

Austin City Council Regular Meeting Transcript – 7/28/2022

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[10:07:29 AM]

>> Mayor Adler: Hour and half of speakers, so we're going to get into speakers as quickly as we can. Hopefully we can get through speakers and then identify the pulled items on consent and vote on the consent agenda before we break for lunch, so we can let staff go. Changes and corrections on items two, three, four, 20, 32, 34, 38, and 40. On July 20th, 22 there's recommended by water and wastewater commission with three absences. Item number 9 is in district 9. Items 2, 23, 24, 25, 26, 27, 28, 41, 43, 44, and 47 on July 18th, 2022, recommended by the electric utility commission, 9-0 vote with one commissioner

[10:08:30 AM]

absent and one vacancy. Item number 30, July 18th, 2022, recommended by the electric ility commission on a 7-0-1 vote with one commissioner abstaining, one commissioner off the dais, and one commissioner absent and one vacancy. July 31st -- I mean, item 31, July 20th, 2022, recommended by the water and wastewater commission on a 6-0 vote with chair Lee recusing with three absences and one vacancy. By the way -- and I don't think I said this at the beginning -- I'm convening city council meeting. Today is Thursday, July 28th, 2022. It is 10:08 when we began. And we're in the city council chambers. We have a quorum with us. Item number 35, on July 20th,

[10:09:33 AM]

2022, recommended by the water and wastewater commission with direction to return to the commission prior to executing the extensions on the 7-0 vote, with three absences, one vacancy. Items

36 and 37 on July 20th, 2022 recommended by the water and wastewater commission, 6-0 vote, one commissioner recusing, three absences and one vacancy. Item number 94, councilmember Ellis has joined as a sponsor. And I'm not sure, councilmember Ellis, that collectively as a dais we congratulated you on getting married during the break. We recognize birth days and the like.

[Applause]

>> Mayor Adler: So, congratulations for that. Item 99, postponed to September 1st, 2022.

[10:10:33 AM]

Item 112 is in district 9. Item 121 postponed to September 1st, 2022. Item number 147 is in the west Bolden watershed in district 3. Item number 148 is in district 3. We have some pulled items today. Item 4 pulled by councilmember Ellis. Items 9, 10 and 11 are pulled so they can be heard after items 111, 112 and 113. Item 61 is pulled so it can be taken up together with 119 and 133. 175 pulled by councilmember Kelly. I pulled item number 92. 168 pulled by councilmember harper-madison. I pulled items 182 and 189 and 190 has been pulled by

[10:11:37 AM]

councilmember Kelly and myself. We have late backup in item 10, 61, 65, 86, 89, 92, 103, 114, 116, 117, 118, 119, 120, 124, 128, 132, 133, 136, 137, 141, 142, 146, 147, 148, 150, 153, 159, 163, 164 and 167. Late backup in the Austin housing finance corporation item number 2. If you all could help me remember that so when we get over to that agenda I can read that into that record at that time. Councilmember Ellis?

>> E: Thank you, mayor. It says I have pulled item number 4. I think it would be more expedient if we postponed it

[10:12:37 AM]

until September 1st. My understanding is staff is okay with this postponement. I had last-minute questions. I wanted to sort those out.

>> Mayor Adler: Okay. Is there any objection to item number 4 being postponed until September 1st? Anne Morgan has indicated staff is okay with that. Hearing none, any objection to it being postponed? Hearing no objection, item number 4 is postponed to September 1st.

>> Mayor Adler: Councilmember Renteria.

>> Renteria: Thank you, Moir. Mayor. I went to Washington, D.C. To lobby and promote funding for capital metro and I just got back last night from being with our sister city. And I want to pull item 70. I ran out of time to concentrate on this item and I want to postpone it until the next meeting.

>> Mayor Adler: To our next --

>> Renteria: Our next council meeting. I believe it's in September, 1st? ?>> Mayor Adler: Item

[10:13:40 AM]

number 70?

>> Renteria: Correct.

>> Mayor Adler: Okay. So item number 70 has been pulled.

>> Kitchen: Mayor.

>> Mayor Adler: Is there any objection? Who's -- who would be the interested party in that?

>> Tovo: Is that the item that started as an ifc?

>> Mayor Adler: This is the renaming of the pan American neighborhood park. Any objection to postponing that to September 1st so councilmember Renteria has a chance to work on it? Hearing no objection, that item is postponed to September 1st. Okay.

>> Kitchen: Mayor.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I'd like to be added as a cosponsor to item number 94. That's the one related to the music venues and the proposal

[10:14:41 AM]

for initiating amendments to the land development code, so I'd like to be added as a cosponsor.

>> Mayor Adler: Okay. Would the clerk please reflect that in the minutes. Anything else before we start on speakers? Councilmember tovo?

>> Tovo: Mayor, I'd like to postpone 91 and I think the record already reflects that I requested postponement of 99. Both of them are my items.

>> Mayor Adler: 91 and 99.

>> Tovo: I would like to request, I haven't had an opportunity to connect with staff, but I would like to ask staff on item 44 to let me know if there's a concern about postponing that item. And I apologize,

with this week's agenda, I hadn't had an opportunity to dive into it. Staff acknowledged that they are working toward bringing those contracts in-house, but I need to have a minute to talk through with them whether this is the outcome we need and what kind of timing it is.

>> Mayor Adler: So you're pulling number 91 and 98, and

[10:15:42 AM]

you asked a question on which number?

>> Tovo: Mayor, I'm sorry for the confusion, but no, 99 is already postponed. It's my item. It's on the postponement list. And I am also going to postpone my ifc, 91.

>> Mayor Adler: Oh, you're postponing it. Got it.

>> Tovo: I'm postponing 91 and I am -- I would like to postpone 44, but I'm inviting staff to reach out if they have any concerns about that.

>> Mayor Adler: Okay. Is there any objection to postponing it number 91? Councilmember harper-madison.

>> Harper-madison: I'm sorry, mayor. I wasn't paying attention. Can you remind me which item is number 91?

>> Mayor Adler: 91 is the historic zoning district for 6th street.

>> Harper-madison: We're proposing to postpone the item?

>> Mayor Adler: Councilmember

[10:16:43 AM]

tovo is requesting postponement of that item.

>> Harper-madison: Staff or the people representing the item, are they comfortable with the postponement request?

>> Tovo: It's my -- it's a resolution I brought forward.

>> Harper-madison: So I'm comfortable with that. I'm sorry. I was just making sure to clarify thanyboby who was a stakeholder in the process had the opportunity. Sure, I'm comfortable with that. Thank Y for clarifying.

>> Mayor Adler: Okay. Does anybody have any objection to postponing this item to September 1st? Hearing none, item number 91 is postponed to September 1st. Number 99 is on the consent agenda to

be postponed until September 1st. And then I'm sorry, councilmember tovo, you had questions on which number? Ging contract, 44 and 45?

>> Tovo: Yes. It was just 44, but if -- between now and when it comes up -- my hope is we can resolve it and postpone it so staff

[10:17:44 AM]

don't have to wait for that answer. But I will reach out to staff. But just know that I am asking staff if we could postpone it.

>> Mayor Adler: Gotcha. Okay. Right now we're leaving it on the consent agenda. So, speak up or let us know before that. Councilmember pool.

>> Pool: Councilmember tovo, did you also mention item 99, or am I hearing incorrectly?

>> Tovo: I did, but it's already on changes and corrections as a postponement.

>> Mayor Adler: Postponed to September 1st on the consent vote.

>> Pool: Thanks.

>> Mayor Adler: All right. With those, we're going to go ahead and ask for speakers. We're going to begin with remote speakers, then we're going to do speakers that are in-house. Able to be died today is the south -- is the statesman P.U.D., but we're not going to be taking action on it. Available to be spoken to today

[10:18:45 AM]

would be the license plate reader, but we are not going to be taking any action on that. Able to be spoken to today is the parkland dedication on commercial properties, but we will not be taking any action on that, either. Colleagues, there have also been some questions that have been raised with respect to the contract replacement for front steps in two locations that have been raised by some of the stakeholders. I really appreciate the work into the wee hours of the morning, but as stakeholders and director Sturup, Diana gray -- by them and the stakeholders JP Connolly and others.

[10:19:47 AM]

I'll be bringing amendments to those two that reflect the agreement of that group on some direction that will enable those to move forward with all their support. And I just mentioned that to the speakers as well. Councilmember pool?

>> Pool: Will that amendment include things like the identification and the uniforms and the reemployment of existing . . .

>> Mayor Adler: It addresses the things they wanted to have raised, which includes the reemployment issue. It doesn't address uniforms.

>> Pool: And that was a piece that I brought on Tuesday in our work session that I think staff had indicated could be included into the contract. Uniforms go to identification, but it also included having employee's names, like name badge that could be easily identified.

>> Mayor Adler: Between now and that coming up, let us see if everybody is okay with us adding that. If you have specific language, shoot it over.

[10:20:48 AM]

Otherwise we'll try to fashion some and work with your office.

>> Pool: Great. Director Sturup had figured that out.

>> Mayor Adler: We'll reach out to her.

>> Pool: I see acm hearing aid hayden-hourward giving us the thumbs-up.

>> Mayor Adler: We will include that. Finally, colleagues, I want to recognize that this is Jeanene Clark's last city council meeting with us. I hear a couple sighs on the dais reflecting the work she does with other offices. I guarantee you that none of your sighs are as loud or audible as mine is to lose her. Started out as a vista, joined the staff and has just been invaluable, really risen through, kind of, the ranks in

[10:21:50 AM]

council and mayor office support, is moving on to bigger and better things now. But Jeanene, thank you so much for helping me and for helping everybody on this dais. Thank you.

[Applause]

>> Mayor Adler: With that --

>> Kitchen: Mayor, just quickly, on the direction or amendment, I'm not sure which it is, that's not out yet for us to look somewhere yet, the one you're working on? It just came out in the email? Great. Thank you very much.

>> Mayor Adler: But we will add to that, the last point that councilmember pool raised. Councilmember.

>> Vela: I would like to be added to item 100, the statement regarding the recent supreme court decisions as a cosponsor.

>> Mayor Adler: Okay.

[10:22:51 AM]

If the clerk would reflect that as well, cosponsor.

>> I would like to be added on that item. Thank you for bringing it.

>> Mayor Adler: Okay. Councilmember Renteria. >>Teria: I'd also like to be -- I want --

>> Mayor Adler: Councilmember Renteria would like to be listed as a cosponsor to that item. Okay? Let's go to speakers. Please start with the remote speakers.

>> The first speaker is Ryan vedros, 54 and 103.

>> Good morning, mayor Adler, mayor pro tem, and esteemed council members. My name is ryan,y/them. I call you as a resident of district 5 and a member of afscme and Austin dsa asking you to vote no on 54 and 103. I moved here a year ago from new Orleans for the promise of a better life. I chose to work for the city rather than in the private

[10:23:52 AM]

serge. Sector. The city is only as great as how it spends its budget, and prioritizing over-policing is not greatness. New Orleans has been the playground for testing surveillance cameras in 2018, to view into backyards and people's houses. It's no coincidence they have the highest incarceration rate of anywhere in the planet. Is this what Austin wants to emulate? Giving millions of dollars to police departments who already get 38% of the budget is how you start down the slope towards over-policing, something Austin already struggles with. Hb1900 is money that can never be taken back for other programs. Vote no on items 54 and 103. Thank you.

[Buzzer sounding]

>> Lindsay igtowsky, 54, 62, 103, and 190.

[10:24:59 AM]

>> Hi, she/they pronouns, I'm a member of dsa. So I'm calling specifically to speak about the \$1.4 million allocation for the blue stanta, which is really just a propaganda to make us feel good about police

officers, make us feel like they care about our children when after uvalde we've seen it's anything but. I think if we really want to help children around the holidays, there are much better and less propagandizing ways to spend \$1.4 million to make positive impact. The other thing is the automatic license plate readers, data shows that these do not actually positively affect crime outcomes or solving crimes. It's a form of technological surveillance and we at the city of Austin say that we care about the people who live here. We say that we want to de-criminalize abortion and not

[10:26:00 AM]

be like the rest of Texas.

[Buzzer sounding]

>> I don't know how we can say that and then talk about spending all this money to give new surveillance tools to the police, which will ultra-my --

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

>> That will also hurt people seeking abortion.

>> Frank on 54, 102, 189, 190, and other items. Hi, my name is frank. I am a member of district 1, and I'm urging you to vote on all those items, all those ways. Yesterday my power went out for the third time this month. And we're spending more money on the police and their pr programs rather than providing stable housing, stable infrastructure, stable power. And my mom has a pulmonary

[10:27:03 AM]

embolism two days ago. She slept in the hallway of the er because there were no more rooms left. Mean while we have emts that can't reach people because we don't have enough ambulances and emts because we're not paying them well enough. These are the kinds of things our budget should reflect. So, yes, please vote all those ways on all those items to stop putting money into APD, stop raising their budget. Give us supportive housing. We're in the middle of a housing crisis in the middle of a heat wave. Come on. Thank you.

>> Jordan middle brooks on item 54, 62, 75, 76, and 103.

>> Hello, councilmembers. My name is Jordan middlebooks, a resident of district 4. I'm also a member of the sunrise movement Austin. And I use she/her pronouns.

[10:28:04 AM]

I'm speaking to oppose items 54 and 103. I am against increasing any police budget and as we see when we look at the budget allocation, historically APD has gotten more than 50% of the city's budget time and time again. And we have not seen significant decreases in crime. We have not seen significant increases in community safety. And that's because additional policing and police budgets do not actually promote community safety. That is through the community itself. And so I very much oppose any automatic license plate readers. That perpetuates harm, especially as women are on the hunt if they try to get reproductive care in terms of abortion and who knows in the future for contraceptive care.

[Buzzer sounding]

>> And as we've seen from the state, we do get penalized --

>> Thank you, speaker.

[10:29:04 AM]

Your time has expired.

>> APD --

>> Aidan, 62, 76, 77, and 92.

>> Mayor Adler, esteemed councilmembers, my name is Aidan, a resident of district 2. I support item 2, the affordable housing item. I want to support increasing bond size to \$340 million. In 2018, this council asked Austin voters to approve a \$250 million bond to fund affordable housing and 73% of voters approved. It was hugely popular. Since then, rent in Austin has continued to rise. This bill does not keep pace. The median rent in June 2022 was 36% higher than in June 2018. We're in an affordable housing crisis. If this bond had kept up it would be \$340 million and based on where rents are going should be more like

[10:30:07 AM]

\$380 million. Raising the bond will not increase any tax obligations. We all know that wages aren't keeping up with rent. Higher rent hits the most marginalized people in Austin. Making housing cheaper will fight poverty and save lives. When Austin has more than 1500 homeless people, expanding affordable housing is a must.

[Buzzer sounding]

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

>> Thank you.

>> Travis ward on item 54, 92, and 103.

>> Hi, my name is Travis ward. I'm a resident of district 9 and a proud member of the Austin democratic socialist America. I'm speaking in opposition to item 103. I do not trust the APD or Texas law enforcement at large to not use this program against people seeking abortions or people

[10:31:07 AM]

aidingse seeking abortions. I think increasing police surveillance capabilities when people are criminalized for body autonomy is insane, especially when Thi data could make its way to I.C.E. If there's even a small chance that this data could make its way to them, it should not be collected. I also oppose item 54. I think \$1.4 million has better uses than going towards community policing and propaganda programs. These only serve to improve the image of police without increasing safety of the communities. We have 21 officers indicted for police brutality and spent over 10 million in police brutality settlements. We shouldn't be rewarding police until they can learn to treat the community better that they're supposed to protect. I'm also speaking in favor of item 92, the affordable housing bond.

[Buzzer sounding]

>> The cost of living in Austin --

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

>> Not kept up. We need this bond and we need to inc it.

[10:32:07 AM]

Thank you.

>> Elena Bowes, 54, 62, 75, 76, and 103.

>> Good morning, mayor Adler and city councilmembers. My name is Elena Bowes. I use she/they pronouns. And I'm a resident of district 5. I spoke last week on the overwhelming importance of the grace act of the first step towards protecting Austin and Texas residents as a whole. However, I see the reintroduction of alp into the conversation of safety in our city as a direct contradiction to this end. If we want to provide security to those seeking to maintain their body autonomy, providing police with the resources to play big brother to everyone regardless of whether they've committed any recognizable crime doesn't seem like a good faith

[10:33:10 AM]

behavior. This kind of technology has been overwhelmingly used to victimize black and brown people and hasn't been shown to positively impact crime. For instance, I a study performed by transparency Chicago in detections of --

[buzzer sounding]

>> 4.4 -- I'm sorry, 414 million --

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

>> Only about .22% were actually of interest to anyone.

>> Phyllis Snodgrass, item 92.

>> Good morning. Mayor Adler, city council, I'm Phyllis, CEO of Austin habit for humanity. First of all, thank you for all you do to prioritize affordable housing in our community.

[10:34:10 AM]

Today I'm here to ask you for your support for a \$350 million bond that will provide the funds needed to enable more affordable homes to be B throughout Austin, as well as to support critical home repair for seniors looking to age in place in our community. Your support will help us ensure more austinities have access to housing. Please vote yes for this much-needed \$350 million bond. Thank you so much.

>> Joanne Norton, item 96.

>> Hello. I live in district 9 and represent district 3 on the animal advisory commission. I'm asking for support for item 96, changes to the section on vicious dogs, which was unanimously approved by the commission. A dog deemed vicious is killed,

[10:35:12 AM]

other domestic -- running at large. From 1908 to 2002, dogs could remain with their owners. In 2002, a change was made to the section that was never recommended by the commission or approved by city council. The change meant a D deemed vicious could no longer reside within Austin city limits. The proposed changes align the section with the state statute, allows the dogs to remain with their owners and keep the community safer by imposing restrictions on the dog such as not going out in public without being on a leash. I believe this change would be more humane to dogs and their families without increased risk to the public. I ask for approval of item nu 96 and I'm happy to take any questions.

[Buzzer sounding]

>> Pool: Mayor, I wanted to thank Ms. Norton for speaking on this item today. She is my colleague, councilmember Renteria's appointee not animal services commission and she brought the changes that we will be -- that

[10:36:14 AM]

on our consent agenda as item number 96. She brought these changes to the commission. And I really appreciate her signing up and being able to speak to the issue that is of high interest and concern to all of us. Anybody looking for additional information can look at the message board post that relates to this item. It was put up I think yesterday. Thank you so much.

>> Silvio Cruz, item 92.

>> Hi, my name is Silvio Cruz, vp of client services for Austin habitat for humanity.

[Speaking Spanish] First I'd like to thank you for your support of providing affordable housing to Austin residents.

[Speaking Spanish] Through Austin housing and financial corporation, we've been able to help many Austin residents achieve the dream of

[10:37:17 AM]

homeownership.

>> [Speg Spanish]

[Speaking Spanish] In 2001, we helped 20 families become homeowners. One of those projects included 11 homes at the Filomena project and 14 more houses are in the works to be able to help other families in the project. Affordable housing is very important to our community, now more than ever. According to a report, may 2022, housing shows that median household income, or sales price is \$550,000.

[Buzzer sounding]

>> [Speaking Spanish]

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

>> Thank you for your support. Bye-bye.

>> Kathy Tyler, 92.

>> Hi. My name is Kathy Tyler, I'm speaking today on behalf of

[10:38:20 AM]

Austin women in housing. We thank you for your enthusiasm as you consider putting affordable housing bonds on the next election for voters to consider. We hope the bond funding level will be at least \$350 million. We're proud of Austin's success with providing housing bonds that have leveraged over \$1 billion and we're grateful that your leadership has ensured these bonds continue to be a model for the future. But if we quit now, the opportunities lost will be tragic. Not only would we increase -- not increase housing options, we would forfeit the leveraged funds, forfeit the benefits, and the hardest cost would be borne by our residents who now are without homes or live in substandard places that are too expensive for their budgets. They experience housing insecurity which spirals downward into every other level of well-being. Please continue to call on women

[10:39:21 AM]

in housing to help --

[buzzer sounding]

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

>> Pass the bond. Thank you so much.

>> Matthew moleeka on item 92.

>> Mayor and council, I'm calling to express the ending community homelessness support for item 92, affordable housing bond the amount of at least \$350 million. Every person, no matter their income level, deserves a safe, stable place to call home. The city of Austin must continue its vital role in leadership in creating and preserving affordable housing in Austin, including permanent supportive housing for people experiencing homelessness, unsheltered homelessness on our streets. More affordable housing is necessary to reduce homelessness in austin/travis county, continue to fight gentrification and displacement

[10:40:22 AM]

and support the economic development and stability for our community here in Austin. Supporting investments in affordable housing is an essential part of fighting for housing justice and racial justice in this community. E.C.H.O. Endorses the \$350 million affordable housing general obligation bond.

[Buzzer sounding]

>> And we are excited to be able to use our austinrioritization tool.

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

>> Ensure that equity remains on the forefront of the bond. Thank you.

>> Craig nazore on 96 and 98.

>> Hello. My name is Dr. Craig. I am the chair of animal advisory commission. Item 96 addresses the current law in Austin's vicious dog ordinance. Commissioner Norton excellently explained this issue. I ask you to vote F it. Item 98 concerns the no-kill

[10:41:23 AM]

shelter. The successful shelter is a moving target because it is at the cutting edge of innovation. No-kill is evaluated by outcome numbers, but no-kill is not a number. It is our commitment to the principle that we will not kill animals simply because we have run out of space. We must always be an all hands on deck enterprise, seeking and receiving help from as large a pool of partners as possible. I recommend the city council pass this outside audit of the shelter to help us keep our shelter the most humane and forward-looking shelter in the nation. I would be happy to answer any questions you may have.

>> Beverly Luna on item 96 and the 98.

>> Hi. This is Beverly Luna. I want to speak in favor of item number 96. The way that ordinance is currently written, if my dog

[10:42:23 AM]

gets loose and kills a neighbor's chicken my dog has to be removed from the city of Austin entirely. I think it is inconsistent with state law. Regarding item number 98, I support an audit of the city of Austin animal center. I included an exhibit which shows that the numbers of dogs being intaken into the facility has drastically gone down in this administration, yet the shelter is overcrowded. And certainly outside auditor would help figure out why that's the case. Thank you so much.

>> Julie marquee on 98.

>> Hello, my name is Julie marquee. I am a former volunteer at the Austin animal center and I'm a concerned citizen of district 4. I support item 98. If the city auditor does identify an expert, I urge that expert to closely examine the shelter return, snr program, at

[10:43:24 AM]

the center and ensure the treatment of cats. Through snrkittens as young as three months old can be returned to the streets. Cats in questionable condition can be returned. They can be returned to dangerous locations. And these cats are returned without known caretakers. I request that the audit examine how many kittens are being sent through snr, whether anyone is following up to ensure successful outcomes, and whether the program should be modified. Snr increases the center's outcome rate, but there needs to be a way to ensure the cats and kittens survive. Live outcomes does not mean successful outcomes for the cats and kittens.

[Buzzer sounding]

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

>> Thank you for your time and consideration.

>> Sandra muller, 98.

[10:44:29 AM]

>> Hi, good morning, councilmembers. This Sandra muller. I am newly redistricted into d1, here regarding item 98 as neutral. I'd like to request that if you pass this resolution that this city only appoint an expert without ties to Austin pets alive. No one from Austin pets alive or associated with Apa should be assigned to this task. Just a reminder that Apa has ties to best friends and Maddie's fund and the animal advisory commission has seven members aligned with Apa. Even shelters connected to Apa are struggling. For instance, faith right of American pets alive, director of operations in palm valley, recently euthanized. Monica, is in a space crisis and threatening euthanasia. Austin should get an unbiased person from one of the northern states that Texas is shipping animals to. So let's find out how to solve

[10:45:29 AM]

the source of the problem instead of continuously sending our problems to the magical north.

[Buzzer sounding]

>> It would also be helpful if the council retracted --

>> Thank you, speaker. Your time has expired. Pat, item 98.

>> Good morning, mayor, mayor pro tem, and commissioners. Thank you for this opportunity to speak. I want to support what my fellow animal advocates, Julie marquee and Sandra muller just said. I agree that an audit is needed. I support an audit. But I have huge concerns about the expert that will be chosen. Sandra pointed out, there are many, many people who purport to be experts who are actually

[10:46:30 AM]

affiliated with best friends, Maddie's fund, American pets alive, and Austin pets alive and are really very much advocacy organizations advocating for a no-kill number at all costs, even at the cost of closing formerly open intake animal shelters, making them either closed intake or limited intake and then claiming that no-kill is successful, leaving animals on the street is not a successful way to not kill animals.

[Buzzer sounding]

>> They die being hit by cars, being --

>> Thank you, speaker. Your time has expired. Connor brofy, item 103.

>> Good morning, everyone on the dais today. I'm Connor, district 6, in opposition to the automatic license reading. It will give Austin pd the discretion to track and share

[10:47:32 AM]

whereabouts of those seeking abortions to law enforcement outside of Austin, undermining protection. Austin's crime has been in line with national levels despite them being used in the last four years. So as police budgets have ballooned, we've seen an increase in crime volume and a decrease in crime clearance. The last time the budget was as small as last year was 2013. In 2013 we had a 50% higher rate. Despite anecdotes offered during the q&a, the alprs have not been useful to addressing crime. Kelly spoke about potential punishments if the department misused the data collected, resulting in a penal code infraction if it is used maliciously. Until Austin has a civilian review board, the APD could sweep any infraction under the rug.

[Buzzer sounding]

>> Members of on the dais, I'm asking you to vote against 103. It will help in the criminalization of healthcare --

[10:48:33 AM]

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

>> It is not an invas tool to be given to compensate a lack of oversight. Thanks for your time.

>> Mimi stiles on 103.

>> Good morning, council and mayor. I just wanted to say I urge you to read last year's Washington post report which read, "License plate scanners were supposed to bring peace of mind, but instead they tore the neighborhood apart." Most of you know that I've had several years of engaging in the work of big

data and policing. I've learned thus far that in many cases, data for good intentions produces more harm and tears neighborhoods apart. So, currently the data reflecting lprs is way too limited. When it comes to this technology. But what I do know is that license plate readers do not reduce crime. Yeah, they may have helped APD

[10:49:34 AM]

solve a couple of crimes or two, but truly at what expense? So I oppose the use of license plate reader technology as a method of public safety. And inevitable surveillance. The data collected by these devices are inaccurate. The algorithms are biased. So as a result, the very people who are supposed to be protected by the technology are often most at risk. Until these underlying issues are addressed --

[buzzer sounding]

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

>> Thank you. I urge all of you policy-makers to consider these concerns and thank you for your time.

>> Amelia Casas on 103.

>> Good morning, my name is Amelia, a resident of district 6, policy analyst testifying in opposition to item 103. Automatic license plate readers

[10:50:35 AM]

are an ineffve and harmful technology that the city of Austin should avoid at all costs. We believe item 103 will enable mass surveillance and unnecessary tracking of Austin residents, thus threatening privacy of low-income communities and communities of color. We see over and over that one the main uses of alprs, if not the main use, is for officers to sit in parking lots and scan cars to find hits for people who cannot afford to pay traffic tickets and then arrest them on their warrants that were issued for those unpaid tickets. Alprs are a tool of modern-day debtor's prison. I urge you to oppose item 103 and any additional items that increase the police budget. I encourage you to support and fund the community investment budget, which includes highly supported investments including funding violence interruption. I ask that you do everything in your power to oppose item 103.

[10:51:36 AM]

Thank you for your time.

[Buzzer sounding]

>> Christian Durham, 103. Christian, please unmute.

>> Kevin Welch, item 103.

>> Members of the Austin city council, my name is Kevin Welch, current president of the board of eff Austin, a advocacy group, speaking to you to urge you to refuse to reauthorize the automated license plate reader program. According to statements from APD, they only solved four crimes. A low success route for a

[10:52:38 AM]

technology that has been used to subject populations to risk of incarceration by law enforcement agencies, that many councilmembers stated they do not see to be criminal. 10 out of 11 members passed the grace act to protect abortion access. Mayor Adler along with tovo and alter expressed their support for transgender children having access to care. In 2017, members of council expressed support for Austin as a sanctuary city protected undocumented migrants. Rapid data erasure and Bers and enforcement of barriers, immediate elimination of -- share this data -- other law enforcement agencies -

[buzzer sounding]

>> Crimes related to reproductive care, immigration status, and gender-approved care. This is not the right time.

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

>> Significant surveillance data on the whereabouts of citizens who are not accused of a crime. Thank you for your --

[10:53:40 AM]

>> Kellen, 103.

>> Good morning, y'all. This is Kellen, she/her from district 1, a member of Austin dsa calling to share my concerns about item 103. Speakers have drawn the connection between increased surveillance and how it will impact black and brown individuals, as well as those seeking abortion. As a labor and delivery nurse, I am grateful to council for passing the grace act last week. Let's do everything we can to back that up by reducing the apr program being renewed. And also, regarding item 92's housing bond, that's a big heck yes. Let's keep our neighbors in housing in this environment. Thanks so much for your time.

>> Byron Wilson, item 190.

[10:54:41 AM]

>> Mayor, one second. Everything just disconnected on my computer.

>> Hello, mayor and councilmembers, my name is Byron, from urban alchemy. I am speaking under -- regarding the collaborative efforts we've made in Austin. Currently at this point, we have

[10:55:41 AM]

literally served three organizations, one particularly which we can, Toof, sunrise and some of the other organizations. Part of our model is collaborative and collaborating. And we love to do this. This is a part of what we do. In Austin, it has been received really well. One thing I am impressed with, the fact how well Austin has been received in terms of feedback from us. But in terms of feedback, comments, and concerns, the organizations that we currently work with gave us great feedback terms of best practices. I'm a big fan of Austin. We are big fans of Austin in terms of all the organizations we've met with. And more importantly, the most important thing is the people we serve, which is the homeless population --

[buzzer sounding]

>> The most vulnerable. That's the population we come from. I want to say thank you.

[10:56:42 AM]

>> Jeff Cosley, 190.

>> Hello. My name is Jeff, I'm the chief financial officer for urban alchemy. My colleagues and I are here to speak about some of the concerns raised about our organization, and our experience in rapid growth. Urban alchemy became an independent agency in 2018, but we were initially part of the nonprofit organization called hunter's point. While urban alchemy is only four years old, our experience serving community predates our incorporation by decades. We understand for some people it might be surprising that a nonprofit organization, especially one led by people of color who were once incarcerated, can go to \$60 million in four years. However, our growth has been intentional. While not without challenges, it reflects our success. The reason we've grown so quickly is we are committed to the communities we serve and good at what we do. We have a history taking on challenging programs such as in shelters, tiny homes,

[10:57:44 AM]

encampments and parking sites and during covid, were one of the first organizations to open up a shelter in place hotel in the state. Our expansion --

[buzzer sounding]

>> Has helped deepen the positive impact we have on the communities we serve and San Francisco --

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

>> West coast to see a reduction in homelessness. And hopefully we can bring some of our experience and expertise to Austin via the arch. Thank you very much.

>> Christian Durham. Christian, please unmute. Mayor, will representatives

[10:58:46 AM]

from urban alchemy be online later if we have questions? I don't know if I do.

>> Mayor Adler: I don't know the answer to that. Will they stay on the line when this item is up for discussion.

>> Or be placed back on the line?

>> Mayor Adler: Can you check their availability? Please ask them not to leave yet. We might have questions for them. Better that they're available later and can be here when we're having that conversation. If you could check with them we'll find out.

>> Thank you. They may not need to stay on that line but for availability later.

>> Mayor Adler: We're checking to see if we can call them and get them to join us later. Please proceed.

>> Tyler Kirkpatrick.

[10:59:52 AM]

>> We'd be more than happy to stay on the line for any questions. I want us to take a minute to talk about some of the concerns raised by the article in the sun. One of the hardest things to do is to respond to an untrue measurement of the work that we do. The pacific sun article is an isolated article that doesn't reflect the majority of the coverage we've received in the media. All of the claims have to this point be unsubstantiated. We're not above reproach, not above criticism but what we ask is that the criticism we're held to and the content we're held to are things that are found to be true. Based on the feedback from the encampment themselves, the city, and our own internal

[11:00:54 AM]

investigation, we've shown none of those issues happened and the one instance where there was inappropriate?

>> Thank you. Your time has expired.

>> Mayor Adler: You can continue and finish your answer.

>> Sorry.

>> Before we came into that encampment was immediately resolved. That staff person was let go, and we didn't have any other incidents beyond that. At most, we just ask to be measured by a fair measurement, not one isolated article.

>> Mayor Adler: I appreciate your willingness to stay on the line. My guess would be we'll get to this item for discussion after lunch. Would you be amenable if we called you and asked you to get on the phone this afternoon when we get to this item for discussion.

>> Absolutely. We're at your disposal today, sir.

>> Mayor Adler: I appreciate

[11:01:54 AM]

that. You don't need to stay on the line. >> Thank you.

>> Mayor Adler: We'll call you this afternoon and let you know if we need you. Thank you.

>> Wonderful. Thank you for this opportunity.

>> Mayor Adler: And, staff, you have the phone numbers of these folks? Great. Go to the next speaker.

>> Next are for ahfc. We have two on line and multiple in person. If you would like to call that meeting to order, hear the speakers, and then return to the consent speakers.

>> Mayor Adler: Let's go ahead and recess the Austin city council meeting here at two minutes after 11:00 and let's convene the meeting of the housing fie corporation here on July 28, 2022. The board of directors are present. We have a quorum.

[11:02:54 AM]

We're meeting in the city council chamber and council member Fuentes is with us remotely. We should note that there is some changes and corrections that we want to read into the record -- specifically, there's late back-up in item number 2. There's late back-up in item number 2. Is our staff with us?

Actually, before we do that -- I think we may be able to close out the meeting rapidly as well. Let's go ahead and ask for speakers. Let's get the remote speakers and then the speakers in person.

>> First speaker is George Hindman.

>> Hi.

[11:03:56 AM]

I'd like to thank you for time to speak. I'm a resident and former district one council member candidate. I live close to the lot and there are various issues that need to be addressed. I'm going to speak to the financial responsibility. The city chart shows over \$7 million in subsidies. The foundation community proposal requires almost no subsidies. The proposal shows it's more like 15 mill over 10 years. There's issues with viability obtaining HUD loans. There's serious questions about performance in the Houston projects. The chronicle has had stories about the -- there have

[11:04:58 AM]

been big issues [indiscernible] Or until it can be further vetted. Thank you.

>> Ben Highsmith.

>> Council and mayor, I'm vice chair of historic landmark commission. I'm speaking in capacity as a neighbor. I live 300 feet from this property. The neighbors have wanted affordable housing for years. This history with the site has not been good. Public works used it for an industrial site. There was an unfortunate proposal for a homeless camp on the site which we did not support and with your help we were able to have that now not directed anymore. We worked with the staff when

[11:06:00 AM]

foundation communities responded to the RFP it met the criteria we thought most important. The proposal doesn't do either. There's a five-story wall that is going to be built at the current proposal at our homes on Greenwood. We're single family homes and there's five stories up against us. Doesn't make sense to us. The proposal is primarily single rooms. This is not accommodating families. We urge you to reconsider this recommendation.

>> Okay. So the speakers are now in person. We have con Eric nor -- Connor Kenny and in queue is Roger

[11:07:01 AM]

kanali.

>> We're proud of our proposal and the diverse team. E wanted to ask if city council had direction on our expanded commercial auction to create more space for nonprofits and businesses on the site. We're happy to continue working with city staff to craft a new part of the community, including if council has direction on trying to include multibedroom units and to correct a misperception, we are tapering down to three store on Greenwood across from the units. We have other team members speaking here but not speaking with us on our great team are principals with capital a and civiltude. We'd like to think this reflects our community as a

[11:08:01 AM]

city and the community to which this development is coming, and we're here for questions.

>> Roger Canales.

>> Hello. I'm with nhp foundation. I'm regional director of development. We're a nonprofit housing developer. We have been in Texas since 2003. As regional director I've been working in this area over 20 years. My colleague, she worked for the city and housing department. With your partners capital a and integral care, we're excited and believe it makes this rfp -- community and priorities -- this project identifies the items that were talked about with the community

[11:09:02 AM]

and with the neighborhood. We're really excited about this project. We've even been providing office space for raising in the sun and origin studio house. We've been providing live/work. We're excited about the project and hoping to get your support. Thank you.

>> Good morning, council members. I'm the practice administrator. We seek your support for this proposal. When your neighbors are moving from homeless to house, there's high acuity of need. We designed and built the first of its kind, modeled after other programs across the

[11:10:05 AM]

country. Sea brook square [speaking rapidly] -- It's critical we move ahead to draw down on state funding. As required by the rfp, all residents of the portion of Seabrook square will be referred through

the entry system. Thank you for your consideration and on going investment as we work toget to end homelessness in Austin, Travis county.

>> David vaun.

>> Good morning. We'll be doing community engagement to bring east austinites in need of affordable housing to the development. We urge you to consider expanded commercial objects.

[11:11:05 AM]

We'll be able to provide small business and nonprofit development to the residents that seek mentorship, credit readiness, and entrepreneurship and development. Thank you.

>> Hello. I'm CEO of portrait studio house. Origin studio house is thrilled to be the partner in the Seabrook square development. Our community is at the core of this project. We urge your support in this project. Thank you.

>> Pamela Owens.

>> Good morning, mayor and city council. I'm the CEO of sixth square Austin black cultural -- our

[11:12:10 AM]

voices have been heard. I urge you to support this project because it expands space for nonprofits, artists, and small businesses. It's important for us that we really look at how to expand and use space. Six squares commitment is to help place the artists in the ten units that will be part of this affordable housing project. It is a huge opportunity for us to do right by the community and to not just talk about it but be about it. I urge you to consider it strongly. By doing that, you will absolutely be aligned with the work that needs to be done to create true collaboration, true community, real access to assess a problem, and ie that the Austin economic development corporation is supported in these efforts. Thank you.

>> Quincey Dunlap.

[11:13:11 AM]

On deck is Angela Garza.

>> Hello, mayor, city leaders. Thank you for your time here. I'm representing east mlk. We got some information right now about the number of units that are actually going to be provided by nfp. The Na did not -- it has been one of the most gracious Na's to try to come in with models that will house folks in

so many areas, in so many vast differences. And they have not really had the time -- we found out there was a drop with communicating and paperwork. In all fairness to the Na, the paperwork was not grounded. When we try to be proactive and let them know there is a

[11:14:11 AM]

disconnect between technology and paper that needs to communicate to the team -- to the neighborhood association. In all fairness to them, they're not actually saying this is a bad idea. But we just found out we could postpone until September 1 just now, instead of September 30th. So that's misinformation.

>> Joshua Ellinger. On deck is Dalia hindenman. Dalia hindenman.

>> Hello. Our president is going to speak in more details in a bit. We are asking you to override the city staff pick and

[11:15:11 AM]

authorize foundation communities for the project. 34 per cent of Austin homeless is families with children. The 3515 manor spot is on the boundary with more than 2,000 homeless kids. Supposedly we are not in a child care desert but when we call day cares they're all full and have wait lists so extreme they're not taking names anymore. The M station foundation community wonderful open door school there has a list over 200 kids and they're not taking more kids. We are now working to stay in jj sea brook. Please hear us and please override and vote for

[11:16:12 AM]

foundation communities and promote the excellent stewardship. You will reap dividends in the future. Thank you.

>> Phillip kneemayer. On deck is Beth notingham. Chase Wright? On deck is Elizabeth Johnson.

>> Good morning, guys. First want to take the time to thank our city council. I want to thank council member harper-madison's office.

[11:17:12 AM]

I'm president of Springdale park neighbors. We are a nonprofit. We are engaging with echo, anybody involved with the elution of homelessness crisis we are involved with. I'm here to speak in reference to development of nhp. We would like anyone -- if they are allowing nonprofits to move the space. Nonprofits are the ones who are boots on the ground, out in the field helping these individuals. I work with over 170 clients and they all need housing at this point. If we are in favor of the nhp or not -- at this point I would like to mention -- we don't have questions for the California -- what is it -- alchemy? We ask they give arch employees to engage with them as well so they are not displaced for

[11:18:13 AM]

work. It's no secret the arch problem started outside. Let's give the employees a chance. Thank you.

>> Mayor?

[Applause].

>> Chase, would you mind? I'm going to do two things. I'm going to ask you to tell people what you do. I want to talk to you about what community looks like. We've had that conversation briefly this morning. We had a shack problem in my community. The truth of the matter is every district has a shack. It's the stop and shop, the pop in and go. It's the gas station where people congregate. It's the one where they've been doing it for years. Not right, not wrong. Just is, right? Old school austinities who been congregating at spots for years. As the community grows and

[11:19:15 AM]

changes and people -- people have been flocking to the shack, much to the dismay of new neighbors who spent a half million dollars on their house in what they considered an up and coming neighborhood. Didn't anticipate they would have to deal with the original inhabitants. This is a story of how a community decided to work together. They worked towards a complete community. I've never seen anything like it personally. They started an organization and they started talking to the people who were the problem, right? Often times when we talk about blight we're not talking about conditions. We're talking about humans. The humans who were taking issue with the humans that were providing unsightly conditions were addressed by these two

[11:20:16 AM]

neighbors that got together -- you and Anthony got together and said how do we do this? They filled the shed with tools and build a tool shed. Nobody's shed is getting broken into and the weed whacker getting stolen because they have a tool share operation in the community. There's a resource share for

healthcare access, for food and water. As a community these people got together and started an organization that helps to lift up people. People in the city of Austin have lived outdoors decades. This community got together. This people got together. One of the individuals who started the organization took out a second mortgage on his house.

[11:21:16 AM]

>> Yes.

>> Harper-madison: His money -- 40,000-plus dollars to address a need in his community. Then chase the commitment and the neighbors -- some of whom were not nice online. Next door is a spot. They didn't say nice things about me on nextdoor but they realized how connected I was to the cause. They stopped saying things about me online -- when you get elected they say things about you. It helps bring a community together when you acknowledge you have a leader who is connected to you. The people who were the maddest are at the table now.

>> Absolutely.

>> Harper-madison: As participants in the process. It's a beautiful thing. I want you to talk about -- when you show up and say I

[11:22:17 AM]

appreciate the work this organization does, I think saying you're a member of the Springdale organization didn't offer the the clout and the real-world lived experience you're bringing to the table when you make the assessment about this organization. If you can tell folks what you're doing.

>> As of nowt we have here, we are engaging with the community. We are invng new neighbors and engaging with unhoused neighbors. I had an opportunity to engage with the contact team. We explained what we're doing there, which is our system we're setting up. We offer these individuals work, the opportunity to eat every day. We offer them the opportunity that they receive clothes so they don't have barriers to seek good opportunity. My new problem is we have new neighbors not familiar with the culture. We have individuals here and they immediately become opposition. I have over 30 used

[11:23:17 AM]

individuals that have been working over four months. Now 15 of them have homes. They received housing. These individuals that you don't think can work their way out of homelessness are lower income-earning citizens I see it's a communication barrier. I see we need to get in the field and all need

to communicate. Kimberly with the director of Austin parks she's been in the field -- how can we get these individuals in homes. Some of them live in Austin parks and recs. They're -- we have a lot of high rent, not a lot of affordable housing. This will get them individuals out of these places. We all communicate from all

[11:24:17 AM]

levels, from top to bottom. We can cure this homeless crisis. At that point, I ask anybody who wants to engage with my nonprofit, anyone who wants to see how we can help -- let's fix this. Thank you.

[Applause] .

>> Tough act to follow. I'm not even going to try. I did send slides. If there's anyway those could come up. Liz Johnson? Good morning, council members and mayor. My name is Liz Johnson. I'm representing the -- I want

[11:25:19 AM]

to say thank you to building affordable housing. That has been asked for a long time. I'm here to represent the neighborhood about the properties. Our neighborhood has two complexes. Next slide. No. Sorry. Oh, crap. The handouts are all -- just put it away. Okay. Go back on the bottom left, our neighborhood has two deeply affordable places for people to live -- Franklin gardens. That is a total of 160 places. Those are units that are efficiencies, singles, and one bedrooms. I'm glad nhp is willing to include more units. I'm here because Franklin

[11:26:19 AM]

gardens and kinsington gardens are singles. I was hoping to get three minutes. The proposal was created. Foundation communities had a --

>> Mayor Adler: You can go ahead and finish your thought, but I can't give you three minutes.

>> You cannot?

>> Mayor Adler: Cannot.

>> All right. Well, it's all there in the handouts, in the back-ups, and the letter I sent is update frommed the neighborhood. Hopefully you can listen to the people that live right there.

>> Mayor Adler: Thank you.

>> Clinton Reary. That concludes the speakers.

>> Mayor Adler: Anybody else here signed up to speak on the housing finance corporation that I -- that didn't get called? That gets us to the agenda.

[11:27:22 AM]

If staff would come up for us. We're in the da. Two items. First is the minutes from the -- what was it? The June?

>> June 16th. Two things on your agenda.

>> Mayor Adler: Is there a motion to approve the minutes? Could want renterria makes a motion. Those in favor please raise your hand? Those opposed? I can't see council member Fuentes because we have a room view. She's not with us right now? It's a unanimous vote with council member Fuentes office

[11:28:22 AM]

the dais.

>> The second item is authorizing staff to move forward with negotiations with nhp foundation or other selected proposal to develop affordable housing on the site. I do want to -- we heard from variety of folks earlier, including the team, the nhp team which includes capital housing, raising in the sun, integral care. You heard from them earlier. I want to let you know the solicitation was an exciting event for Austin housing finance corporation. Because it was a joint solicitation, we worked closely with our friends at Austin public health to put out the solicitation, which we did on March 11th. We reviewed the solicitation

[11:29:23 AM]

internally, took it out for public comment for a couple of weeks. We had public comment closed on June 19th. We had 400-plus unique responses. We are recommending unanimously the nhp foundation proposal. It has the most affordable units proposed -- 262 -- and the most permanent supportive housing units proposed. I will note that all 60 of the

-- it also includes 160 multibedroom units. Out of all the prosew sals

[11:30:27 AM]

includes the -- proposals -- 82 of the units will be for folks at or below 30 per cent median income. We are happy to take any questions from the dais and we have nhp and partners here who can address any other questions.

>> Mayor Adler: Thank you.

>> As you noted, there was late back-up.

>> Mayor Adler: We noted that in the record. Thank you again for the reminder. Is there a motion to approve this? Council member harper-madison makes the motion. Council member Renteria seconds it. Discussion? Okay. Let's take a vote. Those in favor, please raise your hand. Those opposed? I'm seeing it being unanimous on the dais with council member

[11:31:29 AM]

Fuentes off.

>> Renteria: Mayor?

>> Mayor Adler: Yes?

>> Renteria: I really want to say thank you for your hard work. You know, this is very much needed in Austin, and this is just an example of what, you know, our bond money can do. So thank you.

>> Thank you very much, and thank you to our staff. Did incredible work on this.

>> Mayor Adler: Council member harper-madison.

>> Harper-madison: I was trying not to talk too much. You kind of did, Mandy -- someone asked if I felt optimism moving into this budget cycle and moving into discussions around things we're battling. The truth is I do. I'm optimistic. I'm calling them the rise-up generation. They're partied out and tired of doing things because they

[11:32:31 AM]

have to. Folks are recognizing if we want something different we can have it. All we have to do is go get it. I think this is a project where people are saying folks need a place to live and need services that go along with it. I think we're going to see more and more of this project that yields the outcomes as a community. I'm optimistic. I think decades of car dependence, sprawl, really rooted in exclusionary land-use practices -- this is something that's led us to status quo. There's not a person in the room who can't have a comprehensive conversation about somebody they know who's experiencing challenges based

on affordability in Austin. For many that's housing. I talked about this briefly right after the event. I hosted a town hall where a city of Austin employee came

[11:33:32 AM]

and talked to us about being homeless. He's couch surfing. He's gainfully employed by the city of Austin and doesn't have a place to live. We all should sit here in absolute dismay and shock. We're not shocked. We all know that guy. Even without knowing him we all now someone experiencing challenges around affordability of housing. I'm pumped about this and many more like it. I think as a body we have a lot of tools to address the problem and we're doing it. I appreciate we're doing the work. I think adopting policies that lead to more housing for more people in more parts of town -- particularly the transit friendly and walkable parts of town -- that's something we have to keep pushing for.

[11:34:32 AM]

We can't stop talking about access when we talk about housing. It's all directly connected. I appreciate -- we're recognizing the need is greater than what -- I'm a taxpayer too. I'll be paying for this too and I believe it will be well worth every dollar I spend. I'm especially proud to be part of casting a vote for yes on this project. Thank you.

>> Thank you.

>> Mayor Adler: I want to thank you for your leadership among many others on this dais working on this challenge, but we've talked about this particular three acres for some time now. I appreciate your leadership on this. Dealing with the homelessness challenge we have in the community was set as the number one priority for us to act on. We set it as the number one

[11:35:33 AM]

priority because the challenge we have, while daunting, is of a scale that we can meet the challenge and end homelessness if we're serious about it and if we do the work and put the resources to it. We have a chance of being the first city our size to do that, to actually end homelessness. And we've set that goal. We set a goal as a community over the next three years to house 3,000 more people than our system would otherwise house. And that requires us to build more permanent supportive housing. For the longest time the city had 500 supportive housing units and couldn't seem to budge from that number. When you tally up the number of units in the pipeline now with land identified and developers and financing identified -- so

[11:36:36 AM]

these are real projects, many of which the city of Austin is part of the effort to put on the ground. You're talking about 1300, 1400 units. That's a tremendous leap from a city that was holding it at 500 for a long period of time. And when you combine that with the ability, with vouchers as there are more and more project-based vouchers, we have it within our grasp to house more than 3,000 incremental additional people over the next three years to provide the services necessary. I -- you know, I hear the neighborhood come in and if you're only -- your only experience and only data point on what a facility looks like that is providing housing for

[11:37:38 AM]

people experiencing homelessness is the arch, then anybody who's going to live proximate to that is going to have concerns. So I think that the lesson for each of us is, number one, to recognize that the projects -- the arch was started B in 2000, or thereabouts. But the projects that have started recently over the last several years are project ins neighborhoods and you can't discern that that project is not just another apartment building, apartment complex in that neighborhood. They look that way, they feel that way. They contribute to the neighborhood that way. And I think that as we move forward and approve these kinds of projects, it's incumbent on us as a city to make sure that's how they operate because our ability to be able to open

[11:38:39 AM]

more facilities like this and to open up housing in all parts of our city so that we can house everybody that needs housing is dependent on our ability to help ensure that what we're doing looks like what's been built recently and does not look like what some people's memory is of what the arch was for too long a period of time. So ts our responsibility, and we have to make good on it. But this project -- the neighborhood and the folks, the stakeholders working together -- this was a big lift for our staff. It's just a wonderful project in the right place, at the right time, in the right way, D I just really, really appreciate everybody's efforts. Council member tovo?

>> Tovo: Yeah. I wanted to thank all who

[11:39:40 AM]

participated in the dialogue. It sounded as if all who participated, regardless of who they recommended, embracing having affordable housing in their neighborhood. I think that's important. I appreciate it

because this is us. These are our neighbors, our family members, these are people we live and work with and interact with all the time. I want to acknowledge this is across the street from district nine and we have some letters from that neighborhood association in support as well and also, you know, recognizing some different elements of the proposal. And I really wanted to thank staff because this is -- I remember in my first term getting some of those constituent e-mails of concern about this tract and this is such a great thing, to see the value brought to the site -- not that -- you know, when we're using city-owned land for

[11:40:43 AM]

city purposes, of course the public benefits. When we are able to take a public tract like this one, though, and assign it to the Austin housing finance corporation, we have an opportunity to do something that is really challenging to do in the private sector, which is to create significant amounts of affordable housing. Our community has urged us to take the underutilized city-owned land and use it for affordable housing, long before anyone in the community realized we were going to need it, we had members in the communicating advocating for affordable land. Thank you for making that transition and embarking on this process. I think it will be a great amenity and resource to our city. Thank you.

>> Mayor Adler: I think we've taken care of the agenda.

[11:41:44 AM]

With that, I'm going to adjourn the meeting of the Austin housing finance corporation. We're going to reconvene the Austin city council meeting here at 11:41, which will be the time we note for adjournment for the Austin housing finance corporation. We're going to adjourn to take speakers that are in the room now -- taking speakers. If you could start to call them. Council member harper-madison, did you want to say something?

>> Harper-madison: I realized if you asked if anybody wanted to make the motion -- I wanted to clarify with the clerk it was clear what I was moving.

>> Mayor Adler: It was.

>> Harper-madison: Thank you.

>> We have one more person who

[11:42:45 AM]

called in.

>> Mayor Adler: Okay.

>> Joshua loendowski.

>> I just want to speak against urban alchemy being the new vendor. They have a poor track record, allegations of mistreatment of employees, resulting in several lawsuits being litigated against them. They have little knowledge of Austin. I strongly advise you to reconsider and extend the solicitation period. This has been done in a short time. I thank you for your time.

[11:43:47 AM]

>> Now to in person. Zenovia Joseph. On deck is Gus Pena. Gus Pena? On item 7, 10, 60, 62, 64, 65, 70, 92, and 111. On deck is Deborah Miller.

>> Hello. I'm a member of the Austin mental health community. I come on item 73 to ask you to increase funding by \$10 million. I ask you that based on the

[11:44:47 AM]

fact that you didn't have all the evidence before. I've been writing a book about the Austin mental health community and people who have experienced homelessness and come back from that and sustained that 100 per cent. The solution is partially adding resources. The other part is teaching people how to advocate for themselves, to find resources so when they get at risk again they know who to call. You don't have to pay

[indiscernible], you don't have to move them. We can sustain our community. We have to heal our minds and our bodies will follow. The study is in a book "We are the shack." Most of the time people do not look at us or hear us if we have a mental health disorder. If you want to know what people who are homeless need, talk to them. Thank you.

[Buzzer sounding].

>> Sam kursh.

[11:45:59 AM]

>> Good morning, everyone. I'm a resident of district 5. I'm appalled there's back-to-back council meetings. It feels like council is trying to push through items without oversight. I'm all for the city giving away Christmas gifts to families who can't afford them but I'm disgusted with the blue Santa program. 1.4 million dollars can be spent better elsewhere. I support the housing bond but it should be raised to \$350

million. It should consist of permanent supportive housing. 62, 75, and 76 with tenant protections and permanent supportive housing should be passed today. The housing bond is not a

[11:47:00 AM]

guarantee and we need the housing now. I'm strongly opposed to 103. They're dangerous tools of mass surveillance. I commend council for passing the grace act, but it is not enough. Thank you very much.

>> Derek Castillo for item 70. Next is Rita Cuevas. Augustine Garza? Herbert Martinez? Roy into? Stewart Hirsch on item 90.

[11:48:07 AM]

>> Thank you for item 90 for the fee waivers and reimbursements related to vertical mixed use interpretation appeal. I'm district two and I'm as proud as I can be to help my brothers and sisters, making sure what the council's promise was when vertical mixed use was adopted actually gets achieved on site. Thank you very much on behalf of all our Bers and sisters in Windsor park.

>> On deck is Nichole Joselin.

>> Thank you for giving me the opportunity to speak. I serve on the board of housing works Austin. We're part of the large

[11:49:08 AM]

coalition of over 25 organizations made up of affordable housing providers and advocates asking for a bond on November ballot so we cap those in the community most in need. We ask you to support item 92 and support a \$350 million affordable bond to be placed on the November ballot so we can support housing. Such a bond will help those most in need in our community, including providing housing opportunity to low-income folks, providing homeownership opportunities to middle-income folks and providing seniors and veterans the ability to stay in their homes. I must thank you for the affordable housing bond support and for your work. Thank you very much and thank you for your leadership on this.

>> I missed some names on the

[11:50:09 AM]

item number 70, speaking on the merits of the postponement. Anna masile. On deck is ha rendone.

>> Thank you, council members, for this opportunity to -- sorry about that. Thank you, council members, for listening today on a very important issue. I'm going to show a clip before I say anything else.

[11:51:20 AM]

>> There's someone who wants to rename the pan-am neighborhood park for your city.

>> No.

>> No.

>> Can you say that real loud.

>> No! .

>> Louder! .

>> No! .

>> That's what we need to tell city council when we go on Thursday, toet them know this belongs to the community, not one individual. We need to fight for what we need here -- to protect our community. I need all of you to sign the petition online and also if you can show up at city council on Thursday at 10:00. We had a great press conference this morning, and these individuals right here that are standing next to me have been with us from the beginning.

[11:52:21 AM]

Peggy Vasquez, [indiscernible].

>> Mayor Adler: Thank you.

>> Thank you very much.

>> On the merits of the postponement on deck is Maria Lena.

>> Hello. I am an east austinative and lulac deputy director district 7. We're in opposition for the proposed application February of 2022, the renaming of our historicalpan-am park. In March 2022 the citizens had no time to discuss or nominate anyone else. It was posted publicly on a

[11:53:22 AM]

memo. We were given months. The community has spoken to this renaming of pan-am neighborhood park with 51 per cent of our district three that has said no. We ask that you respect our petitions. We have over 500 people that live in district three that have said no. We have letters of opposition in the back-up. We ask that you respect the community and do your job. We say no. We do not want our name changed. Thank you.

>> Galvino Fernandez on deck.

>> Mayor Adler: We're not discussing the merits, whether we want to do or don't want to do it. That will be the debate we have on September 1st. Your debate right now should be should this be postponed or not.

>> No.

>> Mayor Adler: That's what we

[11:54:22 AM]

should be discussing.

>> Thank you, mayor. I'm here representing coalition of mexican-american landowners in east Austin. Next year we'll celebrate our 50th year in working together to address issues that affect our community. Why should we postpone? We've had 90 days. We've had two virtual meeting, two in-person meetings and waited all this time. The Austin parks and recreation board sent you a recommendation. They've already spoken. 30 days from now, I don't know what's going to change but I feel we need to be more efficient as government. There's no need to wait another 30 days when we have all the information, all the documentation. We're here. The other party left so they -- I guess they're good mind r5ed

[11:55:22 AM]

Eric -- mind readers. They're gone. That's powerful and dangerous as a government. Thank you.

>> Mayor Adler: Thank you.

[Applause] .

>> On deck is martin deloventos.

>> Thank you. I want to -- I don't want this em postponed. It has gone on too long. Mr. Castillo has two parks in his name. He doesn't need another one. I want you to go ahead and vote on it today. I think it was probably -- you

[11:56:22 AM]

know, befo we even got here because of the -- all the publicity we have been making. I love Tony and his family. I love all my brothers and sisters. We were all raised in east Austin, and I just want you to make a decision. I'm not used to coming over here and speak before you all. I give you thanks for listening to me. Bill, you need to make up your mind because you're leaving at the end of the year. You're going to have to face a lot of people.

>> Mayor Adler: Thank you.

>> Okay? Thank you.

[Applause].

>> Martin vennodivas. On deck is penny Vasquez.

>> Good afternoon.

[11:57:25 AM]

I'm a native east austenite. I'm opposed to the postponement. An application was filed in 2021 -- application to change the name of the park. The park department on June 27th voted to not have a name change and voted nine no's and one abstention. There was recommendation that a park be named after Tony Castillo. The issue was to be presented to council. Here we are today having postponement. I reject that. Thank you.

>> Mayor Adler: Okay.

[11:58:26 AM]

>> Angela Garza.

>> I'm going to follow the crowd on this. I have never seen so much mobilization in record timing. They have been working daysnd nights to get their voices on record. How much this means, we have nothing negative to say about the other gentleman. Great accolades. Make a decision today. These people have worked really hard to mobilize everyone. I witnessed it. Also, we do support the affordable housing bond with Vanessa Fuentes. That is awesome. And we also support the audit of the animal shelters, no. 98 as well. And we also want to -- we want to speak more about 166 and 167. They are still working on the -- again, a generous Na.

[11:59:33 AM]

Want to submit an ask on that as well. Thank you.

>> Connor Kenny speaking on item 92.

>> Hi, council. I just wanted to speak in favor of a maximum possible affordable housing bond. Two things about it. One is lever the project you just approved today leverages \$6 million into \$60 million in other funding. The city funds really unlock exponentially more funding on projects. Second is permanent supportive housing, psh projects are really hard to make pencil. The service costs are enormous so the more we can reduce the debt on them the better those projects work. We have three psh projects coming to you on September 1 -- excuse me. The awards. Those projects would not be possible without bond funding.

[12:00:35 PM]

Psh projects bond funding absolutely critical to making them work. Thank you.

>> Mayor, I just want to make sure I captured what you said. The tract of land that we just discussed at 3515 Nader, city-owned land, an investment of \$6 million in city bond funding. You said enabled the project to pull down an additional \$60 million of other funding. Did I capture your notes correctly?

>> All right 60. It's 58.

>> Tovo: Thanks very much. As I understand it it's somewhere around a 93% of the units on that tract are going to be affordable. Is that accurate?

>> Yes. It might even be -- yes, it's like 92, 93.

>> Tovo: That's amazing. Thank you very much.

>> Nicole Jo speaking on item 92. On deck is Walter Moro.

>> Good morning, council. My name is Nicole Joslin

[12:01:35 PM]

capital a housing. First I would like to thank you, mayor Adler for your leadership in bringing this resolution forward and the support of all of your co-sponsors here. In 2018, also under your leadership, our community passed a housing bond at a level never seen before in the state of Texas. That bond enabled our development community to leverage millions of dollars in additional funding, create thousands of jobs, and of course build thousands of additional homes for families in Austin. We now face an even greater crisis. The cost of owning and renting a home in our city is increasingly out of reach. Housing bonds continue to be a critical resource in the battle to keep Austin affordable. I join my neighbors and colleagues asking you to support a \$350 million bond. Thank you.

>> Walter Moro.

>> I'm the director at foundation communities. Thank you for considering item

[12:02:36 PM]

92 for the housing bonds at \$350 million. Thank you for approving the 2018 bonds. We opened our laurel creek apartments early this year, later this year we're going to open zilker studios. We're going to open the Loretta apartments in north Austin and balcones terrace and we'll welcome home 1,000 new residents this year and we could never be growing at that volume without the bond funding to make it possible. We serve a whole range of residents from folks who have been chronically homeless, families who have been at the shelter and many, many families who are just on a tight budget trying to find rent that they can afford. What's important about the bonds is not the only tool that we need to address affordability but it helps to address where the market can't. The market's never going to reach rental price point or a housing price point without subsidy support. So if we want Austin to be a community -- I want Austin to be a community that's diverse,

[12:03:36 PM]

that's inclusive, that doesn't price people out. And so we need this tool to make that happen. Thank you.

>> Yvonne Weldon on item 92. On deck is Alice woods on item 92.

>> Hello, mayor and council. My name is Alice woods and I am speaking today on behalf of the

[indiscernible] Three women-owned texas-based affordable housing developers which are grateful to have been able to build hundreds of units of affordable housing in Austin as a direct result of the 2018 housing bond. We are quickly coming to the end of these bond dollars but with rising interest rates and still increasing construction costs this gap financing from

[12:04:36 PM]

the city is more crucial than ever. And in many cases our deals are not feasible without it. I am so grateful for the leadership of mayor Adler and his council and supporting another bond to fund affordable housing. Something we are all aware is desperately needed in Austin. Putting a bond of at least \$350 million on the ballot in November will directly support those austinites most in need while building on the successes of the 2018 bond. Thank you all for your leadership on this issue and for continuing to prioritize affordable housing.

>> Monica Guzman speaking on 92, 101, 103, and 124. On deck is Abby penner.

>> Good morning. I'm Monica Guzman, policy director at vamostin speaking on 124.

[12:05:37 PM]

We urge the language regarding community benefits, specifically one use of commercial parkland fees in lieu such as district 4 be prioritized when using fees for land acquisition for a park or park amenities. Two, removal of trees. When new commercial development results in removal of trees, replanting or ping of new trees on our near the new development. On item 103, I am speaking as a district 4 resident. My remarks are mine and mine alone. I have been and still am opposed to the automated license plate readers. I was tuned into the work session on Tuesday. Thank you to council member Fuentes for asking for access to information. While ice might only be able to access information with a contract, they might gain access through any law enforcement entity with which APD shares information such as Travis and Williamson county office. The access issue was raised in

[12:06:40 PM]

the Austin chronicle March 2018 article. Ice strikes deal with surveillance firm. Thank you.

>> Speaking on item 92 and 114, Abby penner. On deck is Ryan Clinton.

>> Hello, mayor and council. My name is Abby penner. I'm here to echo the support you have heard for 92 for the housing bond and I'm also here for item 114 for June west apartments, it's an 80-unit 100% affordable unit development. I'm here to answer any questions on behalf of the ownership when that comes up for discussion. Thank you for your leadership on the bond and I will be here whenever the item comes back up for 114. Thank you.

>> On items 96 and 98, Ryan Clinton. On deck, Andrea tremmentozzi.

[12:07:42 PM]

Andrea. On deck is David Lloyd Nan on item 98. Dane Correa on item 98. Emily wells. Erin van lingdingham. Danny fetetonti on item 100.

[12:09:00 PM]

Harold Mcmillan on item 118. Greg Anderson, item 168. That concludes all the in-person speakers.

>> Mayor Adler: Great. Thank you. Last call. Did anybody sign up that they didn't think called, would you come on down to the clerk?

>> I may have missed some, sorry. We're going back and forth.

>> Mayor Adler: That's okay. You do an amazing job.

>> Well, thank you. Let's try again. Item 100, Barbara fentonti. Michael Lewis. These all say no that they wish not to speak.

[12:10:00 PM]

>> Mayor Adler: Why don't you see the line behind you and see. Do you have those folks? Why don't you give your names to the clerk so she can see if she can find you on her list.

>> Michael Lewis.

>> Mayor Adler: Go ahead, sir.

>> My name is Michael Lewis. I am the clean air and water advocate for environment Texas. I want to thank council member pool for bringing the resolution forward. The supreme court ruling, west Virginia V. The EPA made the monumental task of cleaning up our air and reducing climate warming pollution much, much harder. The court strips the EPA the power congress gave it to respond to the most pressing environmental challenge of our time. Now that the court has put stable climate even further out of reach, lawmakers at a levels must seek out ways to reduce emissions and to secure

[12:11:00 PM]

a cleaner and healthier future. That would include redoubling our efforts to close the fayette coal plant. It is necessary to achieve Austin's stated zero emissions goals. It accounts for 15% of our total generating capacity and 80% of Austin energy's emissions. It is the 15th most dirtiest plant in the nation. It leeches toxins into our soil, harms the health of our citizens and is economically untenable. Thank you for your time.

>> Luke metsgar on item 100. On deck is Cole kunav.

>> Good afternoon, mayor and council members. Thank you council member pool for bringing forward item 100. Just this current month here in July is 5 degrees hotter than the historic average and a full

[12:12:01 PM]

degree hotter than July 2011, which we remember how miserable that was. Lake Travis is almost half empty. We're seeing wildfires raging. Burning of fossil fuels and the warming of our atmosphere are key drivers to these terrible things that we're experiencing and if we don't take action to reduce emissions quickly we're going to only see worse and worse impacts of climate change so it's critical that we take action here at the local, state, and federal level. The supreme court decision was a big disappointment. Some great news coming out of the senate yesterday, hopefully they can get that done with a big investment in clean energy but we also need to do our part here to make sure we can hit the goal of 50% reductions by 2030 and zero emissions by 2050. Thank you for this and thank you.

>> Cole. On deck is Ryan Pollack for

[12:13:01 PM]

items 103. Kerry Roberts, item 103. Aleecia torres for item 103. Andrew Han, item 103.

>> Hello. Thank you, council for giving me your time. I'm going to speak on item 103 because I am against it. Like, and I think a lot of people are against it. There's a packed meeting today so I'm basically saying no because it's a surveillance and it makes -- it seems to be doing more harm than having

[12:14:02 PM]

it. And that's it. Thank you.

>> Daniel Turton on 103. On deck is Harold Mcmillan on item 118. Emily scales on item 188. On deck is japaul Connelly on 188 and 189. Shauna Arneson on item 190.

>> Harper-madison: Mayor, I'm looking at JP out the window there. If there's anyone who is here with JP, you might want to let him know they just called him.

>> Clinton Rarey on item 190.

[12:15:13 PM]

Elizabeth Johnson. That concludes the speakers on our list with the exception of the one on council member harper-madison's.

>> Sorry about that confusion with the schedule. Thank you. I was going to come here today and read an official letter from the Austin Travis county continuum of care about the front steps contracts that are being awarded today. However, we've done a lot of work on this since that let was sent and I think most of you have had the opportunity to read it and review it and I really appreciate your thoughtfulness in

addressing our concerns. I also especially want to thank the mayor's office for working with us to come up with some

[12:16:13 PM]

direction that specifically addresses some of the concerns that we have. Moving forward, we have to absolutely do everything within our power to not have this kind of situation happen again and to have the kind of proactive long-term thinking that gets us out of this kind of -- that doesn't back us into these kinds of corners. Our shelter nationally is a dying paradigm. We are moving away from congregant shelters. Hud is moving away from congregant shelters and as we think about the future of our shelter spaces and the ongoing shelter needs of the city, I hope we can have a long-term proactive vision and plan that can get us there. And I wasn't able to speak on this but I also want to say thank you so much for supporting the \$350 million housing bond. I'm excited to work on that campaign. Thank you.

>> Mayor Adler: Hang on a second. Mr. Connelly, when we were working last night we agreed on some sect there have been two sections

[12:17:14 PM]

that have been added on the dais here and I just want to read them to you.

>> Okay.

>> Mayor Adler: The ones that you had discussed and wanted in or agreed to have in. The first one was the directing that the recipients of the contracts prioritize rehiring of the front step employees. The second one directed the manager to report quarterly to the council and to the homeless response system leadership council. Quantitative and qualitative data on performance of operations at the two shelters to give the council the opportunity to provide meaningful guidance. The third one directed the manager to require the new recipients of these contracts

[12:18:14 PM]

to meet quarterly, to actually meet quarterly with the homeless response system's leadership council. That doesn't mean it is limited to quarterly but at least that. The new contract recipients will provide updates and answer questions. No changes in those. No changes in the fourth one to help ensure -- the manager directed to help ensure the recipients receive the guidance and other support necessary to be successful and that the manager is directed to encourage the recipients of the contracts to form partnerships and collaborative efforts with the other agencies. And where appropriate the continue of care to help ensure the quality of service and systemwide approach. Language you have seen and

approved. The fifth one also, the manager directed to develop a plan in collaboration with the homelessness response leadership council and the broader community impacted stakeholders to assess the current citywide shelter plan, your last point that you spoke.

[12:19:15 PM]

To set forth the long-term vision for the design, scope, and funding of the shelter system. Prior to rebidding these contracts for competitive solicitation of determination, all ones you have seen. Just repeated it in here so people wouldn't think it was only the last two, which are the two I'm interested in. No. 6, the manager is directed to ensure that the contracts with the new contract recipients require prominent posting of client grievance policies in shelter facilities and that vendors include reports on the filing and resolution of client grievances to the city as part of the regular reporting. And then the seventh one is the issue that council member pool raised on Tuesday. The manager is directed to ensure the new contract recipients require uniforms and name badges for their on-site staff so that they can be identified as employees of the shelter. Uniforms may be designed and picked by the agencies. I assume you're okay with the

[12:20:17 PM]

last two? I just wanted to double check.

>> Yeah, absolutely. On the last two I cannot speak in my capacity as chair of leadership council since I haven't been able to have time to review those with the council but in my capacity as an individual and advocate I think those are two, you know, I think they're excellent additions to the direction and I don't see any problem in adding those to the direction. I think that they enhance the intent of what we're trying to accomplish. So I really appreciate the time and effort and I know that some folks spent a lot of time last night working on this stuff into the wee late hours, and I appreciate that. That means a lot to us. Thank you.

>> Mayor Adler: Thank you. Council member tovo and then council member kitchen.

>> Tovo: Mayor, only because you have gone through your amendments, I just want to share also that I intent to bring forward several amendments to -- if somebody reminds me what number this is.

[12:21:18 PM]

190. I intend to offer as an amendment -- as two amendments -- that the new recipients of the contract shall also make themselves available to the public health and any other relevant council committees for ongoing discussions. I think we have increasingly used our public health committee as kind of the check-

in for homelessness issues, initiatives, programs, and funding and so that's consistent with this. And let me just back up and say, you know, the arch is in district 9. You said we need to be proactive about these things. The arch is in district 9. I have taken an active role in arch operations. I have brought forward multiple resolutions at this point directed to the arch. There was a period of time where my staff and I were there weekly on Friday planning for an initiative. And I have to say I was wildly taken aback. I had no idea there were challenges with the front steps in the last months and was extremely shocked and surprised when I heard that staff were at

[12:22:19 PM]

a point where they were going to make this recommendation. Absolutely. I think we all need -- the community needs more heads up on this kind thing and we all need to work together to make sure that we're aware of what's going on throughout the continuum so that we can respond in an appropriate time-frame. So thanks for mentioning that comment. My other amendment is going to just ensure -- we have checked with aph and this is in the plan. It's going to ensure that the new vendor for the arch shall provide the service in accordance with the national alliance to end homelessness recommendations that we received, some of which were for trauma-informed care and case management and other things. And in accordance with previous uncil direction, including the resolutions. I won't name the numbers but the amendment will. Part of those were trauma-informed care, for training, and living wages, for those working on site and another.

[12:23:20 PM]

Hopefully -- I just wanted to give you a heads up.

>> Thank you. I appreciate that, council member.

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

>> Kitchen: Yes. And thank you, Mr. Connelly, for working with all of us and with the mayor on this effort. I mean, I couldn't say it any better than you just did. We should never be in this situation again. So I want to clarify -- and I don't know if it needs language or not. But item no. 5 is intended to get us towards a long-range plan for how we operate shelters, including but not limited to the example you just gave, which is the concern about congregant shelters. But I want to make it very clear that this is not intended to halt the processes that our city is in the middle of that we just got briefing on yesterday for acquisition of

[12:24:20 PM]

psh or shelter properties.

>> Mayor Adler: No, not intended to stop anything other than to actually say that that process has to at least work its way through as concerns these two shelters before a renewal contract is entered.

>> Kitchen: Yes.

>> Mayor Adler: My hope is that they will move quickly because there are a lot of decisions being made.

>> Kitchen: I don't want us to be in a situation where we have identified a property for shelter, for bridge shelter and we say, no, we cannot move on it at this point because we still have more planning to do.

>> Mayor Adler: There's nothing in this.

>> Kitchen: Okay.

>> Mayor Adler: -- Amendment that would cause us to delay.

>> Kitchen: I didn't think so.

>> I appreciate the clarification and I wanted to add that we are absolutely not in favor of delaying the process of getting the shelter and psh that is so desperately needed in our community. The intent of this plan is not to delay that process but to recognize it in 13 and a half

[12:25:21 PM]

months we're going to have to sign a new contract and anyone who is familiar with the arch knows how badly that space is in need of a new vision and a new plan and I hope that we can be proactive when that time comes, when those 13 months expire and have something in place that is informed by the community's shared values and goals.

>> Kitchen: Absolutely agree with that. Thank you, mayor.

>> Mayor Adler: Council

member Kelly.>> Kelly: Thank you, Mr. Connolly for coming down here and all the work you have put in. Knowing this is an emergency contract and situation it is difficult without that heavy lift from our community members to be able to assist us to get to a place where we're comfortable moving forward. Thank you so much for that.

>> Thank you, council member. I appreciate it. Thank you, all. Since I already have the mic, I'll just say we have an opportunity in front of us to really do something different and reimagine this space that is so central to our homeless response system so I hope that

[12:26:22 PM]

we can take a first step today and move towards a new vision for our congregant shelter and our downtown shelters. Thank you so much.

>> Mayor Adler: Thank you. All right, colleagues. We're now back up to the dais. I want to read into the -
- >>or, we do have Greg Anderson here to speak on 168 and I think that is all.

>> Mayor Adler: All right. Mr. Anderson, come on up.

>> Hello. Thank you for hearing me. Last speaker. This is very exciting. I know that you guys know this area pretty well and there is this amazing opportunity to put a tremendous amount of housing here in this area that for a long time was kind of the orphan area of downtown. And there's the Waterloo investment. I was fortunate enough to work with mayor pro tem Cole and the idea of thousands of homes being built in this area wasn't around that long ago and you

[12:27:23 PM]

guys put out a great rfp that is possibly returning 921 homes, 116 of them income restricted with no subsidy and \$21 million. My big fear here is that we try and retrade on our rfps and make our rfps worth a lot less by saying this was our rfp, this is what we said we wanted and thanks for achieving this but now we're going to change the rules and pull the rug out from under you and devalue all of our rfps in the future. Let's not do that. Let's please support Natasha harper-madison and extend the agreement to see what we can do to get a tremendous amount of housing here, because we also need market-rate housing. Thank you.

>> Mayor Adler: Thank you. Is there anybody else who thinks they should be speaking? Great. Those are all the speakers that we have. I'm going to read into the record, colleagues, on item 89. We had one late addition to the boards and commissions nomination and waivers.

[12:28:24 PM]

Mayor pro tem is nominating Hilario Amaro to the Barrientos Mexican American cult center advisory board. I'm showing that the consent agenda is items 1 through 102 and items 168 through 192 with the following items being

pulled: Items 9, 10, 11, which we can't act on until we hear 111, 112, and 113. Also item 61, which we can't hear until we consider 119 and 133. Also being pulled is 75 by council member Kelly. Item no. 92 pulled by me. 95 -- I'm sorry.

[12:29:29 PM]

I'm not sure what that was. Item no. 92 -- I don't see. And then also item 168 pulled by council member harper-madison. 182 that I pulled. 189 and 190. I pulled them both. Council member Kelly pulled 190. Okay? So I'll read them again without the discussing them to make it easier. I'm showing that the pulled items are 9, 10, 11, 61, 75,

[12:30:31 PM]

92, 168, 182, 189, and 190 . Is there a motion to approve the consent agenda? Council member kitchen makes the motion, council member vela seconds. Is there any discussion on the consent agenda?

>> Thank mayor. I wanted to see if -- is don bland in the house? Mayor, I would like to just ask our chief animal services officer to come up for a moment in light of the independent third-party audit that we're going to do on animal services and our concern about our furry family friends. I wanted to note that -- I wanted director bland to talk about the museum of modern art that is out in our lobby today and then I had one more thing to say after that. Briefly, sir. The museum of modern art.

[12:31:31 PM]

>> Thank you, council member pool. Our museum of modern art is portraits of our long-stay residents. These animals have been in their cages and have been overlooked and they are deserving of some attention. So we put together this display, which we made a traveling display to come down here today and these animals, if you adopt one of these long-stay dogs, you take the portrait home with you. And it's a way for us to bring attention to some of these long residents that continue to get overlooked in our kennels.

>> That's great. Mayor, I wanted to note that some of us were pretty excited thinking that maybe today we would have return to our tradition of fursday, which is when our animal services folks would bring some adoptable puppies and kittens for us to see and maybe decide to take home with us and adopt. And it didn't happen today and I was really disappointed to

[12:32:33 PM]

learn that building services was saying they just couldn't have the animals come in, even though it's something that is part of our city functioning. And so I wanted to just elevate the fact that we are all very disappointed that we couldn't have animal services bring a couple pets for adoptable pets, kittens and puppies today. And then to look at September 1st as a formal reintroduction of -- I don't know how often we can do the cadence but let's try to get the adoptables in for people to see and bring the van

like we had done pre-pandemic so we can return to a regular cadence of fursday. Because it really lifts all of our spirits and if I could have an emotional support kitten right now, that would be a great thing. I think all of us -- you might not want a kitten, you might want a puppy, but it might be a nice thing to do. I would like to ask our interim city manager to make sure that this can happen.

[12:33:33 PM]

If we can return to some of the functions that we did before the pandemic. And then we can all look forward to Mr. Bland sponsoring our fursday come September 1st. Thank you. Thanks so much, mayor for that little piece of privilege.

>> Mayor Adler: Colleagues, there's been a motion and a second on the consent agenda. Council member Kelly.

>> Kelly: Yes. If the clerk could just note on the consent agenda my no votes on numbers 97 and 100. I would like to second your motion, council member pool, for fursday, if that's available. K you.

>> Mayor Adler: Okay. Any further discussion? Mayor pro tem.

>> Alter: Thank you. I want to acknowledge council member pool and her work with the animal audit, animal services audit, which I'm proud

[12:34:33 PM]

to cosponsor. Thank you to you and your staff for your work on that. I want to acknowledge -- this is a really long agenda and there's a lot of really important work in here and a lot of contracts that just need to be agreed to today. I want to acknowledge item 60, which relates to our wildfire preparedness interlocal agreement between AFD and Texas parks and wildlife for fire training. These training opportunities will help our firefighters have the knowledge and experience to make our city safer. These are really, really important opportunities for our firefighters. And while I'm talking about this, I understand we have some firefighters who are deployed to help fight wildfires around the state and I want to wish them well and look forward to hearing about their experiences and appreciate how that experience will help us in our efforts to prevent wildfires and to be prepared in the event

[12:35:35 PM]

of a wildfire. I also want to acknowledge three items that relate to the office of violence prevention. Item 187 is a grant that the office of violence prevention has received to address the nexus of guns and domestic violence with an overarching goal of establishing a standardized firearm surrender protocol in

domestic violence cases across jurisdictions for Austin and Travis county. This is a grant that obp will be leading and is collaborating with the county district attorney and others on to really improve those systems so that we can keep guns out of the hands of perpetrators of domestic violence. The grant award is for \$500,000 over 36 months. Item 77 is a contract with jails to jobs, which will be providing community violence intervention programming and two identified crime hot spot locations in Austin. They will also be providing

[12:36:35 PM]

wraparound services to individuals who are high risk for engaging in gun and community violence. And then item 78 sustains funding for work done by mexacarte museum to promote positive development through the arts in a larger swath of our city. I want to applaud Michelle and aph for their continued work to keep our community safe. Thank you.

>> Mayor Adler: Council member kitchen.

>> Kitchen: Yes. I would like to acknowledge a number of things. First off, I would really like to acknowledge the work of my chief of staff, Donna teeman and Louisa in council member pool's office. The two of them worked hand in hand in developing the -- in particular the animal service audit item no. 98, work very closely with our staff and with the community in developing

[12:37:37 PM]

that item. So I want to say a special thanks to them as well as the many advocates and constituents who worked together with staff on developing that item. I also want to acknowledge that the number of speakers who spoke to the importance of the identification of the external animal shelter experts to assist in this process and I think that moving forward with the city auditor, who is well versed in carrying out these kinds of audits, I think this will be, although challenging, will be done in a way that we can all expect to produce great results. I also want to give a shout out to the item no. 12, which relates to the Barton springs bathhouse rehabilitation art in public places project. We're choosing an artist to

[12:38:38 PM]

work on that project and, you know, excited about the Barton springs bathhouse rehabilitation which has been going through a number of different iterations. I know council member Ellis has been really a champion of that also and it's nice to see that item on our agenda. And then finally I want to give a shout out to

[indiscernible]. They are in my district and we have item 62 related to contracting with them on the work they do to help households who are vulnerable to evictions. So I wanted to thank them for their efforts.

>> Mayor Adler: Council member Kelly and then council member vela.

>> Kelly: Thank you. I would like to put item 75 back on to the consent agenda. I was able to work with staff in order to get my questions answered and so if that's okay with you all we can put it back on consent. One less thing to talk about today. It to thank my colleagues for your support of item no. 95, which I authored in order to bring about awareness to

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that upcoming point in time count that's going to be conducted by echo and I just want to encourage anybody who may be here today, watching at home, or listening to please reach out to echo to volunteer for that. It does occur in January of 2023 and I think it's very important to the success of our goal of helping shelter individuals who are experiencing homelessness to get a snapshot of what the point in time count is. Thank you very much.

>> I just wanted to echocouncil member kitchen's props. They were instrumental in helping the residents of the Santa fe and Clayton lane apartments who were recently displaced, we had a number of issues here before the council and they were the organization that stepped up with the support of the city and city funds but were able to help T renters there with rental assistance and relocation assistance. So that's a great partnership and a great organization and I just wanted to give them

[12:40:39 PM]

credit.

[Applause]

>> Mayor Adler: Council member Ellis.

>> Ellis: Thank you, mayor. I wanted to highlight a couple of items, the first of which are mobility related. 83 and 85 are interlocal agreements with cap metro for transit stop improvements on our 2016 corridors and for the expansion of the metro bike system. With project connect we sometimes take these interagency collaborations for granted because the city of Austin and cap metro oftentimes work so seamlessly together. These interlocal agreements will bring more metro bike stations to locations around the city. Helping to promote a walkable, bikeable, transit-oriented community is key to fighting climate change and making our family budget stretch just a little bit furth and I thank staff for consistently seeking these opportunities to make these collaborations work. 87 is authorizing the submittal of a federal grant for safe

[12:41:41 PM]

streets for all grant program. These will go for shovel-ready projects and what happens with these federal grant applications is we can say that we have a local match here at the city of Austin because of the 2020 mobility bonds that vote approved and I was happy to sponsor in 2020. And they can say we have a local match. They apply for the federal grant. It makes them more competitive and we get to turn around and actually get to keep those dollars here and expand the list of projects that get to be funded with that. Item 87 is the block parties ordinance. This is coming out of the living streets resolution that is intended to help with the block party program and create play streets and resident-led healthy streets. This is just the ordinance update for the block party applications which passed with the co-sponsorship of mayor Adler, council members harper-madison, pool, tovo, Renteria, and Casar. I'm happy to highlight this ordinance will make more neighborhood streets eligible to apply for these block parties. Previously any neighborhood street that happened to include

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a church, a school, or a corner store would be prohibited from submitting an application. But now the transportation department director will have flexibility to consider these requests. This ordinance also happens to open the door to allowing apartment complexes to hold block parties with staff approval. So I'm really excited to see this item moving forward. I had also flagged item 187, the gun violence prevention item, which I think is really creative and very much needed in our city. And I appreciate the mayor pro tem letting me co-sponsor the initial gun violence task force which recommended that we create the office of violence prevention. I'm glad to see this work continuing to move forward. And the last two are local to district date. No. 51 is an easement for the new fire and ems station that is dedicated to serve Travis county. The fire station was built because of the response times for Travis country were so long

[12:43:42 PM]

that the city departments were able to work together to build a new fire and ems station on highway 290 that I have been able to tour and it is a really creative collaboration between the two departments where they have actually built in extra training capacity so that our firefighters have the ability to go to different stations and they don't have to to one place far away to perfect their training over the years but they can do it in-house and practice on these while they're at the fire department. The driveway as it exists right now has speed bumps on it and so I'm glad we're able to do this collaboration to modernize the type of speed bump being used so the fire and ems trucks can get through quicker to Travis country but at the same time the regular traffic that might go through there won't be speeding, which is a really

important part of Traffic safety in the district. And then item 56 is maple run parkland acquisition. This is very exciting. It's four acres of land in the maple run neighborhood and this

[12:44:42 PM]

acquisition will function as a pocket park, a trailhead and trail connection as well as closing a gap in the green belt system. The recommendation specifically came from the parks and recreation department, our parks our future. I'm very excited to see this parkland acquisition moving forward.

>> Mayor Adler: Further comments? Pio, council member Renteria.

>> Renteria: Yes, mayor. I want to speak on item 70, renaming the pan am park. You know, anyone can go and initiate a renaming if they feel that a person is worth renaming a park. We don't do it. They go through the process of going through the parks department and then the board decides that. I personally have not been here in Austin, I have been doing my job going to Washington, D.C. To lobby for metro funding and

[12:45:43 PM]

then going with our sister city delegation, which we have a very productive meeting, including working with exchange students and future exchange of students and teachers back and forth from Austin. I have not had a chance to look over this name change recommendation from the park. I have been really busy this summer break and we are going to try to come up to a really positive solution. I have seen some of the items on the dais could be a really positive outcome if we can work to it and that's what going to doing during August to our next meeting.

>> Mayor Adler: Mayor pro tem.

>> Alter: Thank you. I just had a question. I just wanted to confirm that

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we are postponing item 4 to September 1st. Thank you, council member Ellis for pulling that for more discussion. And then where did we land on 44?

>> Mayor Adler: It's still on the consent agenda unless council member tovo pulls it off.

>> Tovo: And I hadn't asked for a chance to speak yet but I do have several things I would like to say about the agenda, the consent agenda generally, and I would like to pull it for postpont. I know staff did

reach out and they regard it as time sensitive but it is also my understanding the contract is not up until October so it seems like we have one more meeting. Is that your understanding, manager?

>> That's correct. We can postpone it to September 1st if you all like.

>> Mayor Adler: Any objection to postponing items 44 and 45, is that correct? Just 44. Any objection to postponing 44 to September 1st? Hearing none, 44 is postponed to September 1st.

[12:47:44 PM]

>> And that was okay with staff?

>> Mayor Adler: And it's okay with staff. Okay. I would just note on the agenda today, 75, 76, 77, 78, that's arpa funding and furtherance of the housing 3,000 additional people over the next three years, increasing capacity. I'm excited to see us going the scale on these efforts because the challenge requires us to act that way. I'm pleased to see -- it takes a long time for us to sometimes get bond money out on the streets but happy to see on 83 and 85, the 2016 bond that the community passed, being put to work. That was the beginning of a series of transportation bonds that the community has approved. And what I really think is kind

[12:48:45 PM]

of the golden age of mobility in the city. I appreciate the change that you made, council member Ellis, to 192, the boating docks resolution. My understanding was is that they want to do some work so they're interested in getting some movement with respect to the rfp. staff had some reservations because they have strategic plans that are coming out that could impact the number of boats on the river and other kinds of things and they just wanted to ensure that by approving this they weren't going to ultimately hear an argument that said, hey, because you gave us a longer-term stay we made changes that are now inconsistent with the strategic plan. You can't adopt that element to the strategic plan for that purpose. But you added a clause that said, no, that's not going to

[12:49:46 PM]

be an argument available to you. Anything you do you have to do kind of subject to what the strategic plans will be. And I appreciate you making that change so that that can move forward. All right. Anything else before we vote? Council member tovo.

>> Tovo: Super quickly I just also want to acknowledge our staff for their hard work in making sure that we're continuing to get our affordable housing dollars invested in our arpa funding. We have some great

investments, as you mentioned, mayor, on this week's agenda. I also want to acknowledge that with the action that we're about to take here -- is 110 on the consent?

>> Mayor Adler: 110 is not.

>> Tovo: I'll save it. There are multiple things that my colleagues have brought forward that I'm super excited about. I think the animal center audit is really much needed. Thank you, coun member pool and your co-sponsors. Council member Kelly, thank you

[12:50:48 PM]

for amplifying the work of the point in time count. This is incredibly important and I think we on council have a great roll to play in really getting the word out about it. I know whenever I talk to groups who ask about homelessness, I always encourage them to participate in it. I think it's really the best way to understand our neighbors who are experiencing homelessness and to really see the great need and understand how each and every one of us can be a part of ending homelessness in this community. So thank you for that work. 170 is another one of those actions that responds to some long-ago resolutions and I'm really excited to see that this work continues to enhance our red river cultural district. As we're continuing to grow and change, we really need to make sure that we're enhancing those areas of austin that are special and that are important sites. So that's a good thing. 93 we'll correct, this is another resolution I brought forward -- will correct an issue we have been channeled with for a while.

[12:51:52 PM]

They will get a fee in lieu and apply it to other areas where we know those resources. And 97 I want to thank our community members who brought forward this action. This is very consistent and in fact, you know, just reaffirms a previous position of the city council. Several years ago we made some changes to our legislative agenda that called for a constitutional amendment and/or other legislative actions to ensure that money is not considered speech. This action again just reaffirms that previous position but it also will, if passed, let Austin join the other communities across the nation that are going to be part of the move to amend campaign calling for an amendment to the U.S. Constitution to abolish corporate personhood and the doctrine of money as speech. Thanks again to the community members who are advocating for that. There's lots of other good stuff on the agenda but just wanted to highlight a few of

[12:52:53 PM]

those actions.

>> Mayor Adler: Let's go ahead and take council member pool.

>> Pool: I realize that I needed to do some thank yous as well to our staff who worked pretty hard on a couple of items I brought. I'll do this quickly, brief remarks on item 98, which is the animal services department audit direction. I want to thank my co-sponsors for their support, council members kitchen, Fuentes, Alter, and Mayor Adler. They have worked pretty hard with different departments to make it possible. My thanks to city auditor Cory Stokes and to assistant city manager Stephanie and to director Don Bland for their collaboration with my staff and me, without this collaboration this item would not have been able. I really appreciate our animal advisory commissioners. Who are our animal services department staff are passionately devoted to good outcomes for animals in our

[12:53:54 PM]

city. And just to note on Fursday tradition, I recall that it was my colleagues, council member Tovo's idea to bring the pets here in the first place, to encourage adoption from our shelter. I really want to thank her for that, invite my colleagues to help with getting that concept started up once again. I think we miss it. Thanks, Mayor.

>> Mayor Adler: Council member Tovo.

>> Tovo: Sorry, I forgot a couple other things. I think one of my staff members came up with the name Fursday, so thank you for that acknowledgment, and I think it is great. I think the partnership with the animal center is amazing and the staff who come are really enthusiastic and one day I believe they were able to find families for almost every single one of those animals in the van, which was a huge success. I neglected to mention a couple of things. One, Mayor, I want to thank you for your leadership in bringing forward the bond action and my colleagues who co-sponsored that. As all of our speakers said, the bonds we have been able to

[12:54:54 PM]

invest in affordable housing developments and home repair and other projects with our bond work -- is this pulled or is this --

>> Mayor Adler: It's pulled.

>> Tovo: I'll talk about it later. Let me finish it and I won't need to repeat myself. Have been tremendously impactful. As you heard from one of our speakers before, they have enabled developers to really -- affordable housing developers to leverage those funds to bring in tens and tens of millions of dollars into our community to provide much-needed housing. I'm very supportive of that. And 54, I just want to give the staff and my colleagues a heads up. This is a lease that we heard some testimony about that our community liaisons within the police department and our Blue Santa program is bringing forward. I'm supportive of both of those programs. I'm going to vote for this lease. I want to ask our city manager to please work toward identifying some space that is ownership. It seems to me they have been

[12:55:55 PM]

there in that warehouse for a long time and we continue paying for that lease and that's not consistent with our stated interest in moving into ownership opportunities so we're not leasing properties year after year after year. So I did see an acknowledgment that they didn't have an opportunity to locate a space but I'm not sure there's really a plan for doing so. Again, I'm going to bring some budget direction asking for some work to be done on that concrete plan to identify that. And also, since I'm talking about it, I just want to say really important program that the community liaison sponsors are the role model days. I know a couple of us have participated in those. I would just encourage all my colleagues, if you're not on the list of folks that she vites to those, to ask to be added because those have been some -- through the years I haveried to go to as many as I can.

[12:56:56 PM]

They're not necessarily in your district but she also welcomes you to participate anyway and it's just an amazing thing to be out there and talk to some of those elementary students and they always have really hard questions about what it's like to be a council membe they want to know how much you make, where you work, and all kinds of other things and what we do. Anyway, that's all. Thanks.

>> Mayor

>> Mayor Adler: Colleagues, I passed out an amendment on Croll, im182, that staff indicated that they can agree to. The Croll contract is going into the next phase. It's asking for direction. While you're talking to Kroll, would you please come back to talk to them about staying with us. If the manager's going to be

[12:57:56 PM]

coming and asking for additional academy classes that he also come back with a proposal or what it would cost to keep Kroll enga at that point. Is there an objection to that item?

>> I don't have an objection, necessarily, but I do have some questions for you about it which may take a couple minutes of discussion. So if you could keep it pulled so we can review it so I have clarity, I would appreciate that.

>> Mayor Adler: That's fine. We'll keep that pulled. We'll keep the consent agenda the way that it is. Let's take a vote. Those in favor of the consent agenda, please raise your hand. Yes.

Tovo: Let the record reflect I have recused myself on items 9 and 112.

>> Mayor Adler: 9 and what?

>> Tovo: 112, the downtown public improvement district.

>> Mayor Adler: At this point, 9 has been pulled and we'll be considering the others later, so don't forget to do it

[12:58:57 PM]

later. Let's take a vote on the consent agenda. Those in favor, please raise your hand. Those opposed? Is councilmember Fuentes still not with us? Unanimous vote with councilmember Fuentes off the dais. Colleagues, it is 12:59. We're going to go right into public communications. There are ten speakers, three minutes each will get us to 1:30 and then we have the opportunity to listen to midnight snack, who has been cooling their heels waiting to give us a little bit of music. And we want to try to start with zoning speakers at 2:00 so that we can hear them while they're waiting on the phone. We're going to go through the agenda here and see what things we think we can knock out real quickly. So after we do the consent on zoning, we're just going to see if there are things we can rifle through real fast that we can

[12:59:57 PM]

take care of in literally a minute or two. We have an executive session with only one item to cover, and that's health south.

>> Tovo: Mayor, I don't need to discuss that in executive session unless councilmember Renteria, who was absent on Thursday, requested it.

>> Mayor Adler: Okay. So, if anybody wants, the default is going to be no executive session on health south, but we announced we would. So if anybody wants that, they just need to find me and let me know. But that's how we're going to do it. 2:00 back. Councilmember harper-madison.

>> Harper-madison: I appreciate it. With all due respect to our lovely and wonderful Ms. Kay, ho who I love, I had a hankering for fried chicken. If anyone wants to join us, hit up my team.

>> Mayor Adler: All right.

[1:00:58 PM]

So, with that, here at 1:00 we're going to move into public communications. Can you please call the list and please tell midnight snack that we'll be with them momentarily.

>> Okay. Mayor, there is a change for new public comment. We had a very last-minute request this morning for interpretation service. So, I want to take a minute to thank the interpreter, Jacqueline, for

accommodating our request at such a late notice, since we typically require 48 hours to secure service. So with that, we will begin with Maria morales. And Jacqueline, are you online?

>> Interpreter: Yes. My pleas thank you.

>> Thank you. One second.

[1:02:00 PM]

>> [Speaking Spanish]>> Interpreter: [Speaking Spanish]

>> Okay.

>> Interpreter: [Speaking Spanish]

>> [Speaking Spanish]

Interpreter: My name is Maria, I live in 7844.

>> [Speaking Spanish]

>> Interpreter: I'm here to know if I'm going to be able to live in the same community that I've been living in, am I going to be able to live in them in the next five years.

>> [Speaking Spanish]

>> Interpreter: Our neighborhood is changing and our ability to stay living there has changed as well.

[1:03:00 PM]

>> [Speaking Spanish]

>> Interpreter: Because of how much the taxes are going up annually for hng.

>> [Speaking Spanish]

>> Interpreter: The decisions that you take, mayor of the city --

>> [Speaking Spanish]

>> Interpreter: That you make over neighborhoods that are accessible, they affect us in a large way.

>> [Speaking Spanish]

>> The Chang that you're proposing for our community --

>> [Speaking Spanish]

>> It's going to cause a lot of displacement for the families that plan to live there.

>> [Speaking Spanish]

[1:04:02 PM]

>> We have to worry how are we going to live there when we don't have our jobs any longer. Where are we going?

>> [Speaking Spanish]

>> Interpreter: Will we have the same medical benefits that we have here?

>> [Speaking Spanish]

>> These are the questions we've been asking ourselves lately.

>> [Speaking Spanish]

>> Interpreter: When we hear the changes that have been taking place.

>> [Speaking Spanish]

>> Interpreter: I ask you not to put us in jeopardy, the people that you said that you would protect. Thank you.

[1:05:07 PM]

>> Mayor Adler: Thank you. Gracias.

>> Next speaker is Leticia Diaz.

>> [Speaking Spanish]

>> Interpreter: [Speaking Spanish]

>> [Speaking Spanish]

>> Interpreter: Good afternoon. My name is Leticia Diaz.

>> [Speaking Spanish]

>> Interpreter: And I live in the zip code 78741.

>> [Speaking Spanish]

>> Interpreter: And we're here to speak of the decisions that you take.

>> [Speaking Spanish]

>> Interpreter: And that affect us directly.

>> [Speaking Spanish]

>> Interpreter: As residents.

>> [Speaking Spanish]

[1:06:10 PM]

>> Interpreter: Of the apartments.

>> [Speaking Spanish]

>> Interpreter: We are of low income.

>> [Speaking Spanish]

>> Interpreter: And we live affected --

>> [Speaking Spanish]

>> Interpreter: By the decisions that you make.

>> [Speaking Spanish]

>> Interpreter: For the rents going up.

>> [Speaking Spanish]

>> Interpreter: When we are . . .

>> [Speaking Spanish]

>> Interpreter: We are working hard and with this inflation that's affecting us all, not only me, everybody in the community . . .

>> [Speaking Spanish]

>> Interpreter: The rent is up to the sky. It's very high.

>> [Speaking Spanish]

[1:07:16 PM]

>> Interpreter: The apartments, the owners of the apartments are like people --

>> [Speaking Spanish]

>> Interpreter: I'm a resident of those apartments. It affects me a lot.

>> [Speaking Spanish]

>> Interpreter: Because it's going up 3 and \$400 more in rent.

>> [Speaking Spanish]

>> Interpreter: And we're not living in some residential suite to be paying those high prices.

>> [Speaking Spanish]

>> Interpreter: And they don't look into their hearts or trust their hearts to think of how much they're raising our rent.

>> [Speaking Spanish]

>> Interpreter: We don't have enough to complete rent.

>> [Speaking Spanish]

[1:08:19 PM]

>> Interpreter: In the apartments where I live, the rent is going up too much.

>> [Speaking Spanish]

>> Interpreter: And now they're accepting people that are undocumented.

>> [Speaking Spanish]

>> Interpreter: Obviously they are people with no documents.

>> [Speaking Spanish]

>> Interpreter: And they're raising it day by day.

>> [Speaking Spanish]

>> Interpreter: Now the managers and the owners of the apartment --

>> [Speaking Spanish]

>> Interpreter: Now they don't accept any documents as id.

>> [Speaking Spanish]

>> Interpreter: Now they want passports with seals.

>> [Speaking Spanish]

[1:09:20 PM]

>> Interpreter: And that's not justice.

>> [Speaking Spanish]

>> Interpreter: And it's going to be that way because the visitors that are coming with just a Visa --

>> [Speaking Spanish]

>> Interpreter: They're not able to rent an apartment.

>> [Speaking Spanish]

>> Interpreter: Me, in the name of all my community --

>> [Speaking Spanish]

>> Interpreter: I hope that you guys take conscience --

>> [Speaking Spanish]

Interpreter: Of the decisions you take, that you make.

>> [Speaking Spanish]

>> Interpreter: And that affect all of us hispanics. Thank you.

>> Thank you, Jacqueline. The next speaker is a remote

[1:10:22 PM]

speaker, Nila sankofa.

>> Mayor Adler: Gracias. Thank you.

>> Good afternoon.

>> Hello. Please proceed.

>> I'm sorry. I'm trying to -- okay, there we go. Good afternoon. My name is Nila sankofa. I'm here virtually to speak on a couple of matters very quickly that are still facing black creative arts cultural programs and small creative small businesses here in Austin and specifically in east austin/district 1. So - and also my comments may have a couple of quotes in here that are appropriate. And the first O is to avoid criticism, say nothing, do nothing, and be nothing. So, the first quick update is on the box project that continues to be swept under the carpet by

[1:11:27 PM]

the city. The last time I spoke here at city council about this was either this past December or January. And one of you suggested -- one of you on the dais suggested that I contact the city manager's office, which I did. And there were a few meetings, conversations virtually, video-wise, zoom, and emails, phone calls with myself and one of the other project participants over the last six months. And from that, a decision in the form of a memorandum that came from housing and planning, which was the project city department managing the project was emailed to us last month. And I'm here to publicly reject that decision the reasons listed for it.

[1:12:31 PM]

They -- they were very dismissive, unacceptable and quite insulting to the project participants who were disadvantaged and harmed by the city's decision to suddenly cancel the project after two plus years. And the housing and planning decision I guess, from the city manager's office, to ignore, intentionally not take any responsibility or accountability towards corrective action to honor the promises made to the project participants. That's not acceptable. It's clear that, you know, the city manager's office knew in advance that any equitable corrective actions by the city was not going to be in our favor and only spent the last several months wasting our time and city resources to go through motions of pretending to correct broken

[1:13:35 PM]

promises to the project participants, who by the way, were a women, predominantly black and women of color.

[Buzzer sounding]

>> And sogain, nothing is being done to repair the damage that's done.

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

>> On this matter. Um, I . . . >> Next speaker is Ethan Smith.

>> Good after. I want to talk about 92, the housing bond. I'm actually neutral on this, and I support affordable housing, obviously. Because a housing bond -- I understand thinking of it as a tool in a tool belt, but you're paying for it by increasing erty taxes. And so my big question is, how

[1:14:36 PM]

much of that is going to be passed on to renters? Because those are the people you're trying to provide affordable housing for, right, when you talk about having a city THA teachers and musicians and firefighters, etc., can live in the city. If you have enough money for a down payment you're fine. It's the rental market you're trying to think about maintaining affordability. So if you raise property taxes, you know that's going to be a bond, which I think would pass. You know THA money's going to increase the cost of rents. So, you're going to increase rent across the board to help some people to make some units. And I'm just wondering if there's another methodology where you might be able to find money or funding that wouldn't -- you know it's going to raise the cost of rents and you don't know what the efficacy will be, what your return will be. And one of the reasons you don't know that is because it's not possible to predict the future of the housing market.

[1:15:37 PM]

Doesn't mean you shouldn't necessarily do it, but if you could have predicted what was going to happen to Austin's housing market in the last couple of years you probably would have been buying property to sell. You'd be rich. But it's not possible. And I think -- I want to talk about the changes. One thing that I think is predictable is I don't think in the next couple years you're going to see prices go up the way they have the last couple years. It's going to be flatter. It might go up a little bit, in Austin. Nationally people are predicting there are going to be markets where it's going to go down. So then if you go further in the future, your ability to predict becomes less. But in the variety of things that might happen, it becomes greater. But if rents and other places -- if housing market in other places go down, if Austin stays flat, maybe 5-10 years from now you will have a situation where your folks that have invested in residential real estate in

[1:16:37 PM]

Austin are looking to rebalance their portfolios and say hey, the chance of making a profit is going to be in these other markets. So, when you talk about supply and demand you might have a situation where money from this corporate equity is leaving Austin to some extent, and you'd have more units come on the market. But these kind of housing bond projects are going to be baked in. You have a situation within the five you're saying we're going to have these to fund projects that are 20% limited mfi, because of the craziness of the last couple years, you'd have districts in Austin where 80% of mfi of the city of a family of four is above the mfi of that district.

[Buzzer sounding]

>> So, 50 or 60 out of a hundred people in a given district aren't going to be able to access that housing, so is it really affordable? Thank you.

[1:17:39 PM]

>> Juana aljuani.

>> Thank you, everyone, for this opportunity. Let me tell you a story, a story of a woman who had a tough upbringing. Her childhood needs were not met. Terribly abused growing up, fell in love with the wrong guy. In love with her childhood trauma, but this time it was much worse. One day this woman was found dead, thrown in the ditch, murdered. There was no investigation conducted on her behalf. Her family was told by authorities, and I quote, what did you expect? She liked bad boys. This is a story of an African American Texan woman shared by her surviving sister. I hesitated many times to contact the police. February 22nd, in the closet, shivering in fear, screaming, crying, terrified. Hours passed by. Finally, I grabbed my phone, help. You need to call 911, they said. They are trained to deal with these situations. May 26th I called 911.

[1:18:40 PM]

12 hours later they show up. I shared my story. They let me know I was assaulted and it's a crime punishable by law. Really? Or am I just another woman who liked a bad boy? First attempt, prosecutor call. We are ready to grant you a protective order, but you have to tell us where he is. Seriously, you expect me to tell you where he is while I'm barricading myself in fear for my life? Second attempt, are you sure you're ready to apply for a protective order? You know you have to share your story in front of the whole world live on YouTube. Wait, it's not enough what I went through, now I get to be shamed and humiliated publicly? Third attempt, finally I file an application for a protective order. You guessed it. Denied. Just another woman who fell in love with a bad boy. Sadly, this is very common, ladies and gentlemen. To my surprise, the woman spoke to to help me couldn't even hear me. She was even more stressed than I was. I, a victim of a crime seeking

[1:19:41 PM]

help and the people I'm talking to, they're so stressed out they can't hear me. I'm here to suggest one step, just a tiny solution. There's a program, one hour, free by heart map institute geared to help those in crisis responders. I believe that anyone in government who's responding to situations like this should have this training. This training is to help them. It's not to help the victims. It's not to help the people that die. It's to help those people who pick up the phone, who interview the victims so they're not stressed any longer. So with your help, I would, you know -- and guidance, a city resolution to mandate this free program I believe would save lives. There are two ways to go about this. One in decision and one in circumstance. I pray you make a decision to support this effort. I'm a resident of district 1. Councilmember Harper, I'm volunteering my time in drafting

[1:20:42 PM]

this resolution. Maybe we can save a life. Maybe in this process we can keep the integrity of our city.

[Buzzer sounding]

>> Thank you so much.

>> Mayor Adler: Thank you.

>> Mayor, may I?

>> Harper-madison: We're pretty easy to find, but natasha.madison is a great way to send your information. I chair the public safety committee and a lot of folks underestimate of the importance of doing what you just did, which is brave. Thank you for sharing. When you share with us as a body like this or before a committee where multiple councilmembers can take that information and then it inspires policy that comes out of it, so, thank you for sharing and I really look forward T following up.

>> Okay. Thank you so much. I'll be in touch.

>> Cynthia Vazquez.

[1:21:46 PM]

Jannette Matthews. I'm sorry, Anna Aguirre.

>> Good afternoon, mayor, mayor pro tem, and councilmembers. My name is Anna. I'm on the environmental commission and the president of thetin neighborhoods council and past chair of the neighborhood plan contact team. I'm speaking only for myself. I appreciate the efforts put forth by the mayor and councilmembers to continue to meet with neighborhood representatives and current residents. I'm here to voice concern regarding housing affordability and the unintended consequences. What is missing is planning. Affordability should not and cannot be a tunnel vision approach. It is important you take a look from 10,000 feet up and look at the big picture. I moved here as a single parent. I could only afford to live in southeast Austin.

[1:22:47 PM]

We were barely making it. In dove springs, we did not have a region center, fields or a park. Having access and keeping my kids busy was a major challenge. We were one of eleven zip codes in the state with the highest juvenile crime rate, because of poor planning. But we did something about it. We now have a recreation center with baseball and soccer fields and parks. One park, the 201 and 2015

catastrophic floods. But we also have a library and soon we will have a public health facility. We got the support of the Austin city council to make this happen. Please encourage and support planning. I appreciate council members Kitchen and Fuentes. We have some planned areas. Every part of the city should have true affordable housing and special considerations should be taken when the mfi is lower than the commonly used numbers. Residents are not being helped when affordability is 80 to 100%

[1:23:48 PM]

mfi. This is displacing us, as demonstrated when redevelopment occurs without a backup plan for current residents renting, not even aid teachers make that kind of money. This city has a program designed to help people stay in their homes by assisting with home improvements, but it is reported that it is not fully staffed. With that homeowner assistance, the vulnerable homeowners and families are being displaced. Please be judicious when allowing fees in lieu. We have fees in lieu for affordability, parks, trees, drainage, parking, and other infrastructure issues. We need a healthy tree canopy. It is outrageous to see the extreme heat warnings be applied more consistently in east Austin. Public transportation, parks, sidewalks, adequate parking and more importantly, a drainage infrastructure that does not compromise the public safety by creating additional creek or localized flooding should be addressed. We have development that is proposed on floodplains that

[1:24:50 PM]

could pose a risk on current residents and businesses downstream. The developers have their engineers and so does the city, but where are the engineers for the residents and businesses who cannot afford an engineer? The 2018 bond addressing flooding gained more support than the housing bond. No one should contribute to social injustices when residents are not being provided their quality of life benefits on-site.

[Buzzer sounding]

>> The equity office is not being consulted as intended to address the inequity issues. Marginalized communities continue to be compromised and we're being pushed out. When we talk about anti-displacement, what you say needs to match what you do. Please plan all of our city accordingly. Thank you for your time and consideration and continued service to our community.

>> Ashley Hamilton. Carol Anne Rose-Kennedy.

[1:26:22 PM]

>> Hi. I would like to tell each and every one of you, including the ones that are missing, I am so grateful for your service. I am so grateful. Thank you very, very much. And thank you for having me.

♪♪ Oh, give me a home where the texicans roam where the moms and the babies don't cry ♪♪

♪♪ I don't know word of an español verb and the gods only know how I've tried ♪♪

♪♪ homeless on the -- my voice is terrible today.

♪♪ Homeless on deranged

[1:27:23 PM]

where the back burner's broken again but I don't have to cook cause my best tool you took so let's go out and pretend we're insane

♪♪ oh, give back my house with my fine little white spouse with the white picket fence all around ♪♪

♪♪ roses and furls until the end of the world you can tell the good neighbors I've drowned ♪♪

♪♪ oh, give me a cell with your drugs and more hell when the gods only know what I've done ♪♪

♪♪ well, I'll cry and I'll sing with my two broken wings you made me crawl when I wanted

[1:28:24 PM]

to run ♪♪

♪♪ oh, give me a room with some nursing home gloom where I rock, or get rolled down the hall ♪♪

♪♪ my breath is now short it is in the report but they'll seal that and mail it to y'all ♪♪

♪♪ oh, give me a hut where I'll keep my mouth shut where they call me bipolar by name ♪♪

♪♪ well, I'll fly and I'll crash on my lily white ass that you'll never stop trying to tame ♪♪

♪♪ oh, give me a grade where the bad boys behave where the coyotes call out my

[1:29:24 PM]

name ♪♪

[buzzer sounding]

♪♪ Now I've soared through the clouds while I'm crying out loud that I'm no longer playing your games

♪♪ homeless on deranged where the -- homeless on deranged where the back burner's broken again

♪♪ but I don't have to cook cause my best tool you took so let's go out and pretend we're insane ♪♪

>> Thanks.

>> Thank you. We always appreciate it when you come.

>> Mayor Adler: Thank you very much.

>> That concludes all of the speakers.

>> Mayor Adler: All right.

[1:30:25 PM]

Colleagues, it's 1:30. We're going to ask midnight snack to come on out, if you want to stay and listen to some music. We'll be back down here at 2:00 to listen to zoning speakers. The time is 1:30 and we're in recess until 2:00, subject to midnight snack.

[1:37:26 PM]

[1:41:40 PM]

>> Mayor Adler: At council meetings, we take a break and bring live music into this space. It's important to do because of the statement it makes about live music in this community. We've been going since early this morning. We have almost 200 items on the agenda. When we come back at 2:00, we start in with another two hours of listening to the community coming to speak to us about zoning cases, because we love democracy in this city. And we really do. It's important and good stuff. But to be able to take a break and listen to some music just really helps you get through the rest of the day. I like to think that we take the music and we press it into the walls. And when things get really rough in here, I can space out for a second and pull back the sound of music in this space. Now, it's not exactly asking our

[1:42:40 PM]

musicians to play at Carnegie hall, but it's as close as we can get to that. So, in our city's Carnegie hall today, we get to bring in midnight snack, which is just an incredible gift to us and the city. They record it. It will be played, it's available to people. And it's something that gets shared and chronicled. And a hundred years from now when some historian is doing a piece about music a hundred years ago in Austin, this is probably where they begin. There's no more -- there's no venue in this city has as eclectic a collection of really good music as city hall, because people are willing to come in and play a piece in this place.

[1:43:43 PM]

And it's special. And we try to take advantage of that. So, it's great to have with us here midnight snack. It's a pop r&b trio consisting of Ty, micky, and Zack, formed in 2020 as micky and Ty and adopting their new name in the summer of 2022. Their sound feels familiar, like something you've heard your whole life, but with a sprinkle of something new and unique that leaves you wanting more. They play as a trio primarily, but they also collaborate with some of Austin's finest musicians for a full band sound. With highlights including a south by southwest showcase in

[1:44:46 PM]

2021, playing the Saxon pub, the 310, scoot in, half step. They also have a monthly persian residency. They have quickly grown to become a real staple of the Austin music scene. We're going to talk to these guys here in just a second, but please join me in welcoming midnight snack to Austin's Carnegie hall at city hall.

[Laughing]

[Applause]

[1:47:55 PM]

[applause]

>> Mayor Adler: Pressed into our walls. So, if somebody watching this, not a hundred years from now but today or tonight, or next week wants to come hear you play live, how would they do that?

[Laughing]

>> We post things on our Instagram page, @haveamidnightsnack. We have a residency at the per thing. This is our lovely social media guru. He's going to post great content about when we're going to play next.

>> August 10th.

>> Mayor Adler: Do you have any gigs set at this point? Do you have any next gigs set at this point?

>> Yes, August 10th, every second Wednesday at the

[1:48:56 PM]

Pershing, that's our first official midnight snack gig, so come on over. Does it go on until midnight? Everyone can have a snack.

>> Mayor Adler: What time are you there?

>> We start at --

>> 8:00 to 10:00.

>> Mayor Adler: And on social media you've given us where you are on Instagram. What about a website, do you have a web page?

>> Yeah, but generally we really use Instagram heavily. It's a great way to communicate with a lot of our fans and friends.

>> Mayor Adler: That's what my daughter tells me every day, push for anything other than Instagram.

>> Stick to one. There's too many.

>> Mayor Adler: I think that's really cool and you guys obviously just sound great. And we have a proclamation I would like to be able to read on behalf of the council. Be it known that whereas the city of Austin, Texas, is blessed with many creative

[1:49:57 PM]

musicians whose talents extend to virtually every musical genre, and whereas our music scene thrives because Austin audiences support good music produced by legends, our local favorites and new comers alike, and whereas we are pleased to showcase and support our local artists, now, therefore, I, Steve Adler, mayor of the live music capital, do hereby proclaim July 28th of the year 2022 on behalf of all my colleagues on the city council, including councilmember Kelly, who is also with us today, declare July 28th, 2 as midnight snack day in Austin, Texas. Congratulations and thank you so much.

>> Yeah!

[Applause]

[1:51:00 PM]

>> Did it, ma.

[Laughing]

>> Yeah, definitely.

[1:58:09 PM]

[Music]

[Music]

[2:11:18 PM]

.

>> Alter: It is Thursday, July 28th, at 2:11. I'll reconvene the Austin city council meeting. We're going to get started with zoning if Mr. Rusthoven would like to start us off.

>> I'll read the items I believe will be postponed so the speakers are aware those are projected to be postponed. First one will be offered for consent later, item 128, postponement by applicant. Item 131 is postponement. Item number 2 -- both statesman items. Item 136 is postponement

[2:12:18 PM]

request by you, mayor alter. Item 139 is postponement by staff to September 31st. Two is request by applicant. Item 135 is postponement. Item 151 is requested by staff. Item 160 is request by staff. 161 -- request by staff to September 1. Item 165 would be postponement request by staff. Those are the items I believe we'll postpone.

>> Alter: For the item I'm postponing, just for those paying attention, the new districts have gone into effect with respect to how we are operating so I have a zoning case that's new to my district

[2:13:19 PM]

that we want to take a little more time with. Council member Kelly?

>> Kelly: I appreciate that and it used to be in district 6. Now that it's in district 10 I'd be happy to talk a little more with you about that as we go through the postponement process.

>> Alter: Sure. Council member kitchen?

>> Kitchen: I want to confirm 142 is postponement.

>> Yes. I'm projecting it will be postponed to September 15th by the applicant.

>> Kitchen: Thank you.

>> Alter: Council member tovo, did you want to add something?

>> Tovo: I do. Can I ask you to?

>> We received eight questions, I believe, from your office. We included in the response to the Q and a yesterday that we believed that item was being postponed, so we didn't answer

[2:14:19 PM]

those questions. What we can do is as I get the answer to those questions we'll load them on to the system. As we get those answered we'll upload them.

>> Tovo: Appreciate that. Thank you.

>> Alter: I want to confirm for those who are speaking, we have have different ways we've approached the statesman pud in terms of how people were speaking today. Under traditional rules they would only speak to postponement. Is it your understanding both of those would be okay

>> Tovo: I think that's consistent with what I took away from the work session and communicated to constituents. That would be great if we allowed people to speak to the merits or any questions they have.

>> Alter: Great.

[2:15:19 PM]

Thank you. I don't know if anyone -- how many speakers do we have? I don't have that.

>> We have 16 remote speakers and about 90 in person -- if they're all here.

>> Alter: I believe the mayor said we would proceed with one minute each. Isre any objection to that being how we proceed? Seeing none, I would ask the clerk to ask folks to come up to speak remotely.

>> First speaker is Laura

[2:16:20 PM]

cotman on 132.

>> Hi. This promotes public amenities that have morphed into a tax funded road extension of the drainage plan. The vision [indiscernible] To the signature park was coopted into the center of the development. Pedestrians must navigate

(indiscernible). It will fee like a beautiful front yard for an exclusive development.

[Indiscernible] Like additional waste, constraining roadways and construction near the bat habitat. Density is (indiscernible). This decreases parkland from the vision land to merely 3.5 acres deeded, some under water. It can never be satisfied. Affordable housing is too expensive on this land, pushing out musicians and others who make our city unique.

[2:17:22 PM]

Austin has been consumed by those [indiscernible] Quality of life here and we have the chance to do this right. Please vote on the 305 south congress pud when it comes up. Thank you for yourtime.

>> Edward Winston.

>> I was speaking on 116 and 164. I ask that city council not approve the amendments to the nccd for the east 12th street extension, specifically in regards to allowing more cocktail use between I-35 and

[2:18:23 PM]

(indiscernible). I appreciate the historical use of the area for entertainment but the current use leans more towards family and single-family development, and I think that the inclusion of this more cocktail use would be prohibited to family development. Thank you.

>> Nichole blare on 116 and 164.

>> I would like to second what the last gentleman said on item 116 164. I am pro-development, pro-density. I' for bringing more businesses that are neighborhood friendly and more density to the nccd corridors on 11th and 12th street. What I think would be a

[2:19:32 PM]

detriment to the neighborhood is if this allowed for more bars, more outdoor music venues for cocktail bar use. I don't think we need another sixth street or red river on 11th and 12th. I think that should be stricken from this amendment. Thank you.

>> Mitchell orenger on 116 and 164.

>> Hi. I'm a resident of east 13th street. I want the neighborhood to have accesses to services that lift everyone up, and that includes no more bars and no more nightclubs. Thank you.

>> Tracy whit on 116 and 164.

>> Council, this morning the law development confirmed east

[2:20:34 PM]

12th street regulations as written for approval will

[indiscernible] To establish cocktail lounge use.

[Indiscernible] Not a single cip in Reny has been denied. This impacts more than

[indiscernible] What's the dollar value on that

[indiscernible] At the expense of livability. It's [indiscernible] Currently defined what uses are permitted. This is now for your process to align and streamline regulatory documents with [indiscernible] For cocktail lounge use

[indiscernible] That was spearheaded by African-American leaders who were fed up W overzoning and hostile land use policies. Please don't [indiscernible]

[2:21:36 PM]

Expanded. Thank you.

>> Darcy Von tempo on 131.

>> Hello. I'm speaking on item 131 and 132. I'm very disheartened by the city council consideration of the further development along the lady bird lake. I'm not sure -- there doesn't seem to be a vision for the natural beauty of Austin. We're living in a situation where climate control and climate change is heating our world. We're sitting in a situation where people are looking for more green space, and the

city instead is looking at developing the natural space for both people and wild life and people and wild life are connected into luxury hotels and luxury condos without

[2:22:37 PM]

access to the park or the public that now currently had that access to the river side, to the lake side -- river side. And, you know, there's no reason to give the tax credits much less to allow the zoning [indiscernible] Wealthy developers are willing to -- rather?

>> Thank you. Your time has expired. Bill bunch on items 131 and 132.

>> Good afternoon. Thank you, council, for honoring the neighborhood's request for the postponement. I mainly would second the statement by our parks board chair in that this project, once you have it on your dais

[2:23:39 PM]

for the merits, should not receive any subsidies whatsoever. This is the most valuable real estate in Austin and probably the whole state of Texas. If they can't make it a profit on the enormous upzoning and increasing entitlements, then they should be doing something else. The argument that they need our taxpayer gives to help them make a profit is absurd. You should also demand we get the full amount of parkland dedication. You can't replace it with dollars and right now they're not even close to being superior. In fact, they're several acres inferior.

>> Thank you. Your time has expired.

>> Thank you. Uh-huh.

>> Jane Ann parker on 138.

[2:24:39 PM]

>> Compatibility standards are in place to provide Austin's existing neighborhoods with buffers from large multistory developments. They're to ensure our city has a variety of neighborhoods. This will cast a permanent shadow over us. The tax paying neighborhood citizens will not benefit from having this neighborhood's identity changed. We believe there are locations better suited for it. Lack of any green space plan for this development is shortsighted. This proposes to have no general parking, only five handicap spaces. Landcaster court can be expected to become impassable, not to mention the slight influx of people who will have a long list of negative impacts

[2:25:40 PM]

on the neighborhood. This project proposes 95 per cent impervious cover.

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

>> Oh.

[Laughter].

>> Abby Ruiz on 158.

>> Good afternoon. I am speaking in favor of rezoning to general commercial services mixed use vertical, mixed use building neighborhood plan for the project at 5525 east 51st street. The developer has been extremely engaged with nearby neighborhoods, not only to get our input but also to address our concerns. In addition to great community involvement and inclusion we look forward to improvements to the area with businesses,

[2:26:41 PM]

affordable housing, improvements to the little walnut creek trail and a connector. I ask that you approve this rezoning for this project. Thank you for your time and attention.

>> Eddie stout on 163 and 164.

>> Yes. 116, 164. This is Eddie stout. I own down home records and run the east side king foundation that puts on the festival on 12th street. I represent a lot of musicians that would love the opportunity of more spaces T be able to put on our arts and our music. And I am for this motion, that harper-madison has put forward.

[2:27:42 PM]

Thank you for the time to speak.

>> Dalia hindenman on 166 and 167.

>> Hello. I'm against the development on 2011, 2015 E.M. Franklin. Our neighborhood has tried to be engaged with this developer to do a compromise from the severe upzoning. He's using affordable unlocked to get way more impervious cover and incompatibility. You have spent a million and a half to renovate, restore 1 tenehill branch just to destroy the other side. Please do not approve this. Better compromise with and not set a precedent for this

[2:28:44 PM]

upzoning to go through our entire neighborhood and make sure you have a -- the affordability unlocked protections that guarantee he must go through with those because we've heard they're just paying fees in lieu of service and we don't?

>> Thank you. Your time has expired.

>> Thank you very much.

>> Sarah Welch.

>> My backyard abuts this. I'm in support of this development for three reasons. One is sustainability. This project promotes sustainability, preserving plenty of green space along with the creek while abating to reduce sprawl by enabling people to live near where they work. This kind of housing is needed,

[2:29:45 PM]

which has become out of reach. This is the only existing or proposed for sale housing development. It will welcome new homeowners. Number three, thoughtful design. It would be easy to put a concrete block and call it a day. This preserves neighborhood character and preserves community values. I have respect for the project and I hope council will grant him the requested rezoning. Thank you.

>> Leela Shams.

>> Yes. I'm a homeowner on E.M. Franklin. I am in favor of the project. I think it's the right location for a project like this. It's between two transportation corridors. It's a unique street. It's a wide street, and I'd also say there are very supportive neighbors.

[2:30:45 PM]

48 per cent of neighbors are in favor of this project, which is rare for this type of project. We need affordability. We're at code red crisis in the city and I'm excited for this project to be approved. Thank you.

>> Matt Welch on 166 and 167.

>> Hi. I'm the president of the Franklin Grove Homeowner's Association which governs the neighborhood adjacent to this proposed project. I'm here speaking today to let our neighborhood stand in favor of the proposed project and urge you to vote in favor. Over two years ago the developer behind the project reached out to our neighborhood to collaborate on a vision for the property. Throughout dialogue he list

[2:31:46 PM]

to our questions and concerns and compromised on certain aspects to accommodate us. After this effort to build consensus our neighborhood voted in favor of supporting the project, subject to certain conditions we have included in our restrictive covenant governing the project. We support the project and have full confidence the developer will abide by (indiscernible). Thank you.

>> Amall Mira. 166 and 167.

>> I'm the developer of the project, mixed-income, missing middle in what is a mixed-use block. It will produce 143 for-sale residents, 43 income restricted. Of the 100 market rate vast

[2:32:49 PM]

majority will be under a thousand square feet. We need just a modest increase in entitlements. This green field project will focus on the middle class. Teachers, hospital workers, city employees, artists, as well as those at risk to being displaced. We have been engage within the neighborhood two years. We have support of mediate abutters, along with others in the neighborhood. We hope you'll support the rezoning that would provide much needed affordable housing to this neighborhood.

[Buzzer].

>> Liz Johnson on 166 and 167.

>> My name is Liz Johnson.

[2:33:49 PM]

I'm president of a neighborhood near where this is being proposed. I'm here to amplify questions. Council member Fuentes, commissioner praxis requested revenue. Specifics were not provided. Please demand them.

[Indiscernible] In the neighborhood. City staff needs to include in the recommendations not included. Please ask for them. There are several large-scale developments proposed in our neighborhood and under way submitted O at a time. None have triggered traffic impact analysis. Please ask all developers to share the cost of analysis so infrastructure meets development. Council member tovo, commissioner Pulido was concerned about the run-off and the proposed affordable developments in the neighborhood and highlighted

[2:34:52 PM]

displacement will happen and should be prevented.

>> Thank you. Your time is up.

>> Please ask the developer

[indiscernible] Of all covenants. Thank you.

>> Next is Chris Gannon on 166 and 167.

>> Hello. I'm an architect. I live on E.M. Franklin, across the street from the project. I'm speaking in favor for three reasons -- family, neighborhood, and environment. I have two children. I would like to see them grow up in a walkable, bikeable, playable neighborhood. This will provide amenities to our street, like a park, cafe, theater. To me, this is important.

[2:35:52 PM]

The attitude that east side has seen an unfair amount of development ignores the fact that east side has seen an unfair amount of displacement. I have a friend who grew up in this neighborhood whose rent is nearly doubled in the last year. He is barely hanging on to that last rung of the housing ladder. If we can ease the pressure a little bit, we might be able to keep some rents in their homes. There's 143 units not being P developed out in other places -- each on sixth of an acre and serviced by road and utilities. People come into Austin with their cars, building density into the core of our city especially around transportation corridors is most sound thing we can do.

[2:36:54 PM]

Thank you.

>> That concludes all the -- sorry. All of the remote speakers. We'll move on to in person for items 116, Michelle hogan.

>> Hello. For 20 years my husband and I have lived on east 13th street in our home that backs up to east 12th. We do not want bars and live music venues on east 12th. I have a statement from a resident who can't be here

[2:37:54 PM]

because she has mobility issues. I will read it in her own words in Spanish.

[Reading in Spanish]. I live at 1192-1/2 street. I have lived at this address

[indiscernible] And I have signed copies of her statement for each of council. I ask that you read her statement and please listen to it. Thank you.

>> Rebecca Leonard.

>> Thank you. I'm owner of lion heart in east Austin, planning and architecture firm. We have been working on urban

[2:38:56 PM]

design framework for their properties on east 12th street. We have gotten to know the people F involved in the sixth square cultural district, the only designated black cultural district in Texas. We support their mission, which is to preserve and celebrate the historic legacy of the African-American community that once thrived there. This includes the musical and culinary arts, culture, and history of central east Austin. According to the Texas commission on the arts the designator of cultural districts in the state, these create a thriving creative sector which helps boost the local economy. Looking at other cultural districts the sale of food and beverage is essential to attracting visitors and turning appreciation of arts into income for the community. We have built goals for the framework around the cultural district, and we support the

[2:39:58 PM]

motion from council member harper-madison. Thank you.

>> Chris Rodriguez on 116. On deck is Danny Thompson.

>> How y'all doing? Hey. How you doing? I want to speak on behalf of the arts on the 12th district area. I believe it's really important. It's super important for the arts to be there, to not be taken away, to be amplified -- not just for the arts but also for the community to continue to help and build everything in that area. I'm not from Austin. I'm originally from Chicago.

[2:40:59 PM]

I know how important it is to build your community, to uplift it and -- yeah. Sorry. Sorry. Sorry. That's all for me. Thank you.

>> Danny Thompson. On deck is Harold Mcmillan. Harold Mcmillan. Heath Kreech.

>> Mayor and council, good

[2:41:59 PM]

afternoon. I am resident of juniper street, which is between east 11 and 12th street. And with mindful consideration and good planning, yes, absolutely in my backyard. Austin is growing. Some people don't seem to realize that, and the work that we do today is not for us. It's for the next generation. It's for five years from now. It's for ten years from now. I'm 65. I'm not going to be here to see some of the work I've worked on for the last 30 years. I understand my neighbors' frustration about this conditional use thing. Conditional use does not mean a bar on every lot, and if there are issues with what exist there right now on 12th street, or any other street in Austin,

[2:43:01 PM]

that's an enforcement issue. Let's keep going on this. This district is now with the nccd and urban renewal plan and the plan for the cultural heritage district, that overlay works. The pieces are in place. We're not talking about a bunch of bars. We're talking about cultural institutions that might be commercial businesses that help the city's economy.

>> Heath kreech. On deck is Carmella green. Carmella green? Lee Sherman? On deck is Michael ward.

[2:44:04 PM]

>> Yesterday neighbors adjacent to the area filed a protest. This includes many people -- scientists, nurses, labors, veterans, single parents, elderly, bedridden, those with debilitating diseases. Dozens of neighbors also signed in solidarity and also represent our diverse neighborhoods. The chief concern of those protesting is council member harper-madison's last amendment. Cocktail lounge use was allowed

[2:45:04 PM]

in some locations but not everywhere to strike a balance. A compromise negotiated in good faith. We agree. Please stand with us.

>> Michael ward? On deck is Michelle hogan. Michelle hogan? On deck is Patrick hoke .

>> Good afternoon. I'm a homeowner in the nccd.

[2:46:09 PM]

My neighbors and I respect this has been a mix of uses and the renewal plan and nccd regulations reflect that. There's housing from way back and more recent. There are churches, institutions and two African-American funeral home businesses.

[Reading rapidly]. Residents have adding for preservation of properties.... Today law development confirmed as written for you to approve today will no longer

[indiscernible] --

[buzzer].

[2:47:15 PM]

I urge you to vote against expansion of cocktail lounge provisions.

>> Mayor, may I ask a question? I happened to note where you live because you're my neighbor and I've seen you take out your trash. How is it possible for you to be the president of?

>> I'm at 1511 east 12th.

>> Harper-madison: If David Thompson -- Davis Thomas goes from 12th to mlk -- Keeling's boundaries are also within that?

>> I've been the president for a while.

>> Harper-madison: Good to know. I appreciate it.

>> Yes. Thank you.

>> Rebecca Leonard?

[2:48:16 PM]

On deck is Stacey Stacey.

>> Rebecca already spoke and seems confused.

>> Thank you.

>> Mayor, city council, thank you. I live on east 13th street. I'm here to ask please no expansion of bars or loud music Veen ewes. In walking the community with neighbors, speaking with the residents whose

property are within 200 feet who will be impacted -- many are elderly. Many neighbors close to me who I've met and are people of color who have lived here generations are not on social media. They're unaware of the changes and are concerned. One woman told me she feels like she's being forced out of

[2:49:18 PM]

her house and has nowhere to go. She's surrounded by short-term rentals, party houses. There are so many ways to celebrate central east Austin culture without adding more bars and live music. We have them and are happy to have them -- the current ones that are there. Please focus on housing, minority owned businesses, walkability services for the neighborhood. This is by far what everyone I've spoken to want. Thank you for listening and please listen and honor those who I've spoken for who cannot be here today.

>> Tobin levy. On deck is wazeeri garuba.

>> Thank you for your time. I'm an Austin native and have lived in my home one block south of east 12th the past eight years. It came to my tension the

[2:50:18 PM]

regulations -- attention that the regulation as written today will no longer -- the only impediment to opening a bar will be conditional use permits which by all accounts are easily obtained. In approved regulations will allow for rapid expansion of cocktail lounges in a community that was led to believe that we shared and supported a collective vision for a revitalized 12th street that would protect the integrity of the neighborhood while addressing housing, retail, and commercial needs of the city. I'm at a loss as how an influx of a bars could be viewed as a prerequisite. I'm far from alone. I hope you'll take the recent submitted petition signed by my

[2:51:20 PM]

neighbors as proof I'm one of many. Thank you for your consideration.

>> Wazeeri garuba.

>> Good afternoon. I'm the CEO of Harlem lads. Having done this for almost a decade I'm familiar with their struggles, concerns, and challenges. Put simply, actions that reduce commercial opportunities and creative engagement they need to grow and what defines the city we love are both unfair and change the fabric and landscape. They have a disproportionate impact on our community. Artists need canvases. Musicians need followers. This includes cocktail lounges.

[2:52:20 PM]

I need not remind you the area in question is an African-American historical district. It's for this reason I ask you to support councilwoman harper-madison's motion and allow us as a community to manage decision making on a case-by-case basis. I thank you for your time.

>> Zenovia Joseph on 116, 128, 131, and 132. Jose Ariano on 129. On deck is Espidion Garcia.

[2:53:22 PM]

>> Council members, I'm here in regards to item 129 at 1135 Manchaca road. We're here to reiterate our opposition to this zoning change, especially the tract one change regarding the liquor sales or cocktail lounge. Our attorneys -- the applicant provided some documentation to city staff that we received just this Monday and we're still looking at that in terms of the access issue. We also have separate from that, the applicant is submitted two tracts for zoning. Tract one has a cocktail bar component. The applicant and city staff are considering all parking on tract two. There's a big difference between 20 parking spots and 82 parking spots. The tract 2 parking is not close to the main road and defeats the purpose of

[2:54:22 PM]

separating the tracts. Planning and zoning didn't send it with a recommendation here. We're asking you postpone the item so we can look at this a little closer. Thank you.

>> Mr. Ariano.

>> Yes.

>> Thank you. The road that's there, is that a privately owned road.

>> It's privately owned. It has a public use dedication from what we saw on the work but it's still a private road. The public can use it to get halfway into the property, not all the way back. The rest is an easement.

>> Is it a paved road or dirt road.

>> So the part that has a public part of it is paved and the back part is?

[2:55:23 PM]

>> Is there a part that?

>> We take care of potholes and paving, whenever we need to do that.

>> Thank you very much.

>> Thank you.

>> Jim whitlif on 129 and 157.

>> Good afternoon, council. I'm only going to speak on 129. I am the applicant on that case. Council member vela, there is a joint use access easement that was done with the plat all the way back the entire length of the property. It's been there since the property was platted, and my client's tenant do pay maintenance. We've offer modify the

[2:56:25 PM]

maintenance agreement if they want, but the truth of the matter is we have every legal right to use that and every of our tenants have every legal right to use it. They use it for a mov company and a very popular restaurant that was voted the tenth most popular restaurant in Austin, even though it's only a food truck. They provide zero parking spaces. Thank you.

[Buzzer].

>> Kitchen: Mayor? I'm going to have more questions for the applicant when this comes up. Should I be asking those questions now or -- I'm sorry. I stepped out for a minute and just came back. I'm not sure where we are in the proc it's definitely going to be pulled.

>> Mayor Adler:

[Indiscernible] Stick around so we can ask questions at that point. It looks like it's going to be a pulled item.

>> I think your microphone is

[2:57:27 PM]

off.

>> Mayor Adler: When -- it looks like it's going to be a pulled item. When it gets pulled we'll give you a chance to come back up.

>> Ruben Venice on 130. On deck is Roy wayly on 130 and 131.

>> Hello. I'm Reuben speaking on item 130, manchaca. It's called manchaca south, I believe. I'm against it, mostly for the density. And we still have issues that came up from yesterday's meeting with Ms. Kitchen and our team leader. From my understanding, he understood that he had agreed to

[2:58:31 PM]

20 units total. But that is what I understood from him. And I think that there should be some more time to figure out what's going on. And I believe that there's still issues with, say, the access to the property and how it affects our neighborhood.

>> Kitchen: If I could speak to -- yes, I wanted to let you know --

[buzzer sounding]

>> Kitchen: We have been able to resolve the issues.

>> I'm sorry?

>> Kitchen: We've been able to resolve the issues related to access onto manchaca, so we're back at the original thinkin which is that access is related to access on manchaca, and we'll be reading O what those provisions are when it comes time.

>> Oh. Okay. Should we postpone, then?

>> Kitchen: We'll have that

[2:59:32 PM]

discussion in a bit. I don't think we need to postpone.

>> Well, considering that our team leader was under one impression --

>> Kitchen: I've talked with your team leader. I can send Donna down to talk with you. We're not using this time for back and forth, so I'll send Donna down to visit with you, but we have talked to Mr. Sutton, and can share with you that conversation.

>> Thank you.

>> The following speakers are registered on item 131, and they will be speaking on the petters on the merit of the postponement.

>> Howdy, I'm Roy, contion chair for the Sierra club.

[3:00:33 PM]

I wd to be 131 and 132. On the statesman P.U.D., there are a lot of things that are important, but we need to look at the affordable housings a affordable housing aspectbecause the people that serve margaritas should be able to walk across the bridge to do that. This is an air quality issue as well as a justice issue. The other thing is -- and I know y'all know me as an environmental activist. Very few people realize I'm actually a realtor, too. An so looking at this from a real estate standpo I have to look at it and say, if you can't make it work without a major handout, get out of the way and let someone else do it. This is --

[buzzer sounding]

>> Very simple. Don't ask us to subsidize your project. That's the way capitalism works.

[3:01:36 PM]

If you can't afford to do it, move out of the way. Somebody else will do it. Thank you.

>> Aguilar, on deck is jose Ayala.

>> Hello, my name is Consuelo. I'm here -- I work at the airport and I'm in unit local 23. I want to talk about affordable housing. Everything is going up and there should be more housing for people that can't afford it. The hotel and the development should be turned into housing for affordable housing. Thank you.

>> Joset Ayala. On deck is Keaton baker.

[3:02:43 PM]

>> Hi. My name is jose, I work at the Austin airport. The I'm a member of unite local 23. It's expensive to live in the city. And everyone knows it's not stopping. I have three daughters and it's hard to afford housing and pay for everything that my family needs. We're asking to turn the hotel in this development into more affordable housing. Thank you.

>> Keaton baker. On deck is hope Blanding.

>> Good afternoon, everybody. My name is Keaton baker. I am a hotel worker. When I made the decision to move here from Detroit, I saw this as an opportunity to have a fresh start. Austin definitely spoke to me on many volumes. I was hoping to stay here for

[3:03:44 PM]

many years to come. Unfortunately, as we have all seen, as we are seeing the rise in buildings, we're also seeing the rise in rent. I have two roommates right now. And unfortunately, even with them I am still paying rent and I do fear that when April comes I am going to have to pay more in rent. That could lead to many different options. I may have to face homelessness. I may have to be somewhere else, live in another city, or move back to Detroit. I'm not ready for that yet. My thing about this is if we are going to cater to the high-price people who are buying land and buying our buildings, we definitely need to cater to those who work here --

[buzzer sounding]

>> And serve the city. We love it here and we deserve a chance to be -- to live here as well as everybody else. Please, we do consider that you give us more affordable housing

[3:04:45 PM]

and we do not need more hs. We have enough already and unfortunately they are not well-staffed. So, please consider this. Thank you.

[Applause]

>> Hope Blanding. On deck is Teresa Espino.

>> Good afternoon, everyone. My name is hope Blanding. As a restaurant host at a hoteldowntown, I make only \$15.40 an hour. And I'm nervous because I don't want to be priced out of Austin. I moved to Austin almost eight years ago because I wanted to have a job, family, and not be stressed about bills. My husband and I had to take on a roommate just to keep up with bills. I worked two jobs and worried I wouldn't be able to keep up with bills and would have to move back east. My dream of living a fulfilling life shouldn't be out of reach

[3:05:46 PM]

because companies are driving up the rent. Your dreams shouldn't be out of reach, either. The hotel and develop should Bement should be replaced by affordable housing. Thank you.

>> Teresa Espino. On deck is eve Estrada.

>> Good afternoon. My name is Teresa and I, too, work at the airport. I've been here for 30 years. I'm a retail cashier. I'm just here to -- also to have our --

[chuckling] Not to have any hotels, and have affordable housing. I'm a single mom. I'm right now trying to keep up with bills. I'm a single mom helping also my dad. My mom just passed away. And it's just hard with the cost

[3:06:46 PM]

of living, single, helping my dad as well, as he's an older gentleman. And I'm scared that he has to go soon. And then to have this hotel that we don't need anymore. If you could just please consider more housing, affordable housing for us than hotels. Thank you.

[Buzzer sounding]

>> Evesstrada. On deck is gale Johnson.

>> Gale Johnson. On deck is Natalie Marie.

[3:07:49 PM]

>> Rachel Melendez.

>> Hello, council, I'm Rachel with unite here local 23. We represent hospitality workers in Austin. First, I'd like to thank you for taking the time to really discuss the needs of the community in relation to this development. We all know the city is lacking in affordable housing. Hospitality workers that welcome visitors -- they cook, they clean, a all the working people in this city should also have access to live in the city. They are being pushed further and further out of Austin every day. And as you've heard from some of our members, there are more to speak, they are here to speak in support of more affordable housing in this development. We're asking you to ensure that working people have access to new housing and that the hotel in this development should be replaced with affordable housing. Thank you.

[3:08:54 PM]

[Applause]

>> Cynthia San Miguel. On deck is William tucker.

>> Good afternoon. My name is Cynthia. I'm an airport worker. I have worked there for over eight years for food and beverage. I have lived over 20 years in Austin. My family and I have been forced to move further out of Austin. And every time we try to look for a new place, apartments are getting more crazy expensive. At this time we're trying to LI with some relatives just to help ourselves out for a bit. And our goal is to one day have our own home and have our own property, have our kids to actually have a backyard and play and for them to have more

[3:09:56 PM]

access to better-quality education. I really don't think we need more hotels. I think this hotel should be made into affordable housing for the working families like mine. Thank you.

>> William tucker. On deck is carmonique tuner. Maria del Carmen Gonzalez. On deck is Barbara Hillard. Bill Oliver. Richard victoran.

[3:11:08 PM]

>> Francis fink on item 132. On deck is amit madwani.

>> On36, Matt Johnson. On deck is Andy Breslin. Item 138, Jason Coolman. Item 138, Steele misinger. Stuart alderman.

[3:12:15 PM]

>> I'm Stuart, I'm the agent for item 134 and I only signed up if there were questions if it does get pulled from the consent portion, for the zoning change. Thank you.

>> Sammy Easterday on 137.

>> Thank you for your services. I'm a citizen living in a housing development in our only entrance and exit is sprinkle cutoff road. We are in contact with the developer and his letter citing willingness to work together for a condo development that has been -- you will be looking to consent agreement on. Getting together citizens from the community, as you know, as

[3:13:17 PM]

volunteers, takes time. So we don't have everything together and getting consensus. We have no quarrel with the developers, but we do not want another road fatality on the road. The developer has agreed to work with the neighborhood, in developing a safe walking or bike path along the periphe of sprinkle cutoff. We may need city help with this. We look forward to working together to have a safer community for incoming residents and for us.

[Buzzer sounding]

>> Is that three minutes?

>> Mayor Adler: Today everybody gets one minute, because we had 180 -- almost 180 speakers signed up.

>> So was it three?

>> Mayor Adler: No, it was the one minute.

>> Oh, it was one minute?

>> Mayor Adler: Everyone gets one minute.

>> Can I speak three minutes, or no?

>> Mayor Adler: No.

>> No. Okay. You have a copy of what I wanted

[3:14:18 PM]

to say, and that is sprinkle cutoff is a dangerous road. There's been a fatality there. And you should not allow dense housing or any housing until you fix the road. Thank you.

>> Mayor Adler: Thank you.

>> Michael antenora, item 154. On deck is Jerry Garcia. Jerry Garcia. On deck is Nick Costello. Chris Rodriguez.

>> Danny Thompson.

[3:15:26 PM]

>> Did you call Nick Costello?

>> Yes.

>> All right. My name is Nicholas Costello representing the owners of the property at 902 east 7th street. Briefly, I intend to make a case opposing this designation by reviewing a salient point made in the property evaluation designation criteria of the 2016 east Austin historic resource survey. It's in-depth and you can read it, but one thing it does state and I quote, the property does not possess a unique location, physical characteristic or significant feature that contributes to the character, image, or cultural identity of the city, the neighborhood, or a particular demographic group, end quote. The survey seems to indicate to us that the property at 902 east 7th street as-is doesn't add any community value to the city of Austin. The current consideration for historical designation is based on a 2016 outdated assessment.

[3:16:26 PM]

Please vote against historical designation. There is no landscape features, no architecture, no historical association due to the development.

[Buzzer sounding]

>> And no community value, like I just read.

>> That concludes all the in-person speakers.

>> Mayor Adler: Thank you. Anybody else signed up to speak that we didn't call that thinks with they should be speaking? All right. That gives us all the afternoon speakers. Jerry, do you want to take us through the consent agenda? Councilmember Renteria?

>> Renteria: Yes. There's two items that I'm not familiar with. Item 140 and 141. If I can get more information, I would prefer to postpone it to September 1.

>> Mayor, there see to a bit

[3:17:27 PM]

of a hull la baa loo surrounding the clerk.

>> We do have a couple of more speakers that were not on the list.

>> Mayor Adler: Okay. Pio, we'll get back to your issue in a second.

>> Thank you very much. I did sign up before online, well in advance, so I'm not sure what happened.

>> Mayor Adler: Have you checked with the clerk?

>> Thank you. Yes, I did.

>> Mayor Adler: State your name for the record.

>> My name is Ivan Sandoval. I'm here to talk about item 166 and 167, the rezoning of 2011 and 2015em Franklin. I live on em Franklin. I'm not in favor of this project. I don't think it should be rezoned. Two of the most important points are in regards to the traffic impact and also the impact on

[3:18:27 PM]

the spring-fed creek. There will be lots of new residents there, which means lots of new pets. And that means pet waste. And this pet waste could leach into the creek. This is a major concern. I would also like to remind the council that the Na has voted no on this rezoning, the neighborhood contact team has also said no.

[Buzzer sounding]

>> And just one last thing. There is a proposal for a compromise. And the compromise is instead of mf4 to do mf1. Please do not approve mf4, only approve mf1. Thank you.

>> Mayor Adler: Thank you.

>> Chase Wright on items 166 and 167.

>> Thank you, councilwoman. I'm here to basically state as a

[3:19:28 PM]

neighbor, not an executive director, not a president of a nonprofit, but a neighbor. I'm a long-term resident of east Austin. I've been in Austin over 30 years. I brought my grandmother who lives on east 12th street. I live at 202 Greenwood. The developments that are proposed are for the people. I have people who are coming up to the stand today and representing the neighborhood and the culture they haven't lived in the neighborhood more than ten years. No offense, but welcome to the neighborhood, you're a newbie. My culture is driven off of music because those were within walking distance of my grandmother's house. Bars along the street are places that we were sectioned off to because we couldn't reach other places, where our opportunities stopped. These bars help us with employment, help our community with employment, they help the community thrive. We have developers coming in trying to build affordable housing in these neighborhoods so that people who are at high risk of displaced have somewhere to go. I've been in Austin 30 years. I want to remain on the east

[3:20:28 PM]

side. I have to have affordable housing. And we do appreciate the developers like Mr. Kinney who are developing these units for us. We would like to keep east Austin and its cultural there. My daughter's culture should not be uprooted because people moved in for various reasons they thought were okay.

[Buzzer sounding]

>> We appreciate y'all. Consider the motion. Thank you.

>> Mayor Adler: Thank you.

>> Lee Sherman and Anna Aguirre on deck.

>> Mr. Sherman spoke earlier and I don't see him anymore.

>> Ana Aguirre. On deck is Lauren Stanley.

>> Good afternoon, mayor, mayor pro tem, and councilmembers. My name is a Na Aguirre, I'm

[3:21:30 PM]

speaking -- I'm not speaking for the commission or for the council. I'm speaking on T behalf of the southeast neighborhood plan contact team on item 150. The contact team has worked with the applicant, city legal, and councilmember Fuentes' office in responding to our concerns, specific to hazardous materials in industrial districts, in that planned area, and agreed to the following conditional overlay being added. Classified as limited warehousing and distribution, used with class one flammable or class two combustible liquid storage are prohibited on the property within 250 feet of property lines, adjacent to property developed, used, or zoned residential. We have no fire stations in southeast Austin that are equipped to handle hazardous materials and the fire department identified five locations with permits that were above-ground hazardous materials. Combustible storage. We appreciate your help a look forward to working with you on this.

[Buzzer sounding]

>> Thank you.

[3:22:32 PM]

>> Angela Garza on 166 and 167.

>> That should conclude all the speakers.

>> Mayor Adler: Sounds good. Thank you. Jerry, do you want to come up and take us through consent?

>> Mayor, council, Jerry rusthoven, housing and planning department. We will start with item number 128, c14-2021-0187 - Menchaca road - postpone request. Item 129, c14-2021-0187, a discussion case for second and third reading. Item number 130, case

[3:23:36 PM]

c14-2021-0150. I can offer this case for consent on second and third read. However, I do have a rather lengthy, please bear with me, amendment to this case. It's about a page long. Amend the caption to add the additional conditional overlay language, add new parts to the ordinance and renumber the remaining sections. Part two, the property within the boundaries is subject to the following conditions. A development of the property shall comply with the following regulations, the maximum height of a building shall not exceed 35 feet. The maximum impervious cover is 55%. The dwelling units is 20 per acre. Building coverage is 40%. Part 2b, a vegetative buffer shall be provided between the building and the right-of-way, south and west. Improvements are limited to drainage,tility improvements, they may be required by the city of Austin or specifically authorized by this ordinance.

[3:24:36 PM]

C. Vehicular access to the property is prohibited unless the city manager requires it for traffic reasons. Part three, the property may be developed and used in relations for the multifamily two district and other applicable requirements of the code. With that addition, I can offer number 130 for consent on second and third reading. Number 131, case npa-2019-0022.02. This is a postponement request to September 1st. Item number 132, ca14-89-008.02, the statesman P.U.D. We have a postponement request to September 1st. I believe we were going to possibly be discussing this item later this evening. I will not read those into

[3:25:38 PM]

consent.

>> Mayor Adler: It's going to be postponed.

>> Would you like to postpone it later?

>> Mayor Adler: We can't so much postpone it now, so at the end of it we'll postpone it last. That enables us to discuss it and then we'll postpone it.

>> I'll pull 131 and 132.

>> Mayor Adler: They get pulled.

>> Got it. Number 133 has two other related items on the agenda. If it's okay with you, those are both -- one is a 10:00 item that was pulled and one is a public hearing item. They're both annexation-related and this is a zoning case. I'm going to read those two items into the record and they'll all three be approved at the same time.

>> Mayor Adler: Sounds good.

>> Item 61, Mr. Approve an ordinance approving the termination of the woodland annexation and development agreement and the Lee annexation development agreement.

[3:26:38 PM]

This is item 61. I can offer that for your approval. Item number 119 is related annexation item, that terminates a non-annexation agreement. Item 119 is an ordinance for the full purpose annexation of 94 -- 149 acres of land within Travis county near 6100 blue goose road, and the agreements with the owners of the land for the provision of services. Case number c71-2022-0002. That is the annexation.

We'll have the zoning case, item number 133, zoning case c1420210194, all three for consent approval, and they will be brought into the city. Number 134, c14-2022-46 for consent.

[3:27:39 PM]

C14-41, consent approval on all three readings. 136, postponement request to September 1st, 2022. Item 137, consent approval on first reading only. Item number 138, npa-2022, a postponement request by the staff to September 1st. Item 139, postponement request by staff to September 1st, 2022. Item 140, councilmember Renteria, I believe I just heard you say you would like to postpone this case to September 1st. So that would be a postpone request by councilmember Renteria. On item 141, the related zoning case, 0054, postpone request by councilmember Renteria. Item 142, postponement request by the applicant. Item 143, c14, I can offer this case for sent approval,

[3:28:42 PM]

second and third reading. 144, I can offer this case for consent approval on all three readings. Item 145, this is a staff postponement request to September 1st. Item 146, this is a postponement request by the applint to September 15th. Item 147, I can offer this for consent approval on all three readings. Item 148, case c14, consent approval on all three readings. Item 149, offer this for consent apoval on second and third readings. Item 115 is case c14-2022, I do have one additional condition on this case. And that is to amend section B part two of the ordinance as follows. Part 2b, buildings classified as limited warehouse, use with a class one flammable or class two combustible liquid storage are prohibited on the property

[3:29:42 PM]

within 200 feet of all property lines adjacent to property developed as residential. I can offer that case for consent approval on all three readings.

>> That was 150, not 115, is that correct?

>> I'm sorry?

>> That was 150, correct?

>> I'm sorry, yes.

>> Mayor Adler: 150.

>> On 151, c14, a postponement request by the staff to September 15th. Item 152, case c14, I can offer this case for consent approval on all three readings. Item 153 is case c14-2022, consent approval on all three readings. Item 154 will be a discussion case. This is one of the historic cases, as will item number 155. Those will be short discussion cases. Item 156, case c14022, I can offer this for consent approval on all three readings. Item 157 is case c14, I can

[3:30:44 PM]

offer this for consent approval on all three readings. Item 158, case c14-2022-009, consent approval on all three readings. Item 159 is case c14-2022-00117, consent approval on all three readings. I would like to note that is for the applicant's request as to opposed to the staff recommendation. Item 116, case npa-2022, this is a postponement request by the staff to September 1st. Item 161, case c14, a postponement request by the staff to September 1st. Item 162, case c14-2022-0001, for consent approval on first reading only. Item number 163, case c14-2021-0033, this will be a discussion case. This is the east 11th street

[3:31:47 PM]

nccd. Item 164 --

>> Mr. Rusthoven, I want to clarify, this is in my district. Item 160, not 116 was postponed to September 1st. I just want to make sure there's no problem if we have the number wrong. Thank you.

>> Okay. Item 164, c14-2021 --

>> Mayor Adler: Can you hang on a second? I missed that.

>> Alter: So item 160 -- he said 116 and then read everything else fine. It's my district. I want to make sure there's no problem with the postponement because we have the wrong number.

>> Mayor Adler: Okay. >> Lter: I was just reading it for the record.

>> Mayor Adler: Sounds good. Thank you.

>> 163 and 164 are both discussion cases. 164 has a valid petition. 165, c14022, a postponement request by the staff to September 1st. Item 166, case npa-2022-sh, consent approval, second and

[3:32:52 PM]

third reading. 167, consent approval on second and third reading. And I believe I may have a correction.

>> 66 and 67. Mhmm. I'm assuming you're talking to him about the impervious cover?

[Off mic]

>> For item 150? Oh, okay. That's 250? I'm sorry. On item number 150, the prohibition on the combustibile liquid storage and the flammable class one storage, the numbers should be 250 feet. I aidentally said 200 feet on item 150. And then councilmember harper-madison, I believe you wanted to change the impervious cover on item number 166? And 167. And change it to 65%.

[3:33:53 PM]

Is that correct?

>> Total site.

>> Just for the rest of us, is that making there be less impervious cover or more?

>> I'm sorry?

>> So that's increasing the allowable impervious cover?

>> I'd have to go back and look at the ordinance, I'm sorry.

>> It's less impervious cover decreasing.

>> As long as -- if it's decreasing, that's fine. It was increasing it I wanted to understand what it was. Okay. Thank you. And that's clear that it's a decrease from staff? Okay. Thank you.

>> Mayor Adler: Okay.

>> That would be just to clarify, for item number 167. 166 was the neighborhood plan amendment.

>> 167.

>> Yeah.

>> Mayor Adler: Are there any

[3:34:54 PM]

zoning cases on the addendum?

>> No.

>> Mayor Adler: All right. So I'm seeing that the zoning cases are numbers 128 to 167. I'm showing the items that are pulled are 129, 131, and 132. Also, 154 and 155, 163 and 164 and 168. I'm sorry, 168 is not one of those. So, 163 and 164.

>> That's correct, mayor.

>> Mayor Adler: Okay. Again, one last time, the zoning cases are 128-167. They're going to be on consent

[3:35:54 PM]

to be as indicated by Jerry with the exception of the following items that have been pulled -- 129, 131, 132, 154, 155, 163, 164. Is there a motion to approve the consent -- zoning consent agenda? Councilmember kitchen makes the motion. Councilmember Kelly seconds that motion. Is there any discussion on the consent agenda? Councilmember kitchen.

>> Kitchen: Yes, I just wanted to make a quick comment on item number 130. First off, I want to thank the neighbors and the applicant. They've been working very hard to come to some agreements. And although I'mware that not

[3:36:56 PM]

everything that everyone wanted was able to be reached, it does reach a good balance. And so I also wanted to recognize that in addition to the conditional overlay items that were read out, there's also a restrictive covenant that is recognizing some additional items that will be very helpful for this property and this development to really work well in that location and with the surrounding homes. And so I'm just going to read those real quick just to people are aware of those. The building will be limited to two habitable stories over parking. They'll install an additional one to two drainage inlets as part of the project, to treat and detain additional storm water on-site subject to city approval. They'll park at a rate of 2.5

[3:37:58 PM]

spaces per unit. There'll be fencing along killbar to deter pedestria and they'll comply with the tree ordinances. There's a number of heritage trees on the site. Again, I want to thank the neighbors who worked very hard on this for a while, along with the applicant and the applicant's representative. So, thank you.

>> Mayor Adler: Okay. Thank you. Any further discussion on the consent agenda? Let's take a vote. Those in favor of the consent agenda, please raise your hand. Those opposed? I see it as being unanimous on the dais with councilmember Fuentes off. And councilmember harper-madison is also off the dais. Is that right?

[3:38:59 PM]

One, two, three, four, five -- eleven. Let's see if we can take care of some things quickly, okay? And then we'll take a review of what it is that we have left. Item number 104 has been referred by Austin finance committee to add a secretary for the airport commission. Mayor pro tem, do you want to make that motion?

>> Sure. I'd like to move approval of the changes to the bylaws for the airport commission that were before the audit and finance committee.

>> Mayor Adler: Is there a second to that motion? Councilmember pool seconds that motion. Any discussion? Those in favor, please raise your hand. Those opposed? It's adopted at a vote of 9-0-2 with councilmembers Fuentes and harper-madison off of the dais. On the -- items number 105 and

[3:40:14 PM]

108, are eminent domain cases. I usually have a script. I don't see one now. Would someone move to adopt items 105-108, condemning certain property for the public uses and purposes as expressed in the motion and in the agenda? Councilmember vela makes the motion. Is there a second? Councilmember Ellis seconds the motion. Any discussion? Let's take a vote. Those in favor, please raise your hand. Those opposed?

[3:41:18 PM]

10-0-1 with councilmember Fuentes off of the dais.

>> Mayor, did I miss E vote on the consent agenda for zoning? Do you mind if I contribute to that now?

>> Mayor Adler: Does anybody object to that?

>> Harper-madison: I didn't know that was about to happen.

>> Mayor Adler: That's okay.

>> Move reconsideration.

>> Mayor Adler: Motion to reconsider? Hearing no objection, we're going to reconsider that vote. Let's take a vote on the consent agenda. Those in favor of the consent agenda, please raise your hand. Those opposed? The consent agenda passes 10-0-1 with councilmember Fuentes off the dais.

>> Harper-madison: Thank you, colleagues. I appreciate that consideration.

>> Mayor Adler: No problem. All right. We have public hearings. Items 110-123.

[3:42:21 PM]

We have already taken a vote, I think, on 119. We're going to pull 116 to be handled with 163 and 164. So we're asking for -- we're going to close the public hearings on the public hearing cases. We're going to take a vote on 110-123, but not including 116 and 119.

>> Mayor, can we move 114 out since our staff are recommending denial?

>> Mayor Adler: Yes, we can also pull out 114.

>> Mayor, y'all did postpone this morning 121.

>> Mayor Adler: And 121 was postponed. Okay. So we're closing the public hearing --

>> Mayor, may I say one thing?

[3:43:21 PM]

>> Mayor Adler: Yes, please.

>> I want to make it clear that staff changed the recommendation for 114 to approval and there is a memo in the backup.

>> Thanks for coming up to say that. I had read that staff was supportive of that.

>> We changed the recommendation.

>> Mayor Adler: Anybody object to keeping 114 in this list of ones to be approved?

>> Pool: I'm supportive of it going forward.

>> I'll abstain. I have not read the additional backup. I'm not sure --

>> Mayor Adler: All right. We're going to take a separate vote on 114, separate vote on 116. We've already voted on 119 and we have already postponed item 121. Other than that, we're voting to approve 110-124. Is there a motion to approve those items? Councilmember Kelly makes that motion.

[3:44:22 PM]

Councilmember vela seconds it. Any discussion? Councilmember tovo.

>> Tovo: Noted earlier in the agenda, I have a recusal affidavit for 112 and the corresponding item, number 9.

>> Can I ask where I would find the memo for 114?

>> It's in the backup on the website. I can send you a link.

>> Alter: I'm there. I'm not seeing it.

>> It's the bottom of the list.

>> Mayor Adler: Okay. So, we're voting on 110-24 with the exception of 114, 116, 119, and 121.

[3:45:22 PM]

[Off mic]

>> Mayor Adler: And the parkland dedication we're going to pull because we're going to discuss that. Thank you. All right. So, 114, 116, 119, 121, and 124 are pulled from approval. Those in favor of the collection, please raise your hand.

>> Director Mcneely as come up.

>> Mayor Adler: Oh, I'm sorry.

>> Sorry, I think that there is not a clear -- it's not clear, but I think for chapter 26, 115 that we just have to read something into the red. It's literally three sentences. Would that be acceptable?

>> Mayor Adler: Yes.

>> Okay. Mayor and council, item number 115 is chapter 26 of the parks and recreation wildlife code public hearing. My name is Kimberly Mcneely, parks and recreation department. The request is to consider resolution authorizing a change in the use of govalle neighborhood park for the

[3:46:24 PM]

watershed department to maintain 156 linear footage of a reinforced concrete storm pipe to be constructed. Legal fact finding for this item is there's no other feasible or prudent alternative for this use of dedicated parkland, which includes all reasonable planning to minimize harm of such lands. The dates of the public notification are in the Austin American statesman, may 8th, 15th, and 22nd of 2022. That concludes what I have to say. Thank you.

>> Mayor Adler: Okay. Thank you. All right, colleagues. Again, we're talking about a bundle of cases 110-124. But we are not including 114, 116, 119, 121, and 124.

>> Mayor, we can put 114 back. My screen was not updating. I wasn't able to see the memo, but I got it so I'm okay.

[3:47:24 PM]

>> Mayor Adler: We'll keep 114 in the group. All right. Those in favor of that group, please raise your hand. Those opposed? Those items are approved. Thank you very much.

>> Tovo: With the recusal as noted.

>> Mayor Adler: With the recusal noted.

>> Kitchen: Mayor, the ones that were not included --

>> Mayor Adler: Were 116, 119 because we've already voted on 119, 121 because we already postponed that to September 1st, and 124 because we're not going to take action on it, but we're going to have the opportunity to discuss it.

>> Kitchen: Okay.

>> Mayor Adler: Can we take up 116, 163 and 164 all at the same time here? Or do we want to -- that's going to be a relatively long discussion though, probably.

>> Harper-madison: I hope not. I was going to ask if we could. If we do do that, if we could

[3:48:26 PM]

take up the first two before 116. I have a question that I posed to legal that I'm waiting for a response for before we move forward on 116.

>> Mayor Adler: Do we have an answer yet? We have a petition that was filed but we have a challenge to that, legal has indicated. Do we have a resolution of the challenge issue?

>> I would actually have to ask staff. What is the status of the petition?

>> Joy Harden, housing and planning. Mark Walters is the staff. He has relayed that there is a petition. He'll give you the count. It's 20% for east 12th street only. But again, we're just going to get the appropriate staff to confirm. And that's 12th street only, not

[3:49:27 PM]

11th street.

>> Mayor Adler: Okay. All right. We also have -- I'm trying to think of what we can do here quickly. We also have some pid items now that we can take a vote on. These are items 9, 10, and 11. That can be taken because we've now handled 111, 112, and 113. Is there a motion to approve items 9, 10, and 11? Mayor pro tem makes a motion. Is there a second? Councilmember Ellis seconds that motion. Any discussion on items 9, 10, and 11? Then let's take a vote. Those in favor of those items, please raise your hand. Councilmember tovo?

>> Tovo: Mayor, would you mind taking them up separately or recognize my recusal on 9.

>> Mayor Adler: The record should reflect that councilmember tovo is recusing

[3:50:29 PM]

on 9. Let's take a vote on 9. Those in favor of 9, please raise your hand. Those opposed? I'm seeing 9 votes in favor, councilmember tovo has recused and councilmember Fuentes is off the dais. Let's take a vote on items 10 and 11. Those in favor, please raise your hand. Those opposed? I'm seeing that as 10-0-1 with councilmember Fuentes off of the dais. Did you put 75 back on the consent agenda before we took the vote? I think you did, didn't you?

>> Yes, mayor, staff W able to answer my questions and 75 was put back onto the consent agenda earlier.

>> Mayor Adler: That's right.

[3:51:30 PM]

Item number 61, I think we took care of when we took care of 133 and 119. Jerry called all those cases together. Let's go ahead and take up the housing bond, item number 92. I think that will be fairly quick as well. Colleagues, I filed a base motion with respect to the bond. It recommends we take significant action against what is our most pressing city issue, which is housing and affordability. It would have us acting at scale. It's in response to a really

[3:52:33 PM]

wide and deep community request that we move forward in this direction to put this item on the ballot in November. I think our community asks of us that we act in this regard. So I make that motion. Is there a second? Councilmember Renteria seconds. Are there any amendments? Councilmember kitchen.

>> Yes, mayor, and thank you for bringing this resolution. I'm excited to be a cosponsor. I have an amendment. I would like to propose that we raise the amount from 300 to \$350 million. I think that given our housing crisis and given the extraordinary value we've gotten from our housing bonds in the

[3:53:36 PM]

past, the return on our housing bond dollars is multiple-fo. And so to address our crisis in housing I think we need to go as big as we can. And I think \$350 million would be an appropriate amount. So I wanted to propose that we raise it to \$350 million.

>> Mayor Adler: Thank you. Is there a second to this motion? Councilmember vela seconds this motion. The item is in front of us now. I'm going to propose another amendment. It's been handed out. The first adds a whereas clause as had been requested by the mayor pro tem at our Tuesday work session that points out that about 90% of the \$2,018,250,000 affordable 2018

[3:54:37 PM]

\$250 million affordable housing bond has been spent -- will have been spent or obligated. In other words, we've spent that money. That's one of the more effective tools that we have. And when we spend that money, as we heard earlier testimony, it gets leveraged. Is there a second to that amendment? Mayor pro tem seconds that. Is there any objection to including that amendment? Hearing none, that amendment is added. I also added a bullet point on the pages out to you that tracks, I think the language that councilmember tovo had raised in issue, just making explicit what may have already been covered. But nonetheless, in case there's any doubt that one of the uses is for the development of affordable housing on public land, which we've talked for a long time about perhaps being one of our greatest

[3:55:39 PM]

opportunities. Is there a second to that amendment? Councilmember tovo seconds that. Is there any objection to that amendment? Hearing none, that amendment is included. Any further discussion on this item number 92, which is the bond item? Mayor pro tem.

>> Alter: Thank you. As I mentioned on Tuesday, I'm going to be abstaining on item 92. This is a two-step process. This is the first step where we ask staff to come back with the resolutions that we need in order to place it on the ballot. I have my budget town hall next week on the 4th, and I feel that it's really important with a bond this size to be able to speak with my constituents and hear their thoughts on this item. As acknowledged with my request to add the whereas clause about

[3:56:41 PM]

how much of the existing housing bond that we have spent, I recognize that there is a need for additional money for this purpose before we would get to the normal course of a 2024 bond. And I recognize the need for investments in affordable housing to be made by the public sector. However, this resolution does have financial acts and as we heard from speakers earlier at citizen communication, it does affect the taxes and affects affordability in other kinds of ways. And so before I'm going to vote on an item of this magnitude, I do want to hear from my constituents and make sure I'm understanding the impact to them given the information we have been provided by our staff about the potentials for additional taxes that will come with this.

>> Mayor Adler: Okay. Thank you. Let's take a vote on this item

[3:57:41 PM]

if there's no further debate. Those in favor of the housing bond, item number 92 as amended, please raise your hand. Those opposed? Councilmember Kelly voting no, others voting aye, councilmember Fuentes off and the mayor pro tem abstaining. I count that vote as 8-1-2. And it passes.

>> I think it's 8-1-1 off dais.

>> Mayor Adler: I'm treating it as a no vote -- I mean, as not a vote. But, yes. Eight for, one against, one off the dais and one abstaining is the call there. Okay.

>> And mayor, you acknowledged on Tuesday or councilmember Fuentes acknowledged on Tuesday that she was off the dais

[3:58:42 PM]

representing the city at the national league of cities for a particular committee. So I just want to acknowledge why she's not here.

>> Mayor Adler: She had indicated that she wanted to second the kitchen amendment going from 300 to 350. And I kept looking to see if she could duck in, but we know that's virtually impossible to do when you're at a national meeting like that representing the city. All right, colleagues. Just from a house-cleaning standpoint,

[3:59:42 PM]

-- give me just a second please. The items we have left is to finish the discussion on item 103, which is the license plate readers, recognizing that it is being postponed. We're not going to take action. We have the parkland dedication, which is also going to be postponed without taking action. We have the health south item. We have the Kroll report that I had put an amendment on asking

[4:00:42 PM]

staff to come back with a bid for Kroll or another third party to be involved on the curriculum.

>> Kitchen: If you don't mind, if you could read the numbers that would help.

>> Mayor Adler: I'm sorry. 103, 124, 168 is health south, 182 is the Kroll contract that I'm going to offer direction on. 189 and 190 are the south bridge and the arch contracts respectfully. And then on zoning, I have us with 129, which is the manchaca case, 131 and 132, the statesman pud case, which we said we were going to discuss

[4:01:43 PM]

but not take action on, 154 and 155, which are both historic zoning cases, and then 163, 164, and 116, which are the urb and CCV cases. I think that's what we have left in front of us. Council member tovo?

>> Tovo: I know we had staff on Tuesday prepared to provide a presentation. Are we anticipating we're going to have that presentation today.

>> Mayor Adler: They didn't have a presentation. They were just here to answer questions

>> Tovo: I see.

>> Mayor Adler: They didn't have a presentation, and I think they're here in case we want them again

>> Tovo: Thank you.

>> Mayor Adler: Let's move forward on the things we have to take action on. Let's move first forward on health south, I think.

[4:02:48 PM]

Health south. I'm going to go ahead and move that we adopt the extension. I'll address that if there's a second. Council member Harper Madison, council member Ellis second that. We're going to offer some direction. We're vetting it with city staff right now to make sure they're okay with it. But I think we're at

the place right now, given the answer to the Q a a, where there's an opportunity to get a real significant amount of affordable housing on this tract -- at a minimum another 116 units, possibility of another 312 units. The price per unit seems to be something that is really

[4:03:49 PM]

competitive, better than what we may be getting in most of the other transactions that we do. And I think the extension would give our staff time to take a real hard look at that. But I think that our staff in the extension time -- because it's only talking about doing negotiations. It's not committing to do this because it will come back to us again as a council. But it asks that the staff ask for greater clarity on what happens with the child care space and the music venue space, which is being offered at a really good rate for three to five years, but I'm uncertain what happens after the three to five years. Getting that kind of clarity would be really important. I think that there needs to be the additional conversation about what if we take less in rent payments and ask for greater housing on the site.

[4:04:52 PM]

It looks like it could get up to, you know, 25 per cent or even well beyond that. But to tease that out, make sure that's the case, to compare what the price of that is with what we're otherwise paying for similar affordable housing units in other places in the city because it looks like this might be Amo the best deals we can get, in which case we may want to further invest in it to give our staff the time and for the developer to know that we want our staff to really get into the project pro Forma to make sure that it works and we expect the developer to be very forthcoming with our staff quickly on that so that it can be vetted.

[4:05:53 PM]

But then we also want, I think, our staff to come back to us and give us their best indication, as best they can do it of what they could offer in terms of community benefits if they were to do a p-3 or something with the Austin economic development council or otherwise. And we had that written up. We're trying to get that printed out so we can handle that. Rodney, you've had a chance to look at that?

>> Kitchen: So, mayor --

>> Mayor Adler: Hold on a second.

>> Can we take it up?

>> Kitchen: Can we say something first? Yeah. So, mayor, we don't have anything in front of us. I would rather have a document in front of us and I think the rest of us would like to say some things --

>> Mayor Adler: Before we vote on it, we'll do that, but I want Rodney to address the concepts that I raised.

[4:06:54 PM]

>> Kitchen: Yes, but?

>> Mayor, with all due respect you're asking a staff member to respond to a document that nobody on here has seen and we have multiple items on the agenda. Can we take up on item on the agenda and have a moment to look at it? I think we'll be able to make more meaning of his analysis once we have a chance to look at it.

>> At least let him finish laying it out.

>> Kitchen: Another thing, mayor?

>> We all appreciate time to review things and we'll be able to do that.

>> Mayor Adler: I appreciate that. We'll come back to this place. We'll get the documents and start with Rodney respond doing the question I asked in terms of layout. But we can move past it and go to the Kroll report.

>> Kitchen: One quick question. I understand how you're laying it out, and that's fine. But you referenced some numbers

[4:07:56 PM]

and I would like to know what document you're referencing so we can review that until we take up the report you referenced that there were some changes.

>> Mor Adler: There was a Q and a response.

>> Kitchen: Okay.

>> Mayor Adler: That was posted yesterday.

>> Kitchen: That's fine. That's all I wanted to know.

>> Mayor Adler: So let's move then to 182. If my staff could print that document and bring it down, copies for everybody, that would be helpful.

>> Is that different than what you passed out earlier?

>> Mayor Adler: I don't think?

>> -- For 182. I'm sorry.

>> Mayor Adler: For 182 it's what I passed out earlier on the Kroll report. This is the item that is asking

[4:08:57 PM]

Kroll to be involved in the next stage of their work, and this is the direction that's been handed out that asked the manager to come back with a bid or a proposal for how Kroll could continue to be involved in the curriculum should there be a request to increase or expedite the cadet classes. Ray, did you want to address that.

>> Certainly, council -- mayor. Assistant city manager. In reviewing the motion sheet that staff is prepared to move forward with this direction. By way of context, in mid February staff came forward in order to provide the information that allowed us to move forward with the current cadet class that started in March and will end in November.

[4:09:58 PM]

In March Kroll provided as a framework for an audit to take a look at how we might be able to make sure we're -- what challenges or progress we're seeing in terms of recommendations they made earlier during the 144th class, and so what we have in front of us -- or that we have in staff is a framework to be able to move forward with gauging how we're making progress as well as an audit process for us to carry forward into the future. So we are prepared to do this kind of action with no issues.

>> Mayor Adler: I'm sorry. Is there a second to the

[indiscernible] -- Mayor pro tem seconds it. Thank you for that. I've also checked with the executive director of the?

>> Your microphone.

[4:10:58 PM]

>> Mayor Adler: I've also checked with executive director of the crime commission and he's told me the wording is fine with him, and I've checked with the -- with Kathy, who's been working with some of the advocacy groups, and the language is fine with her. Any further discussion on this? Yes, mayor pro tem? And then council member Kelly.

>> Alter: Thank you for this direction. I agree with the direction. I wanted to make sure I understood what ray said because I have been very involved with talking with you about that audit process, you know, originally. So they've created this process that they worked on with Kroll with how they would be having accountability overtime with respect to the academy. I think what we're asking for with this direction is additional input from Kroll above and beyond that process

[4:11:58 PM]

which does not include Kroll other than laying it out. I want to make sure you're not just saying we're agreeing to the same accountability process that we have put in motion but this is an extra layer of review.

>> As I understand your comments and certainly the direction on the motion sheet, it is to have an independent look whether it's by Kroll or another entity to see how we're doing in terms of the recommendations put forth earlier on as a result of the 144th class as well as the information for us to start the 145th class. I see it as take what was recommended before, how are we doing with those recommendations and any other recommendations that might come forward as a result of that evaluation. Does that match up?

>> Alter: I think so. I mean, you know, the academy and what we're doing with the academy, what our staff with

[4:12:58 PM]

the academy are doing, what the chief is leaning into, what our cadets are investing their time in is really, really important for the future of our city, and we need to get it right. And we are moving in a really important direction, but the speed at which we're doing it and the way we're doing it don't always match the expectations, and we need to make sure that we are continuing to lean into this process in the way that it merits for all sides so that our -- you know, so that we have new cadets who are trained in the way that we have laid out, you know, umpteen times. I think the concerns are to make sure we are leaning in and making sure that these changes are happening and THA we're not waiting five cadet classes.

[4:14:00 PM]

It's iterative but that didn't mean it shouldn't be the fifth class out where some really basic changes get made.

>> Mayor Adler: Just to add on to that, to give additional context, I anticipate the manager will come to the council -- or the chief will be coming through the manager and asking for an additional cadet class or additional cadet classes, depending on rank. And I want to support that because we're 200-some-odd officers down now in terms of the funded but unfilled positions, and I think we already see the impact of not having the people that we need. There are obviously concerns in the community about building

[4:15:01 PM]

the plane while we fly, and I think that if we're going to anticipate some of the questions or concerns we're going to hear, we're going to be able to -- we're going to need to be able to demonstrate that we hear that as well as build in measures so that we can best build that plane when we fly, so it's getting involved in the curricula review process. I think once the classes start, there are going to be feedback that's achieved. Kroll in the past reports had identified some concerns with how the curriculum was happening, how it was being taught, and the like. That part is over. I think there's going to be some interest in having to continue to monitor that to make sure that the progress and

[4:16:01 PM]

the changes that weren't quite made yet are made. It's more of an on going thing. It's as mayor pro tem described. We're trying to usage -- to assuage concerns and go forward. That requires monitoring to assure both sides it's going well. It's not putting up an obligation for additional study or report before classes can start. We're not going back to repeat work that has already been done, but going forward as we do classes, having a third party that's there to be able to monitor, to take in information and data, to be able to alert APD leadership and council and the manager if they see concerns, but to help facilitate us should we decide, as I think we really want to be

[4:17:01 PM]

able to do, to fill those vacancies as quickly as we can.

>> I understand that, mayor, and again, with the current class graduating in November, when we move forward with this, we'll have an opportunity to take a look at the progress being made in the current 145th class before we start the current 146th.

>> Mayor Adler: Council member Kelly.

>> Kelly: Thank you. We have 250 vacancies, including 125 in patrol. My concern is we may be losing progress as far as moving forward. I fully understand that we need the independent review process to

happen, so as long as there are no unintended consequences of this motion sheet, I'm comfortable with it. Thank you.

>> Mayor Adler: As an aside,

[4:18:01 PM]

housekeeping for the clerk, on the bond matter, I had made the original motion. It was seconded. Council member Kitchen made an amendment to raise it to \$350 million, seconded by council member Vela. That was approved by council vote that I think was -- did anyone vote no to that? There was no vote and one member of the council off the dais and --

>> Kelly: 8-1-1-1.

>> Mayor Adler: This was not on the final bill.

>> Kelly: We didn't vote on that.

>> Kitchen: I think you accepted them all.

>> Mayor Adler: I asked if there was objection to the amendment being added. I said was there an objection to that being added to the base bill. Council member Kelly objected

[4:19:03 PM]

to that.

>> Kelly: I voted no on the overall. I did not object to the amendment that was brought forward.

>> Mayor Adler: There were no objections to that being added so it was added to the base motion. I made two other amendments. There was no objection to those being added to the base motion. They were added, and we took a vote on the whole base motion, including the amendments that were added without objection. And there were three. Thank you. Council member Vela?

>> Vela: Thank you, mayor. I want to reiterate the comments with regard to the training. There have been some concerns expressed with regard to the training and the review process that the committee went through whereby the recommendations of the committee were not

[4:20:08 PM]

implemented to the extent that I would say some members of the committee felt like they should be. And I am fully aware of the personnel issues that the police are having. We want to fill those positions,

but the training pipeline is just such a critical component. If we don't get the training right, I don't think that we're going to be able to change our police department to re -- to reform our police department. Again, I would like to, as part of the contract that we're issuing, the extension with Kroll, if need be, have them take another look and see what's going on with the current training standards, and if they are reflecting what the goals and values that the committee expressed and make sure that we're getting, you know, properly trained police officers -- again, more in the -- I guess the guardian

[4:21:08 PM]

mold than the warrior mold -- you know, and again, particularly after, you know, council has written about \$15 million in damages with regard to the George Floyd protests -- those are the situations we have to get right and also just for the potential fiscal consequences of what happens when, you know, they're not right.

>> Thank you. I want to just, you know, underscore that we have fabulous staff in the academy who are really leaning in to making these changes. Our chief has expressed a strong interest in moving forward with the reforms to the academy. This is something I think that

[4:22:09 PM]

this council has, you know, unanimously said over and over again, that we want to have the best trained police officers. We want them to be trained in deescalation. We want them to have a great understanding of our community, et cetera. There was a process already in place. I want to be really clear that there is an accountability and transparency mechanism that is in place. They don't happen until the end of the class and what we're saying is that we believe as we move on to the other classes which we see that we need, we're going to need to have in place some additional third-party review to make sure that we stay on track and that our staff has the support they need and the evidence that they need to make further changes as necessary to help us achieve the final, you know, goals that we talk about through this iterative process of improving the academy.

[4:23:10 PM]

Thank You

>> Mayor Adler: Any further discussion? Any objection to including this direction in this item? Hearing none, it's included. Let's take a vote on this item with the included direction. What number is this? I think it's 182. Those in favor of item 182 with the included direction, please raise your hand. Those opposed? I'm counting that as being unanimous with council member Fuentes off the dais. So 182 is now taken care of. Rodney, if you could come back

[4:24:12 PM]

and join us. Thank you.

>> Is it possible for us to have this conversation in executive session? It seems a little uncomfortable to have this, given our prior conversation, to do that without that opportunity? I don't know when the appropriate time is to do that.

>> Mayor Adler: We can do that. We'll hold this until we get to executive session. All right. Let's see if we can take care of something more here. What about items 189 and 190? I would move passage of items 189 and 190. Is there a second to that motion? Council member pool seconds that. Thank U.

[4:25:12 PM]

Do you want to just make the amendments?

>> Pool: I'm looking at the sheet I just passed out. It's my amendments to mayor's Adler's motion sheet, version five. If you flip to the back you'll see the new language. This just speaks to having some uniform attire -- not specifically uniform but like polos or t-shirts that would be identifiable as the employees of the shelter and then I wanted to be sure their names were on their shirts. It could be a badge or it could be stitched on, and it says the uniforms may be designed and picked by the agencies, and I would hope that maybe our city staff could have a look-see at them before they're chosen and worn. Make sure everybody knows these are the professional employees.

[4:26:12 PM]

>> Mayor Adler: Items 1 through 6 are the items I went through when Mr. Connolly was up here. He was involved. Anybody have an objection to adding this direction to both items 189 and 190? Hearing none, that direction is added. Council member tovo, did you have some amendments you wanted to bring?

>> Tovo: I do. Mayor, I just need a minute to find them.

>> Mayor Adler: That's okay. Take your time.

>> Kitchen: Mayor, while you're waiting, I'll repeat what I said earlier since it might be easier to have it for the record at this point.

>> Mayor Adler: Okay.

>> Kitchen: That's the item related to number 5 on your amendment. It's not intended and in no way makes any comment on the process we're -- the city has been pursuing with regard to,

[4:27:14 PM]

you know, attempting to locate properties for acquisition -- just wanted to put that on the record and make sure it was included in our minutes.

>> Mayor Adler: Okay. Council member Tovo?

>> Tovo: Thank you, mayor. To your number 4 in the sentence that talks about in negotiating these contracts the manager is encouraged to -- collaborative efforts. Here I would add "With other shelter providers." Comma -- and pick up the rest -- other agencies, et cetera. Specifically adding "Other shelter providers."

>> Mayor Adler: Any objection to that amendment.

>> Can you say again where that would go? Sorry

>> Tovo: In the mayor's amendments, number four. It's on the fourth sentence. There is kind of a series of --

[4:28:14 PM]

it's the -- the sentence is the manager is encouraged to. ..I would insert "Other shelter providers" -- comma -- and pick up other agencies. Making it explicit that we expect some of the agencies to be shelter providers.

>> Mayor Adler: Any objection? Hearing no objection, that amendment is added to the base motion. Go ahead

>> Tovo: Next I would ask and I'm indifferent about where this goes but I would -- well, it's direction. That the new recipients -- obviously like a 2-a -- the new recipient shall make themselves available to the public health and any other relevant member of the council at staff or council request.

>> Mayor Adler: We'll make that a second.

[4:29:16 PM]

Any objection? Would you read it slowly

>> Tovo: Sure. I read this out and I'm happy to hand it over too. The new recipient shall make themselves available to the public health and any other relevant committee of the city council at council or staff request.

>> Mayor Adler: Okay. Without objection, hearing none, that is added to the base motion as well.

>> Tovo: Lastly, I would propose adding the new vendor for the arch shall provide services in accordance with the national alliance to end homelessness recommendations and previous council direction, including resolutions 2017, 1012-015 and resolution 20190822. Those are two different

[4:30:17 PM]

resolutions. One is the one that initiated the work with the national alliance, in particular on transforming the care and services at the arch to -- also more training, living wages. Actually, I think the living wage was in the second one. It's the second one that was about insourcing Wu recognizing we needed better -- give better compensation and training at the arch. Those are the two resolutions I would suggest they operate in compliance with. . .To end homelessness recommendations and previous council direction, including resolutions 20171012-015 and resolution 20190822-067.

>> Mayor Adler: Do you have copies of those other

[4:31:17 PM]

resolutions?

>> Tovo: Yes, I do.

>> Mayor Adler: Can you go through and say what are the additional requirements they impose

>> Tovo: Sure. I'll start with the second one first. 2019-0822627. The only piece -- this is about the work that our work group didnd we came forward and others had sponsored the change to bring in custodial contracts in house rather than relying on contracts for consistent jobs performance for the execution of jobs that are consistent, and on goingly necessary, if on goingly can be a word.

>> Are we going to have yellow sheets?

>> Mayor Adler: Sorry.

>> Are we going to have yellow sheets?

[4:32:18 PM]

>> Tovo: I'm happy to hand them out. I read them out and I thought there was a general okay with just reading it out. It's simply -- really to kind of get down to the basics here, it's just asking them to come to committee meetings for regular reporting and this piece which is to make sure this council has taken

multiple actions at the arch to transform -- it's basically saying with the new vendor we expect them to comply with those previously offered -- with those previously approved policies. Again, this resolution --

>> Renteria: I got it now.

>> Tovo: This piece -- I'll read you the part that's relevant to this. The council desires the manager to consider staffing, security personnel at the arch, with city employees trained in deescalation techniques. . . In a manner consistent from the

[4:33:21 PM]

national alliance to end homelessness. The other recommendation was --

>> Mayor Adler: As a practical matter, what would that mean in terms of the contract they enter into? Does that mean it becomes a requirement of the --

>> Tovo: It said "Consider," but I absolutely believe that we should make sure our new vendor is trained in deescalation techniques. That's kind of the transformation that we were hoping to effect and have been trying to effect at the arch. I would expect in the same way we set them in

[indiscernible] -- We want trauma informed care, positive relationship management skills, we want them trained in deescalation for the benefit of not just the employees but also the individuals who are seeking services there.

>> Mayor Adler: I want to make

[4:34:22 PM]

sure that Dr. Stirrup -- rather than referencing the document, what we could say is the manager is directed to include in the contract a requirement that the workers be trained in trauma-informed care. What were the second and third items?

>> Tovo: Yeah. It was about the security, specifically. City employees who are trained in deescalation techniques. I did this by assistant city manager Howard earlier in the meeting.

>> Mayor Adler: That's been confirmed. I think, council member, for the purposes of seeing that what it's saying is in the contracts the security people need to be trained in trauma informed care and the other two

[4:35:23 PM]

elements. And director Howard said she's find with that. What was the requirement of the first one?

>> Tovo: The first one kicked off some of that work. It set off the contract with the national alliance to end homelessness. It asked the manager to do some things as part of the process of working with the neah. It asked that the revised scope of work that we do takes into account individuals who have previously experienced homelessness. It's really backing up the next one. It was really setting up the work we did with the neah rather than setting --

>> Mayor Adler: Really-

>> Tovo: Maybe the easiest thing to do here is to say we really expect that new vendor to comply with the existing

[4:36:23 PM]

standards of care that we have set for front steps as well as with the recommendations that wee prepared -- that were prepared for us by the national alliance to end homelessness. We did a contract -- first resolution. Initiated the contract, said how we want to work with them with stakeholders and those with lived experiences, to come up with recommendations for the arch, and, you know, we've been slowly -- not slowly, I hope -- actively implementing the recommendations into the arch and I want that work to continue.

>> Mayor Adler: Right

>> Tovo: That's the principal of it.

>> Mayor Adler: I don't want you to rewrite it because the director is okay with it. Basically, it's really the elements that you had in the second one with the first element -- it was kind of T more global setting up the correct standards to be

[4:37:24 PM]

developed. In part the later ones were what were developed.

>> Tovo: And more. There were more recommendations too. The basic point is that we spent money and time and energy and included lots of individuals with lived experience asking how we could deliver better services at the arch and we've held front steps to the standards and I would ask we do the same wit any new vendor.

>> Mayor Adler: Any objection to including council member tovo's amendment?

>> Kitchen: I have a question, not an objection.

>> Mayor Adler: Go ahead.

>> Kitchen: I would like to hear from acm Howard. Just ask her a question real quick. Thank you so much. I just wanted to confirm what I think I'm hearing everyone see, and that is, you know, that the results of those analyses and

[4:38:29 PM]

consultation that council member tovo was referring to produce a set of standards. Is the plan to include all of those standards in the contract -- in this contract with urban alchemy.

>> We can include those in the contract. There were a few things that we did not complete, according to those recommendations.

>> Kitchen: Okay.

>> So staff need to go back and review those. So, for example, one of them was the day resource center.

>> Kitchen: Uh-huh.

>> Because we needed to find another location for that. That's one example of something we had paired back. We know that's still a need in our community. We're working with the nonprofit on that. Director stirrup is on the call as well. She agreed to the -- making

[4:39:33 PM]

sure they would adhere to the recommendations.

>> Kitchen: There may be a few recommendations that were not completed but those will be continued to be pursued as appropriate for the arch. Is that what I'm hearing you say.

>> Yes.

>> Kitchen: Okay.

>> Mayor Adler: Council member Kelly and then council member tovo.

>> Kelly: I'd like to make a motion to divide the question so we can vote differently on each item.

>> Mayor Adler: We'll do that.

>> Kelly: Thank you

>> Tovo: May I ask -- I'm so sorry. While you're at the podium I wanted to ask a question. The term you're proposing is 13 months -- or 12 months. We had -- well, if there are -- if there is any need in the interim for the city to terminate that contract, I think I heard director stirrup say on Tuesday that we have

[4:40:34 PM]

that ability. Is that correct.

>> You are correct

>> Tovo: Okay. Thank you.

>> Mayor Adler: If there's no further debate, we're going to take a vote first on item 189. I think 189 -- sorry.

>> What council member tovo said brought something up to me. If we were to need to cancel their contract, acm, could you please explain what that process might look like or what you might do differently than what happened with front steps, if you know.

>> I am going to defer to Keisha Johnson. She's on the line. She can walk through that. I didn't see an attorney present. They would be able to move us into that legal space that I would not be comfortable with covering.

>> Okay. Thank you.

[4:41:34 PM]

>> Good morning. Adrian stirrup. Austin public health. I'll start and some of the details can be filled in that I miss. Similar to this situation, if we find ourselves needing to make a decision, there will be a consultation with the attorneys. There will be notification of the council, and then we will move to official notification of the agency. I think what is at issue here is how we go about deciding a provider. I'm not sure if we'll be in a different space because the main goal will be to ensure that the doors stay open and that we continue to provide those services. So the staff are open to any suggestions or direction from council about that specific portion of it. But the basics would be the same that we would have the conversations with the agency.

[4:42:37 PM]

We would note our council. We would get the appropriate documentation, inform assistant city manager, mayor and council and issue the formal notice to the vendor.

>> Thank you very much. I'm ready to vote, mayor.

>> Mayor Adler: Item 189 is south bridge. Let's take a vote on that. It's been moved and seconded. Amendments have been added without objection. Those in favor of item 189, please raise your hand.

Those opposed? I'm showing it as being unanimous on the dais with council members Fuentes and renterria off the dais. Item number 190 is the arch property. Moved and seconded. The item in front of us with the amendments that were added

[4:43:38 PM]

without objection. Mayor pro tem?

>> Alter: I want to speak to this. I didn't want to interrupt your sentence. This is not a situation any one of us on the dais wants to be in with our shelter. I see very much that we need to have someone in place to operate the shelter and that there's a time crunch for that. I am not yet at a place where I can affirmatively vote in favor of urban alchemy. I have connections to the homelessness provider community out in California and have, in the little that I've been able to research, have been hearing mixed things -- some positive, some questionable, and I'm not in a -- I'm not comfortable affirmatively supporting this. I'm going to abstain because we have to have an operator and

[4:44:40 PM]

this is the plan before us and the time frame but I'm not comfortable affirming this provider.

>> Mayor Adler: Okay. Council member Kelly and then council member kitchen.

>> Kelly: Much like the mayor pro tem, I'm not in a place of awarding this to an organization that's been around four years. I know it was mentioned this is a calculated risk. That's not acceptable to me so I will be voting no. I do believe with a little more time we might be able to find a better fit for the arch but we do deserve to give individuals who are experiencing homelessness the best quality of services available, and I'm not sure I can affirmatively say that, given an award of this contract. Again, I will be voting no.

>> Mayor Adler: Council member

[4:45:41 PM]

kitchen?

>> Kitchen: I respect the concerns that my colleagues have. I have the same concerns. But I'm really concerned that we not have an interruption in service because that's the worst thing that could happen to us in terms of our unhoused neighbors. So we haven't had any conversation here right now about the consequences of delaying, so I think given, you know, the concerns that are raised, I would like to ask a question or two. So I don't know if this is for director stirrup or acm Howard, but I would like to understand and could you articulate to us the reasons that we need -- the consequences we're trying to

avoid in terms of services for our unhoused neighbors in the arch. In other words, why are we doing this now.

[4:46:45 PM]

>> After several conversations with the board of front steps, this decision is to protect the interest of the city and to make sure that we can maintain the services that we have promised the community that we would provide. The board is having difficulty attracting and retaining executive leadership and consequently there are some operational challenges that have not yet impacted service delivery. The staff on the ground are doing an excellent job, but after some time it doesn't seem there is a resolution to their leadership challenges in sight for the near future, which leads our contracts and their services in a tenuous position.

>> Kitchen: Thank you. And can you speak to the

[4:47:46 PM]

timing? I mean?

>> Sorry?

>> Kitchen: To the timing. It sounds to me like this is urgent, and I want to just double check my perception that it's urgent, that we take action now, that we don't move forward with a contract we're risking services. Is that an appropriate perception on my part.

>> That is the assessment of the staff as well as the consultant that we engaged to assist front steps with their organizational development.

>> Kitchen: Okay. From the staff's perspective, is this the best option that we have.

>> From every -- yes, ma'am. As you stated, it's a mixed bag of things that you hear, but based on what heard from the lieutenant as well as the city manager as well as Dr. Miller's expensive wi trauma informed

[4:48:46 PM]

care -- urban alchemy is a nationwide trainer in that practice, I believe they'll bring something to our community that we have yet to accomplish -- specifically with some of the outstanding goals with the resolutions that council member tovo referenced.

>> Kitchen: And my last question is just that -- you know, we've -- thank you for the direction, mayor, for bringing that forward and all the amendments. I wanted to thank, you know, the leadership council and echo for the guidance that they have offered. But I'm assuming that -- not assuming, but what I would be wanting in passing this direction is -- you know, is close oversight. And, you know, we talked in terms of at a minimum quarterly reports. But I trust that our staff will be -- and the community -- will

[4:49:48 PM]

be work K very closely with these organizations using -- based on the direction that we're passing. So it's not like we're -- so that we will be aware of and able detect and intercede if there are in fact problems. Is my understanding correct.

>> Yes.

>> Kitchen: All right. Given all that, I feel like we have to move forward and that's why I'm voting for this. I share concerns that others have raised, but I think I'm -- it's more important to me to make certain that we have continued services for our -- the [indiscernible] As well as at south bridge and we can't afford to not proceed. I think we've built in quite a few protections with the community, with the leadership council, and with our staff. I feel comfortable proceeding.

[4:50:48 PM]

>> Mayor Adler: Council member kitchen, I feel I think pretty much the same way you do. This is a really bad situation, and we don't have a really good option and choice because we don't have enough time to really develop one. I know that there are questions about the process, filling the vacancies being way too quick and it was way too quick. There were questions about the amount of compensation being paid, ultimately being created in the compensation that was initially discussed and offered with the providers. True as well. And it would be great if we had more time for that. It would be great if we had more people with local experience. I know in the intervening period of time some of the players and stakeholders in this tried to find other people to step in and say they'd be interested in stepping up and

[4:51:51 PM]

bidding on this and couldn't find any. That itself is an indication of troubles and challenges that we have. The fact that it was difficult -- and I think there was one respondent to the rfp going back, is a warning sign that we have a contract that's going out and really only one person -- one entity that's offering to do it should send off warning flares that there's a challenge. That all said, I think the danger and risk associated with having no provider or having workers that are just real uncertain as to their future

because they have an employer that doesn't look like they're going to be able to make it -- we owe it to those workers to add some stability to their lives, and that's something

[4:52:51 PM]

that this does by specifically asking these folks to prioritize rehiring them. It also says that because of the situation we have responsibility for their success as we put them into these roles, and one of the elements of the direction is the manager is directed to ensure the new contract recipients receive the guidance, mentorship, and other support necessary for them to be successful. So our staff is going to be engaged with these folks in helping to assure they're successful and bearing part of the responsibility for them being successful. The community is also pitching in to do that -- the homelessness response system, leadership council -- to their credit are asking for a significant role to help ensure the success because everybody

[4:53:54 PM]

recognizes that there are challenges here. So this is everybody kind of joining together. It's not the perfect answer. It's not the perfect solution. There just aren't any better alternatives, as I see it, given the timing that we have. So I'm going to support the staff recommendation here as well. Council member Ellis?

>> Ellis: Thank you, mayor. I'm in agreement with these sentiments and what council member kitchen had laid out earlier. I just remember hearing a while ago about what happens when there's a gap in services and unfortunately that means people go elsewhere, they find somewhere else to stay, they try to connect with services in another place and when it's time to connect them with the appointments they've been needing, you can't find them. I'm concerned if we don't maintain the level of service we could end up in that situation. I'm agreeing with my colleague

[4:54:57 PM]

sentiments here. I'll support it today but I trust that Austin public health is going to watch this with a close eye in the same way you had been watching it previously, and obviously you know our constituents care very much to see the success of this initiative. So we're trusting and relying on you to make sure you're watching this closely. If there needs to be actions taken quickly that we're informed and able to do that.

>> Mayor Adler: Council member tovo?

>> Tovo: I need to ask the staff a few more questions, mayor. You hit on some of the issues that I needed to get information about. So can you -- number one, I want to go to the question -- and I'm just - I have to be honest. I'm really struggling with this one. I mean, this is -- these are my constituents. This is a resource that I think is extremely valuable and much needed and I'm not sure what the best path really is forward here today.

[4:55:57 PM]

Director stirrup, can you help us understand the timing element? I understand we need to do something immediately. If we were able to figure out a day where we could take this up again in, say, two weeks, would that give you enough opportunity to still -- if we made a decision on that day to get somebody in place by the September deadline? Understanding -- and I'll tell the public. This posted on Friday, so we've had really less than a week to learn about urban alchemy, to sort through some of the e-mails we've received about them to try to understand what their experience is and how it would best apply here. I have heard some extremely

[4:56:58 PM]

positive, extremely positive things from people I really value and trust, as well as, you know, have read and heard about some things that give me pause. I know that they -- that our staff reached out to provide information, and I wish I had been able to avail myself of that this week, but it has been an unbelievably scheduled week. You know, it would have been great to have an opportunity to talk with urban alchemy and they have expressed a willingness to provide information but again, time didn't permit any of that to happen with this particular council agenda. I don't mean to put you on the spot but if we had two more weeks, what does that do in terms of the September deadline? I agree with my colleague. We can't have a gap for services with individuals who depend on them at the arch.

>> Quite frankly, it gives the new vendor, whoever is coming

[4:58:00 PM]

in, less time to have that overlap in transition. I can only imagine that it will continue to create unease at the location -- not only for the staff but for the clients that receive services because their future is still up in the air I wouldn't be able to give you a lot of assurances about what may happen. I apologize.

>> Tovo: It's a very challenging situation. I thanked you on Tuesday and I will thank you again publicly, you and the team who's been working on this, I appreciate everything you've done to try to bring a good resolution here today. Can you help us understand -- I submitted a question in the q&a and I appreciate the answer about the individuals who were invited to attend the first meeting. Can you help us

understand why we don't see more shelter providers among them? One of our longtime partners in shelter has been the salvation

[4:59:01 PM]

Army. They run the city's women and children's shelter and their own family center. I was surprised not to see them on the list, as I understand our staff were unable to get in touch with them, or could you walk me through what happened there? As well as whether there was an opportunity to get any of the smaller shelters -- those operators of smaller shelters in the conversation.

>> Because we were trying to respect the board's timeline of informing your staff about status of their organization, we were trying to do as much background planning as possible, recognizing that the provider community is small and that word would probably get back, but knowing that we had to move forward. So that's the first and foremost, wanting to make sure that we were treating the organization with professional courtesy and respect while taking care of our interests.

[5:00:01 PM]

The staff got together to curate a list of providers that we felt were well-positioned in community and had capacity to take on this large project with the fiscal resources in place, as well as the ability to staff up quickly. From that list, because we were trying to minimize the public chatter and gossip ahead of the board's announcement to the aff, I called each executive director or CEO personally to gauge their interest and then invited them to a meeting. Unfortunately, I was unable to get in touch with the leadership at Salvation Army. From a contact with boots on the ground staff still not the decision-maker, they were made aware of the opportunity and expressed interest and were sent the application materials and everything that was discussed in the meeting and given the opportunity to ask questions and

[5:01:02 PM]

to complete an application.

>> Tovo: So they did receive the -- they received -- I know there was a very short deadline, a timeframe of one day. Did Salvation Army receive that information within that time period, within the time period that enabled them to apply?

>> Yes.

>> Tovo: Were any of the smaller shelters, casa or any of the others, I know they're operating at a smaller scale with a more focused mission, but did you contemplate inviting any of those, or was it primarily just those on the list who eventually attended the meeting?

>> Primarily those on the list that attended the meeting.

>> Tovo: And the mayor referenced something I needed to track down whether or not it was true. In the meeting, was there a certain amount that was indicated as possible for the contract and did it change from the meeting to what's before us here on the agenda?

[5:02:03 PM]

>> What we presented to the staff is what we have in the budget for the operation. That's a combination of general fund and esg dollars. Keisha will have to give you the detail if you would like it. We also indicated that we did have carryover funds that would be made available for the transition process, noting that staff might - or an agency might come in and need to make some structural changes or some other items, some resources and support to help a smooth transition. And so the dollar amount that you see there is just us asking for authorization of that full authority. It doesn't necessarily mean that the contract will end up being for that exact amount. So it just gives the staff the wiggle room to provide the vendor with those additional resources for the transition period.

Tovo: Okay. So it has -- so I think the

[5:03:03 PM]

suggestions that there was one number mentioned to the group who met and then a different number here on our agenda is really explained not by the amount changing, but just you decided to come forward and ask for higher authorization in case that became necessary.

>> I think it's a misunderstanding of the process. So in order for those funds that we mentioned, those cushion funds that we mentioned to be made available, we have to ask for the authorization at this time.

>> Tovo: Okay. Thank you. I would suggest that we have, as councilmember kitchen referenced, we have quarterly reports, mayor. I appreciate your amendments. I think they add additional safeguards and points of monitoring. I would ask that, for these first several months, that we have more regular reports and perhaps that's something we can build into our Austin public health, or if it's of full interest to the council that we do it as a memo, whatever is the

[5:04:06 PM]

best method for staff and the most efficient. But I think we need to hear pretty soon after this contract is executed how things are going and what kinds of changes and how they've been able to successfully meet some of the priorities that are being advanced today, including hiring staff as possible. So, thank you for all that. As I mentioned at the beginning of my remarks, I struggled with this. I am going to support this because I believe we need that continuity of services. It is not without reservations and I look forward to being in real close touch with the staff on how this relationship is going. And, of course, certainly am going to wish the best success to urban alchemy and hope that our council will do everything we can to support them if this vote is successful here today.

>> Mayor Adler: Colleagues, are we ready to vote on

[5:05:07 PM]

item 190? Let's take a vote. Those in favor of 190 with the amendments that were accepted, please raise your hand. Those opposed? Those abstaining? Councilmember Kelly opposes. The mayor pro tem abstains. Councilmember Fuentes is off the dais. The other eight voting aye. This item number 190 passes. Since we're all on the dais now except for councilmember Fuentes -- and for the record, because I'm concerned about the questions that the clerk asked about the vote on the bond matter, I just want to take the vote again for the purposes of the record so that it's clear. We had a base motion that I

[5:06:08 PM]

moved. That was published on item 192. I'm sorry? Just 92, on item number 92. There was an amendment from councilmember kitchen to raise it from 300 to 3. I added an amendment -- two amendments that added a whereas clause but also added a bullet point about building on public lands. Were there any other amendments to the bond? I don't think there were.

[Off mic] Alison, did you bring a different amendment?

>> Alter: No. When you're offered your whereas clause, I seconded that.

>> Mayor Adler: Okay. Both those amendments were deemed to be accepted without objection. That gave us then the base

[5:07:11 PM]

motion with those three amendments added. With that being in front of us, the base motion as amended with those three amendments, let's take a vote. Those in favor of item number 92, please

raise your hand. Those opposed? Those abstaining? The vote is eight in favor, councilmember Kelly voting no, the mayor pro tem abstaining, and councilmember Fuentes off the dais. All right. It is 5:07. We have proclamations at 5:30. So we have 23 minutes. Let's see if we can get some work done. Again, parkland dedication is just going to be discussion, as is license plate reader, as is the statesman P.U.D.

[5:08:13 PM]

Let's see if we can take care of some of the zoning cases. 129 is the manchaca road case. Let's call that up. Is staff with us to do that?

>> Mayor, while they get pulled together, may I real quick ?there was a lady, you probably noticed her, she was raising a sign over there, she really wanted to talk to us about her opposition to our path forward on the arch item. And there was something that transpired that made it so she wasn't able to speak to us this morning, but she was really adamant about wanting us to vote no. If she's listening or somebody knows Shana, a service provider in the permanent supportive housing space, if you know her please encourage her to reach out to the district 1 office. I'd like to hear more about her adamant opposition. That's

[5:09:14 PM]

natasha.madison@austintexas.gov

>> Mayor Adler: That would be fine to review. As a council we put time limits when people have to sign up. That includes the kiosk by 9:15. Our clerk's office gets flooded by folks wanting to be able to speak that didn't sign up by 9:15. In order to make their job as easy as it can be I enforce that rule that the council adopted and said if you didn't sign up, you can't testify. It makes it much easier for our clerk's office. Certainly anyone on this dais by our custom and practice can ask to allow anyone to speak that you want to. But I will continue to be pretty strict on that rule just because I think that is necessary to keep the clerk's life moving forward. Can we do the zoning case?

[5:10:14 PM]

We have 27 minutes. Let's see how many O these we can knock out. And if we can get to all four, then you can leave before --

>> You have 20 minutes.

>> Mayor Adler: Now you have 20 minutes.

>> Mayor, manchaca? This is case c14, 11530 manchaca road. This case is to approve on second and third readings a rezoning from interim residential, Irr, to commercial liquor sales for track one and general commercial services or cs zoning for track two. It was approved on first reading on may 5th of this year. And on June 16th it was postponed to this date. So with that, I'm available for questions.

>> Kitchen: Mayor, I just have a few questions.

>> Mayor Adler: Go ahead, councilmember kitchen.

[5:11:16 PM]

>> Kitchen: Okay. The reason I pulled it off of consent is I have a few questions. I had understood that it was agreed to, but now I've gotten an email and heard that there was still some objections to it. And I think they may have related to casa Garcia's parking and perhaps about the joint use of the driveway. And if I understood correctly, some concerns that the zoning change we're making would allow for additional parking and there was concern about whether that was allowed within the joint use agreement between the casa Garcia and the applicant. So I wanted to confirm. Am I understanding correctly that there's still an objection to the case?

>> Yes, we heard earlier from a

[5:12:17 PM]

speaker representing restaurant who did state an objection to the case.

>> Kitchen: Did I just characterize their objection correctly?

>> No, their objection has to do with the private access easement shown on the maps as casa Garcia road. It's not a road, it's a private access easement and they are concerned about the impact of the proposed future development of this tract that could result from the zoning and the impact that would have on the access easement. But the access easement is a private matter between the two property owners that the city is not a party to.

>> Kitchen: Okay. You anticipated my next question, which was what is the staff's thinking or position on that issue.

>> We actually don't have a position on the access easement per se. What we're attached with is just loing at the appropriate zoning. And so we have two zoning requests.

[5:13:18 PM]

It has interim zoning. It's appropriate to give them something, the zoning they get upon annexation. It has existing development on the property already. I think the developer -- the property owner intends to redevelop the property, because they're asking for cs1 zoning, which allows for cocktail lounges on tract one and cs on the remained, which would match the existing development, although it's rather sparse. It's not heavily developed. But from the appearances on the aerial, what I've seen, that's the type of development warehouse, commercial-type development. Cs zoning would be what we normally expect. In this case they asked for cs1 for a portion of it. And that's . . .

>> Kitchen: So then, I understand that the agreement between those two parties is a private agreement that the city doesn't get involved in, but is there anything about our zoning

[5:14:19 PM]

that would impact that agreement? I don't know if that's a legal question or a question for you, but I guess what I'm asking is, what happens maybe at site plan, what happens if they come in and they -- we tell them they have to have a certain amount of parking but that's in conflict with their joint agreement? Do they have to figure that out first?

>> The required parking would have to be on their property. If the required parking was -- the joint access agreement is partially on their property, I would imagine the purpose of the joint access agreement is to make sure it does not get impeded, so they would not be able to put parking in it, I imagine, without having seen the agreement myself. The biggest impact would be the potential increase in traffic on the easement as a result of the redevelopment, would be what I would expect to be a possible issue, but you're right. We would have a site plan. There is access to manchaca from

[5:15:20 PM]

both tracks. If they wanted to utilize the existing easement, they would have to comply with the terms of that easement with the adjoining property.

>> Kitchen: What if they're in dispute?

>> They would probably take each other to court.

>> Kitchen: What would we do?

>> The city would not enforce the terms of the joint access. If they were taking access to the agreement, we would ask for a copy to be sure they were entitled to use of that easement. We would require access to public roadway, which would be manchaca.

>> Kitchen: Okay.

>> But we would make sure they were entitled to access. If there was a disagreement about you're living up to the terms, that would be for the two parties to work out. -- Parties to work out.

>> Kitchen: I'm wanting to make sure we don't put our thumb on the scales on one side or the other if it's a dispute between private parties.

>> I think this is about which uses are allowed on the property

[5:16:22 PM]

and how much impervious cover and height and stuff like that. It does not really address the joint access easement.

>> Kitchen: That's a site plan issue.

>> Correct.

>> Mayor Adler: Councilmember vela.

>> Vela: And just a couple questions, what's the required parking for? I'm seeing the -- they're rezoning the front portion for a cocktail lounge?

>> Correct.

>> Vela: And then the back is going to be zoned commercial services?

>> Yes.

>> Vela: Okay. And how does a parking structure itself when there's two different uses? In other words, does the bar up front need to have its own parking, or can they combine parking?

>> The bars or cocktail lounges have probably the highest parking requirement in the city, because if you think about a bar, you can get a lot of people

[5:17:23 PM]

in a small amount of space compared to a restaurant or office building. The parking requirement for a cocktail lounge is one space per hundred, for less than 2500 square feet. Between 2500 and 10,000 it's one per 50. For a cocktail lounge that is over 10,000, a rather large one, one per 25. So I don't think in this case it would be over 10,000 square feet but it could be between 25 and 1,000, one per 50. With regard to the property, there are a wide variety of uses that would be allowed, so it's hard to say what the parking would be. But if it were warehouse, that's one of the lowest parking requirement of the city, because there's not a lot of people in a warehouse, there's more storage.

>> Vela: And in the back part of the CS-zoned property, that is a warehouse use?

>> That's what it appears to be, yes.

[5:18:24 PM]

Or at least warehouse-looking metal structures.

>> Vela: Is there direct access to the applicant's property outside of the casa road?

>> I believe both tracts have access to manchaca road.

>> Vela: But I guess, just looking at the aerial view of it, I guess to adequately park the project they would need access to the parking, toward the rear where the warehouse is?

>> They would be allowed to park the park ING for the cocktail lounge on the cs zoning. That would be allowed.

>> Vela: You know, and I understand that those are private matters beyond the city's purview in terms of shared use of an easement between two private property owners. I guess from just kind of a good governance, simplicity point of view I would like to make sure that they have, kind of, an agreement. I'd hate to rezone it and then

[5:19:24 PM]

that triggers this huge civil, commercial dispute. It would be great if there was some kind of agreement or meeting of the minds beforehand so we didn't then . . . But that's not, essentially, what the city's position is, huh.

>> It appears from the zoning map, the access easement is entirely on the adjoining property as opposed to the property we're talking about rezoning. It sounds like they have a joint access agreement on that, but it is not a part of the property being rezoned here. But that's an issue between the adjoining property and this property owner as to how that easement gets used and whether it complies with the terms of that agreement or not.

>> Vela: I see the applicant is here. I don't know if he would be available to answer a couple of questions about that?

>> I'll sure try.

>> Vela: Would the easement right now, you said that you do

[5:20:26 PM]

have an agreement with casa Garcia with regard to maintenance of the easement?

>> I spoke with Mr. Arellano, their CEO, out in the hall after we both spoke earlier. And he told me that there is not any formal agreement right now. As I stated earlier, the joint use access easement was done at the time this property was platted. And it was because both of these tracts, the Garcia tract and this tract, have quite a small ratio of frontage along manchaca compared to the depth. The depth of these properties is like almost a half mile. So, the easement goes back there to get access to the majority of the rear of the properties. And so there's the legal entitlement, legal right for

[5:21:26 PM]

both parties to use the easement. Now, once you get beyond the part that shows on the survey to be public, which never -- it was dedicated to the city, but according to Mr. Arellano, it was never accepted by the city. And I concur. It's a privately maintained driveway. It's a weird situation. But they happen. So, that part is paved. The back part is calici. And before we could use the back part for any kind of access to formal parking, I believe we'd probably have to come to some kind of an agreement to pave the rear part. I don't anticipate any big battle between the two parties. I think it can be worked out. When I spoke last may with my client, when I first heard about questions from Mr. Arellano about joint maintenance, my client said he'd be willing to sit down and talk with him about

[5:22:26 PM]

that. And I think we can work something out, although there's nothing -- you know, we both have the right to use it. Right now the Garcia owner of the property is responsible for all the maintenance, apparently. And, you know, that's not really fair. That's not a good way to do things. So, my client will try to be a good neighbor. I measure my clients when they first approach me and I try to work with people that I think are solid people and not, you know, devious purpose. And I believe Mr. Calvo, my client, is a good person and that he's a man of his word. And I think we will be able to work something out.

>> Vela: In that spirit and if councilmember kitchen would be willing to second, I would motion for a continuance to allow the parties to hopefully work out an agreement with

[5:23:27 PM]

regard to the easement and then we could take up the matter.

>> Kitchen: I have no objection to that.

>> Mayor Adler: Do you want to speak to a short postponement?

>> I'll only say I'm hoping to get this done in my lifetime.

[Laughing]

>> Kitchen: Hopefully you're going to live longer than a short postponement.

>> If I understand what you want to do is you want us to come back with a joint maintenance agreement before second and third readings.

>> Vela: Ideally.

>> Okay. I'll take that to them. And that will put a little heat on things.

>> Vela: Thank you, sir.

>> You're welcome.

>> Mayor Adler: Councilmember kitchen, do you want to move for a postponement?

>> Kitchen: Yeah, I'll move postponement to I think our next meeting is September 1st, if that's right.

>> Mayor Adler: Is there a second to the motion to

[5:24:28 PM]

postpone? Councilmember vela. Any objection to the postponement? Hearing none, this item is postponed until then.

>> September 1st, mayor?

>> Mayor Adler: September 1st.

>> Thank you.

>> Mayor Adler: Do you think we can do 154/155 in six minutes?

>> Yes, I'd like to introduce Kalin. She'll be doing both of those cases.

>> Mayor Adler: Okay.

>> Good evening, councilmembers, I will be brief. Starting with item 154, c14-h2022, the house at Caesar Chavez street. This item is an owner-opposed historic zoning request initiated by the landmark commission, upon their review of a demolition application for the building. The commission determine that the house met the required eligibility criteria for historic zoning in consensus of

--concurrence with the resource

[5:25:30 PM]

survey. It meets the criterion for architecture. It embodies the distinguishes characteristics of a craftsman home. And historical association for its connection with the bellagio family, 1925-59. They on the bellagio produce, one of the largest providers of meat and other produce in the state. The landmark commission voted to recommend historic zoning on June 1st. The planning commission voted to deny on June 28th.

>> Mayor Adler: Thank you. Colleagues, discussion, questions for staff while we have staff here?

>> Vela: I'll sorry, mayor. Very brief. We have two owner-opposed historic zonings?

>> Yes, that's correct.

>> Vela: All right.

>> May Adler: Correct. So, this will require eight votes to pass. Is that correct?

>> A supermjority.

>> Mayor Adler: Nine votes to

[5:26:32 PM]

pass. It will require nine votes to pass.

>> Mayor.

>> Mayor Adler: Yes.

>> Renteria: I really can't support that. I have friends that lived in that house. And I always admired that house, Goin by there every day, coming back from city hall and before then. It's -- this particular lot is one of the few lots left in east Austin that still has the original housing. The next two houses next to that are also all historic. And I would hate to lose something as beautiful as that. I'm not going to be able to support it. I want it to stay historic.

>> Mayor Adler: So you WOU vote in favor of the historic zoning?

>> Renteria: Yes.

>> Mayor Adler: Vote in favor of the historic zoning.

[5:27:35 PM]

Councilmember tovo.

>> Tovo: Councilmember, I would support you in that and I note that we don't have a full dais here today and typically we don't take up valid petition cases without a full dais, so we might consider -- I guess we could hear it on first reading, though.

>> We do also have an applicant available to speak as well.

>> Mayor Adler: Let's give the applicant a chance to talk, as is our custom. Does the applicant want to address this? The applicant is the city on this. Does the property owner want to speak?

>> Can you restate what you . . .

>> Mayor Adler: Staff spoke a second ago. I understood -- I'm going to give both the staff another opportunity to speak if it wants it. I'm also going to give the property owner a chance to speak.

>> Yes. This is city-initiated. The city is the applicant. We're going to hear now from Ms. Hoss.

[5:28:37 PM]

>> Kitchen: Mayor, which one of these items -- we're taking up the first one now, right?

>> Mayor Adler: The first one. 15

>> Kitchen: Okay.

>> Good afternoon, councilmembers, Victoria Hasse on behalf of the landowner. As you heard from staff, the structure does have association with one of many goods and produce companies in early Austin. Can you pull up the presentation, please? And advance to the second slide.

[5:29:54 PM]

>> I guess maybe the presentation is not available. So, if the produce company was of a level to warrant designation, the city would have designated the store building on east 5th street. Instead, that building was approved for demolition for the Austin convention center hotel. Even if it was a missed opportunity with that store building, the structure does not embody the significance of the produce company. Rather, it is an indirect association and is in very poor condition. In my research on this property, one of the things that I found in 1910 was an excerpt that said an attempt to give any one agency sole credit for the Progressive development which has marked the growth of Austin would be unfair. And I challenge you to consider that the bellagio produce company, while it was one, it was one of many -- not the first, not the last, not the

[5:30:56 PM]

biggest to serve Austin -- early Austin residents and state institutions. The structure has undergone multiple changes over the decades -- an architectural exploration revealed greater insight to the piecemeal additions and dilapidated conditions require a significant level of work to bring it to code. And the piecemeal nature of the additions is likely to cause structural failure with an attempt to bring the structure to code. I apologize, I'm reading from my presentation without my presentation. So there's several elements of the structure that WER not original. Most notably is the front porch. Most notably from E street is the front porch. It's not original. It's not indicative of 1900s construction.

[5:31:56 PM]

And it is shown to have likely been added on sometime in the 1930s. And one of the biggest issues concerning the structure is the condition. To the degree that in order to bring it up to code, there's going to have to be a lot of work done. And it would be a lot of replacement of original materials such that what would we really be preserving in the end? The idea of historic preservation is to have the original building and the materials from its origination. And there would be so much that would have to be replaced on this structure that we would be building back what once was. So the land owner did achieve two independent structural assessments, both documenti the severe state of deterioration. And we do have the -- a structural engineer, Jerry Garcia, available to answer any questions that you may have

[5:32:57 PM]

about the condition of the property and the safety of the property. Both reports surmise that due to decades of neglect, restoration would require replacement of most of the original fabric. An undertaking of this magnitude would be cost prohibitive and result in nearly a completely rebuild of the structure. Is it worth preservation if it's going to be new materials to look like the old? Forcing landmark designation is likely to result in an outcome where no one wins. Alternatively, the land owner is more than willing to salvage and reuse the ship interior walls if it is found that they are suitable to reuse and is also in agreement to produce a documentation package for archive at the Austin history center. We respectfully ask that you do not approve the historic zoning of this case, because the bellagio produce company was one of many in Austin that served early Austin. The residential structure does not embody the significance of

[5:33:58 PM]

the produce company. And it's in extremely poor condition. Restoration would amount to a complete rebuild, which is cost-prohibitive, especially wiout financing and insurance to do so. The current owner has attempted to gain both of those and has been denied several insurance policies, even an insurance policy that was intended to be in the interim while this case was -- a determination was made on this

case. So we do ask that you not support historic designation and find other ways that we can help this structure to live in the future, B without causing new construction of something that was once old. Thank you for your time.

[Buzzer sounding]

>> Mayor Adler: Does city staff have a presentation?

>> The staff presentation, we don't have anything to add other

[5:34:59 PM]

than what's in the backup. Thank you.

>> Mayor Adler: Okay. So there may be a discussion in a second about whether councilmember Renteria -- hang on just a second. A discussion in just a second about whether or not this should be postponed until we have a full dais. But before we get there, because if there's more time . . . Has the city preservation office, do you guys have the bandwidth to actually go out and physically inspect a property like this?

>> No, mayor, we do not physically inspect each property that we review. We review only for architectural significance. So while we sometimes drive to do kind of a windshield survey, we do not inspect for structural or any other integrity issues.

>> Mayor Adler: How is the council supposed to factor in

[5:36:02 PM]

that issue? I don't know whether it's true or not that structurally this is such that if you actually tried to preserve it you'd destroy it by preserving it, although it's something I probably would want the preservation folks to take a look at if this went away to come back to us. But as we sit here on the dais, how are we supposed to deal with that? Assume for a second that what they're saying is correct. I don't know whether it is. But assume for a second that what they're saying is correct, that to preserve it in essence destroys it. What do we do then? Is

>> Mayor, this situation has come up before. We do not have the expertise on the staff to do structural analysis. It's not uncommon in these cases to have an engineer from the applicant telling us it's

[5:37:02 PM]

impossible to save it. Sometimes we have had people who were advocating for saving the property and have engineers saying the opposite thing. I understand what you're saying. It puts the council in a predicament. But we don't have the staff to analyze whether the work done by the applicant's engineer is valid or not. Generally speaking we have had properties before where we were told they could never be saved and they were. They exist today. They were rehabbed and saved. The preservation Austin building is a good example of that. But I'm sorry you're in the position you're in, but it is what it is. We simply don't have a retort to the applicant's engineer's position at this time.

>> Mayor Adler: Jerry, if we knew for a fact that to preserve this building meant you would destroy the building, would the

[5:38:03 PM]

right thing for us to do be to vote no to historic preservation?

>> Yes. I think the recommendation for historic zoning is to save the building. So if in the process of saving the building, the building is destroyed, then that would not accomplish the goal of saving the building.

>> Mayor Adler: Is there any way you can think of that we could get a third-party determination to that question?

>> Not that I'm aware of. It would require the city hiring an engineer to go out and do that. We don't have money specifically allocated for that in our department budget, not to say that it could not happen. We'd have to go hire somebody to go do it. I don't know of anybody on the city staff as a whole who has that expertise.

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

>> Tovo: Has this house been occupied recently?

>> I believe the house has been

[5:39:04 PM]

Vant for some time.

>> Tovo: Jerry, I don't know that we're going to make a final decision here today. It sounds as if we're maybe just going to take it up on first reading or postpone it. It would be useful in the time I've been on the dais, I've heard what you described, those kinds of discussions saying the house cannot be saved, and lo and behold it's renovated and continues to provide a home for families and continues to be part of our community. So it would be helpful to have a few examples. You mentioned one, the preservation Austin house. And I know there are others, so it would be helpful to have that information. In looking at

the photo, I haven't been inside. But it looks like it's in structurally good shape. I'm going to dig in more to what the applicant's representative said. But it certainly looks like it's in shape. And I would say as I see our role, our role is to see whether it meets the requirements of the

[5:40:06 PM]

ordinance. And so on the surface of it, as our staff have recommended, it does. And as the landmark commission decide, it does meet the requirements of our ordinance on those points.

>> We'll look for some.

>> Mayor Adler: Councilmember Renteria.

>> Renteria: And here a couple years ago I did have a conversation with the owners, the family. And I was just telling them to hold on and sell it as high as you can. They'd been offer over a million dollars. I don't know what the final sale was. I know the appraised value is 600. It was under senior exemption, so their father was the senior exemption. So I know that they definitely got a huge amount of money and they were still living in there. But yes, they are not there anymore and they sold the house.

>> Mayor, councilmember

[5:41:06 PM]

Renteria, before they sold it they were able to occupy it. So it was in good enough shape to be occupied. It didn't have serious structural issues that were preventing people from being there.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I'm not certain who's the right person to speak to this, but I think I heard that the planning commission did not recommend moving forward, is that correct?

>> Yes, councilmember kitchen, that's correct. >>Itchen: I think I understood that they had done some -- perhaps some additional depth of review and analysis of the structure and came to the conclusion that, you know, it sounded to me from my understanding that they concurred with the concerns that were raised about the ability to rehabilitate it because of the cost and condition it was in.

[5:42:07 PM]

Is there -- it you confirm that, or can anyone speak to the planning commission's approach?

>> I believe the planning commission heard the testimony of the applicant's engineer and spoke to that on the dais. I do not recall any external engineering report or anything like that that they based their denial on.

>> Kitchen: But they agrd, apparently.

>> They did. They concurred with the applicant's engineer.

>> Kitchen: Okay. They concurred with the report, which is what we heard in terms of the condition of the property. Okay. Thank you.

>> Mayor Adler: I think one of the commissioners, James Shea, went out and did an inspection. And when I say inspection, I mean that loosely, looked at the property. He's an architect and engineer. And he came back with the assessment that you couldn't save the house without

[5:43:09 PM]

effectively destroying it. Is that right, Jerry, do you know?

>> Yes, commissioner Shea is an architect. I think he took it upon himself to go and see the house.

>> Mayor Adler: Okay.

>> Mayor.

>> Mayor Adler: Yes, councilmember vela.

>> Vela: And I -- Ms. Hasse sent the report, I'm assuming to everybody, but I believe one of the major issues was that the original structure was -- you know, it was piecemealed. And I think the report does a good job of going through and talking about, you know, they started with an 800 square foot home, then they added the back and front and moved the front door and windows and the conclusion of the report is because of those, I can't really speak to that. But I believe that's the report

[5:44:10 PM]

that she was trying to show that she was not able to. But I believe that was sent to everyone on the council.

>> Mayor Adler: Councilmember tovo.

>> Tovo: I would ask our staff to respond to that. Most old houses I know have just that same kind of histo. I live in a house where the porches got closed in and the doorway changed, and the house has been around for decades and decades, almost a hundred years or more or less. Those kinds of structural changes happen. Is that pretty common, Mr. Rusthoven?

>> Yes, it is.

>> Tovo: Houses that come forward sometimes have additions, closed-in portions, or adjusted doorways.

>> It is common but we consider it when we're making a recommendation because you could have an addition that can swallow the house and make it no longer eligible for our staff recommendation for historic zoning. Other times you have additions

[5:45:12 PM]

that may fit in with the historic character or were done so long ago that it's a part of the house at this time. It's a judgment call on a case-by-case basis.

>> Mayor Adler: All right. Councilmember, do you want to make a motion to postpone this until September 1st?

>> Renteria: Yes, I make a motion since we don't have a full council, that we postpone it to September 1st.

>> Mayor Adler: Anybody have objection to postponing this to September 1st? Hearing no objection, this is postponed until September 1st. In the meantime, I'm going to wrestle with this issue of trying to get more information and data. I mean, if we can't save it without destroying it, then it's not a candidate for historic preservation. At the same time, we have experiences obviously where landowners have come in and aimed that and later not been true. But yet there's probably a disinterested answer to that question. And so I'm going to think about

[5:46:13 PM]

how we bring that to bear.

>> Kitchen: Mayor.

>> Mayor Adler: All right -- yes, councilmember kitchen.

>> Kitchen: I also will be looking into that. And it also is important to me that the planning commission did some assessment and review and came to the conclusion that they did. So I think that's important for us to bear in mind, also.

>> Mayor Adler: Okay. All right. It is 5:45. We're going to go to proclamations right now. And then we will come back. I'm going to suggest that after proclamations we meet back in the executive session room and do the executive session on health south, and then come back out and finish the day that we have. The items left for us when we come out to decide are going to be health south. Hopefully we can pick that up when we come back out.

[5:47:13 PM]

We have the second historic zoning case, and we have the urb nccd two case. S. Three cases left involve decisions and three items were set up to allow the public to be able to talk. We heard from the public on all three, but it was also to allow the council to engage if they wish to do that, items 130, 124, 131/2, the license plate reader, parkland dedication and statesman P.U.D. We have those six items left.

>> Kitchen: Mayor --

>> Kitchen: Councilmember kitchen. Whattime?

>> Mayor Adler: It's 54:50:00. 5:45 now. we are going to do proclamations. I think there are five proclamations. It's going to take us until

[5:48:14 PM]

6:15. So let's meet at quarter to 7:00 virtually. We could meet in person if we've lost councilmember Fuentes. But she could sign in. Let's meet virtually on executive session at 6:45.

>> Kitchen: Could we meet at 7:00? I have -- it's going to take me a little bit more time.

>> Mayor Adler: 7:00 we'll meet in executive session. We'll do health south. We'll come out, see if we can decide health south, see if we can decide the second historic case, and the urb nccd case. And then we can decide how much we want to discuss the license plate reader, the parkland dedication, the statesman P.U.D. But we could just close those out if we wanted to, because we've heard the public comment. And with that here at 5:48,

[5:49:17 PM]

we're going to go into closed session at 7:00 to take up one item pursuant to section 5510672 of the government code, council will discuss real estate matters related to 125. Health south property. Without objection, we will go into executive session on that item at that time. I'll see you all then.

[5:59:11 PM]

[Audio stopped]

>> Mayor Adler: To be made, and no dedicated place to hear them. So they were being heard in an ad hoc kind of way. You know, we said as a city that.

>> Mayor Adler: We said that

[6:00:11 PM]

equity is not something that is an add-on but it's core to our mission and equity is part of everything that we did, except institutionally that just -- that wasn't true. And institutionally it was an add-on, institutionally, it was handled differently throughout the city process. There was no consistency in -- in resolution, or policy. And the discussions to create an equity office became a cause that became really important in my office. And I wasn't alone, there are colleagues on the council also joining in. But at that initial time as we were trying to figure out how it is that you do an equity office, people in my office started

[6:01:13 PM]

traveling to go to seminars and workshops around the country that were dealing with the development of equity tools. I didn't even know what an equity tool was back when this process first -- first started. And I will tell you that some of the conversations that I had when we started advocating for the creation of an equity office were -- the answer was, like, why? And it sounded to many that we were taking a very real problem and turning it into something that -- that is just sounding too administrative and bureaucratic and it sounded too much like a government response. I think that the reason why our equity office has been so successful, and it might not have turned out that way, was because of the leadership and

[6:02:14 PM]

the people that were in that office. Because it could have gone a thousand different ways. I mean, this was an office that was created on a whiteboard. It was something that -- that was born and -- and created by the people that were charged with the responsibility of carrying it out. And there was no precedent. There was no real right answer or wrong answer, and there was just a Morpheus expectation that this city could do better in equity than it was doing and that we could give real life to

-- to what we said when we said equity needed to be part of everything that we -- that we did. When we said that, I don't think that most people back then could have ever imagined the degree to which equity is part of the life of everything that we do.

[6:03:16 PM]

And when I talked to my peers and mayors around the country, and we talk about equity, I can't think of a city in the country that has institutionalized equity and equity review and equity consciousness across city departments the way that this city has. And when you do that it begins to get reflected in policy. It begins to get reflected in what we do. And I think that this city has grown over the last six years, or however long it's been, it has really grown. It's not something that we just talk about. It's not an add-on. It is not something that we remember. It is -- it is core to how we open our eyes and see the world. And it is core to how we sit

[6:04:17 PM]

down to begin to address challenges. And, again, I think that goes back to the leadership in this office. And that leadership begins with Brion. I'm really disappointed for the city that he's moving on to bigger and better things, truth be known. But it doesn't surprise me that he is, because he's just a superstar. I want to -- to award this city of Austin distinguished service award for your commitment and dedication to the residents of Austin and for providing steadfast leadership as the city's first equity officer during a period of pivotal change. Brion oaks is deserving of public acclaim and recognition. This certificate is presented and acknowledgement of

[6:05:19 PM]

appreciation thereof this 28th day of July, 2022, signed by Anne Morgan as the acting city manager. And I have signed it as mayor on behalf of an entire city council that I know that is as grateful as I am. Brion, congratulations.

[Applause]

>> Mayor, if other cities don't know how to make an equity office, I don't know why, they don't have an excuse, because Brion has talked to every one of them. Brion and his team have talked to a zillion cities across the country and it's his passion and his zeal and his very personal

[6:06:19 PM]

manner that made this so important and makes our office tow great. And I couldn't be more thrilled and more honored to be here standing with you, Brion, and your team and talking about your service to the city. I met Brion when he applied for the job here with the city, I was on the panel, and it was his really

important conversation about growing up in Houston and the things that he knew that he wanted to bring to our city to show us in a really personal way how to make this work and he has been so successful. He just a tiny number of things that he's done. Trained over 1,100 staff with the undoing racism program. And he administered the equity tool and process, and leading 30 departments to begin recognizing and addressing equity within their work. He co-chaired the reimagining public safety task force and co-chaired the care leadership council. He has established the city's definition of equity through deep community relationship

[6:07:19 PM]

building and community involvement and in addition to talking to all of those people here in the United States, he was asked to go to Europe. He went to Italy and presented what information about our city and about what he and his team have been doing. So really fantastic work. I won't read everything that you have done but that's just a little snippet. Thank you, Brion.

[Applause]

>> Thank you all, I really appreciate it. I will tell you all that being a city of Austin's first chief equity officer is one of the most humbling and I think honoring things that I've ever done in my career. And I learned so much. And this was really a hard cision for me, you know, we've had some tears as a team before I made this decision. But I felt like it was -- it was really time.

[6:08:20 PM]

And what I reflect on and what I really appreciate the most is the support that we have from the community as a part of this journey. That first year was rough. You know, you could imagine in a city like Austin, everybody that wanted to be a part of this work around equity or had this vision or their ideas around that. And I can just remember that first year of us having these community meetings and people being, like, online and on Google docs, you know, as we wrestled to try to come up with a united definition of equity for our city that first year. We really sort of stepped into that, like, courageous conversation of us, like, leading with race when we talked about equity for Austin and as we looked at all of these quality of life indicators. It wasn't easy for us to get there, but we got there, and I'm really proud that we were able to design and to develop our

[6:09:22 PM]

city's first equity aessment tool that I hope that this city will continue to use from here to eternity to really continue to, you know, we sort of say this is a continuous improvement process of how we sort of see our decisions and we get them better, and we just sort of keep revisiting so that we have a better

impact for our community, our vulnerable communities and our communities of color in this city, and it will just take our continuous approach to it. I have been really sort of reflecting on this -- on this, and as I leave this city, I continue to tell everyone that I'm still here in the Austin area. I'm still willing to volunteer. And to support the work in any way that I can, but this is really a critical moment for us. I think that I see so many things in our nation and in the media that is really -- I would say an assault on us doing this

[6:10:23 PM]

work around racial equity really all across the country. I'm leaving to go take on an opportunity with the Charles Bud foundation to really work on how we improve equity and education for Texas students. And we're faced with things like trying to get rid of conversations around critical race theory in our history, right? We're faced with challenges around how we finance our schools that we have to sort of get through. And this is the next generation that's coming, and so there's so much work to do, and I was reflecting with this on the team before I decided to leave, but I was sort of reading Dr. Martin Luther King's letter from Birmingham. And one of the things that he said was that the biggest stumbling block or the biggest wall with doing work around civil rights and at that time

[6:11:23 PM]

they didn't use the word equity, but the biggest stumbling work with this approach and it's what will end this work. When we tell our sales that it's not the right time to make this decision around equity, well, it's not the right way to try to make this decision around making these changes that need to be made -- that's the part that actually kills the work. And so as I sort of transition, I hope that you all continue to support and love and lift up the equity team, but also continue to have the courage to really make the hard, tough decisions, or the courage for us to do things differently as a city. And I really appreciate along that journey the council's support for us to do that work, the city manager's office to for us to do that work, and we ended up doing some things that I

[6:12:24 PM]

think that you would probably never have imagined, you know. I think that one of my proudest moments with the work with the city was to see us using the pandemic for first time ever to do direct financial assistance for families that were experiencing covid hardship. And that took a lot of hoops to get through for us to get there, but we did it. And that has evolved into our city being able to -- the first city in the state of Texas to launch a guaranteed income pilot program in our community, you know, directly helping people who need it. And those are things that, you know, that I would tell you early on were never imaginable, but we had the courage to really get there. So I lead to say to continue to keep

that courage to innovate, continue to keep the courage to change. I think that within -- as for staff, we like to say sometimes we have these things that are like the "Do not touch things,"

[6:13:25 PM]

have the courage to touch the things that say do not touch.

[Laughter] Because that's really where all of the racial inequities live, right, they live in all of the things that are the do not touch things. So as you continue to move forward, I hope that -- that the city continues to have that courage to keep pushing through. And I'm so honored to be here tonight. And I will forever take the lessons learned from the city of Austin and apply them to wherever I go. And I just appreciate everybody for that. And I appreciate y'all coming out tonight. Thank you all.

[Applause]

[6:15:58 PM]

[Applause]

>> If you're here for the parks and recreation month proclamation, if you want to come down.

[6:18:23 PM]

>> Alter:.

>> Great, if you are with the parks folks, you can come back here if you want, or sit back there, whatever you prefer. Great. Are you ready for me to -- atxn, can I go ahead.

>> Alter: Good evening, everyone, my name is Alison alter and it's my honor to be mayor pro tem and to be on the Austin city council. Today I'm really excited to honor and to recognize our parks and recreation professionals with this proclamation. I'm joined today by Kimberly Mcneely from the parks department, our acm, Stephanie hayden-howard and several colleagues and several staff members from our parks and recreation department. Parks have long been near and

[6:19:25 PM]

dear to me. I think that I've been advocating for parks for close to 20 years now. At one point I was called the parks lady, because I saw park in my neighborhood that really needed some extra love, and --

and I helped to improve that. And then I did that again and again. So it's really a pleasure to be here to celebrate our parks. As a member of the city council, along with my colleagues, we have really worked to improve our existing trails and parks and pools and to invest in new ones. And found many different ways to do. That but our work wouldn't matter without the day in and day out dedication of our parks and recreation staff, our Austin parks foundation, the many advocates, the volunteers, all of the organizations, the conservancies that work hard every day to create opportunities for everyone in

[6:20:26 PM]

Austin to access the outdoors. At the onset of the pandemic, we experienced firsthand just how important our parks and green spaces can be. Our parks department staff responded swiftly and worked through unprecedented challenges to serve our community and provide safe access to the outdoor spaces that we love. And the continue to be there every day to make sure that those spaces are there for us. Here in Austin, we love our parks. Thousands of volunteers show up each year to support Austin parks foundations "It's my park day," every fall and spring. Austinites also support investing in our parks. We've passed bond elections to parks with overwhelming support. I believe that supporting our parks is one of the best ways to invest in our long-term growth. Access to parks we all know improves health, physical and

[6:21:27 PM]

mental, reduces crime rates, boosts local property values, attracts businesses, and strengthens climate resilience infrastructure. An old proverb that we talk about a lot in my office is that we should all plant trees whose shade we will never rest under, but which our children and grandchildren will enjoy. I hope that our parks and trails will B assets for all austinites for generations to come. To the entire park team, to the Austin parks foundation, to all of the community advocates and volunteers who support their important work, from the bottom of our hearts, thank you, and happy parks and recreation month. I will now read a proclamation. Be it known that whereas, the Austin area contains over 20,000 acres of parkland and over 200 miles of trails and whereas, austinites have a strong connection to nature and time

[6:22:28 PM]

spent outdoors has been proven to positively impact mental and physical health. And, whereas, Austin's parks, green ways and trails help to attract new industries and create professionals and entrepreneurs, and whereas, parks and green spaces are key to community resilience in the face of challenges such as water management, climate change, and environmental protection. And, whereas, access to parks and recreation increases local property values, drives tourism, promotes health and wellness and reduces

crime. Now, therefore, I, Alison Alter, mayor pro tem for the city of Sawftin on behalf of Steve Adler and my colleagues do hereby proclaim July 22 as parks and recreation month. Thank you, I want to now invite up director Mcneely.

[Applause]

>> Thank you, mayor pro tem, and the entire council. I'll make this very short on behalf of our department, we're humbled that our community loves our park system so much. And we're very thankful and are

[6:23:30 PM]

honored to serve in this capacity. We are represented tonight by our planning, many individuals from our planning team, not our entire planning team, but I just want to let you know that we have folks out there right now conducting summer camp programs, and taking care of our swimming pools, and cleaning up our trash and trails and doing litter abatement so they weren't able to join us. But we're going to celebrate this as a team when we have our appreciation day on September 8th and all are invited to attend if they would like, so we can make sure that our entire team knows how appreciated they are. Our motto is that we create community and we hope to continue to do that for many, many, many, many years. Thank you.

[Applause]

>> Alter: Thank you, I think we'll just take a picture there.

[6:26:21 PM]

>> Harper-Madison: Hi. Come on up. Have you met my friend, the mayor, Steve Adler? Hi, everybody. Come on up. Good evening, everybody. As you make your way out, I'd ask respectfully if you could keep it down a little bit while we honor the folks that are standing behind me now. My name is Natasha Harper-Madison and I'm really, really proud to be bringing this item forward for us to just offer some recognition to people doing the super important work. I don't have to tell you guys this, but I suspect that it's going to become even more important, you know, as we all sort of face the true aftermath of going through a global pandemic together. So, with that, I will say death is a part of life, along with taxes, and the summer heat -- it's the one thing that we all have to deal with, no matter what. But too often in our culture, we try to deal with loss in our own

[6:27:23 PM]

way. On our own. We don't have to do that. Thankfully there are people out there who are trying to raise awareness -- bless you -- of the normality of grief. So, without further adieu, be it known that whereas hearts2heal, a black latinx, woman and veteran-led non-profit that fosters community-based grief support and mental health programs to eliminate stigma and discrimination acknowledges the importance of grief awareness and, whereas, time set aside for grief awareness can heighten understanding that grief is a process. And can help to address our common need for mourning and healing, and will promote spiritual, mental, physical and emotional health. And, whereas, hearts2heal, with the city of Austin encourages

[6:28:23 PM]

businesses, schools, faith communities, healthcare organizations, civic groups and residents to join and in observing a special time of grief awareness to honor every person's right to grieve in the face of death and loss. Now, therefore I, Natasha harper-madison, proud city council representative of district 1, along with my colleagues, the mayor Steve Adler and the rest of the city of Austin's city council do hereby proclaim August 2022 as grief awareness month.

[Applause]

>> Thank you, city of Austin. Councilmember Natasha harper-madison. Mayor Adler. My name is Maria brown-spence and I'm the founder and CEO of hearts2heal. I use my lived experiences with grief and loss to guide me into what I consider my life's work and purpose.

[6:29:23 PM]

In 2012, I would lose my grandmother to stage 4 pancreatic cancer, a Ana Marie brown. And in 2018 I'd lose my significant other to Hodgkins lymphoma right at St. David's south. I was thrown into the daunting world of grief, and found out that you cannot navigate that journey alone. I used my extroverted personality to share the good, the bad, and the ugly and inspiring with grief. It was in 2012 that I said that it's time for me to put on these boots and to bring other hearts2heal along the way. Thus hearts2heal was created. August 30th is grief awareness day. But as we know about grief, one to three bereavement days is not enough. Neither is a day nor a month. Grief is a life-long journey, but we'll start here. So, as we go out into our communities, be kind, be gentle

[6:30:24 PM]

and be understanding. There's a lot that we've had to handle, especially in these last two years, so use August as a reminder to tell someone a hug, to share a piece of gratitude. And I want to give a special thank you to two of our members here from hearts2heal, our vice president Jasmine and Becky Carter,

our mental health consultant. And we just want to thank you. This is very important to us and we will continue to do this work. Thank you.

[Applause]

[6:31:43 PM]

[Applause]

>> Harper-madison: Nicki, they let [indiscernible] into city hall. Nothing but trouble. All right, and, last but equally important -- and actually kind of a theme now that I think

[6:32:44 PM]

about the last two -- hi there, folks. Again my name is Natasha harper-madison and a proud representative on the Austin city council for district 1, that is east and northeast Austin. I said it a thousand times, the pandemic certainly shed a harsh light on a ton of disparities that we experience as a municipality. And the truth is that we just ignored them for far too long. We saw disproportionate rates of infections and death in our black and brown communities. And just here this last couple days as we're watching the numbers start to rise again, I think that a lot of folks are starting to feel those early day panics coming back as they're talking about hospitalization and who is being hospitalized. And so this is probably really timely that we acknowledge you all today. That shouldn't have been news to anyone who have been paying attention to the public health inequities that have long, long been known in Austin. I am grateful to groups like

[6:33:48 PM]

co iga wellness to en-- contiga wellness that our city, our entire city, have the healthcare they need. And with that I'm very proud to produce this proclamation. Be it known that, whereas, institutional racism exists in America and in Austin, and, in all places, it leads to higher rates of health disparities in communities of color, and for a variety of reasons, including but not limited to language barriers, legal status and stigma, bipoc communities receive less mental health treatment than the national average. And, whereas, contigo wellness is an austin-based non-profit founded in 2020 to meet the disproportionate needs of communities of color by increasing equitable access to culturally responsive mental

[6:34:49 PM]

health services. Building capacity and mental health awareness, and creating networks of support provided by practitioners of color. And, whereas, contigo wellness and their staff have been invaluable to community -- I'm sorry, invaluable community partners during the covid-19 pandemic and are poised to make continued contributions to be part of Austin. And I, that Natasha harper-madison and alongside our mayor Steve Adler and M colleagues on city council do hereby proclaim July 28th, 2022, as contigo wellness day.

[Applause]

>> Thank you so much to councilmember Natasha harper-madison. You are wonderful. And, of course, thank you to our

[6:35:52 PM]

mayor Steve Adler. Contigo wellness are honored to be in with those part of the proclamations and Mr. Oaks' amazing work and it's noter isin dip to us that we're here receiving our proclamations together. And Dianna, the founder and president of contigo could not join us tonight and she's taking care of herself and her mental health as she's modeling that. And I'm Blanca Valencia and I'm the vice president of our board, and we know that while justice is always the end goal, the work is of equity is a key pathway to that. And as Natasha harper-madison said, for those don't know that coigo wellness gives people of color affordable access to mental health providers of color and to end the stigma around mental health in bipoc communities because on the topic of equity, if everyone across our country is having to reckon

[6:36:52 PM]

with what is most vital in life, having to reckon with what it means to be truly holistically healthy and reckoning with our mental health, bipoc communities and their suffers are all too often left out of the conversation, or the conversation comes from a place of deficit. But our communities are so very, very rich as tonight has shown. And they deserve so much more. Thank you so much to our mayor and to councilmember Natasha harper-madison for recognizing our work and the work of our colleagues in equity. We definitely look forward to finding more ways to partner and to continue this work in our beautiful city. Mucho gracias. Thank you.

[Applause]

>> Harper-madison: And she's an educator. So double service.

[6:38:32 PM]

>> Thank you, all. Appreciate you so much.

[Applause]

[7:08:19 PM]

[Executive session] .

[Executive session]

[8:45:52 PM]

>> Mayor Adler: All right. We are out of closed session and in closed session we discussed real estate matters related to item 125. It's 8:45 and we're continuing in the city council agenda. Rodney, if you would come back up where we -- where we had left you. Colleagues, I've handed out here a version two of the amendment. This is the amendment that I gave the clerk four copies. This is the document as I received it from staff. I've read the changes that staff requested that we make. When we were earlier talking

[8:46:53 PM]

about this, Rodney, I want to confirm again at this point it's staff's recommendation that we vote to extend the -- the negotiations in this contract, is that correct?

>> Yes, I concur, mayor. You know, what staff wants to do is to utilize this time to perform due diligence on aspen heights proposal that they submitted yesterday. What in front of counsel is the exclusive negotiating agreement until September 30th. We intend to complete that work as quickly as possible and to come back and to provide information to council. What we have right now is a proposal, and what need to perform due diligence on is the pro Forma.

>> Mayor Adler: Okay, great. As we started talking about version 2 of this, it has been posted to the message board, sent to the clerk -- or it's just about to be published on the message board and then sent to the clerk.

[8:47:55 PM]

But not only this would go if we extend the contracts, the direction to staff, to get more certainty as to what happens and what costs at the end of the initial term for childcare and music venue spaces to look at how many affordable units that is provided and did not provide a cash lease payment as the C had required in the rfp. But if the city wanted to change its mind and no longer demand cash payment or indicate that that has value to the city, and instead wants affordable units, how many affordable units could be provided which the developer indicated in the answers that were published to the public in the question-and-answer last night, conjunction with the foregoing point is to take a look at how

[8:48:56 PM]

many affordable units the city gets for no longer requiring a cash payment or a cash payment -- or a cash payment that is large and seeing how that cost or the relationship between unit and dollars compares to what we are getting elsewhere. But also and importantly performing the necessary due diligence to determine if the project pro Forma supports the developed proposal that was conveyed to the city staff yesterday as part of that q&a analysis. And the developer should know that this council is aligned in making sure and wanting our staff to get all of the financial information associated with that pro Forma for that proposal from yesterday just as quickly as possible so that the city can -- can test its

[8:50:00 PM]

validity. And also asking the staff to provide its best information on what it thinks that it could do at the end of an expired or terminated Ena, if it were develop the property itself, with a p3 or with the economic -- off the economic development corporation or in other scenarios. You have read this sheet and then staff has gone over it?

>> Yes, mayor, we have read the sheet and unless the staff point out any changes to the items that are edited, it concurs with what we'd like to see in the motion sheet.

>> Mayor Adler: Bottom line and just real quickly, why is staff recommending that we extend DNA?

>> What is that? It's hard to hear but I'm reading the captions up there.

>> Mayor Adler: Sorry, just generally, why is it that the staff is recommending to extend

[8:51:00 PM]

Ena?

>> It was received last night and it's in the q&a that is published and aspen heights have said they can achieve more on-site affordability. So we would like to utilize the additional time period up until

September 30th to perform due diligence and see whether or not the project pro Forma actual supports what they sent to us last night. And so if it does, we will come back and give that council that information. If it didn't, you can rest assured that we will come back and tell council that their pro Forma does not support their proposal.

>> Mayor Adler: Okay, great. Colleagues who on are the dais. Councilmember tovo. >>O: Thank you, mayor, I have some questions for staff and probably some for the developer as well if aspen heights is here. But I'll start with you, Rodney, or any of your staff. Before last night was staff recommending the extension?

[8:52:02 PM]

Before the additional information ce in last night?

>> Yeah, you know, up to last night what was in front of us prior to last night's proposal did not support our thought that additional community benefits could be achieved. And so what was sent over last night modified that thinking. >> Tovo: Did it modify the staff recommendation?

>> Yes.

>> Tovo: So, in other words, before last night the staff were not recommending extension?

>> Yeefore last night, we had thought that we could achieve more community benefits, and so that's what we had conveyed was that we thought that we could achieve more community benefits. And then what was received last night has pointed towards additional communityenefits being achieved. And so now what we want is the time to drill down in their pro Forma and to verify with our own eyes whether or not that is the case.

>> Tovo: And so the additional

[8:53:03 PM]

community benefits as I understand the response in the q&a, the additional affordable units are being, um, more units are being constructed, and we're also getting less of a payment. So in essenceee are reducing the amount of payment that we were -- that was in the original proposal and -- or getting more units. So that's -- that's how I'm understanding the response in the q&a.

>> Yes, so the way that I look at the response is that you're absolutely right -- less payment and more community benefits.

>> Tovo: But you're paying for them with public subsidy -- I mean, we're paying for them with a public investment?

>> Yes, in essence we're paying for those additional community benefits.

>> Tovo: Okay, thanks. I would like to ask one of our housing staff if they could talk to us about -- about in

[8:54:04 PM]

particular the response with regard -- well, let me -- I want to understand the best and final offer.

>> Sure.

>> Tovo: So this has been extended once before back in June, is that right?

>> Yes.

>> Tovo: And staff had been negotiating with aspen heights for how long before June?

>> I'll have to bring the deputy director up here because she can give you more exact dates when we started those negotiations with aspen heights.

>> Tovo: How long has the staff negotiating with is pen aspen heights?

>> We executed the agreement with aspen heights since may 2021, so we have been negotiating for a little bit over 12 months.

>> Tovo: And I understand, and I'm going to just preface my comments to the public by saying that there's a good deal of information that we're not abl

[8:55:05 PM]

to talk about in an open session, and so if you hear me hesitating, I'm trying to think through what I'm saying and making sure that it's not part of the confidential information here. But I think -- and so the staff may also may not be able to answer some of the questions. When did you receive a best and final offer -- WHE did you ask for a best and final offer from aspen heights and when did you receive one?

>> We asked the best and final offer -- I'm going to say when we extended the last extension for the Ena in may. And we received it in June 15th, that was the first and the best and final offer. And it has changed a little bit over -- since June 15th of this year.

>> Tovo: Do we have one less term sheet?

>> We have various term sheets for their best and final offer.

>> Tovo: And then it -- it was adjusted again last night?

[8:56:06 PM]

>> Correct.

>> Tovo: Okay. And so -- and then I did have a question about housing. Thank you so much, I may have more questions later. And so I had submitted some questions in the q&a and I would want to ask aspen heights about some of the others. When we passed this back in January 2020, I brought forward a good number of amendments that were included and passed by this council, including ensuring that we have living wage requirements on this property, and others. It's my understanding from the q&a that aspen heights provided an answer, that the offer does not include a living wage requirement. We had also -- the amendment that I had brought forward that this council passed and became part of the direction was for staff to negotiate such that the primary use on these tracts was affordable housing. And so Ms. Demayo can you talk about what the proposal -- the

[8:57:08 PM]

question last night -- or the question in the q&a asked what the percentages were and aspen heights provided the information that the best and final offer prior to last night included 116 units which is 12.6% of the total units on the tract. If -- when we undertake projects at the Austin housing and finance corporation, what kind of percentage of affordable units do we usually aim for?

>> Mandy Demayo, deputy director housing and planning department. If this is a aahfc related development, either we subsidizing the development and most likely we're looking to 85% or 100% of affordable housing.

>> Tovo: And this afternoon we had one on another city-owned tract that is about 93% affordable units, is that right?

[8:58:08 PM]

>> That is correct. That is a reference to the 3515 manor road solicitation which the ahfc city passed this morning.

>> Tovo: And prior to the deal that came in last night it was at 12%. 12.6%. With the additional aid from the city as contemplated -- as proposed. What percentage would we be at? .

>> With the most current best and final offer --

>> Tovo: The one that was received last night.

>> -- Which is proposed to double the number of units -- from 116 to 232 -- my understanding is that those are at 50 and 60 per cent mn family income. That would bring them up to somewhere in the range of about

[8:59:10 PM]

almost 20 per cent affordable.

>> Tovo: 20 per cent. And this, again, is a city-owned tract. The question was asked -- the question I asked you in the Q and a was do staff believe we could achieve more housing and more community benefits including permanently affordable child care space if we let the extension expire and pursue a different method? And the answer came back in council seeks community benefits, what aspen Glen -- staff believes. . . I know the arrangement changed and went from 12.6 to 20, I think you said just now. Do you think we could achieve something closer to, you know, 45 per cent or something

[9:00:12 PM]

even -- I mean, perhaps downtown because we would want to develop the tract that has market rate -- THA has no view corridor. So it might not be a project that is more like 93 per cent as we approved this morning or 80 per cent as other afc projects happen. But do you believe that if under other arrangements we could achieve a higher level of affordability on this tract.

>> If this in fact were transferred to housing finance corporation, the expectation would be that the project would be substantially income restricted affordable to low and moderate income households

>> Tovo: Okay. Thanks for much.

>> I would like to follow up

[9:01:14 PM]

on council member tovo's line of questioning. Before -- please proceed. In fact, what I'm trying to do is avoid you have to do this fancy mambo all night. Is there a way -- we just all ask the applicant or just -- or --

>> Mayor Adler: We could try that but I think the question of one leads to the question --

>> Harper-madison: Okay.

>> Mayor Adler: Before we go any farther, I think we're going to be caught here talking about this item for a while, and then we're going to talk about the urb and other zoning case for a while. We have three

items on the agenda that we can't take action on, that wereet primarily to get public input, which we have now gotten. We also would allow for council

[9:02:14 PM]

discussion. But, colleagues, you tell me, unless there's council members that want to discuss them, I would let the staff go home on item 103, which is the license plate readers, which will come back to us in mid August. I would let the staff go home on 124 with the admonition, mayor pro tem -- I think you might have something written up about when that would comeack to us but also that we let those go and that we let the statesman pud for council discussion go at this point. We've postponed statesman pu I think, to September 1st. Any objection to letting staff go on that? Hearn none, council member -- mayor pro tem?

>> Alter: I have a couple of comments on the statesman pud

[9:03:15 PM]

that I would like staff to be there for.

>> Mayor Adler: Let's make your statement so we can let staff go.

>> Alter: Can I do the parks motion first.

>> Mayor Adler: Do the parks one first if you like.

>> Alter: I passed out a motion sheet. I'm going to read the motion sheet and explain it after I make the motion. 128 is on the agenda for action. We discussed we won't take action today but still need to P postpone. I have two parts -- one I move to postpone 124 to the August 11th, 2022 meeting with direction to postpone on the 17, 18, 19th agendas. I move to waive the pla review -- I want to explain. Planning commission is in the process. They had a meeting in July. They wanted to send it to

[9:04:16 PM]

committee. That committee was not able to make quorum because it's July, people are on vacation. On Tuesday, the planning commission agreed that they would come back and have a recommendation on August 9th. They have set up a working committee. They're going to have a couple of listening sessions with stakeholders to make sure the planning commission is hearing what we heard. And the goal is to have a recommendation August 9th, which would mean we would have the benefit of their recommendations when we make a decision. If they're unable to make it for August 9 and we want to move forward in the budget, which I believe we should, we have to waive the planning commission

requirement. So the second part is really just setting it up so that if they don't come back, we're set for that procedurally and not in a position where we cannot

[9:05:16 PM]

take it up in budget. And with respect to the 11th, that's one of the days we're having the budget work session. Since the ordinance itself is not in the budget but the fees would be, this would allow us to have that discussion. If planning commission comes back and there's no discussion, they rubber stamp it, we want to pass it on the 11th, we could, but my expectation is we would want to have conversation on the 11th and finalize it during budget. This allows us to do all those permutations for that. That's with respect to the commercial parkland dedication ordinance, which I'll remind folks came out of the recommendation in February 2020 from the parks board and then in the spring we passed a resolution to initiate that process. I believe it was approved unanimously. It was cosponsored by Fuentes,

[9:06:16 PM]

Adler, pool. The current parkland dedication ordinance recognizes nexus and demand by residential and hotel visitors, which does not capture the -- it puts a burden on residential and hotel costs. This proposal, which I think is clear and simple allows us a legally viable way to join other Texas cities to ensure that commercial properties pay their fair share and importantly provide the trail connections we need. We had several trail connections we've been unable to secure because it was commercial property rather than residential, and so I think this is a really important step. In addition, during the budget process, we will want to talk about how we want to move forward with respect to residential parkland. But my motion is strictly about the commercial parkland to set

[9:07:17 PM]

us up to be able to have the discussion, and I hope we can have those conversations in a way that we can make movement forward during budget.

>> Mayor Adler: I appreciate that. I'm going to support that this timing so it gives us the option to be able to act if we're ready to act at those INTs in time. I'm going to see if I can get to the message board to post some thoughts or ideas. I think at the time that we're doing this and looking at this ordinance -- and I support a parkland dedication fee for commercial, as I think it is also appropriate for residential. But taking a look at locking in the fees for commercial, when you submit the site plan so if

[9:08:18 PM]

there's some uncertainty as people go through and it doesn't change over the life of that development, as well as making sure that there's not a requirement to pay those things until you get a building permit. So the property owners aren't being asked to finance those kinds of things. I would imagine that there's going to be some conversation about the extent of the fees on residential. My hope is that with commercial we have a value add but I think when we're taking a look at how we set the fee at that point in time as part of the budget process that's not in front of us, we take into account how that fees for parkland dedication have risen. I support this. I'm going to try to go on the message board with other issues and I would invite my colleagues -- because I know

[9:09:20 PM]

there's discussion -- to join in on that so we're not introducing those topics at the last minute but so people have a chance to see them and vet them. I support the motion sheet that you have handed out here today. Is there any discussion? Council member vela?

>> Vela: I don't have any issues with the motion. I'm concerned given tonight's experience that we're going to run into the same situation, you know, kicking it over to the budget discussion. I'll just make that comment. I have not been part of a budget discussion, so I'll just leave it at that.

>> Alter: I guess with this motion and this process, you know, I think for some of us it's really important that we add this in the budget, and it's part and parcel because you have to set the fees for that. D as we, you know, address residential fees knowing whether we have addressed commercial fees and been able to move forward with this is

[9:10:22 PM]

important -- important next step, so I would invite you to ke a look at the ordinance and have some conversation so that you are prepared to have that conversation and I look forward to what the planning commission comes back with. Again, this is a legally viable option. There is a formula. The formula does include how much land costs, and land costs have gone up. In order to assess any of the fees you have to have a nexus that has to be based on facts. And so that is part of the process if you want to be able to hav those kinds of fees. And I will say that parkland dedication relates directly to one of our top ten strategic direction items, which is access to parks. That is one of the metrics where we've actually seen movement. I think we've gone from 64 per cent to 68 per cent of the

[9:11:22 PM]

community has access within a quarter mile and half mile of real movement on a metric that we have. It's one of the few we have, an parkland dedication is key to that. It is targeted to where the most development is taking place, and so it makes sure that we are not -- that we are investing where that development is happening in ways that are really key and important.

>> Mayor adlerokay. Let's take a vote. Those in favor of the motion sheet, please raise your hand. Those opposed? I'm showing unanimous on the dais, with council members fun Tes and renterrff the dais. We're also going to let the license plate reader move forward into August. I think that we're really going to havestudy the issue

[9:12:24 PM]

of -- one, I'm -- license plate reader -- I'm support of it, as we talked about earlier, as a force multiplier. So I really appreciate council member Kelly in bringing this. We're going to have to figure out some answers to availability to other law enforcement agencies that might be using it for things like immigration or reproductive rights prosecution, things we wouldn't do locally but other agencies might be using. There's a certain amount of protection. You have provided in your motion for protections, and I think we might want to include some more so that more people see the specifics that you have generally hit, but, again, I commit to work with you to see if we can get to a place on that that will work for the

[9:13:26 PM]

community. Okay? And then the next one was the pud. Any comments on that before we let that one go? Yes, mayor protem? Jerry, you're standing up. Is there?

>> Sorry, mayor. We did, if you remember earlier, not postpone this. We'll have to postpone 131 and 132 to September 1st.

>> Mayor Adler: We were going to do it after discussion.

>> Exactly.

>> Mayor Adler: Let's have discussion and then vote to postpone during the discussion.

>> Alter: So, I guess, you know, I have a lot of questions about the pud. I will meet with the developer before the next meeting to ask some of those.

>> Mayor Adler: So I'm going to give him five minutes to be able to address because he asked about that if he wants it. I don't know if you want to give your comments before he's

[9:14:26 PM]

given the opportunity to speak? Do you want to speak first, mayor pro tem?

>> Alter: I'm happy to hear his comments first.

>> Mayor Adler: Mr. Suttle.

>> At some point we have to deal with this case. Whether it's a special called meeting or something. It's fascinating. It's got lots of good things for our city. The longer we kick it down the road, the longer it takes to get if tax base, parkland, affordable housing -- all the things we want out of this and kick start the south central plan. All I would ask is tonight we didn't -- I know you're tired. I don't want you talking about my stuff when you're tired, so please -- just at some point make it a rity. Please. Thank you.

>> Mayor Adler: Mayor pro tem.

[9:15:26 PM]

>> Alter: The part I agreed with you, Richard -- I think we have to focus on it and have a focused conversation. M sort of feeling like I'm in ground hog day with this item, and we have to get to a pnt where we have more real information to be able to make the decisions and to be able to see what we're weighing and to understand better what direction staff need in order to be able to push forward, where we're missing the clarity. There are just pieces of it that don't seem to be getting any clearer. We have to be able to figure out what we're talking about in terms of different pieces. You know, there's a lot of claims that are around, some of which are probably accurate some of which are not accurate out there and how we're thinking about this. At the end of the day this is

[9:16:27 PM]

an extremely important part of our city and is an opportunity for development and we have to figure out what are the appropriate investments and what are not, and what in the current environment with labor costs and construction costs and value capture that can happen -- what we can do. I don't know how we get out of this ground hog day. Every time we have one of these meetings I feel like I'm having the same conversation. I'm not sure what is the piece that keeps us from getting to the meet of what we have -- meat of what we have to figure out. I throw that challenge out there. I wish I had a solution, but it's late and I don't. I have more questions than I have answers.

>> Mayor Adler: Council member kitchen?

>> Kitchen: Have you finished? Okay. Then I have a question for the applicant.

[9:17:29 PM]

I a this the other day of staff, so I'd -- since you're here I'd like to ask you. From your perspective, how do you view what's happening with project connect in terms of some additional analysis that's going to occur with regard to crossing over the lake? Are you part of those conversations at all, or will you be? Or do you see it impacting at all? The only reason I ask that is part of the proposal has to do with the land you're making available. I could guess what the answer is but you're here, so I thought I'd ask you.

>> Sure. In the middle of this process project connect came up -- at first it was put the train station on our property and then maybe go across our property and leap off on the bridge. We said that is great, and

[9:18:32 PM]

we'll make the land available, and then the parks people said, well, wait a minute. You're taking the parkland out. We said the parkland that gets taken away by the train we'll pay fee in lieu for that so there was no net loss. We didn't want to stand in the way of project connect. We still have a place holder for the train to come through. We're working with adjoining neighbors on the actual station, so while it was a little bit of a curve ball in the middle of the process, we've made accommodations for it and at no loss to the park.

>> Kitchen: At this point are you continuing -- has atp reached out to you again.

>> We have a meeting with them tomorrow. It morphed a little bit. It went from a train track to maybe trains and buses to maybe trains, busses and pedestrian.

[9:19:34 PM]

Then bar ton springs road changed. We've shifted gears but we are working with them on it.

>> Kitchen: I just asked because I don't think any of us have the answer for it right now. Atp doesn't either. As they talked about at the last atp board meeting, which the mayor is probably more in tune with than I am -- they did talk about there's additional time needed for additional analysis. One of the things they're looking at is how they cross the river.

>> Sure. Our goal is to not preclude anything and to not get in the way.

>> Kitchen: All right. Thank you.

>> Thank you.

>> Kiten: One last thing. You probably can't answer this but I was going to ask if you anticipate anything impacting your proposal.

>> Our proposal?

>> Kitchen: Yeah. I guess you can't predict at the moment.

>> Actually, we took it across

[9:20:35 PM]

an area that we weren't going to put a building anyway. That didn't affect it. It became more interesting because now we're more of a Todd than we are -- in addition to being a piece of the south central, now we're a TD and maybe we didn't shoot high enough on the density. I don't know that but we're keeping everything the same now.

>> Kitchen: All right. Thank you very much.

>> Mayor Adler: In terms of substantive conversation, I would like to have one. Part of the problem I'm having is I don't know the context of the development of the statesman pud relative to development of the entire district. And not that we have to have the regulating plan for the district in order to move forward but just a better idea of what's going to be happening. When the heights were set for the district as part of the vision plan in 2012, 2013,

[9:21:38 PM]

2014, they were envisioning a range of height that were 200, 300, 400 in height. I think we're in a different world with respect to height than we were then. I think there's growing interest in taking a look at what it makes sense to have the south water front treated like the CBD -- just the other side of the river in cities like Chicago. One reason to do that, I think, is to make best use of land -- obviously providing services for people. It's the lowest cost development to a city that exists, generates the greatest amount of ad valorem tax revenue. But it's also the way, I think, to maximize the tiff revenue that's produced. I had the opportunity sit down with some of the -- sit

[9:22:39 PM]

down with city staff yesterday to take a look at the Charles Hiemshath report of last year and it's hard to tell but there are some indications that the total generated wasn't part dependent on what was the development potential in that area, both in terms of its share of the downtown office, condo, commercial activity that would be captured as it relates to the absorption study. My hope is the city will have a chance to take a look at that. There's a desire to have more affordable housing in the area. You

know that. We haven't figured out how we'll provide the capital for the city to be able to invest in the infrastructure that will

[9:23:43 PM]

serve probably -- not even primarily your client's tract but an entire hundred-plus acres of property because it won't develop the way the city would want it to develop without that investment. If we make that investment it's going to throw off more. If we saw that I think we could better put into context what you're asking for. I don't want to hold up the development. That's not fair. The property owner has been held up for a considerable period of time. I think the staff has to come back with the numbers sooner rather than later. I think that might be helpful in helping the council deal with what's being asked in the context of this overall development in the south water front area by taking a look at how a change in height would

[9:24:44 PM]

impact the entire district -- not just this tract but the entire district.

>> I agree with you that the city gets the most bang for their buck on this piece of property in south central water front district. The services are less. You get more tax base. You get more, more, more. It's far better than the sprawl land. And I agree with you that it would be better to look at this in context, but, mayor, I've worked on the statesman side since -- 2012, 2016, then 2020, and it's just time now for this one to move on. And the south central plan does not move without this one. This is the lynch pin. And by -- also, there's a long list of projects that are waiting on this one to come through. So I agree with you. Context would be better. We have had all the fun we can stand waiting on the context.

>> Mayor Adler: I understand that too. I think in the meetings we had

[9:25:45 PM]

yesterday some of the -- my inability to communicate as well as I would have liked to have done got cleared up in some things, so my hope is that at least to those requests it will start moving more quickly.

>> Thank you. We'll work with you obviously.

>> Mayor Adler: Thank you. Is there a motion to postpone this matter to September 1st? Council member Tovo makes the motion. Any objection to postponing this to September 1st? Hearing no objection, this item is postponed until September 1st. Mayor pro tem?

>> Tovo: Can I be recognized for a few comments?

>> Mayor Adler: Yes. Mayor pro tem?

>> Alter: Did council member tovo want to go first.

>> Mayor Adler: She wants to make sure she gets recognized.

>> Alter: Sorry. I only heard half.

>> Mayor Adler: That's okay.

>> Alter: I'm not expecting we're going to do second and third reading when we take this

[9:26:45 PM]

up. Just want to be clear on that. One of the things you hind at -- the mayor mentioned and we had a little mention in our conversation the other day was whether the developer thought there could be more entitlements we could be factoring in how we thought about things, especially given that the blue line would be going through their -- whether we should be having that conversation and whether the developer thought that was valuable. Can you speak to that? I thought -- I was a little -- I'm not sure I agreed with the conversation that we had. So if you could share your views on that.

>> Sure. I have to be careful because there's a thought amongst at least some of you that entitlements are worth millions of dollars, if not hundreds of millions. They're only worth it if you can build a viable project. We've gone back and said did we

[9:27:45 PM]

shoot too low and we have an idea now of another building and a few more hundred thousand square feet that would work, and tight get us closer on a lot of financial gaps that are there. So the answer to your question is yes, but it's not like a double or a triple. It's an incremental that WOU make the whole model better.

>> Alter: When would you be in a position to give us a sense of that.

>> I'm sorry?

>> Alter: When would you be in a position to give us a sense of the magnitude of that and?

>> Right now. It's probably in the magnide of another building and another 700,000 square feet.

>> Alter: Okay.

>> But it's not that same incremental add on all the other stuff. It means we still need help on the road but we can do a less robust parks design.

[9:28:47 PM]

>> A: You could do more robust -- you would be able to do a more robust park design, not a less.

>> LI, it depends on how much of the tirz gets kicked in. With 700,000 if you do the tirz, the tirz jumps up and I would be less the tirz. It's almost like Jell-O. You push here, it goes up here. Push here. But it's very complicated. That's why I want to get into a work session with y'all so we could walk through. We could get San Dra up here with the spread sheets and say extra 700,000 that's this.

>> Alter: That would be helpful.

>> It's really interesting.

>> Mayor Adler: Kathy? Council member tovo?

>> Tovo: Yeah. Thanks. Moment sort of passed but I was going to say I concur with the need to spend significant time on it and I think the work

[9:29:48 PM]

session is a good idea. I think we also need eco northwest there. We can talk about the analyses from a few different angles. I wanted to thank you and your team. I think we've met three times this week. I think I've met four times this week. I appreciate the conversations you've participated with, with labor folks and housing folks. I've shared with you in those meetings but I really do look forward to seeing a D on this property that has higher levels of affordability in addition to the community benefits we're discussing. Thanks for the continued conversations.

>> We look forward to the conversations too. Just to get it on the table so

[9:30:49 PM]

everybody has the same information, we've talked to a couple of you about this. The affordable units on this project are probably about 10 years out. We can provide affordable units at an apartment complex less than two-tenths of a mile away starting the day you approve the pud -- same number of units instead of waiting ten years. We thought that would be something interesting to talk about tonight. Those are the types of ideas we're trying to get to y'all so we can make this thing happen. Thank you.

>> Mayor?

>> Mayor Adler: Yes?

>> Renteria: I would like to hear what Richard had just said about the affordability and about, you know, the units that he has available that now -- if

[9:31:50 PM]

we approve that project a little bit more.

>> I'll pull up an area real quick. I promise this is three minutes. As y'all know under the south central plan, this -- the statesman property has been asked to bear parkland and roads and affordable housing. We are assigned four per cent of affordable housing, which is about 55 units. That's 10 years off in the best of cases wh the site plan approval process and development process. Since we've been talking about this, if you look on the screen in yellow is 422 river side drive. That is an apartment complex that's full with high rents and we control it. And while it wldn't be

[9:32:50 PM]

technically on site, we can income restrict the rentals on apartments day one in that unit -- in that apartment complex the day we reach shore on this what does that mean? It means instead of waiting ten years, the minute a one or T bedroom lease rolls off, within a month we can have it to a family at 80 per ctt mfi. It's 55 units within a year, ar and a half. We thought that's a great idea. We haven't had a chance to vet that with y'all but we think it's something worth thinking about, and that's what council member -- that's what I was Taing about, about immediate units instead of waiting.

>> Renteria: That definitely looks like it's right downtown.

>> Well, if you draw a line from 422 straight over to the statesman, it's about

[9:33:51 PM]

two-tenths of a mile.

>> Renteria: Thank you for that information, Richard.

>> Kitchen: Mayor --

>> Mayor Adler: Council member kitchen, go ahead.

>> Kitchen: I think I know which complex that is. Can you remind me the name of that.

>> 422 on the lake. It's where run text used to be.

>> Kitchen: Okay. And then -- so the thinking -- how many units are in that complex.

>> 207 units at 44.

>> Kitchen: Okay.

>> And we have an obligation 55 units at the statesman project.

>> Kitchen: Uh-huh.

>> We would take those at 80 per cent and start making them available immediately at 422.

>> Kitchen: Is what you were thinking on the statesman 55 at 80 per cent.

>> Yes. That's what's in the south central plan and what Wero Forma it for when we started

[9:34:54 PM]

this things years ago.

>> Kitchen: Have you seen if you can push the envelope a little since it's a rental and other differences.

>> Yo know, if we get into the conversation, financially there may be some room there to deepen the affordability a little bit.

>> Kitchen: Uh-huh.

>> Or maybe increase units, but again, it's a math equation.

>> Kitchen: Right. I was just wondering if you had done that analysis yet or T.

>> We've been in the process of doing that. We could do a deal where we know what the affordable housing component of our proposal costs and after our meeting with the affordable housing advocates, we're willing to take that money, that check and write a check to an affordable housing provider. They can immediately start building more than the 55 units with that money than what we can do in a high-rise building downtown. There's all kinds of different

[9:35:56 PM]

ideas.

>> Kitchen: Is that what it is, 23 million.

>> 23, 24 million -- something like that.

>> Kitchen: Thank you.

>> Uh-huh.

>> Mayor Adler: Council member tovo?

>> Tovo: Since we're talking about the proposal and I guess we continue discussing this, which is fine. I'll have more questions too. As I understood the discussion we had the other day with the affordable housing advocates as well, the rents as -- as units come up for renewal they would become part of this group.

>> Uh-huh

>> Tovo: They wouldn't all be ready the first day but they would be ready -- as those apartments came ready for renewal some would renew at a market rate, some would be affordable.

>> Right. We'd negotiate with you guys that schedule but we have leases coming due almost every month.

>> Tovo: One person in our

[9:36:56 PM]

meeting -- I will say -- I try not to speak for other folks but there was a significant -- I think a significant call for more affordable housing made in that earlier meeting from those who were assembled, the affordable housing advocates in the meeting. I think that's consistent with what I and us on the dais have asked you to do. It's good you were making affordable housing -- in a high-rise there's a cost savings using the units you cutly have. I think you said that was accurate.

>> There is a cost savings, and it's -- again, it's just the math. It's -- we're not asking -- we're willing to make up that cost difference, but it's not as big as one might think. That's why we may be able to get deeper affordability or a few more units. I know there was a lot of people in the room that wanted

[9:37:57 PM]

10 per cent or 20 per cent affordable units in the statesman. If that is the will of the council, you can tell us that tonight and we can put this thing to bed. It's not going to happen

>> Tovo: I think we have staff here and I want them to remind us what the threshold requirements are. I think it is 10 per cent.

>> It's not. We're not subject to that ordinance

>> Tovo: We can certainly have that conversation tonight. It was my understanding that city legal believes you are.

>> Right. I say that so boldly, but it doesn't matter. Zoning is totally in your discretion. You can make us subject to delay cost I ordinance if you want. It's totally in your discretion

>> Tovo: Can you help me remember -- maybe this is a more appropriate question for stf but as I recall the project you propo proposes a higher height.

>> That's correct

>> Tovo: By how many feet.

[9:39:03 PM]

>> The south central plan called for six gradients of height, the maximum being 400 and stepping down five more steps below that. Proposed pud -- I Thi the other is 250 or 275, if I recall correctly.

>> Tovo: So it's significantly more height.

>> At the most 400 to 525. A third of the height

>> Tovo: I think we have to balance that with what was initially presibed for the affordable housing site. Was it 10 per cent? Was I remembering that correctly.

>> The existing pud ordinance calls for 10 per cent of the -- rental versus owner occupied. We have a different recommendation based on the

[9:40:03 PM]

south central plan. Probably talk about that more later

>> Tovo: The pud ordinance is 10 per cent.

>> The existing pud ordinance has tier three -- 10 per cent requirement in there, yes

>> Tovo: Thank you.

>> Mayor Adler: We've quickly moved past those three so staff could go.

>> Did we get -- I know we had a motion and second. Did we get a motion on postponement.

>> Mayor Adler: Those postponing until September 1st, raise your hand. Unanimous with council member Fuentes off the dais.

>> Thank you.

>> Mayor Adler: Thank you. All right. Back to health south. The motion in front of us is to extend until September 30th. Is there any further discussion? Council member kitchen?

[9:41:04 PM]

>> Kitchen: Mayor, I passed out a motion sheet also. I think maybe the two could be melded. If I could go through that -- is this the appropriate time to go through that.

>> I think council member harper-madison had questions for the developer and I did too.

>> Kitchen: What order --

>> Mayor Adler: Let's hold off. Let's ask more questions. Council member harper-madison.

>> Harper-madison: I sort of got lost. Are we back at the pud or health south?

>> Mayor Adler: Health south. Pud is gone.

>> Harper-madison: I have some quesons for the applicant.

>> Mayor Adler: Okay.

>> Harper-madison: I'm going to wait until everybody clears the room. If there's some kind of hull la bah loo.

[9:42:05 PM]

I like your earrings.

>> Thank you.

>> Harper-madison: You're welcome. Okay. I think two of the questions I'm going to ask, council member tovo, I think you asked also. One was about income. It was one of the provisions -- about fair wages. P.

>> It's a little hard for me to hear you. I apologize.

>> Harper-madison: It's on. It was about wages. The first question was about wages that council member tovo posed.

>> With -- the best and final offer require city fair wages. That is not something aspen heights team was able to go through. It would involve -- it's a requirement thatould be nearly impossible to -- it would require going through a license agreement process similar to what the airport did, which would put the airport at a disadvantage.

[9:43:06 PM]

It's a different animal they're able to incorporate into the project.

>> Harper-madison: I guess I'm having a difficult time understanding -- somebody said earlier, capitalism. That's how that works. I'm having a hard time understanding who would be able to meet the requirement. I don't know that I'm familiar with any other situation in you know offhand, great. If not, it's something I need to look into.

>> I heard someone mention the airport. I'm not super familiar.

>> Thank you. I was trying to ask -- council member, do you remember which two questions you asked -- I was like I have those questions too

>> Tovo: I can't remember if I talked about profit sharing. I don't believe so. I have a question for the applicant about that. It was something else.

[9:44:08 PM]

I'm forgetting it at the moment. Housing.

>> Harper-madison: No. It was two questions I had that you posed in another setting. It was about income and profit sharing. You did ask about it. Profit Shari is?

>> Profit sharing is one of the questions we received. My day's are all mixed up. It's been -- profit sharing is one of the questions we received and that was one of the items we were not able to incorporate in the Ena. That would result in a complete modification of the way the financials were set up and proposed. Profit sharing was not included in the Ena.

>> Harper-madison: I appreciate that. There's probably something I need to go back and research on my own. The responses in the Q and a were helpful, by the way, but they revealed a different proposal. I think folks watching today

[9:45:09 PM]

and hearing us discuss this so far this evening -- why are those alternatives just now being provided for council, I think is a question folks watching will have.

>> That's a fair question. This project has been evolving over a significant period of time. So in one of the biggest components that shifted this object is when aspen heights was able to obtain control of the ffa site, which is adjacent to the southern health south portion of the property which essentially doubled that footprint for the southern building -- southern portion the city controls. That made that piece of the project -- that came under control in April of this year. That allowed the project to pivot and made that footprint big enough to become a residential project, and so when the Ena was originally extended in June, aspen

[9:46:11 PM]

heights, there were some voids, for lack of a better word. There were differences between what was originally proposed in the rfp and what was proposed in the city. So that is the direction aspen heights -- they worked to get the up front payment to the 21 million originally proposed. They worked to get the 116 on site units without subsidies or requirements back to the city. They got to a proposal with the city that filled every single gap in the original proposed rfp as well as 23 of the 27 items in the Ena that was proposed. That was in June. On July 8th we had a meeting with city staff, and at that point in the meeting we were at a point where we knew we could deliver this project with full up front payment of 116 on site units without any

[9:47:14 PM]

modifications, without reinvestment of dollars. We did mention there was possibility to reinvest some of the funds aspen heights would be paying to the city and/or fees. We were directed to make sure we went in with our best and final. That's where we stood with something we knew we could deliver. We received the question yesterday on if fees could be reinvested as we had originally mentioned and that's where those numbers came from.

>> Harper-Madison: Thank you. I appreciate that. I think that will be helpful for our constituents to understand sort of the chronology of the questions and the answers. It almost seems as though this was an option before but wasn't presented to us, which I think would cause more questions. Does aspen heights have the capacity to provide for on site

[9:48:14 PM]

affordable housing than what is on the table.

>> I think there's a couple -- there's been a lot of information that's gone around quickly, so the proposal into the city was for the 116 on-site units. The question we received yesterday was would there be the ability to reinvest some of the funds that aspen heights would be paying to the city as part of the ground lease. We are able to commit some of those funds that we could increase the amount of on site housing. We've broken that in two ways. The numbers -- the information came quickly yesterday so there's the pieces that we 100 per cent know and the pieces we're still looking to evaluate. If we're able to reinvest into the project, the funds between the \$21 million up front payment and the minimum the city needs for services, that we can double -- it's 25 per

[9:49:15 PM]

cent, not 20. It's 12.6 today and so additional 116 is 25 per cent with the ability to look at investing more than that. We know we can get those numbers deeper. We have some estimated numbers at about 428 units. That is the piece we would need to make sure we can evaluate. Based on the estimates that's where we are. What we are at a benefit of being able to do is with increased number O units we are able to cross subsidize some of these units, which with the relief of some of the up front payments let's us be more creative with how the financing work on the project.

>> Harper-madison: Thank you. Would any city subsidy -- I think you might have answered the question about the subsidy. I think you answered my question about the subsidy. Which of the additional asks outlined in the January 2021

[9:50:15 PM]

minutes was aspen heights able to include in the updated proposal? I can go back to the minutes if you need me to. I have some of those bulleted out. Can you explain why aspen hts wasn't able to include any of the other asks in the updated proposal. I'm confusing myself so'm going to try to be careful about doinit. There were things that were asked for. There were things that were requirements. There were things we offered direction and said if you a able to accomplish this come back with it, and I think all those things are starting to get mixed up. What it is that was required is one thing but what it is that we said can you explore whether or not this is possible -- that's all together different. For example, we talked about the rfp process. Correct me if I'm wrong but I don't think the original rfp

[9:51:17 PM]

process had affordable housing at the primary use for the space. I think we were talking more about the generation of revenue.

>> That's accurate.

>> Harper-madison: Thingsave changed along theway. I'm wanting to make sure that as we are continuing the conversation that we don't confuse people with those delineations. I'll go back -- it was about the 2021 minutes where there were specific and aside asks that were available now but weren't before. Do you need me to go back those minutes.

>> I think I have them. Let me take my best shot at it. The second part of the question is the delineation between what was required and requested. It did not mandate a percentage. What aspen heights offered in the original rfp that was accepted was 116 units.

[9:52:17 PM]

At that time the project had both a residential and an office component. That's important -- that I'll talk through with the addition of the F -- we were able to make the pivot to create a residential project. That adds 413 units. That's a big difference. It went from 508 to 921 residential units in general. So we were able to meet all of the requirements in the rfp as we were selected. The items in the -- the minutes from January -- if my math is right, there were approximately 27 of them. I can run through those really quickly. The first one was providing affordable housing without subsidies. That was our original proposal, was the 116 units without any subsidies. There were questions about increasing that affordable housing which is what we have

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just been speaking about with the reinvestment options. There was the ability to provide two and three bedroom units as well as increasing those numbers. The units that we are providing today are at 50 per cent and 60 per cent of the median family income and they are one, two, and three bedroom units. The third item was either the extension of affordability period for the term of the ground lease right of first refusal to the city. We have entered into a right of first refusal. I'm going to paraphrase some of these because they were long but we have agreed to accept housing vouchers for the project. The rental housing development assistance program requirements were suggested to be incorporated into the project, those have been incorporated into the project. There was a request and

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requirement that affordable rents not exceed 30 per cent of the incomes. That has been agreed to. There was a request to provide a sound study by --

>> Harper-Madison: You said housing vouchers. Safe to assume you're -- housing choice vouchers.

>> Yes, ma'am.

>> Harper-Madison: Income restricted.

>> There were several types mentioned. We have agreed to all types of housing choice vouchers.

>> Harper-Madison: Thank you.

>> Yes, ma'am. Sorry. It my train of thought for a second. When we get to community asset components there was a request for on-site high quality affordable child care. One of the questions we received that was not in the presentation up until -- one of the questions we received as part of the question and answer yesterday is we have a agree

[9:55:21 PM]

for the child care to go to right of first refusal so it can be controlled by the city in perpetuity. Next item was the live music space. At an affordable rate -- we have incorporated that and worked to determine the time lines needed to be able to establish a venue that can be successful there. The third is communal learning space. That has been proposed -- it's an area that provides technology resources. There was a request to reduce office space. Office space has been removed from the project and that has been shifted into those additional 431 residential units. There was a push to include local tenants. Those provisions -- in the retail portion. Those have been included in the agreement with the city. And then wrapping up with

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public access there was a request that the viewing deck be accessible by the public. That has been agreed to. That the green space be fully accessible and have signage. That has been agreed to in English and signage -- for anybody to be able to get to that space. That there be -- if there's an aquatic facility, that it's open to the public. The actual pools for the project will be directly for the rez dept bs but there is a new -- but there is a new aquatic feature. That will be open to the public with directional signage. There was a request that all those be maintained by the developer. That has been agreed to. There was a request for a four star green builder which has been agreed to. Going on to street-level activation. There was a request restore the urban grid with a new alley on the north side. That has been agreed to knowing

[9:57:24 PM]

that will need to be looked at site permit development. We have incorporated that unless something happens with engineers with the final design of the project. That will be incorporated. There was a request to maintain public right of way along the east/west alley. There were directives on community engagement, which are agreed to in the final documents. The second part of your question was of that long list what did we not incorporate?

>> Harper-Madison: What wasn't incorporated that you were able to incorporate later. In the interest of time -- I think you've answered my question already, so I'll skip to the next question and for what it's worth, I have one other question after that and I'll send it back over to the mayor to defer to my colleagues for further questions. Aside from the affordable units, what is the estimated dollar value of the community

[9:58:28 PM]

>> That's a great question. So in -- not including affordable housing because that's a completely different monster, the estimated value of community benefits is over \$50 million. It might be a little bit higher with some of the things that happened.

>> Harper-madison: Okay, and then lastly, given that this is a for-profit development do, you happen to know the estimated tax wref N that the proposed project would generate?

>> We would estimate that the tax revenue is \$13 million the.

>> Harper-madison: Thank you very much. Thank you. I'm all done, mayor.

>> Thank you. I have quite a few questions. And I might need to come back after you get some of your answers so that I can figure out some dollars. But I do want to just give our staff a heads up that I'm going to want to ask you if you can talk us through T profit

[9:59:31 PM]

sharing models at Miller and second street because there's profit sharing built into all of those, I believe, and also I believe that the city requires living wage when we have vevendors, through third-party agreements and a variety of other settings. So it would be good to have examples of those that we have city-owned land that we're allowing others to release, I do believe that we require it, and, if not, that's a significant gap because we have tried to apply that, not just to city negotiations but in those kind of contracts where we're working with third parties. Thanks -- thanks for going through that list. And I want to just make sure that I'm understanding let things that you did not incorporate. And we talked about profit sharing. I mean, the big one I think is that we're still not -- not where I would like to see us on a city-owned tract with affordable housing. And I do want to -- since the rfp came up I do want to say that this is a project, I mean,

[10:00:33 PM]

we -- we are talking about the redevelopment of this tract because I worked with one of my colleagues who led on it to bring this -- to bring those resolutions to council to ask council to consider the redevelopment and we certainly had as a priority affordable housing. There was I believe -- we had a couple of conversations as we passed those resolution busy whether the rfp or the staff would come back and check in with council before that rfp was released. I took away from that conversation that we were going to have that check-in point. However, the rfp was release and you're right, it -- it requested affordable housing, but did not set a certain percentage, which is why those terms that we included on that sheet were just so critically important, because when we have city-owned land which our community has been asking us and urging to us do for decades, we have -- we should be using it to create as much affordable housing as possible. So, you know, and I appreciate

[10:01:34 PM]

that we -- you know, that you have a little bit different mandate as aspen heights and I totally get that, but, you know, that is why there is a gap between what the rfp said and what -- and what we passed in terms of wanting to negotiate. Because at the end of the day we still -- you know, whether or not it was in the rfp, the council passed a resolution to say that we want the pri use this tract to be affordable housing. Supplemented, and using revenue from market-rate units and other commercial uses on that property. So we talked about affordable housing. Thank you for going through these again. What I took away is profit sharing is not included. I want to talk about the childcare and ask you to talk through what exactly is included and what that means. Living wage. D the urban grid, are you -- is aspen heights proposing to pay for those changes to the

[10:02:35 PM]

urban grid to helping to restore the urban grid?

>> I'm not sure how to answer that, but if you give me a moment I can find it for you.

>> Tovo: Thank you. And for some of the other right-of-way improvements.

>> Okay. Councilmember, so the question is whether or not aspen heights is going to pay for the urb grid?

>> Tovo: Urban grid improvements and it's okay to get back to us in a bit.

>> Okay.

>> Tovo: I -- I -- well -- we had some conversations about this but I know that we had those in executive session so I don't want to --

>> It's my understanding,nd for what -- I just got this understanding is that is still not concrete. That there is still conversations going back and forth on whether or not there is some cost reimbursement or not. I don't believe that there is a final answer O that.

>> Tovo: Okay. So there's a -- so that -- so I know that we talked about that as something that you agreed to do and that sounds like that's

[10:03:35 PM]

actually a question mark.

>> We have agreed 100% to incorporate the design and I think that the question where the funding comes is still up in the air. I don't think that has been finalized.

>> Tovo: Okay, thank you. There were also on that sheet, and this was something that came from the community that they asked us to include to reduce the number of parking spaces consistent with the goals of the strategic mobility plan to shift more parking underground. I think that you may have talked about a little bit of that. But also to construct any above grade INR in such a way that it could later be constructed -- later be converted, etc., etc. Where are you with regard to those spaces?

>> That is something that we looked at and evaluated. Some of the parking -- the parking is both below grade and above grade in this project. We are not able to incorporate the flat plate essentially is what you're talking -- the flat plate that can convert to living units in future. To be able to close the remainder of the gaps and to provide the city with the

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affordable housing and the closing the gaps on the funding, it was not something that could be incorporated it was cost prohibitive.

>> Tovo: How about reducing the number of parking spaces constant --

>> We are consistent with code from a parking perspective.

>> Tovo: Okay, so it's not necessarily -- and I think that -- I would have to go back to my email for those who were advocating for that, and I think they tend to see a 50/50, and a reduction of on-site parking but you say that the plan is to include whatever the code requires?

>> That's correct. Parking to market at this point, ma'am.

>> Tovo: And I do -- you know, as we're talking about the rfp and the gap there, I do want to say that when we -- when we sent forward these items we did ask the manager to return to council if -- if aspen heights was unwilling or unable to provide any of the provisions because

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there was a difference between the requirements in the rfp, but these were strongly held -- or strongly held priorities, we did ask the manager to come back on that. So you mentioned -- you mentioned a \$21 million original payment proposed. Can you explain -- that was for the lease?

>> Yes, ma'am.

>> Tovo: And what are you -- we've talked about T reduction and what is the reduction that is contemplated here?

>> Sorry --

>> Tovo: In your best and final offer, what --

>> What the reduction that is contemplated?

>> Tovo: Yes, um-hmm.

>> Thank you. So there were two options that we were asked to evaluate. One was the difference between what the rfp stated was the minimum fee that the city could take, and the \$21 million. So that delta, reinvesting that into the project versus taking that as a fee to the city. That's where we resulted in the doubling of the affordable housing to get to that 25%. And then the second component

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was potentially investing entire fee, the entire \$21 million, so not just the delta above what was the minimum in the rfp, but even that -- those dollars into the project, and that's where we estimated approximately the \$428 million.

>> Tovo: And I think -- I'm just going to look to staff to nod -- it's my understanding that the minimum requirement was a public -- was public information, is that correct? Can you say that number in open session?

>> That's why I didn't.

>> Tovo: And it was 8.5. Is that correct?

>> Councilmember the amount was 12.2 and it was in the rfp.

>> Tovo: Got it. So that brings our delta to 8.8?

>> Yes, ma'am.

>> Tovo: So this -- and the number of units that you're saying that you can construct with \$8.8 million is how many, an additional 116?

[10:07:37 PM]

>> Yes, ma'am.

>> Tovo: So that brings the total unit cost to what -- per unit, it is what?

>> I'm not that fast at math. About \$75,000, right? Yes, ma'am.

>> Tovo: So that's -- that sounds like a lower number -- and I'm going to ask our staff to talk about -- about whether that's a typical unit cost as they look across the city. Has aspen heights constructed units for \$75,000 here in the Austin market recently?

>> This is a little bit different of a project. So aspen heights has constructed on-site affordable housing units in Austin market. What this project -- let me maybe explain it a little bit differently. So, given the position that we are in now, we have a very unique opportunity that puts us in this place by obtaining that ffa property. So when we were able to attain that ffa property and increase the number of units, when you add that additional 413 units

[10:08:41 PM]

for 921, it gives aspen heights the ability to cross-subsidize. And when you're able to take out that upfront payment it allows aspen heights to then take in a slower and smaller cash flow, which allows us to support the project. So it's both -- it's both a matter of having the number of units to spread -- spread the project across, and then being able to take the upfront cost out to able to -- to bring the fees back in slower.

>> Tovo: So -- and I assume, because -- because yourfa site is adjacent to the parking garage that we own --

>> Yes, meal.

Tovo: Which is not in the capital corridor, you're able to get the value of being able to construct on the parking -- I mean, it's also -- it's also true that our land is also helping cross-subsidize those affordable units?

>> That's right. So the city land that exists is a very small footprint on the southern lot which doesn't lead

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towards a big enough footprint to do a residential project so when aspen heights submitted had an office component on that piece. Adding the additional land allows for a footprint that is more conducive to residential, which allows for the larger numbers within the subsidy. So it all rolls together.

>> Tovo: I see. So when you -- when you submitted this information and this offer last night, did you submit the financial -- the pro Forma that would explain and allow staff to kind of vet the financial feasibility of this offer?

>> We had two hours, so, no, ma'am. But we have been working through those numbers as soon as we got the request. I asked for time that I could make sure to have that commitment. I was told in a week or less. So we're working to have it very fast and we can guarantee that we could have it by next week.

We have done enough to know that we could off it, but we -- we are committed and we heard the comments from the dais that those numbers would be vetted and we are --

>> Tovo: Thanks.

>> -- Fully prepared to Sha

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with the city as soon as we have them.

>> Tovo: And my last question is about the childcare. Can you talk about the childcare and what the commitment or the offer from aspen heights with an on-site childcare facility?

>> Yes. If I mess this up, please come and tap me on the shoulder. So we had a lot of conversations about this and I learned a lot about childcare. And so the offer that's on the table today is to prove a shell space that would be dedicated for childcare. There's been some questions on whether or not that childcare space would be built out. The decision has been made that that space would not be built out until a tenant is onboard, however, aspen heights has set aside a significant amount of tenant finish out dollars. That way whomever the tenant is, they can design the space to meet their needs versus trying to just design something that doesn't make sense. And so the intent is that once a tenant comes on board, aspen heights and the tenant would

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work to design the space, finish it out and let the tenants finish out with dollars that exist today and that space would be affordable for the term that is agreed upon now, which is I believe that is -- we haven't set a term. The question that I -- that we were asked was -- is there a mechanism to make that term longer, right? Is there a way to ensure that that child care space goes in perpetuity? And one of the items that we brought to the table yesterday that was floated was the ability to give that space to the city with a right of first refusal. So that it could go to the city

in perpetuity? >> Tovo: But the city would have to purchase it? In essence, we'd have to buy back our land, buy back that piece of that land?

>> Yes, ma'am.

>> Tovo: Okay, and at this point there's not a term that is associated with the commitment, with the affordable -- a number of years associated with that offer?

>> That's right. Yes, ma'am.

>> Tovo: Okay, okay, thank you for talking through those

[10:12:45 PM]

elements.

>> Mayor Adler: Before we get there, not quite yet, I need a motion to go past 10:00. Councilmember harper-madison makes a motion. A second to the motion? Councilmember Ellis seconds the motion. Any discussion? Councilmember alter.

>> Alter: I will vote no, I don't think that we make good decision after 10:00.

>> Mayor Adler: I'm going to vote yes because if we don't pass on this it's effectively killing it and I don't want us to pocket and kill this. Those in favor of go past 10:00, please raise your hand. I have one -- I have councilmember harper-madison, and councilmember Renteria and councilmember Ellis, councilmember Kelly, councilmember tovo, and councilmember -- and those

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opposed?

>> I'm withdrawing my vote.

>> Mayor Adler: Withdrawing your vote? Okay, those opposed, raise your hand. Councilmember pool, and kitchen, tovo, and alter, it passes 6-4-1 with councilmember off the dais. Do you want to talk mayor pro tem or just pass it on so that we can move more quickly.

>> Alter: I had one clarification. Does the applicant already own the adjacent site or do you just have an option to buy it?

>> It's under contract.

>> Alter: Under contract to buy or --

>> To purchase.

>> Alter: Purchase, okay, thank you.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: Just a few quick clarifications and I apologize if it was part of what you said, but there was a lot discussed.

[10:14:47 PM]

So on the affordable components, affordable unit components of that, you know, there was -- councilmember harper-madison and councilmember tovo were going over some of the things in that July 2021 motion sheet. And I may have missed it, but did you speak to the tenant protections? Because one of the items was to require the tenant protections currently contained within the assistance requirement?

>> Yes, ma'am, that was agreed to.

>> Kitchen: Okay, and then the other one that I wanted to focus was designating -- I think that all already mentioned that the income restricted affordable rental units -- you would accept voucher holders, right?

>> Yes, ma'am.

>> Kitchen: What about the coc units, continuum of care unit? You know, those are the units that are dedicated for individuals that are experiencing homelessness, and

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as part of developments we ask for developers to dedicate certain units for continuum of care. And those are you know --

>> This is the first that I have heard this request. It's not something that we evaluated.

>> Kitchen: Okay, it's written into the July memo -- or not memo -- motion sheet, the motion sheet. So on page 2 at the very top, just to helpou to locate it, designate a certain percent age of the homes to be reserved for voucher holders and continuum of care units especially for families with children experiencing homelessness. So it sounds like it's not something that you have talked about.

>> I thank you for clarifying entire system. Can I borrow it? Thank you for specifying. So we did talk about creating a certain percentage of units to be set aside for voucher holders -- I am sorry we I did

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not that together -- it was not originally incorporated. But when we went through it point-by-point it's something that aspen heights is willing to agree to so thank you for that clarification.

>> Kitchen: Willing to agree for coc units, especially for families with children experiencing homelessness?

>> We are absolutely willing to evaluate. That --

>> Kitchen: Okay, that's fine.

>> From a voucher perspective, we had made the commitment from a voucher perspective, so I just need to make sure that there's nothing more to it, but in general, yes, ma'am.

>> Kitchen: That's fine. I didn't expect an answer but I want you to evaluate and then consider that as part of the proposal, because some folks consider those two different things and they are two different things. So I want to make sure that the commitment to the continuum of care units is something that you all evaluate and our staff lets us know whether that is something that y'all have agreed to.

>> Yes, ma'am, that's not something incorporated today but we are committed to having that

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conversation.

>> Kitchen: Okay. Let's see, and then the only other thing was -- again, I apologize if I missed it, but you talked about the number of additional units and, you know, did -- how long were you estimating that those were available?

>> How long --

>> Kitchen: Would they be available for, 40 years or 99 years --

>> 40 years with the right of first refusal going to the city which was requested. So the memorandum, the minutes, said to either have the lease term to be the same as the ground lease term, and if that could be accomplished for the right of first refusal to the city to purchase. And we have gone to right of first refusal to the city is incorporated.

>> Kitchen: I'm not sure that I understand. You mean -- you mean the -- the units would remain affordable for that same time period? Is that what you mean?

>> So the units are affordable under the terms of Aspen Heights' operation for 40 years.

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At the end of that 40 years, the city would have the right of first refusal on those affordable units.

>> Kitchen: To do what with those affordable units?

>> To -- operate them, to purchase them --

>> Kitchen: To own them or would the city have to purchase them?

>> I think that there's -- there's options.

>> Kitchen: Okay.

>> We have to include the right of first refusal and then the city would determine how they want to move forward.

>> Kitchen: Go ahead. I think that the question is who owns those units, yeah, MMM hmm. Well, that needs some clarification, and you don't have to clarify it right now. I'm just not sure that I'm understanding -- I'm sorry, what did you say, go ahead, Kathie, because you can ask that question.

>> Mayor Adler: And then I want a turn too.

>> Kitchen: That's fine, mayor. You have been talking a lot, as have all of us, so if you would rather go to someone before councilmember tovo, that's fine and I'm not sure that I asked the question and I was turning to her.

>> Mayor Adler: So the question

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is what does the right of first refusal mean?

>> So the minutes as asked for the GHT of first refusal and we agreed to that and I don't think that the terms of rights of first refusal have been finalized.

>> Kitchen: All right. And then the last question -- I'm curious that you mentioned something about having two hours to respond and do you mean -- when that was, yesterday?

>> Yes, ma'am.

>> Kitchen: So what happened? In other words -- you were given an email -- just tell me what happened. Tell me what that means.

>> We received a question from the question and answer that staff asked for us to evaluate and respond.

>> Kitchen: Okay.

>> And the timeline, I think that it was maybe 2 1/2 hours. I think we received it sometime around 11:00 and asked for a response back by 2:00 P.M..

>> Kitchen: Now I understand, thank you. I have more comments later but

[10:20:54 PM]

that's all of my questions.

>> Mayor Adler: Okay. Just real fast, just to -- to clear the record, Ms. Demayo, in terms of the numbers and the percentage of the units, you were asked just real roughly what the percentage were of the

affordable units. I think that you said -- mistakenly said 20% and I was corrected by multiple texts that my math was wrong. I didn't have my calculator in front of me, I apologize.

>> Mayor Adler: I know that you didn't.

>> It is, in fact, 5%. So, 116 plus 116, divided by 921 does equal slightly more than 25%.

>> Mayor Adler: And then the other offer was 428 units out of 921, or a little over 46%?

>> That is correct.

>> Mayor Adler: Okay. Thank you.

>> Um-hmm.

>> Mayor Adler: I I didn't want read a monitor T said 20%. And, Mandy, while we have you

[10:21:55 PM]

there, would you think that it would be good practice to -- to take this building and make it 85% or 100% affordable units?

>> That would not be my recommendation.

>> Mayor Adler: Why?

>> If we are talking about 900 plus units from a concentration of poverty perspective, it's not considered best practice. We would -- if ahfc were involved we would incorporate deeply affordable units all the way up to market rate.

>> Mayor Adler: You have kids in the projects both from affluent homes and not affluent homes growing up with one another and learning that they're all kids and they're playing with each other and they have friends at all income levels. The best way for kids to grow up.

>> I think that a mixed income community provides enormous

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benefits for the entire community.

>> Mayor Adler: Thank you. I, you know, I -- I have a little bit of trouble when we talk about characterizing using in this context and increasing affordable units and we're talking about using public funds to buy the affordable units, because really what we're talking about is the city changing its mind and saying, you know, we had originally asked for a lot of cash coming back, but now we don't want a lot of cash coming back and now we want you, instead of giving us cash, to give us more affordable units. And then in listening to the -- I don't think that is using -- when we say that, I don't think that is using

public funds because we never got the cash. We're changing our mind about how much cash that we want to -- we want to get. In this case we have a developer that -- that was given an rfp by

[10:23:59 PM]

the city that said what it was that the city wanted, and they responded to that. And they gave the city exactly what it asked for and more. And so much more that it finished first among all of the people that were responding to that rfp. They were the selected entity. When they came back to us and they were the selected entity, there were some on the dais that said, hey, let's not award it to them because we should change what we ask for, we should re-bid it. We should change it because it didn't really reflect what it was that -- that we wanted. We should ask for more affordable housing, less cash, and do that. And the council could have at that point said we're not going to award on this rfp and we want to re-bid it, but the council at that time decided not to do that. And to say, no, no, no, we want

[10:25:01 PM]

to stick with the rfp, because these were the things that we were comfortable with rfp, but what we did do is that there was some -- a couple of us on the dais that said, well, if we're not going to reissue that, let's at least make the list of other things that we would ask for so that when our staff went to negotiate we could say we know that these weren't part of the rfp, we know that these weren't the things that were asked for and asked for, but as we negotiate here's some additional things that we want. And it was a long list and my recollection is that it was four or five pages of additional things that came out after we did the rfp and identified what we wanted to do. And these folks even came back with that additional list and said, we'll do almost all of that. On the additional list of things that -- that we had.

[10:26:02 PM]

And then not only that, but then they approved -- improved upon what they had originally said they would do on the rfp with respect to those things. I mean, to me the question at this point is really can these folks actually perform, because what they have done is extended themselves in the offer that they're offering to provide units we have heard at substantially less in cost than what we're paying elsewhere. And we should find that out at the very least we should extend this period of time so that our staff has the full ability to be able to vet that, to see whether or not this is, in fact, too good to be true. And these folks can't really perform to do that. And I think that's the task for

[10:27:04 PM]

our staff. And I will iterate again if we extend it's going to be the responsibility of the developer to make that review process more completely and quickly for our staff so that they're not -- you know, being impeded in that, because they really do need to come back to the public entity and give us a real fair assessment of whether or not this is something that can -- can actually be done to answer that question, or whether or not you can perform. It may be too good to be true, but if it's not, and this can be performed, then it's an incredible use of public-owned property downtown. Anyone else to speak?

[10:28:05 PM]

Yes, councilmember tovo.

>> Tovo: Thanks. I have a few comments on that, but I need to ask our -- I'm sorry, Amanda, I'm going to need to ask you to just go over a few more details. And I really want to say how much I appreciate your openness about this, because these are some of the details that we have not been able to talk about because they're not public information, because I sort of read the transcript at the same time. I don't know what of this that you have covered. So do you mind quickly going through the numbers again in the proposal, north and south, and the number -- and the number of affordable units.

>> I'm sorry, it's a little hard to hear Y.

>> Tovo: I'm sorry, could you go through the number of affordable units as proposed in the north tower and the south tower and the levels of affordability so that we can capture that?

>> Yes, ma'am. So the -- here's 116 affordable housing units that with the proposal that we will be evaluating there will be 116

[10:29:06 PM]

units in north tower and 116 units in the south tower. This is made up of units that are both 50% median family income and 60% -- I don't feel that my number comes out the way that they should when I talk -- 60% median family income and that's made up of one, two, and three-bedroom units.

>> Tovo: Thank you for that. And so I want to ask -- and you -- and then my next question is for Mandy. But, thank you -- thank you for that information. So, Mandy, we're having the conversation that councilmember kitchen's question prompted about right of first refusal.

>> Um-hmm.

>> Tovo: So it seems to me as we're evaluating whether this is the right arrangement and disposition for this tract that that is a significant difference. If the Austin housing finance corporation did a piece of it

[10:30:08 PM]

and, mayor you asked the question whether we would want to do 100% affordable housing. I think that we would need to do some market-rate housing to subsidize and to mix it in as you suggested and I D't know that when we talked about it that we talked about a project in this tract that is 100% affordable and we talked about having a significant if not the majority being affordable and then supplemented in costs by other kinds of market uses bottom. If we undertook that and it remained as a public project, what -- would those units -- would we be in a position -- could we negotiate -- well, I don't know how to ask this question. But at the end of 40 years, I mean, those units would remain affordable in perpetuity, I assume. I mean, for example, with the project that we discussed this morning, 3515 manor road, are those units eiring in 40 years? Or does the city have the option

[10:31:10 PM]

of -- of maintaining those as fordable in perpetuity?

>> In any of our ahfc partnership deals ahfc maintains the right of first refusal. So at then of the affordability term, we would be able to essentially acquire our partnership interest, that's all negotiated during the -- what is effectively the exclusive negotiating agreement. In this particular situation, because it is a private development in which there is a portion of affordable income restried units, I'm not sure how a right of first refusal is easily applicable. It makes sense and it is not uncommon when it's 100% or majority affordable. It makes sense, or when it is an

[10:32:12 PM]

ownership product, ahfc typically has the right of first refusal for an ownership product. In this case the N negotiating team are understanding from one of the -- if not all of the best and final offers -- and I would love confirmation from aspen heights on this, was that the affordability period for the rental housing extended for the length of the lease term.

>> Tovo:he lease -- our lease with any development? That was my understanding --

>> That was my understanding as well, which is in replacement of the need for first refusal.

>> Tovo: As long as we have the lease for aspen heights those unit res mained affordable and athe end of that lease term the city owns the whole project?

>> That is correct.

>> Tovo: So I think that is significant. You know, mayor, to get back to your point -- I mean, this -- without belaboring it, you're

[10:33:12 PM]

right, we had the option at the time that the proposals came forward to re-start the rfp proposal, and, frankly, I'll have to go back to the minutes but I believe that I suggested that we do just that. And, again, as one of the -- helped to lead the effort to make sure that this got on the agenda and when we saw that the rfp had not sufficiently emphasized affordable housing, that's exactly what I thought that we should do, rather than to try to -- try to encourage through our really limited means at that point developers to -- to work toward that. And so, you know, this is -- this is very challenging, but I really believe that the question before us is, one, whether what the developer -- what aspen heights has proposed is financially viable, but also whether we're getting enough community benefits from this piece of city-owned land. And I appreciate that we're looking at 25%, but, you know,

[10:34:12 PM]

that's something -- I mean, when we go to the private development community, we often ask for, you know, for something close to that, and so this is -- I really believe that we can -- we can achieve a higher percentage of affordable housing. We had a discussion before we took the break and shifted to parkland and then the statesman and the other issues about what we typically -- what we typically can achieve in Austin housing finance corporation is much, much higher and I believe what we can achieve on this tract if we structure the deal differently is also higher. So I'm going to support -- while I appreciate aspen heights and your consideration and your careful consideration of this, I still believe that our best -- our best use of this tract is to let the Ena expire and to restructure the deal. So that it's -- so that the city is really using the entities the now have and not just

[10:35:14 PM]

the Austin housing corporation but the economic development corporate to achieve higher -- higher amount of affordable using this tract.

>> Mayor Adler: Colleagues we have two matters to consider after this. Are we ready to take a vote?

>> Kitchen: Mayor, I have amendments.

>> Mayor Adler: You're right, I forgot about the amendments. There's one amendment that has been HD out, version two. It was the one that came from -- it has the staff changes to it. And is there an objection to that being incorporated into the base motion? Hearing none, that amendment --

>> Harper-madison: I'm sorry, I have a lot of yellow papers in front of me. If I get a chance to get hers in front of me.

>> Kitchen: So, mayor, my amendments are on top of your endments, so if you want to put yours in first, then I will speak to mine that add to yours.

>> Mayor Adler: All right. Yours can't be put on top of minentil mine is in.

>> Kitchen: Okay, so should I talk through mine now?

>> Mayor Adler: But you asked me to put mine in first.

[10:36:16 PM]

>> Kitchen: Sorry.

>> Mayor Adler: Version two is written in the upper right-hand corner and it's -- I move to include the following direction item 168 during the extension period the city manager shall negotiate -- and then there's an in addition red line in red as it came from Rodney and Susanna. And then also the five bullet points. Is there any objection to that being included? Hearing none, item amendment is included. Any further amendments to this item, councilmember kitchen?

>> Kitchen: Um, yes. So I'll just speak to the parts that I think that might still be relevant. So -- so -- and I'm speaking to your -- to your motion. I mean, to your amendment. Okay, so your first bullet that saysuring the extension period that the city manager shall negotiate a -- you know that language that you have -- I

[10:37:16 PM]

would defer to that language but I'd like to propose adding a clause on the end of that picks up my first bullet. So it would read, during the extension period the city manager shall negotiate a comprehensive term sheet for the aspen heights proposal conveyed to city staff on July 27th, with no further amendments from aspen heights, all of that is yours, and then I would add -- if productive and within the scope of the rfp document, and the council direction of January 26th, 2021. So, what I've done is that I've just -- my intent there is to recognize that our rfp document sets the scope of what we can do right now as well as the -- as well as the motion that the council adopted on January 26th, 2021. I think that is the inten but I wanted to be specific about it.

[10:38:19 PM]

>> Mayor Adler: Rodney, are you okay with the amendment as proposed by councilmember kitchen?

>> We looked at councilmember kitchen's amendment and we were okay with those.

>> Mayor Adler: Everybody okay with that amendment being added? Hearing no objection, that amendment is included.

>> Kitchen: Okay, and then the next one is the third bullet, and I just added some clarity. Your language is how many affordable units would the developer provide. And I just added some clarity for how many years, at what fml level and what level of establish subsidy?

>> Mayor Adler: Anyone with an objection to that being included, that is included in the base motion.

>> Kitchen: The next bullet, I added what I think is some clarification. So the first aspect of it is at I struck out through accepting -- I struck out "Or no lease payment." The reason that I struck out "Or

[10:39:21 PM]

no," because we have already had conversation that within the rfp that we cannot talk about a deal that has no lease payment. So, I think that T that was just oversight there from your original motion.

>> Mayor Adler: I object that because I think in the conversation that we had the attorneys allowed that there might be other kin of tools or things that they could do, and I wanted them to have the opportunity to be able to consider those.

>> Kitchen: Well, I heard the attorneys differently. This just says -- I have left in through "Accepting a lower lease payment." So you may --

mayor Adler: But I asked a different question when we were together with T aorneys. And I gave a specific example of one possible tool, and the attorney I think said that that is sometng that might work, and he would need to take a look at it further in essence. But, Deborah, do I remember that

[10:40:22 PM]

accurately? Where is the attorney? Do we have the attorney with us?

>> Kitchen: Yeah, my understanding was that -- if we said no lease payment --

>> Mayor Adler: Is that something that you could take a look at, worthy of taking a look at further?

>> Ron with the law department. Yes, there are -- there are options that we should explore that won't violate the rfp.

>> Kitchen: That are no lease payment?

>> Well -- I don't want to get too specific into that since that was part of my ecucutive conversation comments with you and I can't reveal that out here and reveal my client confidentiality.

>> Kitchen: That reads to me as contrary to the rfp.

>> Mayor Adler: But that assumes the legal conclusion. I mean, I hope that we could just let the lawyer who has come up and said that there's other things that he'd like to explore, to let him explore those things.

>> Kitchen: As long as staff is not taking this as direction

[10:41:23 PM]

that we want to do that, because I don't know that we have agreement on the dais --

>> Mayor Adler: It's not saying that we want to do any. It's just analyzing.

>> Kitchen: All right, that really causes a great deal of concern to me. I think that what you're wanting to do is to cover through accepting a lower lease payment. I mean, to my mind, putting in writing through accepting or no lease payment causes me concern.

>> Mayor Adler: And I hear that, but I would like to have the counsel to have the opportunity, because he -- he -- we're asking him not to do anything that violates the practice that would require us to -- to go back to the beginning and I'd like -- he thinks that there might be some tools and I'd like him to be able to explore those.

>> Mayor --

>> Mayor Adler: Yes?

>> Yeah, I want to put an

[10:42:24 PM]

emphatic point on this -- we can't go and re-trade the initial rfp, right? We can't violate --

>> Mayor Adler: Exactly.

>> We can't violate those lines because if we do, then everything has to go back to the very beginning. And I think is what councilmember kitchen is concerned is contained in the language that the mayor is moving, and I am very emphatic as I can see our legal counsel is agreeing with me that we can't go anywhere over that line.

>> Mayor Adler: As are we all.

>> I'm a big proponent of not going past the rfp so I will make sure that anything that we come back to with you does not violate the rfp.

>> Kitchen: So I'll drop that with two understandings. First, as you said we're not going to do anything that violates the rfp. But, second, I -- I am not, you know, agreeing with a deal that has no lease agreement and I

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don't think that we're voting to agree to that so I'm understanding, mayor, is that all you're saying is to analyze. You're not saying that there's any direction from this council that we would want to see a deal that says no lease agreement?

>> Mayor Adler: It says in conjunction with the foregoing bullet point analyze how cost of getting more units in the project through accepting a lower or no-lease payment.

>> Kitchen: Okay, I will drop --

>> Mayor Adler: For 50% and 60% --

>> Kit: Okay, all right. So I'll go on to my next amendment in there in that same section. I've added netted against the value of the city's investment through providing the land and any other city assets. So, what I'm trying to get at here is that this bullet asks for analyzing the cost of getting more units in the project, which is something that we want to do, but we also want

[10:44:24 PM]

to understand that if we are getting more units in this project, because of something that the city is investing, we want to net that against the value of the city's investment so that we're comparing apples to apples. Because if you're comparing getting more units in this project and not accounting for the fact that we're doing it because the -- because the city is putting some -- something in the game, if you're comparing that to the cost of the city for doing the units and other locations and projects, you're not doing a fair comparison. So that's why I added, netted against the value of the city's investment. So basically what you are going to want to compare -- what are you going to get for this in terms of units that are -- that you're getting from the developer, not from something that we're paying for, against what could we get in other locations. So that's -- that's why I was suggesting that language and it may not be the best language,

[10:45:25 PM]

but that's what I'm trying to get at. So does that make sense to you, Rodney?

>> Mayor Adler: It doesn't make sense to me because I'm not sure exactly what that means. And maybe we can just -- maybe we can do bullet points and you can have a bullet point that it's exactly what you want. I haven't discussed the City investing anything, other than putting the land into the deal.

>> Kitchen: That's an investment from my perspective.

>> Mayor Adler: No, no, and they are, they're putting the land into the deal but that's the only investment that we have talked about. Now, if this is a really good deal and they can do this deal, then it may be that our housing people want to take a look at it, whether they want to invest more or not, but that's not part of what we're doing here. So that being the case --

>> Kitchen: Well, that's what I meant.

>> Mayor Adler: Councilmember Kitchen, since all we're doing is putting in the use of the land for the term of the lease, I'm not sure what that -- what that means.

[10:46:27 PM]

>> Kitchen: Okay.

>> Mayor Adler: The base bullet point basically said we can either take money or we can take affordable units. We can take either of those things that we want. So there's a relationship between units and dollars and I want to know if that relationship -- how that relationship between units and dollars compares to what the relationship is between units and dollars in other deals that we do.

>> Kitchen: So -- so give me -- that's not how I read it originally. But is what -- is what you mean -- so say we're talking about \$21 million right now, just for purposes of --

>> Mayor Adler: Well, it doesn't really have anything to do with \$21 million. It's saying if the

[10:47:27 PM]

relationship -- that we can use units or dollars. So I think we can either take \$75,000 is what the developer said, or you can take a unit. That's the choice that we have. \$75,000, or a unit. And what I'm asking for is what is the relationship between dollars and units and other deals that the city does. Is it \$75,000? Is it \$40,000? Is it \$125,000? That's the relationship I was hoping that we would get information on.

>> Kitchen: So that's all you're asking for in this --

>> Mayor Adler: That's all, I think that is what it says. Analyze the cost of getting more units in the project through accepting a lower or no-lease payment, by taking -- not taking \$75,000 and getting a unit --

>> Kitchen: Okay.

>> Mayor Adler: How that compares to the cost of the city

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for getting the same 50 and 60 units in other locations and projects.

>> Kitchen: So basically what you are asking for is apples to apples if I'm paying for a unit at this location, what does it cost, versus if I'm paying for it somewhere else. We had that conversation earlier and they said it was \$75,000 or \$75,000.

>> Mayor Adler: You could take 70 or take a unit. But that sets up that relationship. At \$75,000, you could take \$75,000 or take a unit, but you're right, and I'm saying what is another situation.

>> Kitchen: You're asking for costs and that's why I used dollar amount.

>> Mayor Adler: Yeah.

>> Kitchen: So you're asking -- E you essentially asking for what is the cost for a unit in this project, versus what is the cost for a unit in other locations in projects?

>> Mayor Adler: Yes, yes.

>> Kitchen: Okay. So is that how you all understand this to mean?

[10:49:32 PM]

>> Yes, we're understanding it exactly as we have talked about, which is to do that analysis, understand, of course, how many units and the costs or investment on that site and compare it to other sites.

>> Kitchen: How is that comparable? In other words, is that -- would you also be looking at the costs if you did a different kind of project on that site? Or is that what the last bullet is for?

>> Um, I don't think that we're ready to talk about a different project on that site, but the way that we understand and -- is if the number of affordable units that we're getting through this project are going to cost or they're going to be an investment of X amount, we know that number of units, let's say that we're a mile from downtown. For that same value could we get that same number of units or it would it be more? Two miles from downtown, would it be that number of units or

[10:50:32 PM]

more. Or another comparable downtown location. And I believe that is the analysis that you are asking us to do.

>> Mayor Adler: I think that our housing folks have a pretty good feel for what we pay for units. And I'm just asking to see that. I mean, part of it will go to kind of evaluating at some level whether this could be done or not. But, yes, it's trying to get to an apples and an apples comparison, that's all. Councilmember tovo.

>> Tovo: Mayor, this harkens back to the first resolution or the second about and you asked our staff to do this kind of research and to look at whether we could get more housing --

>> Mayor Adler: Okay.

>> Tovo: Within --

>> Mayor Adler: That -- Rodney put it a geographical distance in it, and I was afraid that would harken back to that for

[10:51:34 PM]

you.

>> Tovo: When I read it that's what it sounded like.

>> Mayor Adler: That's not what I intended. I think that without regard to geography, just in te

>> Tovo: For people following the conversation I feel that I should be able to allowed to finish my sentence.

>> Mayor Adler: Okay.

>> Tovo: And we asked our real estate staff to go forward and to see if there were tracts available in extremely close proximity to downtown where we could have more affordable housing versus using this tract for affordable housing. Help me to understand how this is different, because the staff came back said they had? Some properties for us and they were all super costly and it's pretty clear that we couldn't purchase a property in close proximity to the that tract based on the tract that we're on.

>> Mayor Adler: Based on what I'm hearing I'm not sure that anybody is -- that were lived in any projects that are getting

[10:52:35 PM]

these kinds of rental units at this price, at that depth of affordability. And I want to know if THA is true, if we are paying customarily more than that in order to open up rental spaces for people at 50% and 60%. And we have heard general conclusions and I'm asking staff to take a look at it and, quite frankly, I wrote

this before Ms. Demayo testified, but it's still a question that is going to be an important question. But, no, I'm not trying to say anything about geographical limits or it's cheaper closer than farther. It's just looking at this project and the cost of units in this project and just trying to get a feel for how that relates to the cost of 50 to 60 rental units in other projects.

[10:53:37 PM]

Nothing else.

>> Kitchen: All right, you know, given the late hour, I'll let that one go. I -- I share councilmember tovo's concern about that. Okay, so then the last one is -- is the bullet that I added is the next-to-the-last bullet and, again, this could be better worded. So, Rodney, I need to check your understanding, but what I have is perform the necessary due diligence to analyze the value to the city, netted against the cost of the July 27th best and final offer. And the purpose what I'm trying to accomplish there is that we're talking about analyzing the pro Forma in terms of whether the project is feasible. You know, for lack of a better word. We also need to analyze whether it's a good deal for the city. So that's what I'm trying to write there, does this -- does this language make sense to you

[10:54:38 PM]

all?

>> Mayor Adler: And councilmember kitchen, I have no problem putting this in. I don't exactly what this is G to get, and I have no problem leaving it in here if the staff thinks that it can respond to it.

>> Kitchen: Yeah, it's --

>> Mayor Adler: Does anyone have objection to including the second to the last bullet point that councilmember kitchen wrote. Councilmember tovo?

>> Tovo: I don't have an objection but I want to understand what your point is. I have T amendments to propose and the one that you might have just proposed. Mine was asking the city manager to provide council with the the financial value of the use of the land.

>> Kitchen: You said it better.

>> Tovo: I don't know that it's better -- but I'll do mine too but I think between my bullet and yours, what we're trying to basically get to is what the value of the use of the land is.

>> Kitchen: That's right.

>> Tovo: Okay, cool, thank you.

>> Mayor Adler: Without any

[10:55:39 PM]

objection, that one is included. So councilmember kitchen's points in the first bullet point I think that were accepted, and the third bullet point were accepted. And then the one, two, three, four, fifth bullet point were accepted.

>> Kitchen: Wait, it's --

>> Mayor Adler: Okay?

>> Kitchen: It's the sixth -- my sixth bullet point. I let -- I didn't proceed with the fifth bullet point because we don't need that considering what you did.

>> Mayor Adler: That's right. Yours was a bullet point that

mine wasn't a bullet point. %-@P>> Kitchen: Oh, yeah, I see what you're saying, okay.

>> Mayor Adler: So the language where you had the negotiated further -- the language that you read about the scope -- that bullet point was accepted and the language that you read for how many years with iified

[10:56:40 PM]

level, etc., was accepted.

>> Kitchen: Yep.

>> Mayor Adler: And the bullet point that had perform the necessary due diligence to add the value of the city netted against the cost of the July 27th best and final offer is also accepted. And M part of the resolution. Base resolution. Okay? Is that right?

>> Kitchen: You said perform the necessary due diligence to analyze the value to the city.

>> Mayor Adler: Yes, that one is also accepted.

>> Kitchen: Okay.

>> Mayor Adler: Councilmember tovo, did you have amendment?

>> Tovo: I do, but I want to clarify the language that we just talked about to perform -- yeah, that is now -- you're not adding that same similar language to the third bullet, is that correct? I have a I have a motion sheet. The one that was sent out has language like that in the mayor's fourth bullet.

>> Kitchen: I have not changed

[10:57:41 PM]

the mayor's fourth bullet >> Tovo: You did not add language netted --

>> Kitchen: No. I just added a new bullet.

>> Mayor Adler: I'm not sure what you're looking at, council member tovo. The fourth bullet I have is?

>> You're looking at two different --

>> Tovo: I am looking at a revised motion sheet from council member kitchen.

>> Kitchen: Yes

>> Tovo: And I have both -- I have both a sixth newlet saying perform the necessary due diligence --

>> Kitchen: Yes

>> Tovo: I also have language of that sort added to the mayor's?

>> I think I know what the mistake is. His first paragraph is not bulleted but it is bulleted in Ann's revised motion sheet. That's why he's saying five and you're saying six

>> Tovo: Yes.

[10:58:41 PM]

That's part of the issue. But the other part of the issue is that council member kitchen -- you don't seem to be proposing some of the amendments in the draft I received.

>> Kitchen: The only one I'm dropping is the one that starts -- I added language on the end of that which we don't --

>> Tovo: I saw you dropped that. It's the language I see you adding in the one before it. You talked about the lower lease payment. We talked about that.

>> Kitchen: Yeah

>> Tovo: My revised motion sheet also has language --

>> Kitchen: Yeah. I dropped that too

>> Tovo: Okay. Sorry about that. It's complicated and confusing. P mine is somewhat duplicative. I'll offer it in case -- that the city manager shall also --

>> Mayor Adler: Anybody have objection to that bullet point

[10:59:42 PM]

being added? Hearing ne, that's added

>> Tovo: I would like to add that the aspen heights team denoesh gait directly -- negotiate with the interdepartmental staff team.

>> Mayor Adler: Anybody have any objection? Hearing no objection -- why don't you read that again

>> Tovo: That the -- I'm adding the direction that aspen heights and their representatives negotiate directly with the interdepartmental team representing the city in this real estate matter.

>> Mayor Adler: Anybody objection to that being put in

>> Tovo: I think we need all communications to go through our real estate and our staff team. This was kind of a learning experience, think, for several of us on this dais. Our real estate actions are not subject to the procurement of no solicitation.

[11:00:43 PM]

We handle the same we do other procurements and other real estate deals. Think 'S important the council not be in the role of negotiating and that we position our staff well to be strong in their negotiations and to have lack of confusion on points.

>> Mayor Adler: Okay. Any other amendments? Are we ready Toake vote? All right. Those in favor of this item has amended, please raise your hand. Council members vela, Kelly, Ellis, harper-madison, nterria, and me. That's six. Those opposed, please raise your hand. Alter, kitchen, tovo, and pool.

[11:01:45 PM]

Four against. Fuentes is off the dais. It passes 6-4-1. Let's get to the next item. Let's do the urban case -- east Austin.

>> Tovo: While we'll pulling that up --

>> Mayor Adler 116, 163 -- 164 --

>> Tovo: Before staff leave, I had asked a question we didn't receive response to. If staff would please get back to us on the question about profit sharing and also the additional information about living wage requirements on city-owned tracts -- or other kinds ity contracts where we're working with third parties, if they could treat that as a Q and a for this agenda so we could get that information back that would be super. Thank you all.

>> Mayor Adler: Sounds good.

[11:02:46 PM]

Staff, thank you for your work on this. I kn this has been a drill that has had you work K. I know that and appreciate that. Thank you.

>> Harper-madison: I have a question in extension of council member tovo's question. With the profit sharing, the way I understand it is -- the way I understand profit sharing doesn't work when it's this kind of scenario -- the ground lease. There's no sales for us to share profits on, so I'm not sure -- when you do clarify that, I would like very much to understand how profit share would work in a scenario like this anyway because I don't understand. Later. Thank you.

>> Mayor Adler: All right. Council member harper-madison, do you want to make a motion? Staff, you want to set this up? I don't know if it's going to harper-madison --

>> Harper-madison: Forhat it's worth, over the course of the day, couple of things have

[11:03:46 PM]

come to light for me including I didn't realize that it wasn't customary for us as a body to not take up vote that has a petition if we don't have a full dais. And so we obviously don't have a full dais, and at least one of my items here has a petition. Can we postpone the item with a petition and take up the other two items, is motion I would make.

>> Mayor Adler: I would say yes.

>> Harper-madison: In which case I would say we vote on all three readings and postpone164 to September 1.

>> Can we postpone 116 as well because it's dependent on 164. What happens in 164 -- the ur -- urban renewal plan applies to both.

>> Harper-madison: How 11th and 12th street are considered

[11:04:47 PM]

is different. That's why I thought it would be different.

>> If what you pass on 164 is different at the -- after postponement -- say on September 1st, if it is different than what is in the urban renewal plan we will have a conflict between the two. My recommendation would be to postpone --

>> Harper-Madison: 16 and 64 and move forward with all three readings of 163.

>> Yes.

>> Harper-Madison: Thank you. That's the motion, Mayor. Should I repeat it? Motion I'm making is postpone 116 and 164 to September 1st and take up item number 163 today and move it for approval on all three readings.

>> Mayor Adler: Council, the motion is to approve 163 on all three readings and postpone

[11:05:48 PM]

164 and 116 to September 1st. Is that right? Is there a second to the motion? Council member Ellis seconds the motion. Discussion.

>> Question for Ms. Link. Is there any amendments that were made to the 11th street nccd or is it ready to go as is.

>> 11th street is ready to go as is, and when it comes back -- when 116 comes back, we'll ensure it reflects what happened today for east 11th street and then what will potentially happen at the next meeting.

>> Mayor Adler: Okay. Any discussion or motion? Mayor pro tem?

>> Alter: I just had a question to make things a little easier on September 1st. You had a motion related to the

[11:06:51 PM]

cocktail uses. Are you still intending to make that --

>> Harper-Madison: I am. What I handed out were two, and so the first one I would say disregard and I'm going to bring forward the second one. >>Er: Okay.

>> Harper-Madison: In which case the motion I'm going to bring forward if the second one is conditional use permit for cocktail lounge use may not be located on the lot that is within 200 feet of a lot on which another cocktail lounge is located, unless the cocktail lounge is conforming use. That's the additional amendment I'll bring forward on the

first. >> Mayor Adler: On 164, which is being approved on all three readings. You're going to do when the item comes up.

>> I was asking for clarification because I like that amendment. I thought that was useful amendment and then putting that together with the fact that on 12th street and street

[11:07:51 PM]

there's different rules with respect to the conditional use permit. So it's already limited on 12th street to the 3500 square feet, which has not been really part of the conversation we've been hearing from the folks who have been coming with their concerns. So it seems like that provides an important guardrail. I mean, you remember I was asking before why do you have that on one and not the other. Now I'm understanding that may be some of the rationale for that. I think putting those together does provide some safeguards because it's not a huge amount of square footage. I just wanted to clarify that was the intention, to move forward with your amendment towards their -- to make that -- to make those guardrails be real. Thank you.

>> Mayor Adler: Sounds good. Motion's been moved and seconded to pass 163 on all three readings. Postpone 164 and 116 to

[11:08:54 PM]

September 1st. Let's take a vote. Those in favor, please raise your hand. Those opposed? Unanimous on the dais with council member Fuentes off. Council membtovo?

>> Tovo: I think our staff have been doing some work looking at how many cocktail lounges could be possible under this amendment that you circulated. I don't know if you're ready to share that today, Mr. Walters, or if you would prefer to do that in the weeks ahead and if you have a number for the existing for those cocktail lounges that T.

>> Good evening. Mark Walters, housing and planning department. Based on the spacing requirements, I did some back of the napkin calculations with a ruler and map here after reconsidering it at 150 feet, it's about 30 theoretical cocktail lounges.

[11:09:58 PM]

At -- you're not accounting for existing conditions, established land uses and so forth and so on. Stuff that's not going to change. There's fairly new townhouses. That's kind of the back of a napkin. I can go back and work with analysts and work to get a little more accurate picture of what that might look like at different spaceings but not tonight.

>> Mayor Adler: What was the number.

>> 200 feet -- 20 to 22 theoretical bars

>> Tovo: Did you run 300.

>> It was 15-ish theoretical bars. It depends. You have to do kind of a saw-tooth pattern to figure out the spacing reqments because it's horizontally as well as across the street.

>> Tovo: That's very helpful. Thank you. If you would do the additional level with the gis I think that's really helpful.

[11:10:59 PM]

I appreciate you coming up with these estimates today and if we could also add the piece of the number just embed within the?

>> How many are there? I think there's three off the top of my head

>> Tovo: I've heard a few different. I think I've heard three and four. How many existing ones there were.

>> How many existing cocktail lounges, bars there are.

>> Harper-madison: There's 13 floor, outer heaven, king bee, full circle. There's four. The big easy bar and grill is not currently in operation but even when it was it was a restaurant. There's Nick's -- there's six places total that serve food and/or alcohol but only four that serve alcohol and no food

>> Tovo: Thanks again for doing that so quickly.

>> Mayor Adler: Let's go to the last case we have.

[11:12:00 PM]

Call item 150.

>> Harper-madison: I don't believe my colleague was intending to offer information that swayed people's decision-making process in one way or the other, but I think when you think about this area, it's difficult -- especially people -- unlike me, don't walk down the street every day. It's difficult to sort of get the juxtaposition of it all when you hear a number, right? So I would appreciate it that -- I would appreciate it if anybody for whom the number 20 -- like, is relevant to you -- means a lot, a little, whatever -- please go down the block and take a look at it. I think that's a part of what I have been having a lot of struggles with. What's being said about a bar on every block it's fear mongering and it's not possible. I wish people would drive the block, take a look around you and see -- it's not possible to

[11:13:00 PM]

produce 20 of those. Like he said, in theory, back of the napkin with a ruler -- it's not possible. But if for folks who hear that number, if that produces se emotion for you, I encourage you to drive down the block and take a look and see that's not going to happen. That's not even possible.

>> Renteria: Mayor?

>> Mayor Adler: Hang on. Council member Renteria?

>> Rentea: I'm disappointed in this scussion. You know, we have -- I have nenever seen that discussion done anywhe I in other parts of this town. For this discussion to be going on about cocktail lounge on 11th street? Give me a break. 11th street was a black entertainment center until the white people came in, and since then it's been all

(indiscernible). I'm very disappointed. It's almost close to racism to me. And I just, you know -- it just

[11:14:02 PM]

makes me disgusted to hear these kind of conversations. Thank you, mayor.

>> Mayor Adler: All right. Council member tovo and then let's get to item 155

>> Tovo: I think you're right, council member harper-madison, that everything is in context. The first motion sheet you handed out had a cap of 15. I was interested to know how it matched to your second amendment. I understand that -- I think staff asked you to drop the cap. That was my request, to kind of figure out how those aligned.

>> Harper-madison: For what it's worth I appreciated your question and what I just offered as far as clarification is concerned was not directed at you. I don't believe you were attempting to induce fear and alarm but I am 100 per cent certain there are people attempting to do that to my neighbors and it makes me

[11:15:03 PM]

angry -- aside from being the elected representative who's the steward for the district, I don't like when people manipulate my constituents and neighbors. I think there are people doing so. I wao offer that clarification. I don't think you were doing so, though, just to be clear.

>> Mayor Adler: Thank you. Is staff here to lay out item 155.

>> Yes,sir. Item 155. Thank you for staying up late with us. C-14h 20220072. 902 east 7th street. This is an owner opposed historic zoning request initiated by the landmark commission. Upon review of a

relocation application for the building to be moved. Commission determined the house met required criteria as historic landmark. This one-story Victorian house

[11:16:05 PM]

embodies distinguishing characteristics of the style retaining most of the period details and meets criterion for historic association. It was built between 1903 and 1906 by Swedish immigrants and longest term owners were sisters who immigrated from Mexico and occupied from the 1930s to 1970s. May 4th the landmark commission recommended to designate historic zoning. That concludes staff presentation.

>> Mayor Adler: Thank you. Colleagues, item 155. I think it's in district one. Is there a petition filed in this.

>> What was that

>> Mayor Adler: Is there a petition filed.

>> It is owner opposed.

>> We do have the owners who have graciously stayed up late with us too here tonight.

[11:17:06 PM]

>> Mayor Adler: The owner is here? Owner want to address us before we go to the dais.

>> [Microphone not turned on]. You can wait to put it up. I would like to thank all of you for your time and consideration in the matter I bring before you. In general would like to thank you for your service to the city of Austin. I'm representing the the owner at 902 east 7th street. Based on our reading of the 2016ast Austin historic resource survey, we don't believe it meets the historic landmark criteria. I intend to make a case posing this designation by

[11:18:07 PM]

reviewing the property evaluation and designation criteria for historic landmark basedn the east Austin historic research survey. It must undoubtedly meet two criteria. I'd like to start withinhat survey with the landscape feature. The survey states, quote, "The property is not a significant natural or designed landscape with artistic, aesthetic, cultural, or historical value to the city," end quote. As we understand this assessment, there is no landscape feature of value in this property. Archeology. The survey states,

quote, "The property was not evaluated for its potential to yield significant data concerning the human history or prehistory of

[11:19:08 PM]

the region," end quote. As we understand it, there have been no archaeological interests or findings and no indication of potential significance. Historical association. You can put up the drone shot, if you would like. Here the document states -- and I quote -- "That the property is associated with residential development patterns in the area," end quote. Because the survey was completed in 2016 we would like you to consider this assessment for its accuracy in today's environment. If you will, please take a look at the drone footage, which was previously submitted to the council you'll see in the top left-hand corner moving right the first property on the block is a 24,000 square foot development of office space. Next is a gas station then restaurant parking lot. Next to that the 902 property

[11:20:08 PM]

we're discussing. Continuing along the street, the next property -- the neighbor's -- has been boarded up, abandoned, and ready to be torn down and has been issued an r-645 demolition permit. As we come to the end of the block there are two properties built in 1982. And then at the end of that block 110,000 square feet of office building development. Since the 2016 survey, we feel the fast-paced growth has overtaken the original assessment. There doesn't seem to be historical association with primary commercial real estate. Next is architecture. Quote, "According to the east Austin historic resource survey, the building is a good example of folk Victorian architecture," end quote.

[11:21:08 PM]

This was a style of architecture popular between 1870 and 1910. However, if you look at the tax records they say it was built in 1970. That's because of the many additions and renovations that were done to this property that no longer make it a great example of folk Victorian architecture. The foundation has been changed from pier and beam to slab on grade. The windows have been modified and the shutters are not operable. We have -- front of the property has been graffitied just like the tear-down next to us. If you take a look at the interior, which there is no assessment, the kitchen and bathroom were renovated and the property no longer has the original flooring. It's safe to say it's not a good example of folk Victorian architecture. These changes were done before the current owners purchased the property. They relied on the changes as

[11:22:11 PM]

indications that this property would not be historically designated, which brings me -- so the next part of the survey, which is community value. A very important one. The survey states that, quote, the property does not possess a unique location, physical characteristic, or significant feature that contributes to the character image cultural identity of the city. If I may just finish, we've been here quite some time. Couple more seconds.

>> Mayor Adler: Go ahead.

>> So it does not contain a unique location, physical characteristic or significant feature that contributes to the cultural identity of the city, the neighborhood or a particular demographic group, end quote. The survey seems to indicate to us that the property at 902

[11:23:12 PM]

east 7th street as is doesn't add community value to the city of Austin. The current consideration of historical designation is based on a 2016 outdated assessment. And we suggest the property has little or no historical significance. To summarize, there is no significant landscape feature, no significant archeology, little to no architecture left, and no community value. Originally when this process came to be upon leadership that was with the company before, they were looking to relocate the property. That's no longer our plans anymore. It is cost -- cost prohibitive. We hope you'll consider and request favorably.

[11:24:14 PM]

Thank you.

>> Mayor Adler: Colleagues, that gets us back up to the dais. This petition in its case -- it takes nine votes to pass this. We have one colleague that's gone. On the petition. Do we consider this? Consider it and if one vote makes a difference, we could open it up for possible reconsideration if it turns out that vote would have made a difference in the vote and allow a vote for reconsideration if it turns out it would have. Let's proceed with that understanding. Anyone want to make a motion here? Council member harper-madison?

>> Harper-madison: Thank you, mayor. I really appreciate this lovely home, but I don't think that,

[11:25:16 PM]

to the applicant's representative's point, I don't think it meets the mark for historical preservation. I personally would like for us not to designate this particular property historical, especially against the desires of the owners. I never want to find ourselves in that position.

>> Mayor Adler: Does anybody disagree with that outcome? If no one is going to disagree with this outcome, we'll end the meeting without a motion. If someone wants to have a vote on the item, the I'll call -- I'll entertain the motion from council member harper-madison. Council member vela.

>> Vela: Just a comment, mayor. I'm very hesitant to vote for historicizing over owner opposition, but, I mean, this one is a tough one just because it's in good condition and it

[11:26:17 PM]

is an old and beautiful house. And just being honest with myself -- if this is not historic, then what is? I guess I would direct that -- I mean, staff has found it's historic and planning commission also voted that it's historic. I mean, thinking about the belagio house there were issues that gave me pause. This one, there's not really issues that give me pause. It looks like -- I completely understand the rationale of the owner, that it's in an inappropriate location, it's out of context now days. That said, I mean, the building itself is in good shape. So just the historic prvationist part of me struggles with this one quite a bit.

>> Mayor Adler: Council member tovo?

>> Tovo: Yeah, as we saw

[11:27:18 PM]

tonight we had two cases -- one recommend, one not. They don't always recommend historical zoning. I would second your motion and we can consider it at least on first reading and continue the conversation. You know, I note, too, and I apologize -- I had to step off. This may have been in the staff comments, the resource survey recommends it for designation and not just as a local landmark but for listing of his toric places. If you would like to make a motion I'll second it. Otherwise, I would be prepared to make mine as well.

>> Mayor Adler: The motion that will be made -- council member harper-madison's motion. Is there anybody else that would anticipate voting no on

[11:28:26 PM]

historic preservation.

>> Could you explain what the motion would be that --

>> Mayor Adler: Council member harper-madison's vote would be to deny historic designation. I'm asking if there are other people who would vote no -- in other words, supporting council member harper-madison's vote.

>> Kitchen: I would.

>> Mayor Adler: Okay. Council member -- okay. That being the case, if there are at least three votes that are going to vote no for historic preservation, we're not going to be able to approve this except perhaps on first reading. So the question is, do we want to put it to a vote?

[11:29:27 PM]

Get the more than -- get the three votes that will ultimately stop this from happening and let this case move on? Or do we want to see if there's a majority to pass it on first reading and have it come back to us? Council member Ellis?

>> Ellis: I'll be supporting council member harper-madison's opinion on this. I think she knows best because she's looked into it.

>> Mayor Adler: We know there are at least four no-votes on this. Council member pool? When I say "No," I mean voting against historic preservation

>> Tovo: I missed who they were. Could you -- I think because we've asked the question a couple of different ways. I'm not sure who you're counting among the no votes.

>> Mayor Adler: Ellis, council member kitchen, and council member Kelly.

[11:30:28 PM]

Are the four votes thus far. Council member pool?

>> Pool: I support the historic preservation designation for this property, and I don't know where our colleague, council member Renteria -- there he is. I think he had some kind words to say about the structure too. So he may -- I didn't see you earlier there, council member renterbut I'm glad you're back. But I do support saving --

>> Mayor Adler: Part of the issue we're dealing with is if three people vote against it, it can't pass. And there are four people that have indicated they're going to vote against it.

>> Pool: I completely capture the drift and the counting of the votes. I'm just saying that ink the dais is split on this, and I wanted to register my position on it.

>> Mayor Adler: I understand.

>> Pool: To make sure others who have a different opinion would feel welcome to voice it.

>> Mayor Adler: Council member

[11:31:34 PM]

harper-madison?

>> Harper-madison: I realize you haven't had an opportunity to speak. This may or may not be helpful. One of the things that provides hesitation is this is a structure in my distr that they haven't been able to rent out. Nobody can afford it as it is. If you designate this as historic, it will be another commercial building that small business owners in my community and district will not be able to afford. I'd also like to add this I going to be in our tod and I think we could get a higher, better value for the property. That's one of the things that came to mind for me as I was taking this into consideration. The economics, frankly, don't work out in a rapidly changing district one. We've had conversations Abo equity twice today. I want us to come back to -- when we talk about land use we do from a residential

[11:32:35 PM]

perspective but cmercial is critical and if they can't afford commercial real estate that is an impediment to success. I hope as we consider to consider this item, whether we move in one direction or another, that at least part of the conversation is about highest, best use. I get that the structure is sound but can anybody afford to rent or own the structure -- is something we should take into consideration. And if so, who are those people? I encourage folks to take those things into consideration as we move forward one way or the other.

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

>> Kitchen: I was just going to say if we need to, we could postpone this. We did postpone 154, but I will support council member harper-madison's motion. Just wanted to make sure that was clear. I agree that -- from my

[11:33:35 PM]

perspective, taking everything in totality, I don't support --

>> Mayor Adler: Let's take two votes. And let's take the fir vote and then the second vote if it's -- someone moves it and it's necessary. Let's take the vote first on -- I understand that council member harper-madison's motion was to deny. It just -- it just plays harder. I want to get a vote up that shows at least four votes that are Vong no because it's going to fail, and then the second vote, if we wanted one,

was to pass it on first reading only. And we can see whether someone wants to make that motion and -- so we're going to handle those separately rather than taking the first vote and having it automatically lead us

[11:34:37 PM]

to first vote approval. Council member pool?

>> Pool: I'll make a substitute motion to approve the historic preservation zoning for the property.

>> Mayor Adler: Yeah. We're kind of violating Robert's rules of order here if that's okay with you because it was your motion to be able to make. It's going -- the record will be clearer if we state it affirmatively.

>> Harper-madison: That's okay. I have one quick question, is there anybody on staff who can tell me how long this building has sat vacant? That's a part of the point I'm trying to make. It's lack of viability for the community.

>> Pool: While we're doing that, could I just double check with our legal advisor? I made a substitute motion. I don't think --

>> Mayor Adler: It's okay. You're going to have your motion. I just -- all you're doing is saying no to a motion that says yes, it's not really a substitute.

[11:35:37 PM]

You just vote no on that. People would make substitute motions going the exact opposite. So in our eight years we haven't done that. She's having us continue on. The motion council member pool is to grant historic zoning. Is there a second to that.

>> It was vacant before we bought it. For those who are still thinking about voting in favor, just want to remind you, in order to categorize a historic landmark it has to meet two designations. Just it being a sound -- you're thinking from a distance it looks sound based on an old survey is not enough to pass. It has to be undoubtedly two.

>> Mayor Adler: Thank you.

>> Two that they're suggesting is historic designation. If there's a doubt in your

[11:36:37 PM]

mind, it cannot pass.

>> Mayor Adler: Those in favor of historic zoning, please raise your hand. It is pool, me, Vo, vela, and alter.

>> And Renteria.

>> Mayor Adler: And Renteria. That's five. Kitchen, Kelly, Ellis, harper-madison. Who did I miss? Did anybody abstain? I'm counting five to five. Fuentes is gone. Five to five. That does not pass. We can stop right here with -- and leave the no vote with the no vote.

>> I think I know what the problem was, mayor. You voted for my motion.

[11:37:39 PM]

>> Mayor Adler: Correct.

>> That was six. It was you and me and tovo.

>> Mayor Adler: Who voted against?

>> Vela and alter and Renteria and that was six.

>> Mayor Adler: Six-four. So it fails because -- it fails because it takes nine votes for that to pass. I explained what the rule was. The first vote was to see whether we could pass it with one vote. We can't. Doesn't have nine votes. Now we can take a vote if someone wants to pass on first reading. I said we would then ask for that second vote. Then the question is, do people want to pass this on to a second vote recognizing there are four people who -- does anyone want to pass this on first reading and have it come back knowing there are at least four votes that are going to be voting no? That's the question. We can certainly do that now.

[11:38:43 PM]

>> I know the direction you're going with this mayor, but I have to object for the record to your changing the nature of my motion. I know for first reading that we -- simple majority does pass .

>> Mayor Adler: She had the motion on the floor, and I recognized her. We could go back to her motion but -- it wasn't a substitute motion. I suggested -- I didn't recognize -- I said how about if we do this instead and I said let's do two votes. The first vote to see if we could pass it and then the second vote would be to whether or not we pass it on first reading only. I'm going to continue with what I said we were going to do and I'm not going to change it in the middle of the vote.

>> Pool: And I continue to register my --

>> Mayor Adler: Noted.

>> Pool: -- Objection.

>> Mayor Adler: Noted. Any other objections in front of us? Sh someone want to move to pass this on first reading?

[11:39:45 PM]

Council member alter?

>> Alter: You know, I voted in favor of historic zoning but I think since we need a super majority that we should just make the decision and be final about it -- not passing. I don't know what the motion is for that. Normally we don't take a vote.

>> Mayor Adler: If someone makes a motion to pass on first reading only you can vote no on that. I'm going to vote no on that, and we'll see then what happens.

>> Renteria: Mayor?

>> Tovo: I suggest -- if we don't achieve a super majority it doesn't pass on three readings. It passes on one, which just happened. I make the motion that we reconsider the vote and invite several of us to change our vote. I think that would be the procedurally -- I understand what you laid out but just to be consistent with how we usually handle these issues -- I was in the majority. I move that we reconsider the

[11:40:45 PM]

vote and if I get a second and we pass that, we can reconsider the vote.

>> Rena: I'll second it.

>> Pool: I'll second it.

>> Mayor Adler: It was my hope to be able to vote in favor of it because that's what my desire was, but if it's going to just pull it down for successive votes I want to be to vote no for that. That's why I called the vote that -- the way that I called it, so that people would have the opportunity to be able to vote that way and not be bound by having to cast an ambiguous vote. Council member tovo has asked us to reconsider

>> Tovo: I'm happy to withdraw that. I was just trying to achieve your objective in a way that was workable. I'm happy to withdraw if you would rather take a different motion.

>> Mayor Adler: I think that's good. Anybody that wants to move to pass this on first reading only? Hearing none, I think we are

[11:41:47 PM]

just done for the night. The record will reflect that we had a motion in front of us to pass it. It failed to get the nine votes that were necessary, so it fail Ed. With that, the time is 11:41, and this meeting is adjourned.