemplate a re-subdivision of the land. We can approach the red cross about that. We don't yet know if they're planning to go

horizontal or vertical, or some combination thereof, but we can definitely approach them about that. The compensation due the city is

[1:57:28 PM]

nominal. They're not paying for a price per square foot. If there is excess land after their plans are realized they may be willing to allow us to repurpose that. >> Tovo: And it is a city tract. >> It is. >> Kitchen: Mayor, I'm sorry, I didn't hear -- what item are we on? >> Tovo: 16. >> Mayor Adler: Item 16. >> Kitchen: I thought we passed that on consent? >> Mayor Adler: No, it was pulled. >> Kitchen: Oh, sorry. >> Tovo: So, what I guess I'm trying to preserve an opportunity to have a conversation around the rest of the land sometime before the next 30 years elapses, because this would enter into another 30-year agreement. And I know that we're posted for negotiation and execution.

[1:58:29 PM]

And, you know, I apologize, councilmember harper-madison and others who didn't get a heads of heads-up. My staff and I just really had this conversation this morning, so I haven't had a chance to air it with any of you all in work session, or off the dais, but I don't know if there would be concerns about just authorizing staff to negotiate and to come back to us with some conversation around whether the lease could be narrowed a little bit more closely to what the American red cross intends to construct so that we would have an option within the next 30 years of potentially using the rest of the tract for some other city so I guess that's really a question to my colleagues, if that makes sense >> Mayor Adler: Is it possible just to give that direction? As you negotiate this land, reserve the ability for land they don't use -- reserve in the lease the ability for the city to make non-conflicting

[1:59:31 PM]

use of land that they don't end up using >> Tovo: That would be my preference, and I'm happy to provide that as direction. Again, I wanted especially to ask -- >> Mayor Adler: That's a good question >> Tovo: -- Whether they have concerns, especially harper-madison >> Mayor Adler: And we could have them tell if that's an option >> Tovo: Director, would that be an option? >> Basically the storage of disaster-related items -- trailers and other things for the community. I don't know if the -- it may be they were looking at that for a potential staging area for the disaster-related events. If that was the case that could change performance measures

[2:00:33 PM]

>> Tovo: Sure. If that's a key component, that's a key component to their mission and I'm not suggesting anything that would prevent them from fulfilling their mission. I think that's our intention to enter into a lease, is to support their mission and the partnership they have with the city. Thanks for pointing out it might not be just about the use of the facility; it might be the use of the land and I think that's still included in that direction. >> Understood >> Tovo: Facility and equipment necessary for them to fulfill their mission. >> We can try to explore that with -- yes. >> Mayor Adler: And I think the question is the direction would be if you can negotiate that as part of -- the direction of the council would be to negotiate that with whatever is the greatest

[2:01:36 PM]

flexibility that the city could have in the future. >> We can certainly do that. >> Mayor Adler: Council member tovo, are you comfortable with that and saying proceed with that in that direction? >> Tovo: I'm comfortable with that and I would expect director Gates to report back to us on how that negotiating is proceeding. >> Absolutely >> Mayor Adler: Okay. Council member tovo boosts -- >> Tovo: Mayor, if you would I think this is responsive to council member harper-madison's -- >> Harper-madison: I don't have anything to say. Council member tovo, I thought was offering me an opportunity to speak. I don't have anything to say. I would like to amend the original item as much as council is able to do in the future. I'm not sure of the language

[2:02:38 PM]

but I approve of the direction >> Mayor Adler: Passage of approval 16 with direction to approve in the lease direction of the city in the future. Seconded by council member tovo. Any further discussion? Those in favor, please raise your hand. Those opposed? Unanimous. Everybody on the dais -- passes. Only thing left is dacc and zoning. We'll do that after we get through the zoning consent. We'll check that and see if we're ready to do that piece. I think we began with speakers -- unless, Jerry, there's postponements or anything like that we need to raise first. Okay. Jerry. >> Mayor pro tem and council, I'm with health department, we

[2:03:40 PM]

have three postponement connen sent items. I think we have a speaker on one of those postponements but those three postponement items are 43 and 42 -- those are together. Item 48 and 49. And those are consent postponements >> Mayor Adler: 48 and 49. And is there -- it's consent. Is there discussion on 42, 43? Sh. >> The neighborhood is not objecting to the applicant's request. They requested a meeting

and the applicant has set up the meeting. With that they're agreeing with the request to March 24th. >> Mayor Adler: Okay. >> March 24th is for item 42 and 43. On your item 58 -- >> Mayor Adler: 48. >> Yes. 48. That's applicant postponement

[2:04:41 PM]

to March 24th. 49 is a postponement from council member Fuentes to March 3rd council meeting >> Mayor Adler: Any objection to postponement to March 24th? That was the applicant. Anyone objecting? >> No one is objecting to the applicant's postponement to March 24th on 48 >> Mayor Adler: Anybody object to postponement to March 3rd on item 49. >> I have not heard -- no >> Mayor Adler: Okay. Consent agenda then would have those three postponed as indicated. Council member pool? >> Pool: (Indiscernible) >> Mayor Adler: We'll come back to that but speakers should know on the consent agenda, items 42, 43, 48, 45 are going to be postpone TD. Speakers who have signed up to speak on the merits of those

[2:05:42 PM]

issues should know when to come back to speak. >> Correct >> Mayor Adler: Okay? >> Thank you >> Mayor Adler: With that, if the clerk would call people who have signed up. I think there's roughly 15-ish. We're going three minutes per speaker. >> Okay. So there are two in-person speakers for 42 and 43. Not sure if they want to speak on the postponement >> Mayor Adler: These items have been postponed. Anyone who wants to speak on these items on the postponement issue? Hearing none, we'll go to the next one. >> Item 51. Melony house Dixon. >> Mayor Adler: This is a virtual person on the phone? >> We have remote speakers, but I'm calling -- >> Mayor Adler: Okay. >> -- The in-person first, if that's okay

[2:06:43 PM]

>> Mayor Adler: Yes, please. >> Amena dellco. Nelson lender. Clifton Bailey. >> Mayor Adler: Come on down and speak at the podium here. You may take off your mask if you'd like to. >> Good evening. I came to speak on -- I was down here a month or two and we was talking about the hike of the building on 123 -- 25 storage building in Austin, Texas. A building that's -- they

[2:07:43 PM]

wanted to talk about a beer company. We didn't want to hear about that. We want to know about the height of the building in our neighborhood, have messed up our neighborhood, destroyed our neighborhood. We have condos all over town in our neighborhood overseeing our house. We can't even see the sunlight during the daytime because of the building. We -- I wanted to speak on this building. 25-storage building in our neighborhood right off barn road and 183. Do y'all know -- a building like this should be downtown, like all these other shiny buildings they build down here and destroy our view. The lady at the capitol -- you can't see her anymore. When I came to Austin there was capitol and the university of Texas tallest buildings. We can't see the capitol anymore. It's a sad shame.

[2:08:43 PM]

Let the council come in, destroy our neighborhood, turn their back on poor people like myself. It is nothing but a shame. Greedy-ass people coming to the city. You give them incentive, let them come here destroy poor folks like me, my family -- homelessness is around. You know why? We brought them here. 72 hours you give those people to come here and you don't give them a one ticket back home. I'm talking about this building. We have to get it -- if you do, you destroying our neighborhood completely. Do y'all love us or do you hate us? What do y'all want out of the taxpayers? You took us behind the barn shed and beat our butt. We're sick and tired of getting whooped. Please do not pass this because if you do, you're just destroying your city even more. I feel for you and it's a shame

[2:09:45 PM]

that we have to come in here. I have friends who said they wouldn't come down here and speak because they said y'all do what you want to do anyway because you have done it. You have changed this city. People we put on this dais up here, they'll already invested when they leave -- when you're no longer on the dais. See, we are not invested with all these big businesses come in here. Our money comes from our regular retirements. Y'all get money from the back door. I believe it and I know it and I got some dirt on pretty much all of y'all on the stand. I'm going to bring it out one day but I'll let you retire first. Thank you, and do not pass that resolution. >> Mayor Adler: Thank you. >> Melony house Dixon.

[2:10:57 PM]

>> Mayor Adler, mayor pro tem, council members. I chair the martin Luther king neighborhood association. I stand before you again as co-chair of the mlk contact team to speak on the concerns from communities that is situated in the boundaries of the 183 development. Let me begin by saying that while the regime development does not fall within the parameters of filing for a valid petition, which

requires opposition from residents located within 200 feet of a development, we have taken on the responsibility to advocate for surrounding communities -- the mlk association, the hogg

[2:11:57 PM]

pen association across from the 183 development. At last reading the community was advised by council member Madison to meet with the developer and discuss our interests and concerns and asks. We did so. We were very disappointed at the result -- resulting from that meeting. Our asks were primarily denied. For the magnitude and the -- of this project, we feel as a community that we are always being given and offered pennies, crumbs. We are the original residents of this area, and we should have a stronger voice. Our council should listen to our stronger voice in this development. We are not opposed to the development. We are not opposed to progress. What we are opposed to is not being heard. What we are opposed to is the fact that we set out certain --

[2:13:00 PM]

we express how we feel. We express to council what our concerns are, but they are to always and totally forever ignored. We ask the community -- we ask the developer for community space of at least out of 10,000 square feet two areas totalling maybe 1200 square feet each. We are offered 300 square feet. Our closets are bigger than 300 square feet. An insult. We asked for contributions for already-existing businesses here in our area, which would provide local businesses access to continually operating. It's okay to bring new people in, but to annihilate and exile those of us that are already here is a crime. It is a serious crime.

[2:14:01 PM]

I ask that the council please look at the space, at the height that this building is being asked for at 275 feet -- that it be not granted. And so I therefore say -- I'd like to oppose this granting of this project. Thank you >> Mayor Adler: Thank you. Council member tovo? Ma'am? >> Tovo: I have. I'm sorry. Right here. You were just outlining some of the requests you had made of the developers that were not -- that did not become part of the agreement. Did you have other things you did not have an opportunity to finish in your comments? >> Yes, ma'am. We asked for office space, which was denied. We asked for contributions into the community to some of our non-profits, such as -- you know, day care centers, like child inc. To be contributed to

[2:15:02 PM]

those operating. We asked also, too, that the mfi be lowered to a true, affordable place so that those are makes less than 45,000 -- up to 45,000 would at least be able to stay within our city so that the gentrification that is going on at this point would at least slow down. I mean, we're at a really fast, rapid pace right now where people are being run out of the city by the groves. Just as many are coming in are just as many that are leaving. >> Tovo: Thank you. You had said -- I was looking over the provisions you outlined on the contact team position statement that you forwarded to council. And so I see that there's affordable commercial for the Austin creative alliance. You mentioned something else about community space. Would you just describe the community space? >> We were looking at

[2:16:06 PM]

individual office spaces for some of our community organizations, whether they be non-profit, whether they be, you know, open to the rest of the community and not have this kind -- this space isolated to just that immediate community. As I see it, I see this structure as being another method of divide from our city. This is a massive -- this is a massive project that is going to actually -- could actually divide our city even more than where we are divided. We are looking at the kinds of jobs that this kind of market provide. That has not be provided to us. And so these were our concerns for the rest of the community. >> Tovo: Okay. Thank you. >> Mayor Adler: Thank you. >> Kitchen: Mayor, I have a question >> Mayor Adler: Yes. Council member kitchen? >> Kitchen: I wanted to ask

[2:17:06 PM]

you, you mentioned the mfi level for affordable housing flt -- did I hear you right -- you requested a lower one from the developer and that was not accepted? >> We did. We were asked -- well, it was 10 to -- it was 10-80 at first and went down to 10-60 but 10-60 does not satisfy the \$45,000 income ratio. >> Kitchen: Okay. >> So we were looking at a lower mfi to keep some of your \$15 an hour, \$10 an hour wage owners, service providers that provide us with service a place to stay -- our educators. They make \$10 an hour, 80 a day -- who educate our children. This is what we were looking at when we were compiling this package >> Kitchen: Thank you. >> You're welcome.

[2:18:07 PM]

Thank you. >> Mayor Adler: Next speaker. >> Alexandria Anderson. For item 52 we've got Melony house Dixon. >> She just spoke >> Mayor Adler: She just spoke. >> Yes. Let me go to online speakers.

[2:19:07 PM]

Malcomb Yates. We'll reach out to him. Diana Dean. >> Yes. Can you hear me? >> Yes. Please proceed. >> Hello. My name is -- hello, council. My name is Diana Dean. I'm a long-term resident of east awesen. I am a co -- Austin. I'm a cochair of the contact team and a resident of the neighborhood association. As a contact team we represent and a microphone for the neighbors in our community and planning area, so we are asking council a call to action to resist further gentrification of east Austin and specifically the regene road highway 183 project. This is the tallest approved building in the history of east

[2:20:10 PM]

Austin so no to 25-story building in east Austin. No to 51 and 52. It is too tall. Our community needs more community benefits, no models in our community. When Melony was talking about the community benefit framework we're asking for organizational support for Austin independent school districts. Talking about Barbara Jordan, Ortega, Garza. We're talking about community benefits for healthcare centers and workforce development contributions like central Texas allied health institute, housing nonprofits, east awesen conservancy, hands-on housing and usage to have day care. When the day care sets aside

[2:21:11 PM]

slots for sliding scale for income-restricted families and also, council, we ask that these developers are building in these distressed areas. They're getting huge tax breaks for businesses. Council, leaders, we would ask that you would look at a more holistic approach for community benefits to change policies, relax rules or tax incentives to support community health and development. Council, help the developers help us. Council, how can you help the developers feel a little bit more comfortable with new models of stakes in the community? The developer said he's not comfortable when writing checks outside the project. If not now, then when? We are ambassadors, voices for this parcel of heavenly dirt. We represent those people, the people in the community that

[2:22:12 PM]

surround and the residents who will be there. So we ask you to say no to item 51 and 52. Thank you. >> Monica Guzman. >> Good afternoon, mayor and council. I'm policy director. We've submitted opposition to to zoning cases at January 27th council meeting. Sorry, specifically items 5 # and 52. As previously stated they're our zip of code of focus but we stand? Solidarity with those experiencing

gentrification. We continue with our agreement with and support for the mlk contact team stance. Opposition to major up zoning,

[2:23:18 PM]

concerning of black and people of color residents, expectation that -- as far as I know there needs to be effort to provide public benefit. We urge council, please deny the proposed zoning request. Thank you >> Anna Aguirre. >> I request you not support this project. Representatives from the surrounding communities impacted have met with the developer and still do not have a full accounting of how a 25 story building will impact east Austin and are concerned with the decision your precedent will set today.

[2:24:19 PM]

I believe -- the benefits should include providing affordable housing and contributing to nonprofits, elders, black, Latino, people of color, low-income groups. Nonprofits should have access. As a long resident of east Austin I'm familiar with having to settle with what's left over from the city's benefit when community benefits are not included. That has never been fair nor has it ever been right, especially for a city that claims to be Progressive. It took forever us to get a recreation center and library in dove springs. We're luckily to get a health facility through bond approval. We shouldn't have to feel lucky. Today you're able to ensure we continue no long tore be an after thought. We should be included in equitable benefits. I'm pleased that the developer

[2:25:19 PM]

has committed to the better builder program. Thank you for your time and service to our community. >> Nadia barvo. Nadia? Zenovia Joseph?

[2:26:30 PM]

We're -- oh. Ms. Joseph, go ahead. >> Hello? >> Yes. Go ahead. >> Thank you, mayor, council members. I apologize for the delay on the computer. As relates to items 41 and 46, they're both in the Harris branch area. 41 Howard lane residents and 46 is Harris branch and Howard lane. I want to call to your attention the reason I'm opposed to this item. I opposed it when it was to Travis county commissioner's court on page four of the staff report. Hello? Page four of the staff report actually mentioned project connect,

metro rapid and I want to call to your attention that metro rapid was eliminated July 27, 2020 in your joint meeting

[2:27:32 PM]

with capital metro. It is disingenuous for cap to mention the project connect corridor at palmer lane. It was eliminated. If you look at your item 26 back-up materials as relates to connectivity they talk about there not being transit spots within a quarter mile of the site. I want to call to your attention these are in opportunity Zones and by definition opportunity Zones are low-income housing areas, and so this was an opportunity for the community to actually redevelop the site so they could have economic development under the tax cuts and jobs act of 2017. Respectfully, mayor and council, you never took advantage of the offer. Instead you put low income housing tax credits in the area. You are continue traiking poverty, which is counter to

[2:28:34 PM]

equity and executive order. I filed a title 6 complaint. That's the fox guarding the when house. I will forward it on to federal transit administration. I did copy you. If you have questions you can see council member Kelly and council member pool received these e-mails awhile back that shows 22.8 million for the two in southwest Austin that cost more than the three eliminated northeast Austin corridors. Council member Renteria mentioned segregation. The new divide is 183. There is no transit on palmer lane. June 14, 2021 campo board packet.

[2:29:36 PM]

Harper-madison, do more than lip service to connectivity. If you have any questions -- thank you. >> Nadia barvo. Nadia, please unmute. Council, we have her on the line. I'm not sure why she's not speaking up. We have another in-person speaker -- Alexandria Anderson. >> Good afternoon, everyone. My name is Alexandria Anderson.

[2:30:38 PM]

I'm vice chair of the mlk neighborhood association, executive committee member of the Austin neighborhood council. I am here to speak on items 51 and 52. I respectfully request you not support this project unless the community is given the community benefits that match the magnitude of this

development. The planning commission also went against this development and instructed the developer to go back to the drawing board with the contact team. We have been going back and forth for over 8 months now, back in July 2021. I believe this developer -- that the developer is granted 275 feet for this property. The community should receive comparable -- excuse me -- benefits, either contributing to nonprofits in the area that support working families, elders, and residents. This is time for council to step up and truly have the community's back because east

[2:31:39 PM]

Austin is extremely frustrated and to put it plainly, tired of getting crumbs. Let this be a win-win for all, especially the community. Thank you. >> Nadia barvo. >> Can you hear me? >> Yes. Please proceed. >> Thank you. I'm a resident of district one and also a cochair of the east mlk contact team. Some of this has been said, but we have spoken to dozens of community members and the vast majority are shocked and some -- some are shocked. Many -- all are dismayed that our city continues to pave the way for developers like this project, number 51 and 52 on the agenda, that don't have

[2:32:41 PM]

solutions that meet the need of the existing community. We have a hundred signatures on the petition. As Alex said, the city is granting the developer the chance to gain millions of revenue but we have no mechanisms to funnel portions of that to the community. Lot of the council members -- we do appreciate kind of the sympathy and desire spoken to do something different, but we don't really find action from either the planning commission or from city council. East Austin continues to give away these millions of dollars, but we see very little in return. I want to call -- the only things that weren't mentioned in the Q and a with Melony that we also would like as an impact analysis of the displacement risk from the anti-displacement office -- we think a project of this size should go through excessive planning.

[2:33:41 PM]

25 stories, multiple buildings, you know, it should not just be our volunteer group of contact team members trying to rally people to be aware of this and find out if it's going to impact them. This should be a large-scale investment by the city and instead it's just happening basically with people who can show up at 2:00 P.M. On a Thursday. This is -- it's very disheartening for the community. Thank you. >> That concludes all the speakers. >> Mayor Adler: Thank you. Anybody else here that signed up or wishes to speak? Take us to the consent agenda. Thank you. >> Joy with housing and planning department. Joining agenda begins with 41.

[2:34:47 PM]

42 is npa-2020-0021.02. Applicant postponement request to the council meeting. Item 42, C 14-2020-0081. Applicant postponement request. 44 npa-2020-0016.03 -- offered for consent on first reading. Rezoning is C 14-2021 -- item 45 offered for consent on first reading. Item 46 is c14-2021-0171 -- offered for consent on all three readings. 47 is being offered for consent on all three readings. 48 is C 14-2021-0150.

[2:35:53 PM]

49 -- c14-2021-0166 -- postponement to March 3rd council meeting. 50 is c14h -- we'll pull this off the consent agenda. 51 a corrected case number. Again, that's kr14-2020-0150. This is the case you heard from the speakers. This case was discussed at first reading and we could offer this for consent third reading. Again, as you remember, we discussed this -- this was a discussion case at first reading and related npa is item 52, npa-2020-0015.03 -- offered for consent, third reading. This case was discussed previously but you heard from the speakers. This concludes the reading of

[2:36:54 PM]

the zoning agenda. >> Mayor Adler: Thank you. Is there a motion to approve the consent agenda? Council member pool makes a motion. Second? Council member Ellis seconds. Discussion on the consent agenda? Council member Fuentes? >> My hand is raised >> Mayor Adler: Thank you. I'll get to you in one second. >> Fuentes: I wanted to speak to the item on the consent agenda -- was pulled? Was the regiene item pulled? >> Mayor Adler: No. >> Fuentes: It's on -- >> Mayor Adler: You wanted to pull -- >> Kitchen: I thought it was a discussion item. It's not >> Mayor Adler: 51 and 52 was offered on third reading. >> I mentioned that we discussed the item >> Kitchen: Sorry.

[2:37:55 PM]

I misunderstood. I don't want to pull it. But I have a comment. >> Mayor Adler: Continue on. >> Fuentes: You know, it does give me grave concern to hear from the community that the need -- that the contact team brought up were not met, and I hope that -- it's just very concerning to me to hear that type of feedback, so I was struggling on this case in particular, but part of the reason I'm supporting this is that it does have significant options for our creatives, knowing we are a creative city and that this project will have dedicated space for our arts and creatives, professionals here in Austin and that it will have more

affordable commercial space for our creative community -- is part of the reason I'm supporting this. I would have loved to have seen much more efforts made towards mitigating displacement, knowing this is in an area that

[2:38:55 PM]

is experiencing rising displacement. The other thing about this particular project that I want to point out is that it does have a commitment to work with the worker's defense better builder program, and so knowing that -- it will have strong construction standards as part of the development of the project -- that's another reason I'm supporting this item today. >> Mayor Adler: Council member kitchen? >> Kitchen: Okay. Thank you. I wanted to comment? >> Actually, mayor, you said you Eric -- you said you were going to call on me next >> Mayor Adler: Sorry. Council member harper-madison. >> Harper-madison: First off, I want to recognize the contact team's effort during the progression of the items. It's because of their efforts the applicant has agreed to

[2:39:56 PM]

adhere with the better builder program. They worked to make sure it includes 3.4 million dollars of affordable housing. 10 per cent of those units restricted at 60 per cent of median income. Tenant protections and 300 square feet of dedicated community space. Most notably, the contact team and applicant worked out a plan in partnership with Austin creative alliance to make this -- to my knowledge -- the first project in the city of Austin to feature affordable commercial space. If I'm speaking out of turn, if somebody knows other wise, let me know. This is a big step for our municipality that I hope will serve as a model that can be a game-changer when it comes to preserver and promoting vital businesses, creatives. We have received numerous letters. I'll show you the giant stack

[2:40:57 PM]

of letters I have. I don't know if you can see that. That stack right there -- from members of the creative community who support the project because they realize how bad DI we need affordable -- how badly we need affordable space. At one point it seemed the contact team agreed. Prior to our first reading vote, a co-chair of the contact team contacted my office to confirm they would in fact support the applicant's request of 275 feet. But then the contact team asked the developer to make financial contributions to various organizations -- completely unrelated to the project and to lower the med Yan family percentage for affordable housing to 45 per cent. When the developer declined, it appears the support changed. I believe we need to try to get the most out of these new developments for our community but we also need to recognize a

[2:41:59 PM]

single development will not be the silver bullet that will address our community's needs. It will take a holistic approach to continue conversations about the concerns expressed here today. There will be two new deeply affordable housing developments in that very same area that will provide housing units at 30 to 50 per cent mfi range. The tax revenue that will be generated from this development will fund social services, community programs, and other community needs. So the question before us is whether the requested entitlements are appropriate for this property, and I think a 275-foot height limit works -- entirely harmoniously with this isolated -- I don't know if you have taken the opportunity to take a look at the property. Nobody lives there. So with this isolated, tiny little nook -- just last year with the east mlk contact team support. We approved height limits as

[2:43:01 PM]

high as 400 feet on the property that is literally directly to the north of this site. But due to a restricted covenant that site restricted to commercial development nl O. Granted this rezoning gives them an opportunity to build a complete community where people can live and work and play next to a potential green line rail station. In my mind's eye, that's the choice before us. On the other hand we can support mixed-use development with on site benefits that can help mitigate displaced community or we can deny and lose out on the benefits and prolong environmental injustice in east Austin by allowing them to develop with the entitlements which are industrial.

[2:44:01 PM]

They said they are committed to work with the community as the project continues to progress. Our office will hold them to that. To council member Fuentes' concerns I'd love to continue the conversation. We'll have a lot more of these. I'd love to continue to talk about the tough decisions further. Thank you, mayor >> Mayor Adler: Thank you. Council member kitchen? >> Kitchen: I appreciate all the effort that has gone into this case in working with the community and developer, and I appreciate the efforts that council member harper-madison has made. She's worked hard on this case and worked with her community. My reservation has to do with the concern about the affordable housing. I am not concerned about the other aspects of the project.

[2:45:03 PM]

I think there are some very good aspects with it. I agree with council member harper-madison that this is an appropriate place for this hike. What gives me pause is the concerns about 66 mfi in a part of the city where people are not at that level of income. And, again, my question would be, is there not some way -- I assume -- if this moves forward, which I assume it will -- is there not some way to do a right of return as part of this or at least some level that recognition that folks in that area will not be able to afford the mfi. Those are the concerns I have. I'm not going to vote on this. I'm going to have to abstain on this. I'm not comfortable that we're doing enough. I say that understanding that I

[2:46:04 PM]

am certain council member harper-madison has done everything she can and I appreciate her efforts but I'm not comfortable supporting it. >> Mayor Adler: We have a motion to approve the consent, which is items 41 through 52, with the exception of 50 as pulled. Any further discussion? >> Tovo: I have a question for the applicant's representative, who I understand is on the phone. >> Mayor Adler: This is 51 and 52? >> Tovo: Yes, it is. So can you help me understand. With regard to the affordable units. If I was looking down, it's because I was corresponding with the creative alliance. It's my understanding there is a covenant in place that will prioritize artists from the neighborhood for those creative

[2:47:05 PM]

spaces. Can you speak anymore about that? >> Yes. I'm happy to speak about that. We're working with Austin creative alliance on a marketing plan so the 10,000 feet of affordable commercial creative space we're setting aside does go to artists and creative folks who live and work and create in the area where the development will be. >> Tovo: Thanks very much. I think that's really an important component. Are you willing to consider the same for the residential units that -- especially those that are affordably priced? >> Absolutely. >> Tovo: Thank you. Is that something that you can continue to work with the east mlk contact team on to make sure that happens and that they

[2:48:08 PM]

help you spread the word on that piece? >> No problem at all >> Tovo: I think that's important. I think that's in sync with our city policies to really make sure that as we have those affordable units we have using opportunities to provide housing for individuals especially in areas where we see a lot of displacement. I've really struggled with this case. I want to thank council member harper-madison for your work with the contact team. I want to thank the contact team. I think this is a key example of how community members working with one another and working with developers can yield a much better project. I think this is a project -- I will say -- you know, I have -- I shared the staff's concern and

neighbors' concern about the height. It is really pretty high. I am persuaded to vote for it because of the benefits, and I

[2:49:08 PM]

think those benefits are really directly in result to the work of the east mlk contact team. So thank you to those community members who have worked so hard to make this a better project for their neighborhood. I think with the addition of the affording housing unit and allocation of space that I heard from the developer and creative alliance -- to make sure the space is residential units as well as creative space is reserved for artists from the area or neighborhood or who have generational ties to the neighborhood. I will be supporting this today. >> Mayor Adler: Thank you. Council member kitchen >> Kitchen: Thank you for the questions. I need to understand a clarification. Are you asking for the affordable housing component of it that the generational ties and the folks that live in that

[2:50:08 PM]

area -- that their level of pay -- or their level of rent be considered at their mfi and not at the 60 per cent? Are you asking that the developer work with folks that live in that area on a level they can afford? >> Tovo: Council member, I think that would be a great question for the applicant. But in answer to our yes, I think that would be -- to your question, I think that would be ideal. What I'm asking -- I'm sure they will have lots of demand for those units at 60 per cent. What I was asking is whether or not the applicant would be willing to prioritize individuals with generational ties. What we're doing in our affordable housing units under the right to return policy that I believe -- that I sponsored that you were -- >> Kitchen: Sure >> Tovo: -- Co-sponsor on, giving preference to the units. That's what I was asking

[2:51:09 PM]

about -- would they give preference to the units. You're asking a good question, which is a different one, but it is a little different >> Kitchen: I'll follow up with my question. Like to ask the developer. In the same vein. It's a more detailed -- sort of a next-step question to what council member tovo asked. As you prioritize for -- I think I'm using the right words -- the "Generational ties" or people that live in the area now, will you consider an mfi that's loader -- that's lower than 60 per cent so if you have an individual in that circumstance they could potentially have the ability to live there? >> Hello, council members. I do think we could certainly consider that. We'll be working with habitat for humanity -- or home base. I think we'll be working with them to find tenants and specifically to prioritize folks that have ties to the

[2:52:09 PM]

neighborhood. >> Kitchen: Okay. So did I hear you say that as the developer you would be willing to do that at an income level that's less than 60 per cent mfi if that's what necessary for an individual? >> We could -- >> Kitchen: -- To afford it? >> We could consider that. >> Kitchen: Is that a yes? I'm sorry. >> I don't know without talking to the folks at home base. I don't know enough about the qualification process to say for sure >> Kitchen: Got you. >> But I don't see why we couldn't bring it to them and talk it through with them and see if we can make it work >> Kitchen: The reason I'm asking that is I recently worked with home base on another case, where they were able to make similar -- not exactly the same but similar kind of adjustments in the way they were applying. So I feel fairly confident from their perspective they can do

[2:53:10 PM]

it. My question is from your perspective. It sounds like you said yes, you would consider that, subject to home base being able to implement it. >> Absolutely. That's right. >> Kitchen: Okay. With that said, mayor, I'll be able to support this. >> Mayor Adler: Okay. Let's take a vote on the consent agenda. Those in favor, please raise your hand. Those opposed? Unanimous, with council member Kelly off the dais. >> Harper-madison: My hand is raised. I'd like to request a moment of privilege, please. >> Mayor Adler: Sure >> Harper-madison: I want to say two things about commentary during the course of the discussion, which I'm so surprised by the prospect on this. It's on the highway. I mean, but with that said, when people say right to return, right, that sounds like somebody got displaced. I want you to pull out your

[2:54:11 PM]

Google map and look at this property. Nobody lives there. Nobody got displaced. I want to make sure we're careful. I appreciate the right to return. I appreciate the concept of generational ties being how we consider people who move in. I want to support the applicant figuring out if they can go deeper in terms of affordability. If the project doesn't turn out somehow profitable, it doesn't happen. It's a business. People have to make money. Let's be realistic. Not setting up appropriations for our constituents makes it difficult for me, the district that's growing the fastest -- I'm going to have the most zoning cases, most difficult zoning cases, most conversations about displacement -- I respect my colleagues be careful about the expectations we set up for our

[2:55:12 PM]

constituents. The other thing I wanted to say -- I think, council member kitchen, you said "People in that area don't make 60 per cent mfi." I would like to request you're careful about generalization of an entire area. There are people who do and don't appreciate as somebody who needs affordable housing. We have to be careful. UT's a diverse community -- it's a diverse community and a mixed-income community. Let's not relegate everybody to 60 per cent mfi. That's not true. That's not a fact. >> Mayor Adler: Council member kitchen? >> Kitchen: I appreciate that. That was not my intent. I will try to be more precise. I was us responding to what the contact team -- the information that the contact team had sent me about some people living in that area. So I hear what you're saying in terms of being more precise and

[2:56:13 PM]

I'll be careful to be more precise in the future, but I think the point that I was trying to make was specific to those individuals to which that would apply, and so just wanted to make that clarification. >> Mayor Adler: Thank you. Council member Kelly, I didn't vote her in favor of voting in the consent agenda. The record should reflect it was unanimous on consent. Before we go to the next item, let's -- council member Renteria would like the opportunity to vote yes on number 60. I'm going to ask if there is any objection to reconsidering the vote on item number 60. Seeing no objection, we'll go ahead and reconsider the vote on item number 60. I'm going to call that vote again. Those in favor of item number 60, please raise your hand. Those opposed?

[2:57:15 PM]

It is unanimous on the dais with all of us voting aye in favor of item 60. That gets us then to item -- the dacc question, with three items and the item number 50. Council member tovo, are you ready? Let's go ahead and do that. >> Tovo: Colleagues, this was distributed digitally. It does what I indicated earlier I had intended to do. And that is to postpone these items until March 24th. I wish they could come back sooner, but I am interested in having a full dais and the mayor is going to be on city business on the 3rd. So this will -- if passed -- postpone -- my motion will be to postpone these until the 24th with the additional direction. And the direction in the first paragraph describes what we talked about earlier, laying out

[2:58:15 PM]

those two buildings and asking the staff to provide a comparison. They have done some initial response for us on the Weller building. It is fully occupied. I think they'll have to -- I didn't necessarily articulate this in the motion sheet, but I would just note for our conversation that it is fully occupied by the water utility. I believe there are some secure areas within it. And so I would expect when you come back to us

with that comparison for those items to be noted. I have gotten some information over the course of the last few weeks and provided that to some stakeholders who asked about it. Having this side-by-side comparison that we can distribute and have will be useful. I've had some informal conversations about the point about engaging Travis county. Right next to the municipal court is the new Travis county courthouse, which is in the old federal building. I did wonder whether there might be some cost savings if they

[2:59:16 PM]

happened to have extra room where some of our court functions from the dacc could take place over there. That isn't the same location as the municipal court. But just in the name of financial efficiency, it would be worth asking that question of the Travis county. And then we did get that memo yesterday talking in response to my budget direction about looking at satellite sites. This just asks for a followup. I think we will be well-served to have a plan that contemplates having some satellite locations. It says satellite courts. That's not really the best terminology for it, but satellite operations or satellite . . . >> Mayor Adler: Locations. >> Tovo: Thank you, satellite locations. But as I said earlier, this would be in addition to their main function downtown, not instead of, just providing for operations in a city that

[3:00:19 PM]

continues to grow where it can be a challenge getting from place to place where we know people are in need of these services throughout the city. The dacc staff is on location out serving and meeting people where they are with the resources they need. >> Mayor Adler: Okay. Councilmember tovo moves to postpone item number 16 until March 24th, 2022 with the direction added as handed out. This is items 12, 13, and 18, postponing with the direction that's been handed out. Has this been posted, Kathie, do you know? >> Tovo: Well, it was distributed digitally. It has not been posted on the message board. But I guess I would ask our manager and our clerk to make

[3:01:21 PM]

sure that we had given a big, long list of things. I think having as much information in one place as possible would be great. Attaching this motion sheet but some of those past memos, including yesterday's, including some of the earlier -- the council budget direction, some of the other items relevant to it, including the work of the municipal -- whatever our council committee used to be called, and then transformed before it was the public safety, it was the judicial committee. Thank you, the judicial committee had initiated some work looking at the dacc long ago. All of that is relevant to the conversation we're having so people really understand the paths we've tread to this point. >> Mayor Adler: Okay. With the change in the direction that's been handed out, courts in the last paragraph be

changed to locations. It's the motion. Is there a second to that motion? Councilmember Kelly seconds that motion. Discussion on the motion to postpone with the direction? Councilmember tovo. >> Tovo: My apologies, just

[3:02:24 PM]

one clarification. When we were talking about what buildings are downtown I mentioned health south, which is on its own path. We did consider the dacc at the time we were having that conversation, so I want to call my colleagues' attention to the fact that I have not asked for a comparison of that at this point. I've just asked for a comparison of those two buildings given that we've already assessed it and it's sort of on its own path at this point. >> Mayor Adler: Sounds good, thank you. Any further discussion? Councilmember Kelly. >> Kelly: Thank you. I want to thank everyone who came to the Austin city council meeting today to express their thoughts, feelings, and concerns about the dacc items. I've mentioned my support previously in council meetings related to the dacc. After learning about how great the court is for the community it serves, those services are really needed. I have concerns about the large cost, the conversations that are being held in the community and the process that was used to identify the location presented before us, which is why I pulled those items.

[3:03:25 PM]

I believe councilmember tovo's motion sheet encompasses all of my concerns and questions, so I'm glad you brought that forward. Thank you for your leadership on it. I really like including Travis county in those conversations as well. So, thank you for your thoughtful well-rounded motion sheet today. >> Mayor Adler: Councilmember tovo, you and I had both asked staff to take a look at one Texas center, maybe see if there were pictures that could be take on or something. This is the present location. When it was contemplated to move to that location, there was expressed neighborhood reservation, but since it's been placed, I haven't received any complaints and I think you said you have not as well. Manager, does staff have any of that? >> Yes, and we're happy to talk about the experiences we've seen

[3:04:26 PM]

at one Texas center. We have pictures. Hopefully we can get them to our av folks to pull up so everyone can see. But maybe in the meantime, we can have our -- Pete describe some of the current operations at one Texas center and any issues that they've been dealing with -- neighbors in the community. Director Valdez? >> Good afternoon. >> Mayor Adler: Hang on one second. >> Tovo: Because we often have conversations about neighborhoods and engagement, I want to be really clear. I never heard any concerns from either of the neighborhood associations nearby or from individuals within those neighborhood associations. We did receive some concerns, but it was not from the surrounding

neighbors. And I believe that outreach, just to be clear, because there have been questions about when outreach happens, the outreach to those areas happened after the dacc relocated.

[3:05:27 PM]

So they were not approached and engaged in the conversation beforehand. The dacc opened and then the city engaged them. >> Mayor Adler: I think the engagement happened afterwards. I think there was some mention of that location prior to the move. And I had heard some reservations at that point in time. >> Tovo: Mayor, I'm sorry to be confusing. I did, too, just not from those neighborhood associations. I want to be sure that doesn't get attributed to those groups. >> Mayor Adler: Great. Manager. >> Pete, go ahead. >> Good afternoon, mayor and council. In general, we have not had any issues since we've been at one Texas center. There was damage to one window a couple of months after we moved in here, but based on the communication that we've had with building management here, that has occurred prior to us moving here as well.

[3:06:28 PM]

So there has been damage to other windows and we had one window that was damaged since we moved here. Other than that, we've been very responsive to any community member that comes in here and asks about our operation. We're very conscientious about making sure that we are maintaining our surroundings. And our security guards and police are often patrolling the grounds to make sure that nothing is going on that should not be going on. >> Thank you for that. I believe we do have some images of the actual center. I don't know if they're able to pull those up. But to director Valdez's point, this has been well-maintained and working relationship with the surrounding community has allowed us to operate smoothly even in circumstances like the

[3:07:28 PM]

winter storm and having other activities play out. So we really appreciate the hard work from our staff there and the way in which they've interacted with our surrounding community at one Texas center. >> Mayor Adler: Staff, are we able to pull up those images? While those images are being pulled up, mayor pro tem, did you raise your hand? Did you want to say something? >> Alter: Yeah, I wanted to ask councilmember tovo -- I'm fine postponing it. I agreed with your comments earlier that the downtown Austin community court does need to be downtown. I was a little -- I'm a little bit unsure, having only just glanced at the memo, what the third paragraph about beginning

[3:08:30 PM]

work on a general plan, what does that involve and what does that mean? Because I can't tell from the memo, glancing at it, what you have in mind. >> Tovo: Thanks for asking the question, because what -- I would not expect them to have a fully worked out plan and we wouldn't really be in a position to initiate that action today without having a fuller conversation. What I guess I'm hoping is that they can come back and help us understand how their operations might look if they had a very clear sense of how they could set up locations in other places. >> Alter: Locations to do what though? >> Tovo: To meet with individuals who would otherwise come downtown to the downtown Austin community court. For services.

[3:09:30 PM]

You know, they are serving individuals -- I mean, many of -- really, I think this is probably a better question for Mr. Valdez. You know, their services are open and available to anybody in the city no matter where they reside. They have kind of -- with the passage of prop B they also have the responsibility of adjudicating citations for individuals who may reside anywhere in the city. And so I do think there needs to be a little bit -- thinking about how to handle the geographic realities of some of their work. And so with the budget -- so yesterday's memo -- and I think you're referring to it -- did talk about -- I think what -- as I interpreted part of it, some of the work -- some of the work of responding and providing resources for emergency crisis is and housing and other things

[3:10:31 PM]

will be handled through the arpa funding solicitation that's happening in March. And so without knowing which groups might be funded, it's hard to know what the needs of the dacc might continue to be. Some of that work, in other words, might happen. Some of the housing pieces, some of the other pieces of the work that the dacc currently does might increase or decrease -- won't decrease, but it will be shaped in part by those grants. So is there language that would make you more comfortable? I'm hoping for a very preliminary report back. Like we think we need another -- some presence north, south, east and west, one day a week for four hours, or something like that. And here are some locations in city buildings where we might be able to set up shop during that period of time. They know their work better than I do and so they might be able

[3:11:32 PM]

to speak to this, but I just want some more definition about what that might look like and what resources we might need to be considering as we move into budget that would help them achieve that

kind of satellite plan. >> Alter: So I don't know what the wording would be that would make me comfortable. I'm hearing a little bit better what you're saying. Let me express my concern and then -- >> Tovo: Okay. >> Alter: Perhaps it can be stated and understood. You know, not having really read the memo thoroughly, and not totally understanding, this reads as if we are saying come up with your plan and do it. And we have allocated a lot of funding for arpa. And if in that process for allocating that funding this is an investment that makes sense, then I'm fine with it. But I'm not comfortable dictating that this be what we use the money for without a conversation with our homeless strategy officer, with the broader context because that's where the money would be likely

[3:12:33 PM]

coming from. I'm not disagreeing with the notion that it would be desirable to have the satellite services. I just want to make sure we're not jumping further than I'm comfortable with in terms of dictating what happens and how. If you're saying we got this memo and we need some more clarity on what this looks like if we wanted to do it and we'd benefit from staff expertise, then I'm fine with that. It's just I'm not ready to say go do this in the budget next year. >> Tovo: Thanks for those questions. I think that while I was really not -- I did not intend to commit us to a particular direction. And what I think might be best as we're talking about it is for me to strike that piece and just express that we continue to be interested in this model of potentially having some satellite locations. I think our existing budget direction reflected that, and leave it at that for now.

[3:13:34 PM]

It's not something we need to sort out between now and March, anyway. >> Alter: I would be comfortable with that. I didn't want to impose that on you. >> Tovo: That makes sense. We already have standing direction that we are interested in satellite locations. We understand the need for storage in different parts of town so people aren't being separated from their belongings to come downtown, but they have an ability to meet with folks from the dacc in the areas where they are, or if they do need to come downtown that they have safe places for them to store belongings and other things. Let's work that out at another point and just remove that last paragraph. >> Mayor Adler: Okay. Any objection to the last paragraph being removed from the direction? Hearing none, it's removed. Let's take a vote on items number 12, 13, and 18, postpone to the 24th with the two-paragraph direction. Those in favor, please raise your hand. Those opposed?

[3:14:37 PM]

It passes unanimously. Okay. That gets us to our last item on the agenda, which I think is item number 50 on zoning. If you want to call this one out and then we'll give the applicant the first chance to talk

after you lay it out. >> Yes, mayor. Item number 50, c14h2021. We had discussion first reading at the last council meeting. We do have the applicant which is the city, Elizabeth Brummett and the agent, Mr. Suttle. This case does have a valid petition. It requires nine votes. So they're available for questions, or you can have the vote. >> Mayor Adler: Okay. It takes -- what's the vote in order to be able to -- >> It would need nine votes for

[3:15:38 PM]

approval. >> Mayor Adler: It needs nine votes for approval. Okay. Three or more opposed, it does not pass. Let's ask the applicant if they want to speak first. >> Good afternoon, mayor, mayor pro tem, and council. I am Elizabeth Brummett with the housing and planning department. Really I'm just here to answer questions. We had a fuller discussion at the last council meeting, so if there's any additional information that councilmembers feel would be helpful, I'll be happy to answer any questions. Thank you. >> Mayor Adler: Thank you. Is the applicant here or on the line? Oh, the applicant is the property owner. Thank you. That's right.

[3:16:39 PM]

>> Mayor, members of the council, Richard Suttle on behalf of the land owner. The land owner still does not want his property zoned historic and still respectfully disagrees and does not think that it rises to the level of a historic landmark and doesn't reach the bar that we have put under our code. And I'll be happy to answer any questions you might have. Thank you. >> Mayor Adler: Thank you. Colleagues, discussion on the -- councilmember Tovo. >> Tovo: I had some for Mr. Suttle, who's now almost back in his seat. >> Harper-Madison: While he returns to the podium, mayor, my hand is raised. >> Mayor Adler: Thank you. >> Tovo: Mr. Suttle, you and I had an opportunity to make. Thanks for the postponement so that we had an opportunity to talk about a couple of those options that we would have. As I understand, your applicant is not interested in zoning it historic and is not interested

[3:17:39 PM]

in options that would allow for the retention of the warehouse and building around it. Is that right? >> That's correct. >> Tovo: And can you talk me through some of the exploration that you did with regard to the transfer of development rights option? >> Yes. We tried to find either properties that the city owned that maybe we could trade for. As we discussed, the ones that popped up were not a good trade. And then the way our system is set up downtown, there's not really a place to put a transfer of development rights that makes financial sense. And that dovetails into the scenario we're trying to retrofit a warehouse into a downtown block building or half-block building. It just doesn't make sense.

And so we came back as we had our conversation that my client just was unable to do that. >> Tovo: Okay, thank you. I have a few more comments that

[3:18:39 PM]

I'm going to make, but I know another colleague of mine had some questions. >> Mayor Adler: Okay. Councilmember harper-madison? >> Harper-madison: Thank you, mayor. I have some questions I don't think are for Mr. Suttle, so with all due respect, I'm happy to defer back to councilmember tovo to finish her questions for Mr. Suttle. I think my questions are for staff. >> Mayor Adler: She doesn't have any more questions for Mr. Suttle, either. >> Got it. Thank you. So my questions are, do we have any new developments that are built on top of an older historic building? >> We do not have any at present. The historic landmark commission has approved some proposals of that nature. The most dramatic is the royal arch mesonic large, which has a high rise development approved in concept. >> Harper-madison: But to date we have never done it? >> I believe that's correct. >> Harper-madison: Thank you. I appreciate that. My next question is, what kind

[3:19:40 PM]

of cost would it add to the bottom line of a new development to try to build on top of this warehouse? >> I do not have a good answer for that. I don't know if Mr. Suttle would have a sense of that as a developer. >> Harper-madison: You have to forgive me, all I see is my face. I think when I'm speaking it does the speaker view thing. Okay. Chambers just popped up. Okay. Is somebody coming to answer -- you said you -- >> Would you like to direct it to Mr. Suttle? >> Harper-madison: I'd like to direct it to whoever can answer it. Thank you. I appreciate that. >> Mayor Adler: Would you repeat the question? >> Harper-madison: The question was, what would be the additional cost to the bottom line if we were to try to build a new development on top of this warehouse? >> Housing and planning department. Just for clarification, under your previous question, there have been instances in the past

[3:20:43 PM]

where we have built taller buildings over historic structures and around historic structures. The austonian has a corner of it on 2nd street that's like that. >> Harper-madison: On top or around? Because around is different than on top. >> It is. If I recall correctly, I think it's on top of and around, but I'd have to go down the street and take another look at it. >> Harper-madison: Okay. >> The other example built on top of was the old bakery at Lamar right where it goes underneath the railroad tracks. We have a facade on that building. But I don't think -- >> Harper-madison: Bakery? >> Huh? >> Harper-madison: Word of mouth? >> No, the one where the amtrak station is. >> Harper-madison: I know which one. >> We saved the facade and built a building around and on top of that, but I believe it was just the

facade. >> Harper-madison: Thank you. That's helpful. I appreciate that. >> Next door we have lambert's, but -- which is the old -- I

[3:21:45 PM]

can't remember the name now, the wagon stop. And it does have development built around it, but not directly on top of it. With regard to the cost of what the additional cost would be to build a building around the structure, I don't know that. >> Harper-madison: On top, specifically on top. >> Okay. I'm not aware -- the staff does not have the knowledge of how much that would cost. I don't know if the applicant has designed their building yet and if they've designed it with the two scenarios involved, but I'd have to have Mr. Suttle answer that question if they've done that. >> Harper-madison: Thank you. >> Jerry mentions the austonian. That's basically the brick was put on the side of a new building on that site. There's -- that was not built on, around, or on top. What happens is, this warehouse is not structurally designed to carry a load. So what you end up having to do is take the whole warehouse

[3:22:46 PM]

down, then take the site to grade, because this was built to facilitate loading docks. So it's four or five feet in the air. Then you take it down to grade and try to put the facade back onto a new building. So you lose the entire historic structure anyway. As far as the dollars, I don't know the numbers of dollars it would cost, but my client tells me it would be a lot. >> Harper-madison: A lot is relative. [Laughing] But I appreciate that. In fact, actually, I appreciate the first thing that you said and I also appreciate the clarification about the austonian. Thank you, Mr. Suttle. I'm sorry, mayor, I have one more question and I think it would probably be for our staff. >> Mayor Adler: Go ahead. Okay. >> Harper-madison: How much tax revenue do the current properties contribute to our public fund?

[3:23:54 PM]

You have to forgive me, I can't see chambers, so I don't know if somebody's coming to the podium to answer the question or if I'm just hanging out in the breeze. >> Yes, councilmember harper-madison, sorry for the delay, I was looking through my papers. >> Harper-madison: No worries, I literally can't see chambers. There it is. Okay. >> And I apologize, I do not have at hand the total dollar figure that this property currently pays in taxes. With the historic landmark designation, there would be a partial tax exemption of 67,000 annually with 23,000 of that being specifically city of Austin taxes, but I don't have - I could get that quickly. I do not have off my sheet that total dollar figure that they currently pay. >> Harper-madison: I'd love to have that number if you wouldn't mind getting that for me. Thank you. Mayor, I don't have any other questions but I do have remarks, and so I'll hold those until my other colleagues have had an

[3:24:54 PM]

opportunity to ask their questions. >> Mayor Adler: Okay. Councilmember Ellis? >> Ellis: I also don't have questions, but since we had voted on this on first reading and I didn't support it, I just wanted to say where I continue to come from on this. But I just think it's a matter of the issue of the actual owner of the building not wanting it to be zoned historic and coming in before they do anything to determine that it's historic is just something I'm uncomfortable with. I don't know if we've had anything like this come to us where the applicant was the city and it wasn't someone asking for a zoning change. I'm really uncomfortable with an owner having to valid petition their own property to be able to do with it what they had already planned to do. That's where I was coming from on the first vote and that's where I plan to stay for this vote, whether it's second or second and third readings. >> Mayor Adler: Okay. Further discussion from the

[3:25:56 PM]

dais? Yes, councilmember vela. >> Vela: Just thinking back to the conversation that we had, the sd23 conversation, looking forward with 3.5% revenue caps with the financial pressures that we will be under with the issues -- critical issues that we need to address in terms of both city salaries, investments in combating homelessness. The item -- I don't think it made it into the top ten, but I believe it was something to the effect of the sustainability of the city -- of services that the city provides, like looking forward to making sure that our revenues and our forward-looking revenues are sufficient to match our expenses and needs. That more than anything pushes my vote here against a historic

[3:26:56 PM]

designation. I recognize that there is some historical value to this building, but as currently -- I know we don't have the exact numbers, but currently the building writes a little property tax check to the city. And if we approve the zoning, or if we do not designate it historic and the owner or developer builds a tall tower, which seems likely, they're going to write a real big check to the city. And that is going to go to pay for our staff, our police officers, and hopefully keep our property tax burden down for the rest of us outside of the central business district, which generates so much of the revenue that we need to operate as a city. So with that in mind, as much as I love historic buildings -- I'm generally in favor of historic preservation and weaving it into the character of the city. Given the limitations that

[3:27:56 PM]

Mr. Suttle has identified and given our forward-looking revenue needs, I will be opposing this historic designation. >> Mayor Adler: Further discussion? >> Mayor, I have those figures that councilmember harper-madison asked for. >> Mayor Adler: Okay. Thank you. >> This property is valued at \$16 million. It pays a total of \$355,000 in taxes in year '21. And of those, the city of Austin taxes are \$88,334. So again, the partial exemption would take \$23,000 of the city's taxes out of that total. >> Harper-madison: I appreciate you coming back with that. Thank you so much. I hope it wasn't too much pressure to find that number. I didn't mean to add any pressure. Thank you. >> Mayor Adler: Okay. >> Vela: Mayor, if I may, one

[3:28:57 PM]

more. I'm sorry, but a rough estimate, assuming that a multistory downtown building is built at this location, what would be the estimated property tax check to the city, or the estimated property tax check the city gets from a similar style building? >> Councilmember, I'm sorry, we don't have that information readily available. It's safe to say it would be a lot more, but we'd have to see what size building. >> Vela: All right. I'll settle for a lot more. [Laughing] >> Mayor Adler: Any other discussion? Does anybody have a motion they want to make? Okay. Councilmember harper-madison. >> Harper-madison: Thank you. I wasn't making a motion, I had further discussion. I had some remarks I wanted to offer. >> Mayor Adler: Okay. >> Harper-madison: I wanted to make sure everybody had an opportunity, but I didn't see whether or not somebody raised their hand to ask a question? >> Mayor Adler: No one else is

[3:29:58 PM]

raising their hand. >> Harper-madison: Thank you. Much to our newest colleague's point, I really do appreciate historic preservation. And I appreciate our historic preservation staff, and the research and the case that they made for preserving this building. I really do find myself struggling to agree with their findings. It's been pointing out that the bermond family has a district named in their on nowhere and and -- honor. The building doesn't strike me as architecturally significant. Much to the point we were making about the difficult zoning case -- I'm going to have to do this over and over again. To councilmember Ellis' point, if the owner doesn't want it I'm never going to say yes. When it comes to telling the story of groceries and the 20th century freight system, we can do that with a plaque that

[3:30:59 PM]

people could read rather than a whole building that really serves a completely different function, frankly. If we respect the owner's wishes and let them develop their property to its best value, which I always encourage, we get the benefit of adding a new downtown tower to our tax rolls, much to

councilmember vela's point. So that translates to millions of extra dollars in property tax revenue. And Jerry said "A lot." He didn't quantify but I know it's going to be extra gravy for parks, police, firefighters, libraries, our affordable housing fund, and so much more. On top of that fact, our voters gave us permission to raise their taxes to build a more robust transit system. So this property is right at a major nexus of that system. If we keep it as, a single-story building in our central business district next-door to a rail station, we're not going to maximize the value of our

[3:32:00 PM]

taxpayer's investment. I appreciate the idea of finding creative ways to build new developments on top of existing building. That's why I was asking, I want to know what are the options in ways that pay respect to our history. I would love to see more proposals with that kind of creative approach. Thanks for Mr. Suttle and our staff to -- for offering -- Mr. Rusthoven for offering me the opportunity to look up these other ones. I am curious. It is clear the applicant is not interested and I'm never going to be comfortable designating a property against the owner's wishes. So I'm not comfortable designating this property historic on the basis that they can build on top of the building when we don't know if that's feasible. I'm comfortable denying the historic designation on this case. >> Mayor Adler: Any further discussion on this? Councilmember tovo.

[3:33:00 PM]

Councilmember Renteria hasn't had a chance to speak yet, do we want to give him a chance? >> Tovo: Sure. >> Renteria: Thank you, mayor. I'm going to be quick. I'm not going to be able to support this project. Growing up here in Austin and seeing all that area before it got developed, there were just a bunch of warehouses and most of them weren't in good shape at all. In fact, you know, we are facing some really hard times here in the city of Austin, especially with all the funding that -- basically all the money that we're going to have to pay out and the restriction that we have, we can't build any hire than 345. I think we need more tax base. I'm going to vote no on this item.

[3:34:01 PM]

>> Tovo: Mayor, did you want me to make my comments? >> Mayor Adler: Okay, make your comments. >> Tovo: So, I want to just say a few things and then talk about the direction that I'd like to see us go in with regard to historic preservation. I think our staff recommendation, our landmark commission's recommendations on this building were spot-on. It is a historic -- it does have a lot of storytelling to do, not just because of its association with the bermond family. It is less important, its connection with the bermond family, and it was a wholesale grocery warehouse and helps us tell the story of how Austin transformed because of the railroad from a small town into a city. And it's a significant example of just a

rapidly vanishing example. I think we had many, many warehouses in our downtown area. Now this is one of a very few. I believe it's also one of the oldest, if not the oldest in the downtown area and it has been

[3:35:02 PM]

remarkably well-preserved. Noting some of our past city work, it is in the city's 2018 cultural asset map documentation. As we look at things like thriving in places from our economic development department, it talks about using the edc as -- to help us really revitalize and activate and use our historic buildings. I want to say I don't think the maysonic building discussed earlier -- I don't believe they're using it to bear the load. I believe they're distributing the load around it. In terms of -- while Austin doesn't have many examples of this, there are other examples. I was made aware of some. Ms. Brummett, you had some for us to consider and I look at things like the Hurst tower and places where older buildings are built into a new redeveloped site, where that new tax revenue can be realized while also

[3:36:03 PM]

preserving some of those structures that help tell the story of the people in the city and some of the changes that are important to understanding the story of a place. So, that being said, we don't have enough votes here today to pass it so I'm not going to make a motion, but I am going to say we've talked for decades about the need for a broader array of tools. We know historic preservation, and it is embraced, historic preservation in some other places is embraced as a key and vital element in the vibrance of a city. It's regarded as key in an economic development plan and I think we have some tools now that we didn't have before with the economic development corporation. We've talked for decades about the transfer of development rights. We don't yet have a program. That's an important strategy to consider and I intend to bring forward a resolution in the next months to put one in place.

[3:37:03 PM]

We also have some very good minds who have worked in other places around the country where they have some strategies and tools that we don't utilize in the city of Austin. And I am likely going to bring forward an ifc pulling some of those folks together into a task force to provide us with recommendations for how we might better embrace historic preservation in a way that allows for redevelopment. Anybody listening to this conversation, I want to be sure understands that rezoning your property historic doesn't also mean that you are -- have to do yet another application to waive the taxes. Not everybody who has a historic designation in this city is also getting a tax break. That's another step and nothing obliges you to do that. You can have an historic building without doing that. So we can still -- it's

not a foregone conclusion that if we zone something historic they would have an entitlement to a tax waiver.

[3:38:03 PM]

It doesn't mean they need to utilize the entitlement. I'm going to leave it there. We need more tools, better tools and I look forward to introducing some of those in the future meetings. >> Mayor Adler: Councilmember Kelly. >> Kelly: Thank you. I was listening to you, councilmember tovo, and I'm really glad that you said that we need to better embrace historic preservation. I would hope that you might consider me on that ifc that you mentioned. You know, being born and raised in Austin I have a deep sense of trying to maintain that history and that stuff that made Austin great. And sometimes it's a building that was really important to the community. So I agree that we need to look into more ways to do that. So, thank you. >> Mayor Adler: Councilmember pool. >> Pool: Yeah, I would also like to be included on the work that you plan to do, councilmember tovo, on historic

[3:39:04 PM]

preservation. It's really an important task. And I would also point out that by designating something as historic and preserving portions of the building doesn't mean that they lose value in the city where everything is gaining in value. It actually doesn't mean that there would be any less tax revenue coming to the city. We don't actually know. And I would also point out that our decisions really, at a larger level, should be made not solely on what profits might be coming or costs might be accrued by either the developer or the owners. We are -- we should be looking very broadly at the future for our city and the tradeoffs that we make. And yeah, we are looking at some constraints that the state legislature has put on us with regard to new revenues, but

[3:40:05 PM]

there are ways to work within those parameters and I think it is a bigger challenge for us to look at doing both. And so I do support and will continue to support our efforts toward preserving elements of our city that have made it unique, that tell the story about how we came to be, which I think is really important for all of us to know, particularly folks who are new comers to our city. And I know when I was a newcomer to the city in 1980 I wanted to learn about how we got to where we were. And my process of education has just continued in the ensuing years. And I think that's essentially the same for all of us who live here. We have a deep affection for the city and the roots of that affection go to why we are who we are. And we can see concrete evidence of that in the structures and the cultures around us. >> Mayor Adler: Any other

[3:41:06 PM]

comments on this item? Councilmember tovo, I'd also like to work with you on that ifc. Colleagues, I think that's all the items that we have on the agenda today. So here at 3:41, I adjourn the meeting. Thank you.