

City Council Regular Meeting Transcript – 10/13/2022

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[10:17:09 AM]

>> Mayor Adler: We're going to convene the Austin city council meeting here this morning. It's Thursday, October 13th, 2022. We have a quorum present. Councilmember pool is off the dais. We have councilmembers harper-madison and Kelly remote. So we have a quorum present. We're in the city council chambers. Colleagues, we have some changes and corrections. Item number 18 is withdrawn. Item number 26 is postponed to October 27th, 2022. Item number 40, being postponed to October 27th, 2022. Item number 75 being added as a cosponsor. At this point we don't have any items that are pulled on the

[10:18:10 AM]

agenda. I'm sure we'll have -- some in a moment. Before we get to that, we have late backup, items 27, 30, 37, 41, 42, 49, 52, 54, 55, 56, 69, 70, 75. As items with late backup. Colleagues, do we have any items on the consent agenda we need to pull, noting that the consent agenda, are items 1-44 and 71-79? Items to be pulled. Councilmember kitchen?

>> Kitchen: I'm just waiting for some more information depending on when we do consent, 32 and 33. I'm working on some direction related to 32 and part of 33.

[10:19:11 AM]

And so I'll get that done as quickly as I can.

>> Mayor Adler: So for right now we're going to pull 32 and 33. Mayor pro tem?

>> Alter: I'd like to pull 74, please.

>> Mayor Adler: Okay.

>> Vela: I may have just a couple of questions on item 12. I don't anticipate pulling it, but --

>> Mayor Adler: We'll leave it on the consent agenda. If that changes, make sure that you let us know. The items that I see being postponed, I think, are item number 27. Is that being postponed?

>> Alter: I think it's item 26.

>> Mayor Adler: The rights to organize.

[10:20:12 AM]

>> Alter: Sorry.

>> Mayor Adler: Isn't that being postponed to November 3rd?

>> Mayor, I'll have some comments on that. I'm not sure if we need to pull it to postpone it, but I'd like to offer comments on the postponement.

>> Mayor Adler: Okay. So it's on consent. Do we need to pull it? Is it on the consent as a postponed item to November 3rd, but people can still comment on it. You can comment on the consent agenda. Does that work?

>> Then I'll make my comments during the consent agenda.

>> Mayor Adler: It's on the consent agenda, item number 27 to postpone to November 3rd. So I have 26, 27, 40 being postponed. And then 77 and 78 being set for November 30th. That's just setting the public hearings.

>> Councilmember Kelly has her hand up.

>> Mayor Adler: Councilmember Kelly.

[10:21:12 AM]

>> Kelly: Thank you. I, too, support the postponement of 27. But I was wondering if we might be able to postpone item 48. We got some material from staff this morning that I haven't yet had a chance to review. And I know people in the community haven't been able to also. I was wondering if that might be amenable to the rest of the council.

>> Mayor Adler: 48 is the environmental ordinance? Including those -- I'm sorry, what? It's not a consent. It's non-consent. Councilmember Kelly, there's been a lot of discussion on that. It's my intent, if it's okay with colleagues, to check pretty early, maybe right after we vote on consent to vote on whether or not we want to postpone item 48 so people know how much work to be doing here this morning, not to call it up on its merits right away, but to call it up on the question of whether we should postpone that item.

[10:22:13 AM]

All right. So, be prepared for that vote on postponement right after we vote on the consent agenda. Okay? Councilmember tovo?

>> Tovo: Yeah, I'm pulling 39. I see we have some information on the dais that I'm going to take a look at. And I believe we have information in the backup. I'd be interested to know whether the transportation department and the development services have issued a recommendation on this item. They may have indicated that in the q&a.

>> The number?

>> Mayor Adler: 39. I also -- I read the q&a on concrete pours, the question that councilmember tovo asked was whether this has happened outside of the central business district before. My understanding is it happened at the H-E-B site on exposition and lake Austin boulevard, which is not the answer that I saw in q&a.

>> If they did, we didn't go

[10:23:14 AM]

through council, because that's my district and I don't remember authorizing it.

>> Mayor Adler: Okay. So --

>> Mayor.

>> Mayor Adler: Yes. Councilmember kitchen.

>> Kitchen: Okay. I think item 74 has been pulled by mayor pro tem, is that correct?

>> Mayor Adler: Yes.

>> Kitchen: When we get to that, I might suggest postponing it. We can talk about it, but I have some questions related to it also.

>> Mayor Adler: Okay. I'll also be posting and handing out a version two that does not have the council letting staff initiate any ordinances, which is a concern that I've heard raised. So we're going to hand out a version two that removes that component of it.

>> Kitchen: Okay.

>> Mayor Adler: We can take a look at that, but it's been pulled. We'll get that out momentarily and we'll post it for the public

[10:24:15 AM]

to see.

>> Kitchen: Thank you.

>> Renteria: On item 39, I want to make a comment on that. The issue is, H-E-B wants to be a good neighbor. And by doing it the way they're requesting, it would be done three months earlier. So they didn't want to put the neighborhood and the city, the traffic -- people that drive their vehicles through that area into a traffic jam, which that would happen, because it's a four-lane road without a divider. No left-hand protected turn. So that's what their request was. It's just a matter of trying to be good neighbors, trying to make sure that they don't create a big traffic jam for the people that live there and be able to safely exit their neighborhood. And without that, they would have to take three more months

[10:25:17 AM]

to pour. So that's the whole issue right now.

>> Mayor Adler: Okay. It's been pulled. We'll have a debate and discussion on that later. That item has been pulled. Manager, I noticed that on the consent, we're postponing -- and I appreciate councilmember tovo postponing the property -- are -- with respect to property so there's more time to work on it. I'm concerned in the answer to the q&a, manager, I asked the question, what were staff's reactions to this and the answer is, it's been postponed. So the answer to that question is being postponed. That doesn't help me. I'm gone next week. This is my day, and tomorrow, to really be able to work on this. And I think we need to have a policy -- once something gets posted onto the agenda, staff --should be able to provide

[10:26:24 AM]

comments to councilmembers asking for comment, even if the sponsor is continuing to work on it, which is great and important to have happening. My hope is that it gets better and better, but all the rest of us on the dais have a responsibility, too. And I have felt badly this week, as we've gotten closer to this, before we knew it was going to get postponed, as councilmember tovo was asking for comments or thoughts or suggestions, and I couldn't give any because I didn't hear -- I wanted to hear what staff was thinking or what its concerns were, but couldn't get that information. So I think there's a policy issue. And I think that the policy answer should be if it's posted, then staff has the ability to -- and needs to in response to a councilmember's questions to provide what their thoughts are at that point. They can say we continue to work on this, the councilmembers that are continuing to work on it can say we're continuing to work on this, but the rest of us have work to do as well. I would appreciate getting

[10:27:24 AM]

answers to the question that was asked. I don't want to wait until next week. If staff has thoughts or questions on whatever's been posted or further thoughts or whatever, but at the very least on the posted one that's public, I'd like to see those answers. I don't want to wait.

>> Certainly understood, mayor. And appreciate you raising this, because we have been working on the responses. And it was kind of a timing thing where we had the response ready to go and we saw a revised version. We were put in a challenging situation where we didn't want to have those be old responses based on a previous direction. But I hear what you're saying. I know acm Gonzalez has been working with staff, if you want to add a few words as well.

>> Rodney Gonzalez. Mayor, thank you for sharing your concerns. Staff had a detailed response that we were going to post. We have been working with councilmember tovo's office and there were changes being made

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even as yesterday. And so we didn't want to add confusion to the matter. We didn't want to give you responses to the initial resolution knowing there was going to be another resolution posted. So that was our judgment call. What we could do is post some general overall concerns that we are working with councilmember tovo to address rather than very specific concerns, because councilmember tovo's office is looking at those specific concerns and addressing them as best as possible.

>> Mayor Adler: I understand you made a judgment call and that's why I'm bringing it up, because I still want to see the staff's comments to the original filed one that's public so that I can see how those concerns were resolved. And without seeing what the original concerns were, there could easily be a resolution of it and I never heard -- will never learn what the concern was to be able to see if I also think that was a good resolution of that concern.

[10:29:25 AM]

So if you're continuing to work on other drafts, we have a posted draft. I would like to see the staff's comments to the posted draft so that I can do my work and my evaluation. I appreciate your continuing to iterate and that's great. But the public sees, and what I see is something that's posted that I would like to know what the staff's concerns were, whether they've been resolved or not, to what was posted. You can put at the top, we understand there's -- there is now a re-- a posted version two. I still want to see what the concerns were for version one so that I can learn what the issues were, and so I can do a better job on the dais.

>> We can do that.

>> Mayor Adler: Just label it really well so people don't get confused.

>> Mayor.

>> Mayor Adler: Yes.

>> This is my resolution. I'd like to ask a couple questions about it.

[10:30:27 AM]

You raised a concern on Tuesday about needing more time. That's one of the reasons I requested a postponement today. I posted a revised version yesterday that accommodates in of the staff's concerns. We met yesterday and made additional changes, even as we were meeting. I'm not sure I'm understanding the utility of the staff posting what their concerns were about the draft that posted in the agenda three weeks ago when there's already a new draft. That doesn't seem at all worthwhile in terms of the staff time. And frankly, this is the iterative process that every one of us goes through when they're a sponsor on a resolution. They hear comments from the public. They hear comments from staff when they post it. And they make changes. And they sometimes bring forward a revived version. And I don't recall any time before where you've made a request that the staff go back

[10:31:28 AM]

to the posted version and let us know the concerns so you can trace it through the iterations. I'm happy if you would -- you and I have had an opportunity to talk about whether or not you'd like to cosponsor. I think it would be more productive of our council time and the staff time if we focus on the later draft. And I'm happy to post another one. It is our staff -- it is our plan in our office to try to finalize the language on Monday. And I would be glad to work through the additional staff comments that we got yesterday and any others that come. I think we're shooting for another meeting on Monday. And we're going to try to finalize the language. I will post that. If there are additional staff concerns, that would be

the appropriate time, rather than asking staff to post information about what their concerns were on the first draft.

>> Mayor Adler: I hear that. And I again want to say I really appreciate your leadership and bringing in forward, because I really like the concept and the idea of this, because I think

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we've gone through a lot of things as council and I think we can help share and set future councils up to not have to relive some of the things that we have gone through. And I also believe that when council offices are working with staff and they're getting comments, that's not something that has to be public or posted. But when there is a version that is posted, once that version becomes posted, it no longer belongs to any councilmember. It now belongs to the entire city and to the community. I appreciate that staff and councilmember tovo may be resolving some of the concerns. I don't know that I would necessarily resolve those concerns the same way. But without knowing what the concern was to the original posted one, I don't know the answer to that. And since it was posted and part of the public, my understanding is that staff may have already prepared responses or a list of

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concerns. I'm not sure it's additional work. I would like to be able to see it so I can say I recognize you two have gone ahead and resolved it this way, but I have a different way to resolve it that I think might be better. But without knowing the concern, I might not ever see it. But I will tell you that -- and I appreciate councilmember tovo, your willingness to postpone it. And I did raise on Tuesday that I wasn't ready. But if councilmember tovo did not postpone it today, I would be expected to vote on this.

>> Tovo: It's not --

>> Mayor Adler: And there would be another version -- in any situation. In the future, I got to within several days of today's meeting without being able to hear what staff's comments were on something that was posted. So as a general policy, I would think that once a councilmember posts something, which the councilmember controls, the councilmember doesn't have to post anything if it's not ready

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yet to be posted. But to the degree it's posted, at that point all of us in the community are supposed to start working on it so that we can do our work. I want to know what the concerns were so that I can evaluate the resolutions of those concerns.

>> Tovo: Mayor, if I may.

>> Mayor Adler: Yes.

>> Tovo: I invited you to be a cosponsor. If you'd like to be part of the iterative process and hear the concerns and suggest different resolutions to them, then please sign on as a cosponsor. I'm sponsoring this. I have the ability to respond to those concerns. And when it hits the dais for consideration and deliberation, then it belongs to everybody on the dais to make different suggestions. It is my understanding that until we have the meeting -- I have the ability to withdraw it. I have -- you are more than

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happy -- I'm more than happy to include you in this process if you'd like to be a cosponsor. We can work together and look at the resolution. They range from very substantial concerns that I may or may not be able to address to requests to divine things like the phrase "Meet with" or "Develop, redevelop, and disposition." They are both micro level -- I'm not sure that it's helpful to look at the staff responses to earlier drafts, especially when, again, they range from requests to define the word "Meet with." So we're doing our best. I mean -- this is a very necessary process. I'm excited about the enthusiasm to work on it that I'm hearing from you. And I appreciate all the staff's time in helping us get what I hope is a process that works well for the city that everyone can live with. And I will, again, you have my

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commitment that I am going to post that next draft just as soon as it's available.

>> Mayor Adler: I appreciate that. I still want to see the comments and tried last week to get the comments. I would love to cosponsor this. I can't commit at this point that I approve of all of the sections or wouldn't make amendments, because it's still changing and because I haven't heard the staff comments yet. So what I have consistently said is that before I could commit to not bringing amendments or not bringing changes I need to hear what the comments were. We tried to get the comments last week and couldn't, because there was a policy or a practice that said that staff was going to hold those things while it continued to work, which I understand. And I think it's great you're working on it, but that's why I'm elevating it, because I'm suggesting that there should be a different policy or practice for anybody that would ask once

[10:37:32 AM]

it gets posted. Mayor pro tem.

>> Alter: I think this could be resolved by you meeting with staff tomorrow and then going over any outstanding concerns or sharing what their concerns were without having to make a draft of comments that were sent to an individual councilmember public at this stage. That seems a little -- it seems like that might be a more constructive way forward, given where we are with that process.

>> Mayor Adler: And I appreciate your having a meeting. I tried to have a meeting last week. And I tried to get --

>> Alter: I don't have a meeting. I'm suggesting that you could have a meeting.

>> Mayor Adler: I tried to get this information last week so I could be working on it and couldn't. I'm just suggesting that the better practice for connections would be -- councilmembers would be for them to get the information, too, so they can work on it at the same time.

>> Tovo: Mayor, this issue aside, I would have a concern

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with the staff suddenly starting to meet with other council offices about an item that's coming up from one of their colleagues. That's just not the way we usually do practice. Again, when I asked you to cosponsor, it wasn't with the understanding that you wouldn't suggest any amendments. That's never the kind of conversation I have with my cosponsors. It's never the way I behave when I'm a cosponsor. So you're welcome to -- I appreciate . . . Again, I appreciate your enthusiasm for the subject and hope that we can work together on it.

>> Mayor Adler: And I would hope so, too. If you'll share with me the comments that staff raised last week so I can see what their comments were.

>> Tovo: Right.

>> Mayor Adler: It's fine if you'll share.

>> Tovo: I'm trying to be careful about quorum rules. That's the nature of being a cosponsor. Then you can talk freely about the item and share the documents.

>> Mayor Adler: I am happy to be a cosponsor of it. I think it's a really good idea. But I would like to see what the

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concerns were on staff, which was something that you were not ready to be able to share. But if you'll share it with me I'm happy to get it from you. If the rest of the colleagues want to have it they can fend for themselves, I guess. I think the better policy would be to let staff comment to anyone on council when something gets posted. But for right now, I don't need staff to give it to me if you will and I'm

happy to cosponsor because conceptually I think it's a really good idea. I just don't know what any of the concerns were and I don't know if I have suggested changes yet. But I want to start working on that right away. I'm out of town next week. So I hope to be able to do work on it this weekend, but I don't have anything to work on yet. I need to see staff's comments to be able to start.

>> Councilmember Kelly has her hand up.

>> Mayor Adler: Councilmember Kelly.

>> Kelly: I was just hoping we might be able to wrap this up. We've had speakers waiting to address us publicly since

[10:40:37 AM]

10:00 A.M. Thank you very much for the conversation.

>> Mayor Adler: Thank you, councilmember Kelly. Yes. Rodney?

>> What we hear is to post the comments from the original resolution to the q&a. We look forward to working with councilmember tovo's office on this.

>> Tovo: I'm going to have to insist that we start making public every piece of correspondence from every staff member about the items, including in draft form from here on out.

>> Mayor Adler: When something gets posted on the agenda, I thought that when councilmembers asked questions about things that were posted on the agenda, and staff gave answers, they made those public. So that all the councilmembers had the advantage of the same thing that one councilmember was hearing. I was under the impression when I get comments in the q&a. But regardless, I can't start working on this until I can see what staff's comments were.

[10:41:38 AM]

And if no one else wants to see it, then it doesn't have to be posted, you can just give them to me. Yes, councilmember kitchen.

>> Kitchen: You know, maybe we should . . . Can we set this aside for right now and move forward? I think what we're reacting to, mayor, is something that perhaps you're not intending, which is, you know, we're just saying that if we're working on a particular ifc, then we can have those conversations with the staff directly. If we are working with the council as a whole, then, yeah. And if we ask questions as part of the q&a process, yeah, everybody needs that.

>> Mayor Adler: Okay.

>> Kitchen: I think that may be what you're saying. So, if we could think about it that way. And if a quorum is working with staff as a quorum, then those conversations are things that are not posted to everybody because otherwise it would be

[10:42:39 AM]

violating quorum and I know you're not saying that. So maybe we're talking more -- just like you guys always do. If we post a question to q&a you're going to share that with all of us.

>> Mayor Adler: That's the question. You don't have to -- councilmember kitchen, I appreciate that. I've asked a question about something. I've asked it on the q&a. I think you can respond to my question. You don't have to share anything else other than the answer to the question that I asked.

>> Absolutely. And we had made a judgment call. There were several iteration several iterations, we didn't want to add confusion.

>> Mayor Adler: Everyone was acting in good faith, but if you would answer the question with information you already have, you don't have to create anything new, I would appreciate that.

>> We will.

>> Mayor Adler: The only thing that has to be disclosed are answers to q&a questions. Okay. So let's continue on. Yes.

>> Mayor, on item 27, the tenant

[10:43:41 AM]

organizing item, our primary attorney will not be here that day, on the 3rd. Would it be okay if we move that to the 1st or one of the special called meetings?

>> We have the 27th, October 27th, is the next council meeting.

>> Okay. That would be fine.

>> Mayor Adler: Okay. So instead of 11/3 we'll move that to 10/27. That's item number 27. Okay. Anything else before we call speakers? Thanks. Let's go ahead and call speakers. Speakers this morning have two minutes to speak and the speakers should note, we had a lot of people signed up on the tenant rights issue. That's now been postponed to October 27th. So theoretically, the conversation if you're talking should be on the question of whether it should be postponed or not. Why don't you go ahead and call

[10:44:42 AM]

speakers.

>> Mayor, we have a Spanish speaker who registered in person to speak in person, so if we can take them first, that would be great so we can release the interpreter.

>> Mayor Adler: That would be good.

>> Jose Perez.

>> Mayor Adler: As we call up Mr. Perez here, that would be great. There were a few people that tried to sign up this morning speaking. One of the machines was unplugged to accommodate the proclamation this morning. So there was some confusion associated with that. People were here about 9:15. I'm going to let four people speak who said they were trying to sign up but got confused because of the proclamation. I remind everybody in the community, 9:15 is when you need to sign up. And if staff could endeavor not to unplug any machines, that would be best, too. All right. Thank you.

>> Speak on item 27, it was postponed.

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

[10:45:47 AM]

>> Speaking remotely, Lauren Ortell on item 25.

>> Good morning. My name is Lauren, I live this district 1. I would like to speak against item number 25, which proposes to send \$170,000 to extend the contract to lawyers the city has hired to fight against paying the family of someone murdered by Austin police officers in 2017. I'm sickened by how the city continues to fight paying the family, extending their five plus year agony through the court. Police violence victims and their families deserve restitution. If you want to avoid these settlements in the future, we need to create an oversight and accountability system that truly deters the behavior by your employees that cause this undue harm, and we need to stop relying on people with the authority to cause harm as our main strategy for public safety. For this case, local jurors

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proclaim in Austin black lives matter. And we need city council to show that you believe the same. Please stop torturing this family that has already lost so much. Thank you for your time.

>> Speaking on items 44 and 76, William bunch.

>> Yes. Good morning, mayor, mayor pro tem, councilmembers, this is bill bunch with save our springs alliance. Thank you for your service to our community. I just wanted to mention quickly on item 44 and

then 20, on 44 I believe that the move to annex our water quality protection lands is an excellent move and very much support it. I do want to make a word of caution about the city's obligation to provide utility

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services to annexed areas and to be very careful that you're not making a commitment that would require some expensive extension of services to areas that are just conservation easements rather than city-owned reserved land. On item 20, I believe that is vulcan road materials, and the new way the city is doing the road rehabilitation is really terrible. It produces a whole bunch of gravel and dust. The gravel is actually dangerous for bicyclers, skateboarders, and walkers. Almost certainly the water pollution, air pollution from this new approach is much more harmful than the way it was done before. It's my understanding it is cheaper, but it doesn't last as long as. Please look at this issue before you commit \$3.5 million to buy this material that's really

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causing trouble in our neighborhoods, in particular in zilker neighborhood. And lots of neighbors are complaining. I'm sure your staff is aware of that. So if this is that material, and I believe it is, please hold off on approving this contract until you look at this issue further. Thank you.

>> Mayor, could I ask the speaker a quick question? Mr. Bunch, are you still on?

>> We can call him back if you'd like.

>> Kitchen: That's all right, I'll just reach out to him.

>> Mayor, if any of my colleagues are interested in that question, we spent an hour with public works on that and have a lot of information. It's not a new process, it's just they go through a cycle with the roads, and this is the cycle where a lot of roads are happen to be. And we've had some conversations about improving the process and the communication to

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neighborhoods when they come forward to do this work so that that gravel, if it is remaining, can be removed more quickly. And we've been talking to them about the process. So if anyone wants to connect with my staff on that, we can have that conversation.

>> Kitchen: Which item was that? I'm sorry.

>> Alter: It was -- the item has to do with the pavement.

>> Kitchen: The number, do you know?

>> Alter: I don't know. We had set this up before -- we've been hearing complaints before the item.

>> Kitchen: When we get to that item, I'll have a few comments, so.

>> Speaking on items 48 and 75, Luke Metsker.

>> Good morning, mayor, mayor pro tem, and councilmembers, Luke, executive director of environment Texas. Just real quickly on those two items, on 48 I understand you might be considering postponement and the planning commission has recommended, kind of, pulling out some of the

[10:50:52 AM]

items for a longer review. I would just stress that we're very eager to get these done as soon as possible, including the functional green program, which would be transformative in helping reduce water pollution, urban heat, and introducing more nature and wildlife habitat and more beauty into our city. And I want to see that item adopted and put into code before the end of the year. And on item 75, just really appreciate councilmember tovo's effort on this. Plastic pollution is a huge problem, a real threat to wildlife, an eyesore of our waterways and our parks. And while, unfortunately, the state legislature, irresponsibly had taken away the rights of cities to really proactively address the plastic pollution crisis, I think councilmember tovo's resolution here does a really good job of doing what we

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can within the constraints of the law, be in -- in a meaningful way that will help to engage businesses, restaurants, help identify ways to reduce our use of single-use plastic, things like styrofoam and others. I'm strongly in support of that measure as well. Thank you.

>> Sam Pfeiffer, item 48.

>> Good morning. My name is Sam and I'm a local civil engineer. I am concerned about the rushed nature of item 48, especially as it relates to the proposed functional green changes. These changes do have the potential to dramatically affect development downtown and along critical city corridors if it becomes overburdensome. The criterion is currently written, do not appear to have been calibrated to work with existing regulations, including

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streets design standards downtown, nor do they appear to have been properly tested or vetted on more typical downtown or urban sites. Therefore, I believe additional time is needed to study the specific criterion and scoring system to determine whether this can be practically applied as intended.

Therefore, I am requesting that you please vote to postpone the functional green section code change and require that staff undergo a comprehensive stakeholder process to eastern out some -- iron out of some these details before they cause issues in the areas of town that most promote tax base and density. Thank you.

>> Anna, item 48.

>> Good morning, mayor and councilmembers. My name is Ana, and I'm speaking on item 48. I currently serve on the

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environmental commission and president of the Austin neighborhoods council and the immediate past chair of the neighborhood plan contact team. Please know I'm only speaking for myself on this item. The proposed environmental improvements are a move in the right direction. I do agree with the urgency to address the lack of affordable housing. My concern is that in including the small projects, which my understanding is these projects will not be reviewed for construction on slopes, impervious cover limits, and critical environmental features. The result will be any future small projects located within the development zone that may have not ever had any prior environmental reviews will create a public safety issue for the residents. An example is lot to lot flooding. Our city should be designed to provide equal protections for the all residents regardless of where people live. Please consider delaying the proposed redevelopment changes in response to housing projects with the impetus in development Zones and require environmental

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staff to work Austin's equity office to address inequities created by different rules by the development zone and the critical water quality Zones. Although it may not be the current practice, we should strive to ensure all residential projects are reviewed for all environmental water quality regulations, which will minimize confusion about code applicability and poor environmental outcomes long subjected upon the residents in central and east Austin and with the desired development zone. Thank you for your consideration and service to our community.

>> Mara powers, item 48.

>> Good morning, my name is Mara powers, I live in district 10. I'm a volunteer with the advocacy committee of the Travis autobahn society and we're commenting today in favor of the option of functional green

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amendment to the city building code. The national autobahn society was founded in 1905. And our chapter was founded 70 years ago with the purpose of protecting birds from development and other risks in Travis county. Since the 1960s, we have maintained and managed the butler sanctuary to provide a refuge primarily for the warbler. You may already know that Austin is under the central flyway for migrating birds in north America. However, human population growth and development in central Texas has overtaken conservation groups' ability to protect habitat. In the past 30 years, Texas has experienced a stunning decline in the bird population. The fall migration two years ago saw hundreds of thousands and possibly a million birds die as they tried to migrate through Colorado, Arizona, New Mexico, and west Texas.

[10:56:58 AM]

The cause of death was found to be starvation, most likely due to a lack of insects to feed on. This mass die-off event did not seem to resonate much in Austin, probably because the birds failed to make it to central Texas before dying. While the decline of all nonhuman species is a global problem, solutions must begin at the local level. And this code amendment is important towards systemic improvement of the environment in central Texas. For this reason, we come before council today to urge your support for the immediate adoption of the functional green landscape requirements which have been under consideration for many years and will provide habitat for species. We also support the environmental commission's recommendation that landscaping requirements include a long-term

[10:57:59 AM]

maintenance plan so that the landscaping provides benefit needed.

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

>> Thank you for the time. .

>> Michael Linehan.

>> We've been reviewing this functional update on item 48. I believe there's significant issues with the current model. We did review some sites and found in the urban core that the current model was unachievable and with November benefit to the environment. We are in favor of green

[10:58:59 AM]

infrastructure but believe there needs to be a different process to get -- that's all I have for that but I ask for you to postponement this item so we can have a more comprehensive stakeholder discussion. Thank you.

>> David king, item 74.

>> Yes. I'm speaking on item 74. It initiates code amendments and a framework to provide incentives and entitlements to developers to offset the development impact that reduce development capacity or copment costs. Every part of city code affects the costs. It conducted the most comprehensive review of city codes and initiate the most

[11:00:02 AM]

extensive code amendments since code next. This is likely to become a loophole developers leverage to receive consideration for any and all developing requirements. The resulting code amendments are likely to be -- title members that have ties to real estate interests or have received thousands of dollars to campaign -- from campaign interests during the campaign election should recuse themselves from this item. Please remove this and postpone this item to allow more time for public review and comments. Thank you.

>> That concludes remote speakers.

[11:01:02 AM]

We'll move on to in person. Speaking on item 7, Alexander stringer.

>> I am speaking out against item 7 and the adoption for the '22/23 budgets. We need to invest those funds in the community and no better way than -- I sell kids feint nil. I've been arrested a bunch of times, spent a bunch of time in jail. Jose Garza you are the most

[11:02:06 AM]

chillest, coolest D.A. In Austin. Don't change. Thank you for keeping my drug dealer Javier out of jail. Thank you for that. Anyway, guys, we need to create an environment where me and the kids I sell that drug to can use it responsibly. We need to build a distribution center in the downtown heart of Austin. It's important we are able to become supervised by nurses and health professionalers while we are using and also, you know, I want to create a thriving economy for my drug dealer Javier. Please consider rebuilding this if you really care about restorative justice. Thank you.

>> Chris Doil item 24.

[11:03:09 AM]

On deck Margaret Atkins.

>> I'm here to speak in support of item 24 in order to create opportunities in -- from the Austin tenants council to P educate tenants about their rights as tenants. Speaking as someone as a caseworker for the homeless I spend every day on the front line of the affordable housing crisis. I help people get in housing and provide them with services to achieve housing stability. The other side of that, though, is through education, employment, through life skills. It's hard to focus on those when your habitat is not habitable. I speak with someone -- I speak as someone who ease had clients deal with pests, deal with faulty infrastructure, and I speak as someone who's dealt with that myself. And because of how rapid and

[11:04:10 AM]

dynamic and high up the market is right now, it's easy for a landlord to say, well, I can get someone else, you can just leave, I'll fill the costs later. So I speak today hoping this is adopted so that people are more fluent with their rights as tenants so people don't have to just leave even though that might be an impractical or impossible option in this market. Thank you for your time. Margaret Atkins. Item 24. Chris Harris on deck. Chris Harris, item 25.

>> Good morning, council. Thank you for the opportunity to speak.

[11:05:14 AM]

Resident of district 9. I'm urging you to vote no on item 25. N Austin police killed Landon nobles. They failed to file a motion for summary judgment -- so confident they were that the case would go nowhere. No discipline had been rendered against the officers for the act. We had a rare case where the jury saw the mrigs and rendered a verdict and it was the largest ever in a police violence case -- 67 million dollars. George floid receive 27 million. We have a situation where the judge has knocked this down to 8 and the same city legal department is asking you to

[11:06:14 AM]

continue to fight against this family, continue to deny them the restitution they deserve. It's wrong. If it goes to the fifth circuit we can assume more case law could be created and the city should not bank on the fifth circuit to help it avoid settlements. You can avoid settlements and do that by creating a system of oversight. You can do that by working to create alternative crisis response systems, minimizing the interactions between your employers whose primary role is to use and threaten violence, whose primary training is -- we can build response systems to help minimize the interactions and we can work on prevention. As we've done through our budget and other budget priorities, prevent issues from occurring

[11:07:16 AM]

to begin with. So again, encourage you to vote no.

>> Fran tattoo, item 25, with Kathy Mitchell on deck.

>> Good morning. You can't fight city hall, and yet it feels like we're doing this over and over again -- coming here to ask for accountability of all you. The officers in the case of Landon need to be held accountable. An entire jury heard the facts and handed down what they felt was a fair ruling. The ploy of dragging cases through the courts to wear down victims in the great tradition of our attorney general needs to stop. I'm asking all of you -- no one

[11:08:17 AM]

is looking at me. I don't know if it matters that I come. You're elected officials and I would like you to not enable this behavior. We know justice will not be served. I stand in solidarity with the family of Landon nobles.

>> Chaz Moore -- items 25 and 27.

>> I think 27 got postponed. All right. Yeah. So I'm here today to stand in solidarity with the nobles family and just really encourage you all to vote no against item 25. This case has been going on since 2017. It's so many layers to what

[11:09:17 AM]

happens when someone's life is taken abruptly, especially when it comes to -- or at the hands of police violence. The tragedy happens and trauma from that and a lot of families attempt to seek some type of restitution, justice through the court case -- through the court system. For this particular family it's been five years. Chris said everything that needed to be said about all that. But I really hope you don't prolong

this family from just kind of being at peace with this. Five years is a long time to be caught up in something that should have been done years ago. We have open cases with Alex Gonzalez, Mike Ramos. I think it would behoove you all to do what you've been doing in the past eight, five, six years and really stand in

[11:10:18 AM]

toe, in line with police accountability. I think this is all part of that same conversation. So, yeah, you know, I'm sure there are some legal reasons why city legal wants you to approve this. But from a moral and ethical standpoint it's time to be done with this. I really hope you vote against item 25.

>> Speaking on the merits of postponement of item 27, Bob Thompson. Donna Garza Rodriguez. Emily blare. Erika Johnson? Joel paolo Connolly, Jose

[11:11:26 AM]

pe Perez, Shoshana cracker, with Stephen mus on deck.

>> Stephen is not here. I'm project director of building and strengthening ton and action. We work with tenants throughout Austin to form tenant associations and support tenants in multifamily properties. I'm speaking on item 27, right to organize. I understand stand that the item will be postponed which is unfortunate. Members of tenants associations with whom we work are excited to come today, to speak, or show up and support their neighbors who would be speaking. Many have never been to city hall, have never been in these chambers before and this would be their first time. Some folks took off work to be able to make it today. This is reflective of the communities with whom Bosa has the privilege of working with.

[11:12:28 AM]

Many folks haven't previously participated with city affairs and it's through their work and tenant associations they have developed there that is bringing them into these chambers. We're hopeful this item will return promptly so they can meaningfully share their experiences with you and provide input on this really important item. It's important to get this ordinance right. The version in back-up does not achieve the goals as Rick stated in the resolution which was passed in February. As we shared and the tenants we work with shared at the numerous stakeholder sessions which have occurred over the past months, landlords routinely called police disrupt meetings. They prevent tenants from engaging and organizing in activities, like collecting repair requests from their neighbors. Under the property code retaliation protects do not

[11:13:28 AM]

protect LAN lords from interveerns of that kind. They don't prevent landlords from kicking out third party organizers. A local ordinance is not going to be sufficient. We just want to thank council member vela's office who has been engaging stakeholders to incorporate feedback to protect tenants and address landlord concerns and we look forward to continuing those conversations and being back there and will hopefully take some action.

>> Tamika -- Monica Guzman?

[11:14:33 AM]

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>> Good morning. I'm policy director at go vamos Austin. Item 48 -- we are opposing the waiver of notification and hearings. , Supporting environmental commission recommendations regarding those previously mentioned points and proposing notifications be sent in both English and Spanish and with an extra page in the top 5 to 7 languages stating how to request a notification in their language as has been done before in city correspondence. Item 74 -- the description -- what does it mean to offset? What is being talked about? Current or postponed zoning. Calling for a balance. We should not have to choose

[11:15:34 AM]

between affordability and entitlements. Parkland, green space, water equality -- all things people are concerned about and these regs are about. If you want to tackle displacement and unaffordability there are plans in the people's plan without introducing deregulation. There's no evidence that increasing capacity increases actual housing and no evidence it makes housing more affordable. We know it can increase costs. Council is still basing policy resolutions on trickle down economic theory where people make the most profit will trickle down. It targets the most affordable housing stock for redevelopment. We shouldn't take what we can get because that is settling for less.

[11:16:35 AM]

Pass a resolution -- we know you're under pressure. Every day we lose people due to displacement and high cost of living. Residents we work with and even staff have had to move. We have no illusions about high cost. We're desperate for solutions but this isn't it. Austin become the play groubd

-- playground for the rich -- high end and upper income.

>> Richard briemer, item 48 with Richard subtle -- Sutter on deck.

>> Good morning.

[11:17:36 AM]

I'm a resident of district 10. I am also on the environmental commission. I'm here to speak on item 48, city code title updates. I have several concerns with regard to the proposed update. It does not address the environmental equity discrepant discrepancies. They do not reflect the rapid increase for charging stations -- with the expected electric vehicles expected to come online. In an arid requirement the city is not requiring developments to use zero skaping. With the increase of storms and flooding the city code changes do not increase the set-back from named creeks, streams, Lakes, and critical

[11:18:38 AM]

environmental features. The city code up dates make increase use of variances requiring -- removing public input from oversielth from the development process. Section 28-8-42 should be removed from the updates. In order to improve the reliability of Austin's power system, the code should incentivize large developers to mount solar panels on structures with expansive, flat roof tops. Thank you for your time and consideration and service to the city.

>> Richard subtle, item 48, with Paul robins on deck. Paul robins? Item 49.

>> Council? Two minutes is insufficient to

[11:19:41 AM]

give testimony about such an important and expensive item. First, Austin energy is hiding information and is not being transparent. As example, back-up material that attempts to explain this huge fuel cost increase was only posted two days ago. The information is profoundly lacking in detail. The electric utility commission was totally bypassed on this issue. Council itself was told about this issue at five minutes to midnight. This is all the more galling because the utility has known this was coming for the better part of a year. Second, again, debt from the biomass plant is embedded in the fuel costs. If you restructure the debt from 10 to 15 years, you can probably find 12 to \$24 million in savings in the fuel costs.

[11:20:41 AM]

Third, I urge you to pursue increased capital recovery fees in the rate case. This can reduce or eliminate the need for a rate hike and might partially offset this fuel cost increase. If you are concerned about what this might do to housing costs, then carve out a waiver for affordable housing but electric rates also severely affect affordability and all options need to be on the table. Fourth and finally, while I might sympathize with the draft resolution that acts for conservation inducing tears for fuel costs, this is exactly the opposite of where the utility is headed with its rates. Austin energy is --

[11:21:43 AM]

[buzzer].

-- Trying to eliminate the Progressive rate structure it has had in some form for 41 years. Thank you.

>> Cyrus reed on 49, with Madison Gessner on deck.

>> Thank you. I work with the Sierra club, here on behalf of them today talking about item 49. We're concerned about the rise in cost of electricity and the base rate case. I can confirm that costs have gone up. Gas prices have gone up 280 per cent in two years. We have higher congestion prices. Ircot spent more money in July

[11:22:44 AM]

of 2022 than in the entire year of 2020. You don't have great options on the table. You have a couple of options today, but I wanted to talk about some things you could do going forward. You could adopt a psa for a shorter period of time now as you continue to look at it. That's one option. One thing that's important that I agree with in the mayor's memo is having monthly reporting. I would urge you to send on a quarterly basis to the euc -- they do a financial update to us. We should look at those three charges every three months. I think that would be important going forward. Two other things -- one related to the rate case. I think a tiered structure in the psa is not the way to go. What we need to do is in the base rates make sure the design encourages people to use less energy. That's where you do that. The other thing I would mention

[11:23:45 AM]

is we -- you told us when you adopted the resource plan in 2020 we may need to do an update, look at it. We need to do that in '23. We haven't closed the coal plant. There's a bunch of federal money we

could take advantage of and we need to look at solutions locally because as great as wind and solar are, we have major congestion problems so we need to do things locally to reduce pique demand. Happy to answer questions but my two minutes are up

>> Tovo: I want to be sure I understood your last point. Were you suggesting the council initiate an update.

>> When you pass the plan in great -- passed it in 2020 you told Austin energy and the euc

[11:24:47 AM]

if somewhere in the middle of the five-year plan there's a need to look at it and update it you should do so. I'm suggesting I think there is. Ercot have changed the rules drastically. Gas prices have gone up and there's federal money available so I think we should, even if it's a more limited way, look at the plan in 2023.

>> Tovo: Thank you. We'll give that some consideration. I think I initiated the last update so I will take your consideration in mind.

>> Madison Gessner on item 75 with skeeter Miller on deck.

>> Hi. I'm with the Texas restaurant association. I'm here to speak on item 75. First and foremost I would like to thank the mayor's office and council member tovo's office for seeking our input. We appreciate being brought to the table.

[11:25:48 AM]

The restaurant industry -- we want to be good stewards of our environment. It's a bigger conversation that involves our packaging suppliers, the customer. We are super excited to be part of this conversation moving forward and want to make sure it's a collaborative, educational effort with our city, consumers, and partners. Do you have any questions? Thank you so much for your time today

>> Tovo: I just wanted to thank you for your collaboration, and I think we'll get a lot accomplished here in the city. Thank you so much for being here to speak to it.

>> Thank you.

>> Skeeter Miller on item 75.

>> Good morning, council members and mayor. My name is skeeter Miller. I've operated county line restaurants for over 47 years and I own fly-right chicken.

[11:26:50 AM]

I'm the incoming president of the Texas restaurant association. I'm supportive of the overgoal. I worked on the uro plan. I feel like we had a lot of good conversations and it took longer than we thought but I think we came up with good results. I want to thank council member tovo and her staff for reaching out to us for information, as well as the mayor and his team and the health department reached out to us too and the health department was helpful and we have a great relationship with them also. We appreciate it. If you have any questions for me I look forward to being at the table -- all of us do -- along with our third-party vendors and suppliers. Thank you. All right. Thank you very much.

>> Mayor Adler: Thank you. While we had that speaker, council member tovo, I want to

[11:27:51 AM]

thank you for being part of your quorum on this one and enabling us to participate in it. It's a good resolution. Thank you.

>> That concludes the list of speakers we have on our list.

>> Mayor Adler: Thank you. Anybody else sign up that think they're here? Mr. Pena, why don't you come on down.

>> While he comes to the podium we have Zenobia Joseph here.

>> Mayor Adler: Okay.

>> Swore to my wife I was not going to come back over here and here I am back. Mayor, council members, we went from Vietnam into Laos and

[11:28:51 AM]

Cambodia. On item number 32, sun rise community, all I want to say is this -- is that they have helped a lot of my military veterans that are homeless. The city of Austin keeps on cleaning the area that is the west gate transit center, et cetera, but they come back because I don't know why and how they cannot reenter society again, even the younger veterans. They're having problems with their mental health issues and I'm over here daily, free of charge. So please -- and you know, Adler, I hardly ever use the word "Please" to you and everybody else. Y'all need to pass this quickly because there are a lot of people that are homeless and a lot of veterans that are homeless. So don't ever tell the community, oh, there's no more

[11:29:53 AM]

veterans out on the street or homeless. That's a bunch of lies. Okay? I served in the first, third, and fourth marine division. I also served in the first marine aircraft carrier. I know what I'm talking about about combat. Laos and Cambodia was spooky. Please try to resolve number 32 so we can get help for the people -- not only veterans that are out there. They're out there, they clean it up. They're out there again. I'll go out there and tell them I spoke to y'all. And hopefully we'll get something done for them because it sure as hell ain't happening. I was in combat. Please help the homeless people and pass item number 32 if it's appropriate. Thank you.

>> Mayor Adler: Thank you.

[11:30:57 AM]

>> Good morning. My name is Ann coalman. I'm an architect. I'm in my eighth year as a design commission member and therefore have seen many, many projects over 80 per cent of impervious cover allowable. We look at those on a monthly basis. I am for the principles of functional green and I daily design to accommodate these principles as do many peers currently. We're currently doing this because the existing code allows us to do so. Functional green as written has the potential to further complicate. It has inherent conflicts but it duplicates a lot of the current landscape and environmental codes, which I'll go into further. I think it would be helpful if you haven't read it to look at it a little bit and a healthy thing to reiest from staff is

[11:31:58 AM]

to create some middle plans that would pass approval -- not only by the landscape reviewers but also the other departments, including Austin energy and water -- water quality management group. There is by the city of Austin's own admission redundancy that is built into the existing landscape codes. A recent publication states this gives ecological benefits comparable to those achieved by the standard landscape code. So therefore, things like rain gardens, use of native plants, required condensate capture now required today, heat island mitigation, Austin green building lead requirements on some projects, compliance with urban design guidelines which are being rewritten to accommodate a lot of these

[11:32:58 AM]

principles -- I'm on that committee myself.

>> Mayor Adler: Go ahead and finish.

>> Open space requirements, great streets, heritage tree ordinance are codes for the square footage of property we're talking about that functional green will be another layer of compliance. This process has not been properly vetted which my other people have stated. So it's time to clean out the closet before we add another tool. Please vote to postpone this and ask that staff undergo an additional comprehensive stakeholder process to get rid of some of these redundancies to make it more simplified and maybe amend some of the tools we have in place.

>> Mayor Adler: Thank you.

>> We have zenovia Joseph here speaking on three items.

>> Mayor Adler: Okay. Thank you.

[11:34:05 AM]

>> Thank you, mayor, council. Mayor, may I ask you a technical question? Before --

>> Mayor Adler: Go ahead.

>> I just wanted to know if you're going to put public participation policy on a future agenda and also for number 27, can you tell us -- 25, rather. Can you tell us what the public interest is? Why the taxpayers -- the back-up materials didn't have anything, so I was just asking why the public is being asked to fund the item.

>> Mayor Adler: It involves a lawsuit that the city is a party to.

>> Can you answer my first question about the public participation policy?

>> Mayor Adler: I'm unaware of?

>> I'm asking if you would be willing to put that on a future agenda.

>> Mayor Adler: We can talk about that off the dais. This is your opportunity to be able to speak. We're going to start your

[11:35:06 AM]

clock.

>> I appreciate you answering my questions. I want to make comments specifically to 24. Is that postponed? If not, it is --

>> Mayor Adler: 24 is not postponed.

>> It is not?

>> Mayor Adler: Correct.

>> I'm speaking in opposition to you funding the Austin tenant's council. Let me contextualize my comments by saying the money would be better spent if you funded the volunteer legal services, for example. I'll use myself as an example. I've lost money, earned money on a condo off 2222 before and I have gone through the eviction appeal process, and so I just want you to understand that my case was non-suited yesterday. That means it was dismissed. My attorney from Butler Snow called me about noon, which was two hours before Judge Wong was to hear my case by zoom. What I want you to understand is once an individual is on

[11:36:07 AM]

appeal they may have access to \$6,000. I would ask you to recognize the need to use that fund -- the funding for the I belong in Austin tenant stabilization fund. It's a bit convoluted. You have to get the funding through the volunteer legal services or a partner through the fiscal agent. In my case it was mawrie tunnel. The need is in court. A person facing eviction -- whether retaliatory eviction -- they need access for two months. You have to pay the rent and be able to pay the rent again when it's due according to the lease, and so I appreciate Austin tenant's council but they are lay people, mayor, and the money needs to go to lawyers, and so Butler Snow -- I want to say thank you to

[11:37:09 AM]

Ethan Glen, an Austin attorney pro Bono. That's where the funds need to be. I appreciate you postponing and ask you to put the language into the local ordinance. If you have any questions I'll gladly answer them at this time and will talk to you off the record too. Thank you. You want me to stay up here? I'll reconvene the Austin city council meeting at 11:42. We are now back. Today is still October 13, 2022. Colleagues, let's take a look at the consent agenda. After we do the consent agenda,

[11:43:18 AM]

there are two things. See if we can take care before lunch that might help us for the rest of the day. The first is to decide if we're going to postpone 48 or not. Second, I don't know if we're able to handle the Austin energy matter or if that will take us more time. If we could do that, we could allow people to go. Let's begin with the consent agenda, items 1 through 44 and 71 through 79. I'm showing the following items being pulled. Council member Kitchen, do you need to pull 32 and 33? We're pulling 32 and 33. Also, item number 39 and 74. Again, those items are 32, 33, 39, and 74. Is there a motion to approve the consent agenda? Fuentes makes the agenda.

[11:44:19 AM]

Council member -- council member Fuentes and council member vela?

>> Fuentes: Thank you. We have a couple of items on the agenda, one of them the tenants right to organize, has been postponed I believe for a presentation on the 27th and for council to have consideration on when is the most appropriate time to consider that. It's important we continue to pass strong tenant protections and we do more for renters in Austin. In the housing crisis we're in's incumbent on us to take action. This will go a long way in educating the community as well as providing mediation services and support for our se tants. With the tenants rights to organize it is unfortunate it's

[11:45:19 AM]

postponed. I understand there are conversations taking place. They want to make sure it comes back in a way that everyone is comfortable with and so for that I support the postponement but know that that tenants right to organize will go a long way in providing a much-needed protection against landlord retaliation. With that just wanted to share some comments and thank council member vela for his leadership in supporting our renters and this council for offering their support. Thank you.

>> Vela: I wanted to ask the director a couple of questions on item 12. Director, thank you so much. Yesterday also for meeting with my office and some of the neighborhood folks -- just for everyone, item 12 is construction of two parks. One at the high land and one at the bounty. The one concern that was outstanding was just -- you

[11:46:20 AM]

know, the high land park is kind of the only park there for the high land neighborhood -- you know, St. Johns west of I-35 area. I was wondering if it would be possible to maintain access to the already-built playground that is in place there during construction. Would that be possible.

>> Council member vela, the department can work with the entity that will be doing the construction to the extent possible to allow for maximum access to that space. I just -- I want to be a hundred per cent transparent and say I can't guarantee at all times but to the maximum level possible there's a mechanism for us to work that out.

>> Vela: I really appreciate that. I know it's an rfb and low-bid process. I know we can't change the terms of the contract at this

[11:47:22 AM]

point but if you could talk to them if a change order is possible that won't unnecessarily or delay the project and is not going to cost a lot of money, we can maintain access to the playground so the folks have somewhere to go and recreate. Thank you for your work. We're excited about the park. Nothing further.

>> Mayor Adler: Council member pool?

>> Pool: On item 71 I wanted to confirm that on consent we're approving option one, the brazos bankruptcy.

>> Mayor Adler: Which item number? I'm sorry?

>> Pool: Item 71 on consent.

>> Mayor Adler: Approving which one?

>> Pool: Option one.

>> Mayor Adler: As -- yes. Got you.

>> Pool: Thank you.

[11:48:22 AM]

>> Mayor Adler: Got you. Yes. Go ahead.

>> Alter: I wanted to speak on behalf of myself and council member Ellis for 26, the appointment to the atp board. We are requesting a postponement to the next meeting. As laid out in the atp bylaws the review committee consist of myself as chair of finance committee, council member Ellis as chair of the mobility committee and the chairs of the corresponding committees for cap metro. The review committee has been meeting and reviewing candidates. We're fortunate to have a strong pool of people who are willing to devote time to project connect and atp. As we narrow down the options we wanted additional time to do our due diligence. We recognize the importance of this appointment and hoping to announce our nominee sometime next week in time for the

[11:49:23 AM]

meetings. So we should have that to you next week and some of our members on cap metro -- you should have that in time to review that before cap metro. I want to throw out something we can maybe discuss at work session or maybe, mayor, you or I can talk about. I'm concerned we may need an interim member for atp for January to make sure the council does not have a lapse of having somebody on the

board before the new council appoints whoever is going to serve in that role, assuming you don't want to show up in January for the meeting.

>> Mayor Adler: Figure out something to propose to the body here.

>> Alter: Yes.

>> Mayor Adler: Council member kitchen.

>> Kitchen: I appreciate the work of the review committee.

[11:50:23 AM]

That's a lot of work. I had the opportunity to do that for the first appointments. I know it's a lot of work because we have a lot of interested, well-qualified applicants. I appreciate the work of the mayor pro tem and council member Ellis. I also want to let people know that I think this time frame works. The atp October board was -- atp October board meeting was cancelled, and so the new appointee will not be missing any atp board meeting or any additional board meetings by taking this time. I think that's really important because it's important that we get that -- that city council votes on and cap metro votes on whoever that appointee is soon. I think this time frame works and I appreciate y'all -- the review committee working with that time frame. With regard to -- well, we can

[11:51:24 AM]

talk off line. I have some amendments that I'm going to be proposing to the atp bylaws. One has been discussed and that involves a -- allowing for an alternate, allowing the city council and cap metro to each appoint an alternate for their appointee which may or may not address the situation you're suggesting. Cap metro has been working on making the changes to the atp bylaws and it hasn't made its way to us yet. So we can talk about that.

>> Mayor Adler: We should add to that conversation campo to see if we should move ahead. There's some discussion about making -- seeing if the body wants to have council member Fuentes move there and the --

>> Fuentes: I believe I was added.

[11:52:24 AM]

>> Mayor Adler: Was that done? So we've taken care of that already. Okay. We're good. Council member Ellis?

>> Ellis: We were glad to see council member fun Tes at the last meeting. I would like to be an additional co-sponsor to item 75, the single-use plastics item if that's acceptable. This is probably a conversation that's been on going, but definitely since the clean creeks report came out that water shed protection and resource recovery had been working on. This is a major source of pollutants in creeks after storms. This is going to continue to be a leader of environmental protection in the city. I appreciate the cosponsorship for the fee waiver.

[11:53:25 AM]

There are cosponsors on this but this is a wonderful 5k where everyone runs around in costumes. There's still a little bit of outstanding fee waiver. If people want to contribute more money I think there's a few thousand dollars. I know we probably won't reach that amount but if anyone has any fee waiver dollars they would like to add we would be open and accepting to those.

>> Pool: To the extent I have any money left in my waivers account. We have our new waivers account now. I have money in my waivers account. I'd be happy to add to the amount. I'll ask my staff to take a look and see how much you need and see what anybody else might be adding to it.

>> That's item 38 for anyone who might be interested.

>> Mayor Adler: Okay. Council member tovo?

[11:54:26 AM]

>> Tovo: Thank you, mayor. Thank you, council member Ellis. I'm lead sponsor on that. This is an item and I really appreciate our speaker from the restaurant association and environment Texas who wrote a powerful editorial recently about single-use plastics and why we need to work together to reduce the use of them. Thank you to our industry partners to talk about willingness and enthusiasm about collaborating. This hit me a few weeks ago when I was cleaning out cabinets and realized I had several bags of plastics from the pandemic that had accumulated. My daughters and I have way too many meals on the run. That shows in our use of plastic. I had accumulated a lot and was able to take it to creative

[11:55:26 AM]

reuse but I thought wouldn't it be greater if the default was that restaurants and take-outs didn't provide you with single-use plastics. So many of us take it home where we have utensils or drive around with some of that in the car to be used again. I appreciate that approach that several of us talked about and worked out of not having it be an ordinance but working collaboratively and to see if -- again, I really appreciate our creative reuse in Austin which is a great repository and thrift stores of plastics and

crafts -- anything you might not be able to recycle. They'll find someone who can reuse it and sell it to them. During the period of time when we had finished this we had an

[11:56:28 AM]

opportunity at our work session to talk about the trash in creeks report. We added in a revision to include the water bottle situation we talked about. One of the really startling factors that -- startling pieces of information that that report showed us is the average visitor consumes -- uses an estimated 30 plastic bottles per person for a two-week trip. That is extraordinary. We need to encourage people when you travel out of Austin to bring a reusable bottle with you and this measure -- this resolution would direct the manager to look at measures to implement to try to reduce plastic in our community. Whether it's giving visitors to Austin a reusable bottle they can use and take with them it's probably good for our environment and a cost savings when you think of how much we spend to clean our creeks and waterways once they have the plastic in them.

[11:57:30 AM]

Thanks to my cosponsors. Mayor, thank you for the edits your staff provided. I think it's a solid plan and I look forward to seeing the products of your work.

>> Mayor Adler: The consent agenda is 1 through 44. Picked are 32, 33, 39, 74.

>> Mayor?

>> Mayor Adler: Yes.

>> If I could be recognized before we take the vote.

>> Mayor Adler: Go ahead.

>> To council member Tovo's point, I want to say I've been traveling and in Austin airport the water refill machines are great if you have a reusable container. Council member Ellis, thank you for having me as a cosponsor on your fee waiver. If my office can contribute more, if your office would reach out to mine, I would be happy. For the clerk if you would show

[11:58:31 AM]

me voting no on item 22 that would be great.

>> Mayor Adler: Any other discussion? Council member Ellis?

>> Ellis: Council member pool did you want to add additional fee waiver?

>> Pool: Yes. Please add \$250.

>> Since council member pool added 250, you can add 250 to whatever amount my office already added.

>> Perfect. I think you're at 250. We'll add 500 now.

>> Mayor Adler: So on the concept, those in favor of the consent agenda please raise your hand? Those opposed? Some showing it unanimous on the dais. Councilmember harper-madison is not present. Oh, she is and she's voting yes as well.

[11:59:31 AM]

So it's unanimous with the notations that have been read into the clerk's office. That gets us to 11:59 so I was speaking ambitiously about what we might be able to do here, but let's do take a look at item 48, which is the environmental issue because let's discuss whether or not we want to postpone this item for I guess for a couple of weeks to let people get a better feel for it so that people know whether they need to be working on this over lunch. Councilmember Kelly makes the motion to postpone. Is there a second on the motion to postpone. Council member vela seconds that motion. Councilmember kitchen?

>> Kitchen: I have a question for staff. I am wanting to understand what staff's thinking is with regard to the

[12:00:32 PM]

postponement. I'm also wanting to that are -- that the staff would consider appropriate while not postponing other parts. And I am referring to the planning commission recommendations. So I understand what staff would like to see happen and why.

>> Thank you for your question, councilmember kitchen. We did just issue a memo just to make sure it was very clear. This is a large ordinance package. And there is a lot of exciting content that we're bringing forward that we believe will be very impactful. Planning commission's recommendation that came through on Tuesday that was our fourth time being posted for planning commission so we've spent a lot of time working with them and are in support of their recommendation to postpone.

[12:01:32 PM]

I'll outline what is included in that. The first was the item pertaining to not disincentivizing missing middle development up to 11 unit. This is something that requires a lot of coordination to get right with housing and planning and we want to make sure we get it right. So pushing that to phase 2 where you've already asked us in phase 2 to bring back green field, we want to make sure we get that right. Another item that planning commission asked us to push is functional green. I've heard a lot of feedback from the community. This is something that honestly of anything in here I'm most excited about being something for us to be proud of at the city that is really genuinely innovative. It isn't just bringing us up to best practice. It is something that we will be a leader in. There are only a handful of other cities who have done work that is similar to functional green. Again, part of my job that I'm recognizing now 10 months into this is balancing the urgency of

[12:02:34 PM]

environmental and climate action with making sure we're building trust with our stakeholders. This is a brand new proposal. It is something that I believe has been well vetted but that we could revisit. And so planning commission gave us tangible items that they wanted us to work through. I believe we can bring this forward potentially sooner than some of the other items in phase 2, but we are also in support if y'all see fit to postpone that as well. The other item that they asked us to postpone includes the item related to delaying proposed amendments related to major rehabilitation of utility lines. This is something that internally we would like more time to work with our colleagues in other departments, including Austin water, are in support of that. That said, --

>> Mayor Adler: What was that last one, I'm sorry?

>> That was the item related to proposed amendments related to major rehabilitation of utility lines.

>> Mayor Adler: Thank you.

[12:03:36 PM]

>> So those are the three we're in support of postponing. The package still includes very impactful items. Including that in most scenarios, green surface water infrastructure is mandated as what tool needs to be used for water quality controls as new sites develop. This is best practice. I'm coming to y'all from private sector. Private sector design and planning, green storm water infrastructure for water quality compliance and controls is best practice. The market has driven a shift in the way that this has been occurring within our development community and those types of controls have begun to out pace conventional controls in the last five to 10 years. So happy to talk more about some of those other items. One more item that is very impactful is downstream of longhorn dam the enhanced protections for all of the properties adjacent to the Colorado river downstream of longhorn dam was something

[12:04:36 PM]

that was requested by eastside environmental groups to be added to councilmember tovo's resolution initially. And so that is something with -- that we see as very impactful for protecting residents and landowners on the eastside from very erose sieve soils that are hard to predict and we've provided some responses in backup on that item. Both of those are still included as well as a suite of other items, including the way we see parking lots drain. I'll stop there.

>> Kitchen: Mayor, could I have a follow-up question? Thank you very much. I can see postponing some of these items, but I cannot see postponing all of them, so I won't be in favor of that. I am interested in - I have heard some concerns about that item related to the downstream of the dam.

[12:05:45 PM]

And the concerns I have heard is additional desire for conversation with some stakeholders. Mayor, I am open to postponing the items that the staff has agreed to and also I would add to that the downstream dam item. But again only if we're talking about postponing until our next council meeting. So I don't know if that's a friendly amendment at some point.

>> Mayor Adler: Let's have a discussion here first. Councilmember Kelly, this was your motion to postpone. Do you want to address it? I should have gone to you first?

>> Kelly: That's okay. I appreciate the feedback from staff and councilmember kitchen raising that point. I still feel that there's a lot to be discussed with stakeholders, and again, we got a wealth of information

[12:06:45 PM]

just this morning from staff that I've yet to be able to fully review so I don't feel comfortable postponing anything but all of it until I have a chance to go through that information completely. And I think the community would appreciate a little bit more time to also review it given the timeline of when we receive those items.

>> Mayor Adler: Council member vela.

>> Vela: I just want to say the changes are very exciting. The green water storm infrastructure can do a lot, not just to control flooding, but just to make our overall environment more pleasant. The same thing with functional green infrastructure. Very exciting stuff that not just will help control flooding, but could potentially help insects, the base kind of core environment. That said, my concern continues to be the cost.

[12:07:48 PM]

In the affordability impact statement there were a couple of points where staff is acknowledging that. They have not been able to look at this enough to quantify some of those costs. Again, I'm looking at page 2, item 3, due to time and data constraints that has not quantified these costs. In addition, I'm concerned with moving these forward. Again, we all can acknowledge that there's going to be a cost associated with making these changes. Those costs can be balanced with entitlement changes, with, you know, changes to zoning or height or whatever the case may be. I want to get to a place where this item we can move forward and we can do something very positive for the environment but at zero cost to affordability. We're not there yet. This draft is not there yet. And I don't want to move forward with one part and leave the other part for kind of kick the can down the road on the

[12:08:49 PM]

affordability issues. And again, especially when we're looking at some of the estimates, again, from affordability report, the cost per acre for both the green storm water infrastructure and the functional green is between 89,000 and 238,000 per acre of development. The big developments, you know, 100 unit, 200 unit, they can price that in and it won't be as big of an impact, but the missing middle, if it's 10 units per acre other a smaller like mf1 density with up to 17 units per acre, you're looking at potentially 3,000, 4,000, \$5,000 per unit of affordability impact. Given the current situation with housing and with increase the housing costs in Austin, I cannot support that unless we balance out those affordability factors, and we have not done that yet.

>> Mayor Adler: Councilmember Renteria.

>> Renteria: Thank you,

[12:09:50 PM]

mayor. I also have a lot of questions pertaining to this item. The geography of that area there, it changes a lot. There's some really small lots and there's some that are wider. And I've been looking at the map and I really want to find out a little bit more about how far it's going to affect the people on the other side of Cesar Chavez. So that's one of my big questions. And the other one is have the business and homeowners and the residents, have they been contacted and that's their opinion? And I haven't heard. The only thing that I have heard is that they do not know about what we've been discussing here and I want to make sure that I can get their input on this item. So it is my district and I've known that area and my

[12:10:56 PM]

preservation is to have a trail on the northside that goes all the way to Montopolis. So I want to figure out how this will affect all these projects that are going on right now. We've got a hotel going there. We've got a huge apartment complex because some of that is high opportunity area. So I just wanted to make sure how it's going to affect that area because we are getting some affordable units out of that development that will happen at the old Borden milk factory that's there. So I just need a little bit more time to understand the whole package.

>> Mayor Adler: Councilmember Ellis.

>> Ellis: Thank you, Mayor. I hope too that we can be innovative with our environmental protection here. Out of respect for my colleagues' desire to have a postponement to understand this, I appreciate that and will support the postponement for today. I also will say I appreciate the commissions that have taken this up. I know the environmental commission took some time with making sure they had a

[12:11:59 PM]

comprehensive assessment on their end and I know that planning commission just took it up recently and did a lot of work to make sure we had their advice as well. I know city staff and our own office staffs within city council have been working on this a lot especially over the past two days. I will support the postponement today. I wanted to flag the conversation around missing middle housing is something we've been thinking about since we've had our work session about housing stock with council members about a year ago. So I just 'Ed to say I'm planning on bringing an ifc this year to look at the requirements for the missing middle housing. I think a lot of it has been disincentivized or made out right impossible to achieve with the code that we are currently functioning under. So I just wanted to flag that and let folks know on the dais if they wanted to be involved in those conversations. We're looking forward to bringing that later this year about missing middle housing projects and trying to make sure those are easier to achieve.

[12:12:59 PM]

>> Mayor Adler: Councilmember Pool.

>> Pool: I had hoped we could maybe split the baby given that there are items that there is agreement on, and separate out -- I think they were talking about them in a phase 1 and phase 2 kind of an offering, but it seems like the clock kind of ran out on us being able to separate them out in time for this meeting here. I will reluctantly agree with postponement. Again, I really wish we could pass today the things that there is no disagreement on. Is there a sense on the dais that we could get those pulled out and -- okay. It looks like I'm getting some affirmative, enthusiastic nods over there on the other end of the dais. The other thing I would say is it is a perennial debate on the dais about our environmental safeguards and the cost of building

[12:14:01 PM]

housing. And that debates not going to go away. I would say that the more damage we do to the environment, the harder it is to clean it up, the worse the ramifications are downstream and down the road. So I am firmly on the side of supporting the changes and the amendments and the improvements and the groundbreaking ideas that are coming from our really great staff and from this dais and the support that's widespread in the community. We do hear from a few voices raised to say no, it's going to cost us too much to build. I think there are ways we can make this happen. The bottom line is we've got to do it because the environment isn't waiting for us any longer, we know that, and the younger generations are demanding it as well.

>> Mayor, may I offer a

[12:15:02 PM]

point of clarification on what's posted or what is in your backup in the ordinance language?

>> Mayor Adler: Okay.

>> Law -- I wanted to make sure y'all were clear that the ordinance in front of you has already excluded the planning commission representations and the utility line component and not to disincentivize missing middle. So the only item that you're considering postponement on right now would be the item related to the Colorado river protections. Just wanted to clarify what was in front of you.

>> Kitchen: Thank you.

>> Mayor Adler: I agree, I think there's parts of this that very well might be able to move forward, but I wonder if we need two weeks to really be able to ascertain what can move forward and what can't. My sense is if we postpone this for two weeks we would be in a position to do that work to let some things pass and some things hold back. As I look at this and manager and staff, I think

[12:16:03 PM]

there's a real place for you in this, both with helping us decide if we were going to postpone it for two weeks, help us better get clarity on what could be enacted in and what needs further review. Because some things clearly need further review. Some things there are just questions about and people are not sure yet whether they can be done now or in two weeks or need to be moved forward. The functional green work I think is important. I appreciate that staff is recommending that be postponed. I think it's really important that one of the elms that that needs to be ultimately postponed for is figure out what

are the appropriate offsets with respect to that so that we're not having to make a choice between the environment and affordability. And I don't know that that was necessarily clear in the words that the planning commission used, so at some point I think it an element that we have to hear from.

[12:17:04 PM]

But the same thing with the missing middle and I appreciate that that's gone off. There's a list of departments that need to be included. It seems like the lead one on that probably needs to be added on that. I'm not sure they were listed as one of the departments. But the interdisciplinary look at some of these is what I feel like I'm not getting. For example, on the 400-foot critical water quality zone down from the dam, I applaud the effort in that and I think we need to do that. But what's missing for me is who is it that's been part of review process so far from our staff that from a development standpoint looks at it and says, okay, I understand the environmental reasons, but if you're going to do that, why don't you allow for transfer of

[12:18:04 PM]

entitlement developments in the area that has 400 feet so that the balance of the property might have that which might enable the same kind of yield and affordability issue to happen. But it's not part of this. And if the only department that's working on this is watershed, you're not going to get it because it's not their job or their deal. When it comes to the planning commission, the planning commission expressed some frustration that said well, we want to come up with offsets, but the assignment given to them was to approve the watershed issues as came from council so there was no -- there's no opportunity for -- who is it on our staff that's looking at all of these and saying how do we preserve affordability? How do we come up with things like development transfers. But I think having two weeks to take a look at this to better understand what

[12:19:04 PM]

things can be handled now, and by now I mean now or in two weeks, and what things need to be put off, these next two weeks might enable everyone to get a better feel and to fine tune that. I appreciate that some of our utility departments have stood up and said wait a second, we weren't involved in this. You need to double back and give us more time on the utility section so they can go back and be involved. I think that's true, but at least development services on the balance of it as well. I'm probably somewhere in the middle. I would vote to postpone the whole thing. In two weeks and in two weeks we would be able to figure out what needs to be postponed longer term and what we can take care of now. I can't even tell looking at the map some of the properties on the 400 feet, it looks as if it extends on the other side of Cesar Chavez, but in that area that's where the Cesar Chavez street name is put.

[12:20:05 PM]

So you really can't see what's underneath it. So it's that kind of thing. Let me give some people to talk about when who haven't had a chance to talk about it yet.

>> Pool: Just really quick, the 400-foot piece that you were mentioning was property owners properly notified. I learned this morning that they may not have been, so we actually would have to have a postponement on that basis on this item.

>> Kitchen: Can we get an answer on that question, please?

>> Pool: I think that would help us on this conversation because if the innovation the not importantly given then we would have to postpone anyway to make that notification. And I just learned that this morning.

>> Mayor Adler: Do you want to speak to the innovation of the property owners within 400 feet.

>> [Indiscernible] For the innovation of that item in particular. Beyond boards and commissions process and our time with y'all, there has not been any additional notification as a part of that except for obviously

[12:21:06 PM]

planning commission notice.

>> Mayor Adler: Okay.

>> I don't really have anything to add to that. Chad Shaw with the law department. I believe although I was not involved in the notification process, I believe these amendments were the same for any 257 or 25-8 amendment. And I believe that is -- I don't think there's individual notice for that. I think that would be a zoning that would be a zoning related notification.

>> Okay. So this would not fall in to the category of a zoning related --

>> The provisions that I think we're discussing right now, which are the expansions of the erosion hazards Zones and critical water quality Zones are not amendments to the zoning, to chapter 25-2 zoning code.

>> Pool: Okay. Which chapter are they amending? Because --

>> They're amending chapter 25-7 drainage and chapter 25-8 environment.

>> Pool: Okay. So the concern about notification of property

[12:22:08 PM]

owners would then the 200-foot --

>> I believe it would only be attached to a zoning case.

>> Pool: All right. So that's addressed. Thank you.

>> Mayor Adler: No notice, but no legal requirement to give notice. Councilmember tovo.

>> Tovo: Yeah, I appreciate our staff's work. I know it was speedy and you worked really hard to get us to this point of being able to work on it. Thank you for taking it through the environmental commission, the planning commission. The discussions have been thorough and they've given us good suggestions. I would say several of the things that council member vela, though I did want to ask him a question, I'll have to wait until he comes back to the dais. I think several of the things he talked about there being an affordability impact on were actually part of -- were primarily functional green which you're suggesting postponing. So I don't see any affordability impact concerns about the items that you had brought forward today, is that correct?

[12:23:09 PM]

>> In our mind there are moderate if any -- sorry, let me start over. The items that are left on the list once we remove functional green are not of chief concern affording to the sustainability impact.

>> Tovo: I agree that we need more time on the issues that you've recommended in addition to the one that councilmember kitchen mentioned forward to the enhanced protections of the Colorado river downstream. So if you make an amendment to that, I would certainly support it. And again, I think these are really important. I appreciate director coin, you mentioning that the functional green is an important piece of it and I hope we can move that forward as soon as possible. As a sponsor of these measures I worked very closely with councilmember kitchen and I want to appreciate her and her staff on this as well. I hope we can move those forward. I'm not sure it will happen in our time on the dais, but

[12:24:09 PM]

I certainly think it needs to happen.

>> Mayor Adler: Clarifying question on what councilmember tovo just asked. Planning commission recommended and you're joining in postponing functional green, the missing pigs, the critical water quality zone east of the dam and the utility section. Is that true?

>> No. The first two and the last one. The Colorado river protections, they asked y'all to consider the impacts. They didn't formally request that exclusion. So that would be something that we would need clear guidance from y'all to remove.

>> So the three that you're recommending postponement on would be the functional green, missing middle and the utility. Councilmember kitchen talked about the 400-foot, adding that. What did you do with the planning commission recommendation on the green storm water infrastructure? Where the planning commission said develop recommendations that would seek to offset the impact and develop the cost sharing program. Is that part of what's before us? Did you do that?

[12:25:09 PM]

>> Those are items that I asked a question about what the time frame is in response to those items as I see those as policy related and more programmatic responses or what we could roll into mitigating factors in phase 2. For any marginal increase that we're seeing from green storm water infrastructure, if passed, would roll that into the way we're talking about mitigation holistically in phase 2. In terms of a cost sharing program, I'm -- this is not anything that I'm ready to bring forward yet, but I would say I have three overarching goals in my sspr and one is to figure out how to use funding to offset of the costs of affordability projects using city funding for water quality compliance and drainage. And so if that is possible I will bring it to you as soon as I can.

>> Mayor Adler: Okay. As I understand it there were three recommended by planning commission. On the dais we're talking about a potential fourth one. The fifth one, the green

[12:26:09 PM]

storm water infrastructure, the planning commission said develop offsets and develop a cost sharing program, but that hasn't happened yet.

>> No.

>> Mayor Adler: Okay. Mayor pro tem.

>> Alter: I would like to amend the motion on the floor and I will state my motion and then speak to it. I move to -- as I understand the version before us has the three things delayed that are in the memo. I move to postpone the version that's before us to the next council meeting, delaying those three as proposed and ask that you provide us two options at the next meeting. One that has the 400 feet and one that doesn't so we can choose at that point which way to move forward. And then if I have a second I'll speak to the motion.

>> Mayor Adler: Is there a second to that?

[12:27:10 PM]

Councilmember tovo seconds that.

>> Alter: Thank you. My preference would be to vote on those today, but I respect the need of my colleagues and all the documents and the various things I'm willing to wait the two weeks to adopt the parts that we all agree on. And I think that allows us to allow the delay process to move forward otherwise we just have a postponement that's kind of a vague postponement that could last quite some time and we will never get back the benefits of these environmental changes that do not have an impact according to the affordability impact statement.

>> Tovo: Mayor, I apologize. I misunderstood the amendment so I withdraw my second.

>> Mayor Adler: I don't think you can. I think it belongs to all of us now. Councilmember kitchen.

>> Kitchen: I would like to make a substitute motion.

>> Mayor Adler: You can make an amendment to her amendment.

[12:28:10 PM]

>> Kitchen: Why can't I do a substitute motion.

>> Mayor Adler: Because it's so much procedurally and requires us to vote on both motions. Whatever it is you want to get done we can get it done more quickly.

>> Mayor Adler: That's fine. You're the expert here. So what did you say, an amendment to the amendment? I amend it and I amend it to say that the postponement is limited to recognizing that the -- first off let me state the motion. The motion is limited to postponing the item related to -- I don't know where that item is, but poeing the item that I originally proposed postponing related to the cqqz downstream of the down. So my rationale is I'm making that amendment to the motion so that we would be moving forward with what's in front of us and only postpone that one item,

[12:29:11 PM]

which would keep us aligned with postponing the items that the planning commission had recommended postponing, which are the same items that our environmental officer has just told us that have been taken out of this document in front of us. I respect people's interest in spending more time, but I trust our staff and the planning commission to have already identified the items that need more consideration. So this is such a critical --

>> Mayor Adler: Hang on a second, before you debate it. Councilmember kitchen is suggesting or making an amendment to do the amendment that would add the critical water quality zone east of longhorn dam to the other three that the mayor pro tem had. That's seconded by councilmember pool.

>> Kitchen: No, no. That's not what the mayor pro tem's -- the mayor pro tem's motion is to move owe is to postpone this entire item and I am not postponing the entire item. I am only postponing the one

[12:30:16 PM]

segment of the item that relates to the -- you will have to tell me how to stay.

>> Mayor Adler: You would be saying let's just postpone functional green, missing middle --

>> Kitchen: Functional green is not in front us at the moment. The item in front of us doesn't have functional green. It's been taken out.

>> And missing middle has been taken out and utility has been taken out.

>> Kitchen: Yes.

>> Mayor Adler: So you would be postponing --

>> Kitchen: I'm going to take out one additional item because the other ones are already not included. So they're already being proposed. I mean, they're not even in front of us. Does that make sense?

>> Mayor Adler: Yes.

>> Kitchen: So my rationale is I trust the city staff and our environmental officer in the work that they've done with the planning commission to identify those items that require further consideration and discussion. So that's why I'd like to move forward in a way that they've recommended with the addition of that one item. And the other aspect of this

[12:31:17 PM]

is we're getting pretty late in the year and this is -- these are very, very important changes that have been discussed for quite some time and I would like to move forward with those that we have flagged as ones that we can move immediately forward with instead of waiting two weeks on those.

>> Renteria: Mayor?

>> Mayor Adler: So councilmember Kelly?

>> Kelly: I'm just worried with all of these different amendments to the amendment to the original motion that we're going to have unintended consequences by not postponing the entire item so we can all review how it works together and ensure that we have the best solution for the area.

>> Mayor Adler: Okay. Yes, councilmember Renteria.

>> Renteria: Mayor, this area has been neglected over the years. There's no improvements in that area and I appreciate my colleagues all of a sudden taking a great interest in this, but still need time to figure this one

[12:32:18 PM]

out because it's going to affect my district and it's going to affect my constituents. And I want -- what I've been hearing so far, they really are concerned if they don't know anything about this. And we're just asking for two weeks. And I just can't see where they're going to want to push it. It's going to take money to fix all that infrastructure. There has never been an improvement there. If you go down there and look at the bottom, and you've talked to some of the owners there, they'll tell you that they're very frustrated with what's going on there. And that 400 feet is another thing. We're looking at Cesar Chavez now and some of the other properties there on the side by Tillery and it's going to affect them. So I really need to take a look at this issue and I might come back and say I'm behind it 100% and everybody in my district is 100%

[12:33:20 PM]

behind it. I don't know. But before I vote on anything I need to make sure that we have the support from my constituents.

>> Mayor Adler: Councilmember Ellis.

>> Ellis: Thank you, mayor. I'm concerned at this point it's messy and chaotic about what exactly is in front of us and what parts people are trying to work on. And if some of us are confused about what's in and what's out, I can only imagine that the public is in the dark about what is taking place. I think at this point we should keep it clean, postpone it and start working on which versions and which amendments need to be worked in so we can be more transparent and calculated with what is a complex calculation?

>> Mayor Adler: Council member vela.

>> Vela: I completely agree with councilmember Ellis. I'm not exactly sure on the dais right now when splitting it up I'm not exactly sure what's moving and what's not. I think the green storm water infrastructure is very close. I still have some questions

[12:34:21 PM]

about costs and maintenance costs, ongoing maintenance costs and how we can balance that out. What I don't want to do again is get into a situation where we are passing the green storm water infrastructure portion but then we're not going to mitigate -- we're not going to give additional entitlements and not take whatever measures we need to take to mitigate the cost of that for another 12 months, 18 months. Or however long it's going to take us to get to that -- to affordability portion of it. And like I said, I think the green storm water infrastructure is very close. I think we can get it finalized in the next two two weeks in passive portions that are good to go and then to work on the rest of it.

>> Do we want any more discussion on this before we take a vote? Councilmember kitchen is proposing that the only one that we postpone in addition to the three that R. No longer in the measure is the

[12:35:24 PM]

400 feet. Should we take a vote on that? Yes?

>> [Inaudible].

>> Chad Shaw with the law department again. Just because if this motion were to pass we would then be trying to separate parts out of the code amendment before you. I just want to clarify that what councilmember kitchen is proposing is to take the portions related to both erosion hazard Zones and critical water quality Zones, all of that that relates to the area of the Colorado river downstream from longhorn dam. Just want to make sure I understood. Thank you very much.

>> Mayor Adler: Okay.

>> Kitchen: Mayor, I don't know if we got a second from my motion.

>> Mayor Adler: There was a second, yes. No. Yes, there was a second to that motion. I got the second before I came back to you to be able to discuss it. Let's take a vote on councilmember kitchen's amendment. Those in favor please raise your hand. Councilmember pool, kitchen and tovo. Those opposed please raise your hand. And it's the balance of the

[12:36:28 PM]

dais.

>> Alter: I abstained.

>> Mayor Adler: And mayor pro tem abstained. What was your underlying amendment?

>> Alter: So what I was trying to do is have us -- there was no data for the postponement in councilmember Kelly's motion and there was discussion of delaying, which sounded like months of delay. So what I was hoping is that we could wait the two weeks to take up the pieces that there was agreement from the planning commission and that we were all comfortable with, which I understand is

in the version that's before us, which also includes the 400 feet. So my motion was to postpone the version before us and ask them to come back with two options so that we could have those already worked out so we weren't doing it on the fly. One that was just the version before us. The other being a version that excludes the part of concern for the critical quality water zone and the

[12:37:28 PM]

erosion. The version that's before us already delays the functional green landscape -- delays the part of missing middle and delays the part of the utility line piece. And by delay I assume that means longer than two week. It doesn't give us specific date back because we don't know how long the stakeholder process is going to take. So my amendment would specify, I don't know if it's in contradiction to councilmember Kelly's, but it specifies what the process is for two weeks from now so that we would have the opportunity to take up the parts that we agreed about and that we would have already prepared by staff the option to exclude the parts that remain controversial potentially so that Mr. Renteria could have more time if he needs it. We could vote on that next week, but we don't have to decide that right away tonight how much more time we need for that.

>> Mayor Adler: Can I see if I understand?

[12:38:29 PM]

Right now the motion in front of us is presented by staff has us postponing for a longer period of time by not including the elements of functional green, missing middle and utilities. So those things are going to go off for additional study. Is it my understanding that those things go off for additional study and they would consider consideration of setoffs or that kind of thing? Or do you need specific direction to also consider those things and to involve development staff as part of those discussions?

>> Per the planning commission recommendations we had planned to role those into phase 2 where we were looking at entitlements and other offsets. So that is certainly part of it.

>> Mayor Adler: So those things would happen. But what you're saying is let this measure come back to us in two weeks that would have us to decide what happens with the balance of it. And you're asking for two options. One that would also

[12:39:29 PM]

similarly postpone or dissimilarly postpone, but somehow or another postpone the elements that affect the lake and the properties adjacent to the lake. And one that would have us acting on that. I have a question for you on I think I understand that council member vela has also raised questions with respect

to the green storm water infrastructure, which also had a recommends from planning commission that offsets be addressed in a potential cost sharing program addressed. Could your motion also say for staff to come back with options with respect to green storm water infrastructure next week that gave us options responsive to what planning commission has raised there?

>> Alter: I mean, we can make the motion do whatever. My goal is to make sure that we have ability to take up however much of this and as

[12:40:29 PM]

much as possible of these environmental steps in two week, which gives everyone on council a little bit more time to focus in so we're not distracted by the things that we're delaying and make sure that we understand what we are doing. What I heard from council member vela was that he thought that would be in order from his perspective in two weeks. I don't know if staff -- I don't know if staff can prepare options. I don't object to them preparing those options, but I don't know enough of the nuance of what Mr. Vela is trying to accomplish to be able to say what those amendments may or may not need to be or how much of the ordinance pertains to that and would need to be adjusted. But there would be nothing to stop Mr. Vela from coming forward with amendments that he worked with on staff or from staff giving us options in my motion.

>> Mayor Adler: Or for the gist of what you had done either on the 400-foot. I'm just trying to make sure

[12:41:31 PM]

that next week we're in a better position to move forward than we are today. So I'm seeing if we can also put into that area that we're asking staff to be working on over the next two weeks the green storm water infrastructure response as to what council member vela said as well. Council member vela, do you want to --

>> Vela: My sense, and I really appreciate the cost sharing, the idea for potential cost sharing, especially on affordable projects. My sense is that won't be ready in two weeks. We would need a funding source and those kind of things like that. And again, just speaking hypothetically right now. For example, with the gsi, are they allowed -- in terms of balancing the interest, can you put the bio filtration in the setback areas and those kinds of things like that to make additional room for the actual development? Those are the kinds of conversations that we can

[12:42:31 PM]

take that are zero cost that would -- which I still don't have.

>> Mayor Adler: Let me see if I understand. The motion in front of us if seconded here in a second would say postpone for two weeks this matter three of the things we know will be postponed for a longer time because they're included. But in two weeks the council will decide whether or not to move forward on the things that concern lake Austin, the council will decide whether or not to move forward on the green water infrastructure and anything else that remains in this. But in two weeks we would be considering all of those things. I think that's the amendment. Is that right?

>> Alter: Yes, but I also very specifically asked them to give us an option already prepared that includes the lakefront stuff separated out from the motion. I don't know -- I don't know enough of Mr. Vela's concerns to be able to state

[12:43:32 PM]

whether we're ready or not to move forward. But I would suggest that perhaps if Mr. Vela thinks that we're not ready he can work with staff to have a proposal that leaves those out next time and that that would be the simplest way so that we could move on with our day today.

>> Mayor Adler: That's fine.

>> Alter: Leave my motion as it is. And we understand now that we have those three buckets of decisions next week, but we are not taking up the functional green, the missing middle and the utility lines. But we are moving forward with the conversation to move forward with the work as we can. Mr. Vela will work on that other piece and if he needs a motion that's different he will bring that forward working with staff to write them.

>> Mayor Adler: And council member vela?

>> Vela: I'll second her motion.

>> Mayor Adler: It's been seconded. Discussion? I am going to say I support this because it gets us where we are, but I will tell staff that if Mr. Vela

[12:44:33 PM]

does not request options with respect to the functional green and tries to ache into account the -- it could be that there's not enough time to do that, which is annual appropriate answer if it's not enough time, but it's probably something I would support postponing in two weeks to give staff time to be able to do that. We don't have to consider that now. We can consider it in two weeks. It's been moved and seconded. Councilmember Renteria.

>> Renteria: Can I ask that they also reach out to the business owners there. I've been getting messagings from some of the businesses there that they have not been notified of this. And also could

you have that information available so that we could pass it out to the business owner of how it's going to affect them and the residents above them.

>> Mayor Adler: Thank you. Councilmember Kelly.

>> Kelly: Thank you. I have a question from staff. The items that will take longer in order to determine and figure out, do you have

[12:45:34 PM]

an estimation of when we might get that information back on those other items?

>> I do and we'll be working on a memo to give you a clear timeline on that in the near future. I wanted to see what we got through today. So functional green, I'd really like to bring back on a shorter timeline. There's some key tangibles that planning commission and design commission asked for that I think will clear up some of the discussion on that. And I'd like to bring that back within the next six months. If not sooner. The other items that require substantive coordination amongst other departments including the missing middle piece, including the utility line piece as well as the green fill protections and steep slope protections which you had asked us to provide other offsets for I believe are likely to be a 12 month minimum timeline to bring all of those back in

[12:46:34 PM]

the way that I think will actually offset.

>> Kelly: Thank you. I would ask if staff recognizes any conflicts with any of the things as you're moving through them that you identify those and let council be aware are them. Thank you so much for your time.

>> Thank you.

>> Mayor Adler: Mayor pro tem's amendment is in front of us. Those in favor of it please raise your hand. Those opposed? I'm seeing everyone voting yes with councilmember harper-madison off the -- councilmember harper-madison also voting yes. While we're all together let's vote on the motion to postpone as it has been amended. Those in favor please raise your hand. Those opposed? And it's unanimous on the dais. That's been postponed as amended. Thank you very much. Colleagues, let's go to our speakers, and we'll start with Austin energy -- let's see. Let's do our speakers, we'll come back an hour after

[12:47:36 PM]

speakers end. We'll do Austin energy and as close to 2:00 as we can we'll call afternoon speakers.

>> Alter: Mayor, can I ask one clarification on Austin energy that would be helpful? It was my understanding that there was potentially going to be an exhibit prepared by staff with respect to some sort of five% requirement. And I'm not sure if it's five percent on the psa or on the bill. But I haven't seen that yet. Do we know if and when we're getting that.

>> Pool: There should be something in the backup and there's a red line with the tariffs and there's an annex attached with the five above and five below.

>> Alter: That's been the tariff document that we received?

>> Yes, it is now attached to it.

>> Alter: And we've received several versions of this. I want to make sure someone can maybe just resend us the version we should be looking at because we've gotten a

[12:48:38 PM]

lot of them and I don't want to inadvertently look at the wrong version. So this is an annex at the end? Of that?

>> While we're here, general manager Sargent can clarify what's in backup and what we will be asking council to consider at this point in time while you're deliberating.

>> Alter: That would be helpful so we could take that hour to review that again.

>> Mayor and council, I'm Jackie Sargent, Austin energy general manager. We put together provision language as optioned 1a and 2a. 1a being with the rate numbers for implementing the change all in one year versus option 2, which is implementing the change in -- over three years. And in those documents the language with regard to the five percent is -- can be

[12:49:39 PM]

found on page 20.

>> Alter: Okay. And those were the documents we received at 10:37 and 10:51 this morning? Would those are the right documents?

>> Yes.

>> Alter: And the one -- and now the version 2a is the one that that corresponds to the gradual option and 1a corresponds to the original staff proposal?

>> That's correct.

>> Alter: Thank you. Appreciate it.

>> Mayor Adler: Thank you. If you could also take a look at -- we've taken the direction we had yesterday. We've split it into two sections, one that deals with kind of developing triggers so that we have more tells in the future or reserve policies and the like. If you could look at that and let us know if that's okay with you, I'd appreciate that as well.

>> I will.

>> Mayor Adler: Thank you. All right. Let's go then to public communications. And I apologize to the

[12:50:39 PM]

community who have been waiting for that while we took care of this business. Is Robert battaile here?
Yes.

>> We have remote speakers as well, so if we can --

>> Mayor Adler: Do you want to call those first?

>> Sure.

>> Frances Acuna.

>> Can you hear me?

>> Mayor Adler: Go ahead.

>> Hello?

>> Mayor Adler: Yes, go ahead, please.

>> Thank you. My name is Frances Acuna. I'm a long time resident of dove springs. And today I'm here to thank you for your time, effort and passion for all the city council. I know it must be hard to

[indiscernible] When you have to make recommendations that go against some of the areas of town, against what

[12:51:41 PM]

some of the areas of town are asking. I also think that you have a hard time sleeping at night when you lose a vote that you so passionately fought for. I'm grateful for the representation for each district, especially for the low income communities and communities of color. I also hold you accountable for the well-being, safety, stability and health of your constituents. Many of your constituents have suffered trauma through disasters, have seen their neighbors die outside from past life trauma and events like covid that have affected mental, social and emotional well-being. We your constituents have suffered

neglect from lack of representation. And on top of that, when we come to present our vulnerability, sharing our needs and concerns, asking for your support for the very minimum basic needs, we

[12:52:41 PM]

get hit by the lack of respect that shows through your facial expressions and posture. You have to understand that trauma shows up each time it rains, each time we feel neglect from our representatives. By the people that are supposed to protect us. Don't look at us as if we are in the wrong, but look at us as the result of what is wrong in the community, in policy and society. You have to shift and think of the way you engage and approach your constituents. You have to acknowledge people in the face of vulnerability because when this constituents show up it's traumatizing and it's not about you, it's about building relationships. I ask that you hold people's stories with empathy, respect and concern, to allow space for trust and build relationships. You hold a great deal of

[12:53:42 PM]

responsibility to your constituents and as such I hold you accountable when a resident shows up, shows their -- when a resident shows their vulnerability. Make it look at least that you are concerned about their traumatic experience because if they show up to speak it is not because they want to see which council member shows more respect than the other, but they are here because they need -- they have needs in the community and the need is great. Thank you. And I'm here if you have any clarification.

>> Mayor Adler: Thank you for being with us today. Next speaker.

>> Katherine Lindley.

>> Hi. Good afternoon. My name is Katherine

[12:54:42 PM]

Lindley. I'm a long-time resident of Austin, south Austin to be specific. And I am here to advocate for the bocce ball courts that I believe are currently at the triangle park, and to see them be rolled out to some of the other areas in town, including my area in south Austin. Bocce ball is a great sport that you don't really have to be that fit to play and it's really good for all ages. It's a great way to get people outside, fresh air, sunshine, all the things that we need to keep our mental well-being and our health. As the last lady mentioned, there's been a lot of trauma and upheaval since the pandemic, and what better way to kind of recover and get back out with people than in an open air environment at the bocce

[12:55:43 PM]

ball -- that the bocce ball court provides. I have played out in manor with my friend, Robert battle, had me out there in a tournament, and actually got third place with my son and his friend, who are young adultsment and I'm getting to be an old lady so it was a nice intergenerational event. So that's what I'm hoping is that you see the benefit to Austin community at large in providing bocce ball courts that citizens can use to stay healthy and to interact with friends, family and so on. Appreciate the job you are doing for Austin. I get a little emotional. I am a nurse, I've been a nurse since I was 20. And I think that Austin has a lot of care for its constituents and I'm hoping that we'll -- that will be

[12:56:44 PM]

reflected in some of these programs that help us to get more active. Thank you and have a great day. If I have any other time left, I would like to give it to Robert battaile, who I believe is there in person to speak. Thank you and have a did day.

-- A good day. Far.

>> Maria Johnson.

>> Hi. Good afternoon. Austin council, my name is Maria Theresa Johnson and I just wanted to also chime in and say how much fun the sport of bocce is. I have long time been a resident of Austin, Texas and I too had to come out to manor to try some of the bocce games, and it has been absolutely amazing. It has transformed my life and my husband's life amongst many other people that we have been able to introduce this game to, and

[12:57:44 PM]

I really feel that Austin could totally benefit from including more bocce courts in the area. Here's a fun fact, bocce ball is the second most played sport in the world and it is very easy to learn and you get to be amongst groups of people where we all feel equally important. And in today's time that is so important that we all feel that equality across the board. And I would like to just say that in Spanish as well.

[Speaking Spanish].

>> I would also like to say that this sport bocce has been able to be an open avenue for me to be able to become a member for the

[12:58:45 PM]

lion's club as there were other lions that were participating there. And also growing up in Austin I had heard of the lion's club, I never got a real opportunity to become so engaged as I did, which now led for my husband and I now to be lion club members. And we've been able to bring kids to come back again and again and play this awesome sport and we know that there is a pandemic of children's health as well as adults. And this has also been an eye opening for someone who already advocates for having nature and being outdoors as a big part of great health. It was clear to see that having the kids be part of an outside activity such as bocce was a game changer and I just saw the goodness that this can help support. And not only children, but also in adults into bettering their health. So I really hope that you all get

[12:59:47 PM]

hope you get a chance to come out. We invite you to play at the courts. They are excellent. You can see how good this could be if we could have more courts available in Austin. And I also want to thank you all for all the hard work and the transformation that Austin is doing and still keeping the original roots that Austin once was. You guys, have a blessed and happy fall. Thank you for this time.

>> Vela: Mayor, if I may make a quick comment, there's a bocce ball court in Mueller. I don't know if they're aware of that, but I just wanted to let folks know.

>> Thank you. I did not.

>> That concludes remote speakers. We'll move on to in-person. Robert bataille.

>> Hello. Thank you very much. Good to be here again. It's been way too long since I saw you. My name is Robert battaile, also

[1:00:47 PM]

known as Robert battle. I come from the planet manor. We have the best courts in probably ten states here, the most innovative in the world. Guess what, Austin does not have one single good bocce ball court at all. I've been working with the league for five years. I started that. Let me apologize to you, Pio, for not helping you with parque komal. I will help you. I remember when Texans were incapable of turning right on a red light, when they couldn't pump their own gas. Now we can do checkout at Walmart all by ourselves. So I think Austin is ready to play some bocce ball. We've got 16% approval, so to speak, in the ten-year long-range park survey. That equates to like 150,000 people. But they're not out there where we can reach them. So the normal parks and rec idea where things bubble up from the ground is not going to work

[1:01:49 PM]

here. What we need to do is something we did in the '80s, a pilot program. Triangle park is fantastic. Can we go back to the two-court graphic, please? This is where I want to put that painting. I'm showing you guys that painting. I want to put this museum at this 16 court. I thought I had the triangle park two courts there.

[Clearing throat] Triangle park is a really great spot, but they have a structural problem where one court is at street level and the other court is down at the level of the opening to the apartments there. It will never work for a bocce league. The owner is ready to put some money into fixing the service of the court, but we've got to raise the east court up to the same level and do the openings on the inside so people can come out and interact. Once we do that, we will have a bocce scene that will blow the

[1:02:50 PM]

people's mind and become that pilot program. I've already offered to give you guys a couple of our patent pending double team scoreboards there for triangle court. So, I think this is something that can be done for, you know, 15-\$25,000 and we're good to go. So, especially for Ms. Tovo and Mr. Mayor. This is your swan song, baby. This is it right now. And to all the parks and rec folks that have helped, this is your swan song, too. No, I mean this is something great we should do, and please, let's do it now. Thank you.

>> Mayor Adler: Thank you.

>> Barbara labruzzo.

>> [Off mic]

>> Don Williamson.

[1:03:58 PM]

>> Mayor, council, good to see y'all, my name is don, lifelong resident, retired Austin firefighter. I'd like to tell you about something that happened on July 8th this year. It was a vision of mine to have a celebration at Stacy pool. Ms. Tovo and her friend Laura from the parks board helped out in throwing a party at big Stacy pool, celebrated its 85th anniversary. We had H-E-B for tacos and we had singer Jason, made it a wonderful day and everybody had a great time. Later today we'll mark the date in a proclamation. Built over a two-year period from 1935 to 1937, big Stacy pool was built by the civilian conservation corps under the works progress administration. It was named after general Stacy. Stacy has been a focal been point in my life for 58 years.

[1:05:01 PM]

After taking swimming lessons, continued to be able to stay at Stacy because there's big improvements that came on later in the years, like examples, swimming in the winter months when Stacy went to a full-time pool because they had a water source of artesian water. And the water that heats the pool actually comes from more than 100 miles away. Over the years, I've witnessed in changes -- many changes to Stacy. It began as a pool where they filled and drained it every day. It was only open in the summer. It used city water. The guards would throw chlorine in. Then it changed to another pool, different chemical system where they used chlorine gas. The Austin fire department had to make many calls there. Now it has a state-of-the-art system and everybody enjoys the

[1:06:01 PM]

pool, keeps a constant temperature of 80°. But on December 26th, something else happened in my life that changed me from being a Stacy swimmer to something else. I started lifeguard training. And guess where I trained at? Stacy pool. Imagine that. Over the last three years, I've built a lot of friendships, being a lifeguard. And one of the things I wanted to do, not only mentioning Stacy as its 85th anniversary, was to let people know the lifeguards I've worked with over the last three years have been a lot of fun, but it's time to, you know, throw away the whistle. And I'm not going to go away. I'm going to be a cashier. Y'all will still see me at deep eddy, the mayor has seen me there and the city manager. Okay. But one of the things I'd like to do is mention a few people that were on the aquatic staff.

[Buzzer sounding]

[1:07:01 PM]

>> Mayor Adler: You can finish your thought.

>> Okay. That would be bj6, Adam, deannere, Hannah, mark, Paul, Pedro, Thomas, and Dale, Julian, Alan, Jaden for the art, and Callahan for her vision and sandy for being my friendly muse. I wanted to close with thank you for your raise. I got my paycheck yesterday. And it's definitely an improvement. The morale of lifeguards has increased 100%. Thank you very much for getting us full-time positions.

>> Mayor Adler: Thank you.

>> I hope to see y'all at the public pools.

>> Mayor Adler: Thank you.

>> May --

>> Mayor Adler: Yes, councilmember.

>> Quick comment. I remember I loved Stacy pool, too. I know they remodeled it a while back and it looks great, but I miss that warm water pipe that you could hang off and bathe in that hot water way back -- I miss that so much.

[1:08:01 PM]

But it's a great pool. I really enjoy it. I appreciate your comments.

>> I second that.

[Laughing]

>> Mayor Adler: Councilmember tovo.

>> Tovo: I just wanted to thank you for coming down here, but also for your leadership in creating that party. That was a lot of fun, a great community event, a great way to celebrate one of our unique historic assets. Thanks for your leadership on that.

>> Mayor Adler: Next speaker.

>> Debbie Romero.

>> Mayor Adler: Come on.

>> Hello, councilmembers and Mr. Adler. I come here today again, it's been three times I've already been here. Can you hear?

>> Mayor Adler: Yes.

>> It is my community here at 4811 south congress mobile home park. We're here to ask each of y'all thank y'all so much. We want to applaud y'all for

[1:09:06 PM]

helping. We wanted to see if you could buy the property at the mobile home park. I gave everybody a packet two weeks ago before my session here in y'all's boxes to see if y'all were able -- I gave y'all a bunch of data, find the owners to buy the property for the establishment we're trying to fight. They gave us until November 1st to move out. We only have maybe two weeks left at that property. Ms. Vanessa Fuentes reached out to us. We thank you, Ms. Fuentes, for going above and beyond your duty. We haven't had any -- haven't met Pio Renteria, hasn't reached out to us. I have not spoke on to him. I've been reaching out to him. They're saying he's my district. We went with him first. We spoke to somebody on his staff, but it was not accomplished. There was no accomplishment in what we brought.

We need help. We need funding. We need -- we're losing our homes. There's a bunch of us here. We're going to be homeless in

[1:10:06 PM]

our communities. We're trying to stop from being homeless here. We need help. We're asking for you to see if y'all were able to buy the property. We still have not yet heard from y'all's staff. I Mr. Adler, you asked Ms. Fuentes and Mr. Renteria to work together. I don't know if they did but we need a response. We need to find out what's going on with us in our community.

>> Mayor Adler: Councilmember Renteria?

>> Renteria: I did look into it. It's going -- just to pass -- we're working on a resolution, but it's going to take time. We're going to have to do an appraisal on that piece of property and then submit -- there's a policy that we have here that we can't violate. We can only pay up to what they're willing to -- what the face value is. If the owner wants more, we would have to work it out to try to figure that out. So it's going to take somewhere

[1:11:08 PM]

between -- just to get the process started, at least six weeks to eight weeks, probably eight weeks. That's two months from now just to pass a resolution through here. Then we have to get real estate to go out there and do an appraisal on that piece of property. And then offer them the value so they can sell it to us. That's going to be a process. It's going to take a while. Nothing ever happens here in city hall that's going to be really quickly. So I don't know how long y'all are going to be able to last there, but we are very interested in buying that piece of property, because it's going to be on our gold line, one of our transit stop areas. So it's going to be a process. And I can't guarantee that it's going to be done before November.

>> We brought this to the table since may 31st. We've reached out, the first two months, we've been waiting for

[1:12:09 PM]

Mr. Renteria's, Pio's response. And we brought it to the table again. In the meantime, I came one time every month here to city hall to speak on behalf of the trailer park. And it's been overlooked. It's been three months thrown to the side. They're saying it's going to take time. We have five months we've been fighting. I volunteered my services here in the community. I brought research for each and every person

here to proceed the process and get this done. I know fast. I broke my collarbone just walking out of the house to grab my suit to come speak in city hall. I have several children.

[Buzzer sounding]

>> I have to fight for these people. They don't have anybody to help for them. I thank you, Mr. Renteria, for your answer. But I only have two more weeks to move out of this property. I'm going to ask for more time at the property. These people here at city hall and Colorado, they bought -- city hall bought all the trailer parks in Colorado. So there's no way they can say it can't be done.

[1:13:10 PM]

In Colorado they bought every trailer park. There was hundreds and hundreds of people that were going to be thrown into the streets, but the mayor in Colorado state did not want his community, his people that voted for him, he left a legacy. These people, you can see their faces. They bought their property. It can be done. We're here asking for help. We don't want our grandchildren to be homeless, our families to be homeless. I want you to leave a legacy, Mr. Mayor. You're leaving soon and I'm standing beside you. We're here 100% with you. We ask that you help us. We'll wait for the process. I'll ask for an extension to stay there on the property to fight another fight, because I'm here to fight for these people. I'm one voice, but the community is behind me. I fight for them.

>> Mayor Adler: My sense is probably you need to work with council to get to a budget or get it added to a bond program that is coming up. In the meantime, you should reach out to Basta on the short

[1:14:13 PM]

term.

>> I spoke with them. There was nothing they were doing for us. They didn't -- they wanted to take my sister that was in a liver transplant center, she was basically dying. They wanted her to speak. She was in the San Antonio liver center. She was trying to get people to speak that weren't able to.

>> Mayor Adler: I'm trying to get help for you in the short term. If the landlord extends it so you can work the political process, that would be great. But in case you can't, you should reach out to Basta for the more short term. F. We're not successful

>> If we're not successful, can we get more city funding? We applied to have something in the background. It wasn't -- it was some, but it wasn't enough to get us out of there. We're leaving our trailer homes that we remodeled. A lot of us have receipted, we remodeled the homes. That's all we have.

>> Mayor Adler: Can someone in housing staff -- city manager reach out to these folks and talk about what funding is

[1:15:13 PM]

available, not available for them to be able to apply for with respect to housing projects or talk to them on how the city disburses and decides its projects?

>> We can do that followup.

>> Mayor Adler: Thank you. All right. So the city manager's office will follow up with you.

>> Thank you so much. Thank you, councilmembers.

>> Mayor Adler: Thank you.

>> We thank you here as a community.

>> Mayor Adler: Thank you.

>> Mayor.

>> Mayor Adler: Councilmember tovo.

>> Tovo: I think your suggestion of reaching out again to -- Basta is a good one. The processes being described are longer. They're going to take too long.

>> We worked with them for three weeks at the beginning. We went ahead and we got this far.

>> Tovo: Sure. I understand. This is a terrible situation. I hope that Basta is able to assist you in your communications with the property owner.

>> Mayor Adler: Thank you.

>> Thank you.

>> Mayor, I want to make a comment for our housing and planning staff. This is another example of why

[1:16:14 PM]

it's important for us to move forward quickly on land acquisition of the project connect anti-displacement dollars. There have been two mobile home communities now that have been displaced along south congress. We know what's actively happening in our community and we have to move more quickly. Thank you.

>> Renteria: Can you tell me why Basta did not want to work with you?

>> They did work with us. The thing is the people -- they are my siblings. Two of them I care for. I had to resign from my position at my job for 25 years. They wanted her to speak. She's on a dying bed. She was unable to speak.

>> Renteria: Why did they want her to speak?

>> I don't know. I'm still questioning that. I asked her. She could not speak.

>> Renteria: Why wouldn't they allow you to speak?

>> She wanted me to resign from my position in helping these people. These people need help.

>> Renteria: Do you live there?

>> I did live there for 53 years.

>> Renteria: You don't live there anymore?

>> I take care of people three

[1:17:15 PM]

times a week there, my mom that's 81 years old, my sister that had a stroke, she's brain dead. I care give her two days, my sister with a liver transplant that lives with my mom. I volunteer there.

>> Mayor Adler: Councilmember Renteria, I think Basta indicated they would try to help. I would go back to Basta and they have some experience with mobile home buyouts. So I'd suggest the community organization should probably -- you should reach back out to them.

>> She didn't want me to speak for them, to be the advocate for them. Some of them don't know English. They need help.

>> Renteria: There's a group we fund to help people in this --

>> Mayor Adler: Thanks for being with us today. Let's go on -- thank you.

>> Thank you.

>> Mayor Adler: Let's go on to the next speaker, please.

>> Ethan Osborne.

>> Hello, everyone.

[1:18:15 PM]

Thank you for having me. My name is Ethan Osborne. We would like to invite everyone listening to our annual Texas fireworks show in celebration of on Monday, behind Craig field, located on pleasant valley in east Austin. This free event is open to the public and made possible with the support from the fog foundation for the pursuit of happiness. The free fireworks begin the month of giving that benefits local Austin charities, including Austin pets alive, meals on wheels, central Texas food bank, house the

homeless, and the Austin harm reduction coalition. We hope all austinites will take advantage of our free firework and come out Monday, October 31st at 9:30 P.M. Behind Craig field. Also, please consider giving to your favorite local charity. For more information and details on the Halloween fireworks and accepting donations please visit the website or come into any of

[1:19:17 PM]

our 11 Austin locations. Thank you for your time.

>> Mayor Adler: Thank you.

>> Daniel Mccarthy.

>> Good afternoon, everybody. I'm Daniel Mccarthy. I'm not a lobbyist for big bocce. I'm a candidate for state house district 48. I was going to talk about police accountability and whether or not the Austin pd should carry their own liability insurance instead of relying on the citizens of Austin to bail them out every time. I think that's very important. But, this is a little bit more topical for this week. Austin energy is proposing a power supply adjustment of 4.917 cents per kilowatt hour according to the article from yesterday, an increase of 71% above the current charge. This is due to budget shortfalls

[1:20:19 PM]

at Austin energy, which has been running a deficit most months of this year, as Adler himself noted in this article, the utility does not have any choice about paying those bills. Unlike -- Austin residents also don't have a choice, unlike other major cities like Dallas, Fort Worth, Houston, and el Paso, Austin residents are forced into this monopoly. The Dallas city council is weighing measures to fight a 4.5% increase by encore, a private utility that provides much of the city. That's half a penny per kilowatt. Contrast that with the dais here considering a 71% increase, almost 5 cents per kilowatt. Austin needs deregulation and badly. I encourage the city to consider it. Regardless I will introduce a measure at the state level should I be elected on November 8th to give my constituents in Austin and all Texans a choice for power supplier. And also move to deregulate other things such as gambling, drugs, prostitution, removing blue laws with respect to

[1:21:19 PM]

alcohol and automobiles, rep dan.com is my site, thanks for your time.

>> Mayor Adler: Thank you.

>> Sadie pack. That concludes our 12:00 P.M. Speakers.

>> Mayor Adler: Okay. Thank you. Real quickly before we take off, is there a motion -- we have two items we can take quick votes on, item 46 and 47. 46 is private activity bond, 47 is the downtown density bonus. Is there a motion to approve the private activity bond? Councilmember pool makes the motion, councilmember Ellis seconds. Any discussion? Those in favor, please raise your hand. Those opposed? I'm showing everybody being in favor with councilmember Kelly off the dais. That passes. Item number 47 is the downtown density bonus. Is there a motion to approve

[1:22:22 PM]

that item? Councilmember tovo makes that motion. Is there a second to that item? Councilmember pool seconds that item. Any discussion?

>> Tovo: Just a little bit. So, I appreciate the developer really working to find a good landing place for this historic structure. Typically my preference would be for it to remain on-site, as it is a preference of the historic landmark commission. And there's some evidence to suggest that it may have been moved to that site initially. I also think the use at Guadeloupe CDC neighborhood -- gndc -- neighborhood development corporation is a great outcome for the families that will occupy that house.

>> Mayor Adler: Okay. Sounds good. Thank you. Those in favor of this item, please raise your hand. Those opposed? I'm showing unanimous on the dais with councilmember Kelly off. Colleagues, it is 1:23.

[1:23:25 PM]

I'm going to suggest that we come back at 2:00 and we'll begin speakers at that point in time in zoning. We'll handle the zoning consent and then we'll go straight to Austin energy. I'm showing that in addition to the pulled items we have the statesman P.U.D. To deal with, item number 74, which is the balancing requirements for the entitlements issue. And I'm showing that we have the pulled items 32 and 33 concerning homelessness, sunrise and street outreach. We have item number 39 which is the concrete pour issue. So we have the rest of the day. I think maybe just the P.U.D. On zoning that is not consent, but we'll see when we get there. Councilmember Renteria.

>> Renteria: Yes. And I responded to all of tovo's questions on H-E-B. I posted them on the message

[1:24:26 PM]

board.

>> Mayor Adler: You did what?

>> Renteria: All the answers on the message board.

>> Mayor Adler: Thank you very much. With that we're going to take a recess here at 1:24 in city council. We'll be back at 2:00 here for speakers.

[1:41:59 PM]

>> Mayor

Adler: Congratulations.

>> Thank you so much. Wow. Yes, please, thank you.

[1:57:26 PM]

[music]

[2:13:23 PM]

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>> Mayor Adler: All right. Are we about ready? Some of us are. We're going to reconvene the Austin city council meeting on October 13, 2022. It is 2:13. Colleagues, it's 2:00 o'clock. Let's hear the zoning speakers but after, Jerry, can you tell us what's looking like it's being postponed.

>> Sure, mayor. Postponements are looking like items 54, 57, 58, 59, 60. Sorry.

>> I show 58 as consent -- second and third.

>> I'll start over. Postponement on 54, 57 is postponed by applicant to

[2:14:24 PM]

November 15. 60 is postponement by staff. Going backwards -- 59 is indefinite postponement. 53 to October 27th. Item 67 is postponed by staff until October 27th. Those are all the post uponments, mayor.

>> Mayor Adler: Thank you.

>> We had a recent addition. Number 53 by applicant until October 27th.

>> Mayor Adler: Okay. Sounds good. Thank you. With that understanding, for people who have signed up -- do you want to call the speakers.

>> Speaking remotely,

[2:15:26 PM]

Thomasina Torina.

>> Good afternoon. I am the chairperson of a nonprofit based housing complex in Austin. That complex is a subsidiary of the safe alliance. Today I am speaking in favor of item number 64 and 65. In 1997 [indiscernible] The maximum allow time of six weeks and then after that I was in transitional housing for 18 months, if my memory serves me correctly. After that I thought I was ready to be on my own because I had a steady job again, I had a master's degree, I had 20 years of work history, but I also had four daughters, ages 7, 8, 12, and 13, and my ex-husband was not helping us financially. But I was determined to keep them in the same schools with

[2:16:27 PM]

the same friends and teachers that they'd always known so we moved back to our old neighborhood. About two years about leaving transitional housing, the dot com, my managerial salary, and our stable rented property went poof. We slept on church floors. We were homeless again. The primary cause of women's homelessness is domestic violence and it's not a straight path of being a victim to a thriving without assistance person. Trauma forces adaptation and acceptance. There are pitfalls and re-starts. Because my [indiscernible] Landed me in transitional housing or housing arranged by a nonprofit, I had a safety net. At first when I was at the shelter and in transitional

[2:17:28 PM]

housing I didn't recognize I was homeless. I had shelter. My children had shelter, but someone kindly informed me that despite having shelter, deckny

-- technically I was homeless. Please help me to help this alliance to help other desperate homeless people regain some place to call home. Please help me to help someone else. We can do this. We can. Homeless people are resilient, despite what you may have heard, we are not all unwilling to work or assimilate. Some of us have just run into some mental, emotional, financial, or physical challenges, and we need help. Please help us. Thank you.

>> Robert batland.

[2:18:31 PM]

Item 68.

>> Mayor and council, can you hear me?

>> Mayor Adler: Yes. Go ahead.

>> Hello? Mayor and council. I'm from the Texas antipoverty project. Please vote no on the statesman pud. A 2018 article talked about Austin topping many best city lists yet being the most economically segregated in the U.S. It went on to praise the economic segregation. Our progress has been disappointing. Who will be served by the proposed pud regardless of minor accommodations the developer might accept? Who will live, park, dine, and shop there? Who will be drawn to the green spaces?

[2:19:31 PM]

Those benefiting will not be in line with the promise suggested in the article. Please vote no. A yes vote will lead to more economic segregation. Several of you were on council at that time and are nearing the end of your service. A no-vote continues your vision to reduce Austin's segregation. Thank you.

>> Ruby Roja.

>> I'm a member of Austin women and housing and member of ladies of charity of Austin, a catholic organization. I'm here to speak against the statesman pud. I speak for women of color. We have a moral and social obligation to provide decent affordable housing in every corner of the city. We do not have to give the

[2:20:32 PM]

developer everything. They owe this community more. I beg you to do right by our poor families. Is what this council doing to the least of our families just? We elected each one of you to make our society better. We simply need politicians and policy makers to understand what ordinary people do every day of their lives. They struggle with what is hard for them, like finding a real affordable home for their families. We want -- we do not want them to live in fear and not being able to find a safe, decent, affordable home. You all have the power as elected officials to serve the people who put you in this office. I ask you to do that. Thank you for your time.

>> David king, item 68.

[2:21:35 PM]

>> Thank you. I'm urging you to please vote no on this elitist luxury pud of equity. It is inequitable and elitist. The luxury developer's proposal to prohibit and inhibit public access to open green space, public parkland and public trails is inequitable and elitist. The luxury developer's proposal to prevent low income families from living in this luxury development is inequitable and elitist. The luxury developer's proposal will subsidize affordable housing for this luxury

[2:22:36 PM]

development with bonds paid for my low and middle-income family. The proposal will shift the cost for 5.5 million dollars to low and middle income taxpayers. Please do not approve any publicly funded subsidies for this luxury development for the exclusive use of elite, wealthy, and predominantly white folks. Please do not let luxury developers appropriate public spaces, public trails and public access for the exclusive use of wealthy and high-income people. Members of council who have ties to this luxury developer or who received campaign donations from this developer should -- during the city council election campaign -- should recuse themselves. Please repeal the pud ordinance and require a supermajority vote to approve any pud.

[2:23:38 PM]

Thank you.

>> Carolyn Crume, 68 and 69.

>> Hello, mayor and council members. Thank you for your service to the people of Austin. This proposed development is quite poor public policy -- welfare for the wealthy. It is obviously against the public interest. It leads people to wonder about undue influence. It will be developed without subsidies because it's prime real estate. There's no justification for providing subsidies and disregarding development regulation. No justification for breaking code requirements that -- for removing access to the hike and bike trail. There's no justification for public subsidies for private facilities such as parking garages.

[2:24:38 PM]

The affordability requirement should remain at 10 per cent. Please vote against this unless it eliminates all subsidies. Thank you.

>> Karen pop, 68.

>> Good afternoon. Affordable housing is a huge priority. Accordingly we have affordable goals and several ordinances, including the pud. Water front amenities associated with this property, like the four per cent affordable housing, should be those in the 2016 vision plan. Increase in height beyond the vision plan should trigger the pud ordinance of 10 per cent to calculate number of affordable units and 60 per cent of mfi, that level. You have a study that appears to make the affordable component look infeasible. It does this by saying the

[2:25:38 PM]

actual cost of the development is not the cost. Instead it bases cost on potential lost revenue. Rter rat -- rather than getting caught up in mathematical models I urge you to keep working on this. Thank you.

>> Garrett Nick. 68 and 69.

>> Hello. Good afternoon. This is a quote from your own south central withouter front plan. The Austin city council adopted the framework plan in 2016 and created a district wide network of green streets, parks, trails, open spaces and achieved affordable housing units. The goal is to ensure that this area -- every increment of change will contribute to making a new region that establishes a lively, safe, and

[2:26:38 PM]

pedestrian friendly environment, E pandz open spaces and creates great places, enhances connection to the water front and includes 20 per cent new housing units as affordable. Now, I'm not a highly educated lawyer and I don't have the means to pay my family members to make shady contributions to council members who then in turn support my requests, but I can understand the straightforward goals that this council supported to vote and how they contradicted current supported puds. Let them achieve these goals without [indiscernible] Affordable housing. Show us the numbers so we can see how unprofitable this project would be. Be transparent so we can rally around whatever changes can be made while preserving the spirit of the south central water front plan, but don't ram

[2:27:39 PM]

this down our throats with shady tactics and billionaire sob stories. We've heard it a thousand times before. It's just not true. Turn down this pud and let someone more capable fulfill this goals. Don't let this one person convince us they need special treatment by way of robbing us to what we agree is important to this city. Thank you.

>> Bill Oliver.

>> Hello, mayor. City council. Can you guys hear us.

>> Yes. Proceed.

>> Hello? All right. We're out here. It's beautiful Kerrville folk

[2:28:42 PM]

festival. Big round of no pud.

>> No pud.

>> Here we are with angels and gypsies. I want to echo the previous speaker. This song goes back over ten years in various versions -- the horrible decisions on this site. Here we are from Kerrville. We wish we could be with you on this moment for your legacy and try to help entertain any way we can.

>> Here we go.

>> [Singing] Crowding must die as the shortness appears, a lake of red herings and crocodile tears.

[2:29:42 PM]

Condominiums. Everybody! Condos -- there's too many of them. Thank you very much, folks. From the Kerrville folk festivals. Thanks again, folks. No pud.

>> No pud.

>> No pud, no pud, no pud.

>> Thank you.

>> Thank you. Enjoy Kerrville.

>> Karen fer Nan Dez

>> Tovo: Who is next after that.

>> Yes, ma'am. Can you hear me?

>> Tovo: We can. If you would please begin.

>> Okay. Good afternoon, mayor and council members. Thank you for allowing me to speak on item 70. I'm speaking on behalf of it

[2:30:44 PM]

will residents on Arbor road. We ask that you rezone with conditional overlay of four units as recommended by zap. The committee took time to hear the case and economieser commission -- commissioners -- due to a rule to allow each road to from frontage.

[Speaking rapidly]. The motion passed unanimously. Contrary to what was stated, this is not the only property in the neighborhood with limits on the number of units. Rezoning are at 1103 and 1105 Matthews lane. Excuse me. I have a runny nose. The corner had a limit. 1501 has a Damon. 1512 plans to do the same. The two other lots have one

[2:31:44 PM]

lot. 7306 Albert has three acres and builder has proposed sf-20 Zones with 10 to 12 homes and green space. He also references the sf-6 request yet to be heard by zap. The neighborhood has valid petitions on both. One of the three-acre lots belongs to a long-time resident whose idea is to 25 tiny homes to maintain green space. The neighborhood association is in favor, it provides habitat for displaced wild life, including black vul cheers that live in our neighborhood. Hour neighborhood is not against affordable housing. Please note that the only yes on the application for this was housing choice. This is not close to transit.

[2:32:45 PM]

>> Tovo: Please

(indiscernible). Thanks for your testimony. Your time has elapsed. Thanks again for being here. Council member kitchen has a question for you.

>> Kitchen: If you want to finish that thought.

>> They've been disconnected. We can call them back if you would like.

>> Kitchen: That's all right.

>> Zaire ra -- Sarah lord on item 70.

>> Good afternoon and thank you for your service. I am not in favor of rezoning. I stand in solidarity with the petition-signing neighbors adjacent to this property and approve of limiting new units to four. This is a quiet neighborhood that feels semirural and like rural spaces it lacks infrastructure to accommodate high density development. The streets are narrow, pedestrians of which there are

[2:33:46 PM]

many, walk in the road. There are no curbs or drains to manage storm water. I was recently notified my family cannot add on a 350 foot screened in porch because of the fire hydrants in our neighborhood. Issues such as this should be addressed before adding residential space to your neighborhood. Moving to this neighborhood was a deliberate life style for my family. It's a hidden pocket of old Austin. While I think adding some density is reasonable, I feel we need to be conscientious of the existing resources before we allow more density than what the current infrastructure can support. Thank you. .

>> Steel messenger, 64 and 65.

>> Hi, city council.

[2:34:47 PM]

I am representing the petition-signing neighbors on the 52nd and Lancaster court street. We encourage you to oppose this rezoning request. While we support the safe, affordable housing project at 5411 Lancaster court there's no justification that 5 # 107 and 519 should be rezoned. This is a clear case of up zoning for the developer and there's no reason their personal office space needs to get roughed up in the proposed project. The rezoning request goes against the zoning principles as it sets undesirable precedent for other properties. Approving the proposed rezoning would put our neighborhood in our vulnerable position, giving the developers the ability to build a 90-foot building. A 90-foot building adjacent to single story homes and a

[2:35:48 PM]

street of only single and two story multifamily homes results in detrimental impacts to the neighborhood character. It goes against zoning principles. Zoning changes should promote compatibility and not result in detrimental impacts. On top of it not meeting zoning principles, a change in zoning is not needed to build affordable housing. With affordability unlocked they're able to build with the height needed. Mr. Kenny will say they need the impervious cover but that is not true. As stated in the ordinance passed by council the affordability unlocked does not allow for increased impervious cover which is what Mr. Kenny is asking for. The office building has been presented to the neighbors a

[2:36:48 PM]

variety of ways with no clear plan. During the contact meeting Mr. Kenny stated?

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

>> In conclusion, we -- thank you very much. I appreciate it.

>> That concludes remote. We'll move on to in-person. Daniel woodrough. Item 53. On deck, David Armbrust. David? William bunch? Roy wayly? On items 53, 68, 69, with Andy

[2:37:54 PM]

brezlin on deck.

>> Thank you, mayor, mayor pro tem. I'm with save our springs alliance urging you to vote no on the pud if you take action today. My first request would be that you postpone action again and set a full afternoon work session just on this item alone. We're both council members -- where both council members and members of the public can walk but the entire ordinance and exhibits and ask questions. There is so much here that you haven't even touched on at all. I think you would still agree with me that you're not familiar with vast quantities of what's in this ordinance. What's -- what is in this ordinance -- what's not in this ordinance is it doesn't say that a legitimate election is a stolen election. But it comes pretty close.

[2:38:56 PM]

Repeatedly the word "Public" means private. And it's admitted once right up front in the definition of public realm, which quote is defined as public rights of way, private streets, and open-space area. But mostly the terms are abuse Ed -- abusive of the English language without being clear on that. Park encompasses all kinds of things that are not park. Sidewalks that are required are called "Park." Stairs that are required are called "Park." And several other things as well. It's called "Land." The bottom of the lake is called "Land." Parkland. Plaza doesn't mean a plaza. It means a sidewalk. If we took some time to look at the exhibit that's the parkland dedication and walk through that, you could see that the area that's actually parkland

[2:39:57 PM]

is a tiny fraction of what's proposed. Underground doesn't mean underground. Below grade doesn't mean below grade. Required doesn't mean required. Blighted doesn't mean blighted. And superior means inferior.

>> Mayor?

>> Mayor Adler: Yes?

>> Kitchen: Mr. Bunch, I think it's my understanding -- and you can tell me if I'm correct, that our intent today is to discuss but not vote.

>> Mayor Adler: That's correct.

>> Kitchen: Mr. Bunch, I wanted to let you know we will not be voting today.

>> Okay. Thank you.

>> Roy wayly. Items 53, 68, 69.

>> I am the conservation chair for the Austin regional group of the Sierra club.

[2:40:57 PM]

As you know, we haven't been outright opposing a project here at this location of the pud of the statesman. But the project as presented at this time. We do have continued concerns about where the hike and bike trail will be and how that's impacted. There's not a need -- and there's certainly not a need for a city to pay for a boardwalk to help them with the location. We're concerned about park access, and hopefully it's clear that that building next to congress will be moved, and I also saw the rendering of how Ada friends will be able to access that and then have an elevator down. They will have a skyway from congress avenue. And we support that.

[2:42:00 PM]

I still question the formula for the parkland dedication, and I wish y'all would too. And concerned about how this is going to affect everybody everywhere in Austin. Everyone -- not just north of 183 but people north of 620 and how they are going to be paying for the developer benefits, and they have billions of dollars. They don't need our help. I don't agree that they should come spare-changing me. I just gave a dollar to someone on the street a minute ago that really needed it. But that the people in north Austin -- what are the benefits they are going to get out of this? What are the direct benefits? I'm not wild about the tirz. I think that this is public

[2:43:01 PM]

parkland that needs to stay public parkland and easily accessible parkland. Please protect the lake during the construction. That's a big thing. Don't let there be a lot of run-off and put very viable fines in place. Have them post a significant bond to protect that. Thank you.

>> Andy brezlin. 64 and 65.

>> Thank you for your time and consideration. I'm a resident of the verandas on 52nd street and we just have serious concerns about the development of the civility building, specifically because what has been presented to us could be built with the current zoning that allows up to 60 feet. This project was approved by the planning commission without

[2:44:01 PM]

being provided any physical representation of a physical plan. For months we've asked Mr. Kenny to provide us an actual description of the plan, but he constantly uses the same excuse that he just doesn't have it on hand at the moment. The vague descriptions that we have heard continue to change so at this date we still are very unclear about what exactly they are planning to build. We've seen the rough drafts of the safe alliance building, but the civiltude project remains a mystery. Without being presented an actual plan leaves this project open to uncertainty and fear of serious negative impacts to our -- the character of our neighborhood. Mr. Kenny has avoided this topic on multiple occasions, and this is understandably troubling. Thank you very much for your

[2:45:02 PM]

consideration in this matter, and we appreciate it. Thank you.

>> Conner Kenny. Item 64 and 65, with Connie Stogner on deck.

>> Hello. This is a case you've seen several times on the agenda. We're finally ready to talk about it today. It is, after a lot of delay for stakeholders, neighbors, and staff this is part of the -- safe alliance building for women and children fleeing domestic violence and sexual assault. For safe alliance to own it debt and tax free and to replace our office across the street because in order to get the land -- that land was only available for swap under the land currently in the office.

[2:46:04 PM]

This was adopted by the planning commission -- in part because it continues the same land use in zoning that exists on adjacent lots and lots around the block. The -- this is two buildings on one -- in one project with shared facilities including parking, storm water control facilities. It adds the addition of the other building -- going to allow the addition of parking to the building. I'm available for questions, and we have a current staffer and form Erp client of safe alliance here to speak to the program and the need for the building. Also, this has an affordable housing bond recommended by staff, an award waiting to come to your agenda as soon as this zoning passes. It should come in six weeks -- you'll have the award it's received. Staff recommend recommendation.

>> Mayor Adler: Council member kitchen?

>> Kitchen: I'm excited about the project. I appreciate the work you're doing to bring this forward.

[2:47:05 PM]

So. . .

>> Mayor Adler: Thank you.

>> Connie Stagner. Item 65 with Kelly white on deck.

>> Hello. Hold on. My name is Connie Stagner. I work at stock views for everyone. We know homelessness is a crisis in Austin. Thank you for giving me time to speak and share what it means in the day-to-day for victims of domestic violence, sexual assault, human trafficking and child abuse. Our shelter is full all the time and has a waiting list. Even if you're able to get you and your children in our shelter due to lack of affordable housing -- excuse me -- specifically permanent supportive housing like the Lancaster would be -- it's difficult, almost impossible to exit into safe housing. Can you imagine having to make

[2:48:06 PM]

the voice for you and your children between returning to a violent home or becoming homeless? I saw families that worked diligently to gain housing vouchers to learn complexes wouldn't take them -- a problem that's increased dramatically. In sexual violence -- our nurses will see a person raped in camps and it breaks their hearts to have to send them back to where they were assaulted knowing it's likely to happen again. For youth we serve in the child exploitation programs the housing crisis significantly increases their chance of further risk. This can seem like your only option. Because of the impacts that trauma result -- result in so many other issues for victims they frequently -- more than 50 per cent of vulnerable adults

[2:49:07 PM]

identify as domestic violence survivors and report recent assaults. Increasing low barrier, low cost housing is key to reducing homelessness for victims of abuse. Violence and exploitation are intertwined with homelessness. I urge you to support the LAN er -- Lancaster and supporting other housing.

>> Vela: Thank you for the testimony and I have a lot of experience in -- particularly in immigration law dealing with domestic violence survivors, and often times the most critical question is where am I going

to go. You know, if I leave my husband, where are my children and I going to go. I really appreciate safe alliance bringing the project forward. I'm just appreciative of our

[2:50:10 PM]

support of it.

>> Thank you. Something we struggle with every day and it breaks our hearts.

>> Kelly white, 65. Ben Thompson on deck.

>> Good afternoon. My name is kel LI white. For me of you, yes, I am still around. I live in council district nine and I am here to speak as a citizen in support of items 64 and 65. I'm also speaking from my experience as a survivor of domestic violence. I wasn't a client at the safe alliance but I was a client -- I have been in a shelter. I have lived this life. As a young woman I was forced to leave my home, my job, my friends, and my community in order to myself and my two young sons from the murderous range of my ex-husband. I say "Murderous" because I was beaten, stalked, and terrorized. A judge stated he's a ticking time bomb and when he goes, he's taking her with him.

[2:51:11 PM]

I left the state and where I knew not a single person. I did that after my three and a half year old son was hurt trying to protect me from his father. This was the hardest thing I have ever done in my life. And all I could think during this time was I have an education, I have a car, a strong work history, I am white, I don't have any criminal convictions, I have friends and family, and if this is so hard for me, how in the world do women with so much less opportunity make it? As many of you I have dedicated my life since then trying to level the playing field. One of the most important lessons I have learned along the way since fleeing my home was about the importance of housing. I met and become close with two women who fled abusive husbands with their children each. This is in the year following

[2:52:12 PM]

my flight. Unlike me they had no education, no work history, one had been sexually abused in her family of origin and I did not see how they could make it. The odds were stacked against them. I'm going to close by saying I was wrong. They had access to transitional housing program and further support and services so that they could get their lives back together. I was wrong and I learned about the indomablity of the human spirit. Please support this. Thank you.

>> Mayor Adler: Thank you. Ms. White, I want to also add I appreciate all the work that safe has done with the city to try to find locations so we have spaces for people to go, and I appreciate your lead with the other speakers and Mr.

[2:53:12 PM]

Kenny in making this part of a county consortium, which is finding locations, and they're hard to find in a half dozen different places in our city. It's part of the planning home atx \$515 million raise that the city and county and now community player Ares contributing to. So I thank you for your and safe's leader.

>> And your leadership. Thank you.

>> Ben Thompson, 68 and 69, with Alissa ham mind on deck.

>> I live in district two. I'm here to oppose items 68 and 69. You know, I think it's clear that some version of these -- this project is going to happen. I'm not here to say that it should be a hundred per cent affordable housing built out of organic, you know, locally

[2:54:15 PM]

sourced adobe bricks with a community garden on the roof. That would be neat but we're talking about a project that's something other than that. And that's fine. But what it is is it's housing for a lot of wealthy people -- people who are doing all right, sir -- doing all right. It's being developed by people probably doing even better. That's fine. Wealthy people need housing too. I'm not saying we shouldn't be building high-end housing in our city eer -- either. When we get here and the question is should I, the taxpayer -- who's, you know, it's harder and harder for me to afford to live in this city every year, when I'm being asked to chip in, that doesn't feel right to me. And I don't think it should feel right to you either. Thank you.

[2:55:15 PM]

>> Alissa Hammond, 68 and 69.

>> Good afternoon council leaders and mayor. I'm here to talk -- to ask you to vote no on 68 and 69. I agree with all the speakers that have come before to talk about this as an equity issue but I would also like to have another perspective for you to consider. Austin has developed a fantastic climate equity plan, and preserving and expanding and restoring our natural areas is a core part -- a core strategy of that climate plan. Climate disruption is already here and it's hurting people's health and well being because of a 1500-year drought we're in. The heat waves, disruption of

[2:56:18 PM]

winter. Physics show us these climate events will become more frequent and intense. One of the ways to mitigate that is with expanding natural systems. The water front property at lady bird lake is a unique eco system and it should be considered a non-renewable resource like old growth forest. Once we damage the eco system we affect on going deg

-- degradation. Austin has so much wild life. Animal populations have declined 70 per cent since the '70s. And when we conserve and restore parkland, natural areas, it brings multiple benefits to people. There's an area of science now

[2:57:21 PM]

called biophilia. We know the good feeling when you're connected to nature. It's good for people's health and well being. I want you to use more imagination to envision how we use this water front property so it benefits everyone. Thank you.

>> Megaen miezenbach. Richard vikeron on deck.

>> Thank you. Normalization of privilege. By giving waivers, tax breaks, changing definitions in the land code for the pud on south congress, the council would subvert equality -- equity. Subvert equity. If voting for these gifts to the development, the council will offer privilege to the rich and powerful and, thus, helping the rich to get more wealth at the expense of others in Austin who are not as rich and powerful.

[2:58:22 PM]

Tax breaks, vacillating definitions, variances and waivers in the land code create an unequal standard of justice. If voting for the pud, the council will continue the normalization of privilege. Preserve equity. Do not normalize privilege. To use good -- say no to the pud with all these luxury variances. Thank you for your attention.

[Applause] .

>> Richard victoren, 68, 69 with Monica Guzman on deck. Monica on 68 and 69.

[2:59:30 PM]

>> Sorry. I didn't expect to come up this quickly. Good afternoon, mayor and council, I'm Monica Guzman, policy director at go Austin, vamos Austin, this afternoon speaking as a district 4 resident and organizer. In north central Austin, while the statesman P.U.D. is not in that area, there are concerns about the potential for dangerous precedents, especially where gava's work is happening and adjacent communities in Austin's eastern crescent. Precedents regarding submerged land being considered parkland. Families cannot access physical activity opportunities when parkland is under water. Sidewalks do not address climate change, they only exacerbate urban heat island effect and don't address urban canopy deficits. Diverting revenue for pools, park maintenance, etc., tax subsidies, especially for multimillion-dollar developments, that's corporate

[3:00:31 PM]

welfare. Insufficient affordable housing -- thank you, councilmember tovo, for pushing for 10% on-site housing -- affordable housing, but it's not enough. Not a high enough percentage and not sufficiently deep affordability. There are many community members working in offices, hotels, and other properties in and around downtown who must travel from outside downtown to and from work. Many of you have spoken about a connected city. I believe it's part of our -- the iep, living near work, but lack of family-friendly, deeply affordable housing runs counter to that goal. Continued support of off-site affordable housing sends the message this is not for you. And I don't mean you, the people who are behind this development. I mean people like me, people that work in those hotels, they're cleaning the rooms, serving the drinks. This is the property, the development. Depending on where the off-site affordable housing is located, there is a potential for pushing

[3:01:33 PM]

vulnerable residents farther out of Austin's urban core, if not Austin itself. I support bill's comments and I stand in solidarity with the save our springs and other groups also opposed. Thank you.

[Buzzer sounding]

[Applause]

>> Craig nasar, 69, with Nicole Netherton on deck.

>> Hello, Craig, district 7, conservation chair of the state chapter of the Sierra club, long-time Austin environmentalist. And what -- the more I come to city council meetings, people talk about affordability. And I know about affordability. I'm a retired musician. You don't end a musician's career with extra money. And one of the things that gets you is tax rates.

[3:02:34 PM]

It keeps going up. We have a state that doesn't help us as a city, and on and on. When you give big developers tax breaks for their development, you make the entire city less affordable for land owners, house owners, and renters. That's what it does. Now, what you try and do, as I understand it, is make tradeoffs with community benefits. But a lot of times I hear these tradeoffs, I see these tradeoffs you make, it doesn't benefit a lot of people. It really doesn't. And I think rather than get yourself stuck in that kind of argument, it might be better to just follow the rules we've made up. We've made up some very good rules. We've spent years talking about setbacks, about neighborhood plans, how we want the city to develop. Can we just follow those? In the hindu faith they say the

[3:03:36 PM]

true enemies of Krishna are those people who go around to make the unimportant things important. You've got to think about that. What's important here? I think that you're giving too much away in this P.U.D. And understand why they're trying to do that. They're trying to make money. And understand that. But there's also a whole city of people trying to live here, trying to have lives here, trying to have good lives here. And I think that's important, too. Thank you very much.

[Applause]

>> Nicole Netherton, 69, with Wendy Todd on deck.

>> Thank you, members of council, my name is Nicole, executive director of Travis autobahn and I'm speaking today on behalf of our members against the statesman P.U.D., specifically about the developer's request to use 35% reflective glass above 40 feet at the site.

[3:04:37 PM]

We support councilmember tovo's proposal for section 25-2-721 for the use of 15% reflective glasses for all building glazing systems for this project. Increasing reflectivity at any height at the site will increase the likelihood of bird-building collisions, and we are in favor of creating the safest possible structure from the start. Bird populations worldwide are plummeting and glass collisions are the number 2 human-made threat to wild birds after outdoor cats. An estimated 1 billion birds die in collisions with windows in North America annually and these are all avoidable deaths. Because Austin is in the central migratory flyway and the statesman P.U.D. Project is situated near the Colorado river, it is essential that the developers meet or exceed best practices for glass reflectivity, exterior lighting, and light trespass. The limit of 15% glass

[3:05:38 PM]

reflectivity is based on data from the American bird conservancy and has been implemented successfully in building projects around the world -- Toronto, New York, Philadelphia, Minneapolis, and Portland are among the growing list of cities working to make their skylines safer for birds with innovative design and Austin needs to be among them. Glass is a technology that has been around since ancient Egypt, but being able to use it for buildings in this scale is something we've only been doing since the 1980s. Bird collisions are a serious effect that must be prevented. It is in our power to make collisions an almost zero number in Austin. Birds are connected to humans in complex ways that each of our lives depend on.

[Buzzer sounding]

>> We have the knowledge, resources, and technological ability to make the statesman P.U.D. More bird-friendly. Please require no more than 15% reflectivity for this project. Thank you.

[3:06:40 PM]

[Applause]

>> Wendy Todd with Kathy Mitchell on deck.

>> Good afternoon, mayor, mayor pro tem, and councilmembers. I'm Wendy, president of south river city citizens neighborhood association, in which the statesman P.U.D. Is located. I'm also a member -- was a former member of the south central waterfront advisory board and was on the stakeholder outreach group that created the south central waterfront vision plan. I don't think you're going to find another member of the public who knows more about this than our neighbors and our neighborhood. I'm here today to ask you to understand and clarify that we are not opposed to redevelopment, but we expect the highest standards in the redevelopment. And for -- since this application was applied for, I have called your offices, knocked knocked on your doors, spoken to

[3:07:41 PM]

your staff people, written you letters, with very little substantive response. Here we are having a discussion of second hearing items and amendments that is exciting. I'm really glad you're taking the time. I want to echo the previous speakers. I feel boosted by what they have to say and that we're not alone. I don't know if you appreciate this, but we've been characterized in south Austin and Travis heights in particular, which is one of several neighborhoods of south river city citizens, it also includes Sherwood oaks, fairview park, and east Riverside Althoff. We are not the same, we are different. We are a variety of people. Our elementary school has at least five languages spoken in the pre-k class right now, so we are welcoming people who are new to town. We are not about the status quo. We are here to help Austin move forward, but move forward in a

[3:08:42 PM]

way that embodies the values that put you all in office. So please help us to be a better citizen. Thank you.

[Buzzer sounding]

>> Kathy Mitchell. Ethan Smith on deck.

>> Hi. I'm here today on my own behalf. And I'm here because I just want to briefly remind everybody this was an amazing budget year, and the general revenue that you all spent on some incredibly important projects, important to me, important to your district, much of that came in the form of new money from new development that is coming in without revenue caps.

[3:09:43 PM]

So, I have been asking, because this -- these projects -- this is way outside my lane. I work hard, lots of time on public safety and would consider that to be my lane. And next budget cycle, as a reminder, we will be coming forward with improvements for the forensics labs, because dps is not going to keep taking all of our business forever. And they've already said that they need to see a plan. That's the kind of thing I spend my time on. If I come forward in a budget cycle needing improvements to the lab and there isn't enough general revenue because we have fallen for the same old trick that we have been done for so long, which is diverting money that would come into general revenue into specific projects and sweeping it off the table

[3:10:44 PM]

before it's born, that's the concern I have. I have that concern about this project, and I've had that concern about projects in the past. This isn't the first time I've come opposed to a tif, which is what they used to be called. Now they're a tirz. But I just want us to remember how important that revenue is, the revenue that comes in from new development that is not capped.

[Buzzer sounding]

>> Is what you all had to spend, essentially, in this last round. And I want to know what those details are. And you should know what those details are before you vote to create a financing that is only going to draw money back into this district.

>> Mayor Adler: Ms. Mitchell, thank you. Kathy? Thank you. It is a real important question you're asking, a tirz like this,

[3:11:45 PM]

does it divert money from the general fund. There was a day when that happened, but as Ed explained, the law is such now that revenue raised in the tirz happens outside of the 3.5% cap, so creating the tirz does not impact the dollars that can be raise.ed. If you reach out to Michael, we can provide that information.

>> I've reached out to Michael. I'm hoping we'll have a conversation about some numbers. Thank you. I appreciate that.

>> Mayor Adler: Thank you.

>> Ethan Smith, item 69. Jeffrey Dickerson, item 70.

[3:13:11 PM]

>> I am hearing impaired. If you ask me questions, that's why the captions on the screen are here.

>> We're working on bringing up a presentation right now.

>> While she's bringing up the presentation, first of all, I'd like to thank you all, mayor, mayor pro tem, councilmembers, for your service. It's been very helpful. My neighbors and I would also like to call a shoutout to the hard work of the volunteers at the zoning and platting committee, as well as the board of adjustments. While they're bringing up the presentation, my neighbors have covered quite adequately all the points that are needed to be made, so I will not -- I am not

[3:14:12 PM]

going to rehash those points in the slide. Instead, I'll change it up a little bit and say a picture is worth a thousand words, so maybe I can get 3,000 words in by showing you pictures. Backup that's been submitted by Wendy. PDF file. I've sent it through three times.

[3:15:38 PM]

I'm not going to waste anybody's time since they can't pull up what I have. All I would like to say is I would like council to vote on item 70. Sf3 zoning, conventional overlay of four with all the arguments, the statements suggested by my neighbors. I apologize for wasting your time. Thank you.

>> Sir. Certainly not a waste of time at all. And even without the presentation, you still can speak to us or state the view or the opinion or the wish, if you'd like to.

>> I think you all have the presentation in the backup, so I would prefer to have shown it in general public, but since I cannot do so . . .

[3:16:40 PM]

>> Mayor Adler: If they find it, we'll call you back.

>> Yeah.

>> Mayor Adler: Thank you.

>> We have three last-minute call-ins. We can take those and work on that. We've got Fred Lewis on item 69.

>> Good afternoon, I'm speaking against items 68 and 69 as they are currently written. I am encouraged by the fact that you're going to take it under advisement. I ask you to spend a lot of time at work session digging into the details, because there's a lot of lack of clarity. One thing is clear. The developer is going to get massive entitlements, much more than they would have gotten in 2016, much more than under current rules.

[3:17:42 PM]

But it's not clear that the community benefits are as good as what we would have under current law. And in fact, they're worse. And that's why it looks like a special deal and not a fair deal. The issues that concern me the most is first, you are reducing the water quality of our croup crown jewel, lady bird lake. There's an increase of impervious cover, there's a decrease in the setback, there's an increase in uses in the shoreline area. I don't understand how that makes a park area and the area for the public superior, and I don't understand when the owner of the property, trusted to the cox family, are worth \$41 billion we have to make reductions in our water quality. The second thing is we have reduced parkland and it is very unclear how much control you've turned over to the developer on our parkland.

[3:18:42 PM]

If it's our parkland that's dedicated, it should be all of what we're entitled to get, not less under the current law, and we should maintain completely -- complete control. One of the disturbing things is you do not have in backup the parks board recommendation against what is in the ordinance regarding parks and which your staff has fought the entire way. We really need to look carefully at parkland and

water quality. And last, it is very unclear in references to other documents how many fee waivers, cost reductions, and other things are embedded in this. And before you take away tax dollars from the public that could go to other things --

[buzzer sounding]

>> Or will require additional taxes, we should know exactly how much money you are giving to a \$41 billion owner.

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

>> Scrutinize it carefully.

[3:19:44 PM]

Thank you.

>> Karen Fernandez, item 70.

>> Yes, ma'am, thank you so much for letting me finish my thoughts. I believe I was cut off when I was discussing the flooding in the creek and how we came to the number of four units. I just wanted to say that we worked diligently to protect our neighborhood and your support of the recommendation will go far in restoring the residents' faith in the city council. Many feel their voices have been disregarded while that of the developer has been amplified. We've written and called the members' offices with no response. Not recount my experience with the city and the developer, but ask that you read my correspondence regarding the process. And lastly, I want to say thank you to Wendy Rhodes. She is a bright light at the city. She has answered every question quickly and helped me tremendously. This is my first zoning case as

[3:20:46 PM]

the new president of Matthews plan neighborhood association. Thank you all for your service. If you have any questions regarding this case, I will be more than willing to answer them.

>> Sarah zelbata.

>> My name is Sarah, district 5, and I'm a licensed master's social worker, proud austinite born and raised and opposed to the development of luxury apartments, hotels, and shops proposed by item 69 and 69 planned for the waterfront of the Colorado river, also known as lady bird or town lake. We are facing a climate crisis in which our rivers are drying up or reaching historically low levels not witnessed in hundreds if not thousands of years. Now is the time to protect our waterways and -- pollution that

[3:21:47 PM]

could jeopardize our communities' well-being. Water is life. Water is sacred. Our river is currently suffering from low-level stagnant water, dying wildlife, and blooms of toxic bacteria present in algae, caused by fertilizer runoff and other chemicals used by commercial projects such as the one process posed by the rezoning application that the Cox family wants with the Statesman P.U.D. in items 68 and 69. The city of Austin draws our drinking water from the Colorado river, yet we know the levels of blue-green algae are dangerous due to people dying from the river. Why would our community want further endangering of the water wily on to survive? As a paddle boarder who frequently sees the state of the Colorado river, I've been witnessing the degradation of water quality as evidenced by dead fish, floating mats of

[3:22:48 PM]

algae and odors that remind me of raw sewage, unlike anything I witnessed growing up here. It makes no sense to allow for luxury development to occur on the river banks which would encroach over an acre of the river and require variants from our low water quality protection standards. It sets a dangerous precedent for future proposed development along the Colorado river. Thank you for your time.

[Buzzer sounding]

>> We're going to call Jeffrey Dickerson again. We might have that presentation ready.

>> Mayor Adler: Okay.

>> Councilmembers, mayor, mayor pro tem, let's try this again. See if I can speak 3,000 words in less than two minutes.

[3:23:48 PM]

Next slide, please. The reason why I wanted to present this to you is to show you the location where this development is occurring. Next one. There. As you can see by looking at this slide, we have a 90° blind curve. The development is happening on number 3. At number 3 it's 20 feet six inches. At number 1 it is 19 feet. That's the size of that road. Numbers, you say, why is this important? Next slide. Here is an image of one unit. This past Sunday, of more than 14 cars parked on one of those

[3:24:52 PM]

roads. This is a road, as my neighbors have said, 1.5 car lengths wide. The ask is for eight units to be built just beyond that cone you see there. Now, I'm not going to say that there will be 18 cars for the 8 units. We didn't expect that for this. This is one house, one unit, 15 cars. I know council and Z.A.P. And the board of variance look at properties in themselves, but as part of the neighborhood outreach committee, I have to look at the whole neighborhood and present it from our viewpoint. Next slide, please. The ones marked in yellow or red are proposed developments.

[Buzzer sounding]

>> The ones that are not marked are current developments. Look at the number of units. Look at the destruction of the

[3:25:52 PM]

environment that is occurring in this area. That blind curve is around 37 on the proposal. I apologize for going over and thank you for your time.

>> Mayor Adler: Thank you.

>> We have Zenobia Joseph speaking.

>> Mayor Adler: Okay. Ms. Joseph. And then manager, we're going to lose somebody on the dais who wanted to be able to vote Austin energy, so when we're done with this last speaker, we'll probably go to Austin energy, see if we can get to a quick vote, let people express their support or opposition if they want to, and then we'll get right back to here. Ms. Joseph.

>> Thank you, mayor, councilmembers, I'm Zenobia Joseph. I registered for 57, but I also have comments on 68 and 69. As it relates to 57, that's 12121 north ih35. It's a postponement, if I'm not

[3:26:52 PM]

mistaken. I would ask you to indefinite postpone that item, 0.7 miles from route 392, which is on yager lane. As a point of reference, that's where I told you about the 15-year-olds killed. There is sidewalks in that area, but there's no infrastructure to get anybody from the development that's being postponed. And so I oppose you putting a concentration of poverty on the service road of I-35. I just want to say as it relates to 68 and 69, mayor, I know you said I misquoted you when I talked about the April 5th, 2022 work session as it relates to a concentration -- I call it of poverty, you call it a critical mass. I'm just going to read that quote as it relates to affordable housing, because I believe it is segregation. But you couched it in a nice way. Quote, the question I have with affordable housing in the most expensive locations in our city is that I'm not convinced that

[3:27:52 PM]

that's the way to help the greatest number of people and to put people in the community where there's a critical mass of others that are sharing a similar experience in an environment where they can afford to live. And so I just want to remind you, respectfully, that E.C.H.O. Did a report July 1st, 2022 and African Americans are six times more likely to be homeless than their white counterparts. And so I would just ask you to recognize that when you talk about putting a critical mass of like-minded people or people in the same situation in an area, that's segregation, mayor, respectfully. And it would violate the fair housing act of 1968. So I would ask you to recognize the need to integrate the P.U.D. As opposed to segregating it.

[Buzzer sounding]

>> Let me just close by saying I'm here in person today because I don't trust the remote process anymore. When I tried to call remotely before, the staff didn't call me back. I was on the line.

[3:28:52 PM]

I tried to contact councilmember tovo and the clerk's office, but today you've had late callers come in. You had Mr. Bunch earlier that you called out. Its viewpoint discrimination. I would ask you to recognize and we can talk offline, but this conversation about one minute or two minutes, we don't know what to expect. There needs to be something concrete so we're not disenfranchised. Thank you for allowing me to go over.

>> Mayor Adler: Thank you.

>> You're welcome.

>> That concludes all speakers.

>> Mayor Adler: Okay. Colleagues, anybody else signed up for speaking that we didn't get to? Great. Manager, let's go to Austin energy. I think the issue in front of us here now is the psa. Someone want to make a motion on the psa? Councilmember pool?

[3:29:56 PM]

>> Pool: Let me just talk a little bit in advance of making a motion, if that's okay? You have two options in your backup. Option one is to --

>> Mayor Adler: Are you going to want to make a motion to do the option 2a? Why don't you make the motion, then I'll recognize you to speak.

>> Pool: Okay. I make a motion to approve option 2, which is the three-year recovery.

>> Mayor Adler: Is there a second to that motion? Councilmember kitchen seconds that motion. I'm sorry. Go ahead.

>> Pool: That's okay. I know there was a little bit of confusion about the documents that are in the backup from staff because they didn't separate out the option one from the option two, but they're exactly the same language in both of the options with the exception of the recovery period. Option one is a one-year recovery. Option two is the three-year recovery. Both include the plus or minus 5% trigger language on the administrative adjustment.

[3:30:56 PM]

That's in both of the tariff documents. So that's a given no matter which option we go with. And then the mayor and I have a motion and the mayor has a second motion that I guess you'll take up, mayor. And then I have a comment on your second motion to make at that point.

>> Mayor Adler: Okay.

>> The motion on the table --

>> Mayor Adler: Option 2a. I appreciate that's been moved and seconded. Manager, you indicated to me -- I am concerned about increasing the psa now knowing that we're about to increase the base rate. And one of the things I want to make sure that we consider as I look at the psa increase is what the overall is going to be. And my understanding is that it was already your intent to take a look at the issues that were raised with respect to the increased general fund and make

[3:31:57 PM]

that part of what we're hearing in December. And if I understand that correctly, then I don't need to bring the second one of my two things at all. Do I understand that correctly?

>> Yes, you do, mayor. And that is the intent of your motion sheet number 2. And we will be doing that, because that was part of the conversation we had on Tuesday and part of our agenda going forward.

>> Mayor Adler: I'm not going to bring up the second one, but the first one I think, I would move what has been handed out as mayor Adler and councilmember pool motion number 1v3. Councilmember pool seconds that. Does anybody have any objection to that direction? I understand that that's acceptable to Austin energy and staff.

>> Tovo: Mayor.

>> Mayor Adler: Go ahead.

>> Tovo: Now that it's all on one, I need to think about this for a minute.

[3:33:04 PM]

>> Tovo: I'm going to register my objection to C.

>> Mayor Adler: Okay.

>> Tovo: 1c.

>> Mayor Adler: Okay. We'll note that in the record. Any other objection? Do you want to take a vote on B?

>> Tovo: I'll register my objection.

>> Mayor Adler: Thank you.

>> Tovo: I want to thank Austin energy for working on the amendment. I think that 5% is a very effective strategy moving forward. Thank you very much.

>> Mayor Adler: Mayor pro tem.

>> Tovo: I don't have an --

>> Alter: I don't have an objection. I have a request of staff. I believe on Tuesday we had asked for some different graphics and I'm not sure if we ever got those graphics, because we are not doing the base rate right now. And if we have to explain to our constituents how much this change means, we don't actually have the numbers for that. So I guess my first question is, you know, when we were talking before it was 1755.

[3:34:05 PM]

>> Mayor Adler: Before we get to that, to close the loop, without objection, that direction is added into the base motion.

>> Alter: Yeah, I'm sorry. So, if you could tell us what that amount is, so when we talked on Tuesday under the staff's proposal, was 1755 for the psa plus the 245 and the regulatory charge? I'm assuming the regulatory charge change doesn't change any. What is that 1755, what does it come down to doing the gradual approach?

>> It's about a \$5 reduction. So from 1755 minus \$5, around \$12.55 but it might be a little bit different. I don't have the exact number.

>> Alter: Okay. Can you get us those exact numbers so when we do take a vote and follow up, and we're trying to explain this to our constituents, we can have the most accurate numbers on that, and then also some kind of chart

[3:35:06 PM]

that only has the psa kind of portion? Right now we only have something that includes the rate change, which we haven't voted for and the psa together.

>> We can certainly follow up and get that to you.

>> Alter: I think that would be super helpful.

>> Mayor Adler: Okay.

>> Alter: And then I'm happy to wait for somebody else. I have some other remarks.

>> Mayor Adler: Okay. We have a motion and a second in front of us. Now discussion on the motion. Councilmember Fuentes.

>> Fuentes: Thank you. As I shared on Tuesday, I can not in good faith vote yes on this increase for the psa today, knowing the disproportionate impact that this would have on my community in southeast Austin. I held a budget town hall earlier this summer, and I was thrilled to be able to share that we were able to reduce the city's property tax portion by 50 bucks roughly, and talk about the infrastructure improvements

[3:36:07 PM]

that we were making with the budget. But the common theme I heard back from my community was the amount of increases we had with our fees. So knowing that this fee would impact my community, knowing that for families in southeast who many are living paycheck to paycheck, who are dealing with rising rent, inflation, a number of things that have gone up, I will not be supporting today's proposal. So with that, I wanted to share my comments on the proposal. Thank you.

>> Mayor Adler: Thank you. Any further discussion on the motion? Moved and seconded. Councilmember Ellis.

>> Ellis: Thank you, mayor. I have similar remarks to councilmember Fuentes. I've appreciated having time to circle back with the community and understand the impact that this might have on family budgets. I'm also concerned about the impact on business budgets. I want to make sure that those costs are not passed down to the consumers as we know oftentimes happens. I appreciate the work that's gone into trying to get ahead of

[3:37:09 PM]

this and have a little more responsiveness and reflectivity into how these fees are assessed, when they're assessed and how we get the word out, but for today I'm not going to be able to support the increase in the psa.

>> Mayor Adler: Okay. Any further discussion? Councilmember tovo.

>> Tovo: Yeah, I wanted to speak to why I am going to be supporting this. I'm going to work mightily as we move into the rate proposal conversation, because I think the rate proposal needs work. I think it would impact our families very dramatically. And at the moment, I can't support the rate proposal that Austin energy has brought forward. What we're considering today is the power supply adjustment. And these are monies that Austin energy has already spent to provide us with the electricity that all of us within the service area have used over the last few months. I think it's critically important that we change how that information gets captured by Austin energy so that we can adjust more quickly if the

[3:38:10 PM]

expenses go up as they did during this period of time. Austin energy can be more nimble and can immediately adjust for it so that our rate-payers don't get hit with a higher bill at the end of that period of time. The changes that we're making in terms of amending the tariff and making sure that there's a more constant check-in will help going forward. But to me, this isn't really optional. We've already expended. But your publicly owned utility has already expended these dollars to provide you with electricity. And the only option as I see it before us today is whether to do it on a one-year period to recollect that, or on a three-year period. So it is a regrettable yes vote today, but I am going to be voting -- yes on it.

>> Mayor Adler: Mayor pro tem.

>> Alter: Today we're faced with a hard choice. We have to balance the sometimes competing yet equally important priorities of maintaining the fiscal health of our utility,

[3:39:13 PM]

incentivizing conservation in the midst of our climate crisis and mitigating the real economic burdens that Austin families are grappling with. It's a tension we will have to balance in this conversation about the pass-through charges we are having today as well as ongoing base rate review process. We are poised to approve increases that are primarily driven by external market factors beyond our control. As has been mentioned, we are not the only utility in Texas grappling with this decision. We are unique, however, in that we are a utility owned by the community and are afforded the opportunity to implement creative solutions to the complex energy problems in the state of Texas. And I know in this

complicated conversation, it's sometimes hard to lose the fact that Austin energy has been very successful in mitigating the impact of these rise of prices through the work that we do with our generation and our power purchases, as well as the work that we do with our hedging.

[3:40:13 PM]

We were the only utility, as I recall, who did not get downgraded after storm uri because of how we weathered that storm. So I want to extend my gratitude to the Austin energy staff for meeting with me and my colleagues and walking us through the figures. I know each of us spent a lot of time with you making sure that this difficult decision was one that we felt like we could make no matter the decision we make between option one and option two today. And I appreciate councilmember pool putting forward option two. We know that the bills are going to go up. And for none of us who are taking the step to vote for this is this an easy decision. I, too, am concerned about the sticker shock many families will experience, but I believe the sticker shock would be greater if we let our utility not be fiscally sustainable. I also support the adjustments

[3:41:13 PM]

we are making today for our power supply adjustment. And when we adjust that so we don't get in a similar situation if there is more volatility in the market. To me, this is not an optional vote. And today I will be supporting option two with the adjustments for psa as well as the amendments that mayor Adler and councilmember pool have put forward, which set us on a path. It doesn't finish our work with respect to the policy changes that need to happen, but it allows us to stem the bleed today so that we don't lose any additional money and don't cost our taxpayers more, while setting up the stage for us to responsibly work with Austin energy to adjust where our rates need to go. I intend, as councilmember tovo mentioned, to look at the rate review process with a lie level

[3:42:15 PM]

of -- high level of scrutiny. I look forward to working with my colleagues in the community to come up with the solution that is the best outcome for austinites as well as the utility and our planet. Thank you.

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

>> Kitchen: I want to also thank the mayor and councilmember pool for the motion they have brought forward. I think it asks for some ways in which we can work towards mitigating the impact of sticker shock on people in the future, and I think the motion takes the best option that we have at the moment to address the impact on our community. And that's why spreading out the cost over three years. I don't believe we have an option to take no action.

[3:43:15 PM]

And I'm not hearing other proposals that would allow us to consider any less of an impact on our community. We've had conversations, we've discussed how can we do that. I think every single one of us cares about the impact on our community in terms of cost. I will join my colleagues as mayor pro tem and councilmember to have said in terms of examining very closely the rate case to see what our options are there to mitigate the impact. But at this point, we must take action and we must take responsible action with regard to Austin energy. And so I am prepared, although I don't like this any more than anyone else does. But I am prepared to make the vote that we have to make.

>> Mayor Adler: Councilmember

[3:44:16 PM]

Renteria.

>> Renteria: Thank you, mayor. This is really a difficult decision. The way we do our business, we guess how much energy, power we're going to use and then we set a fee all the way across the 12 months. So you won't get a big spike on your bill. And I don't know if that's the wrong way of doing it. Some of us say why don't we just bill them with what energy they use at the time and the price and the cost. And you will be getting one big huge bill during the summer. And then you'll get little bills during the fall. But we try to even it out so that it won't be a big shock to people who use more energy. I don't know if we did it that

[3:45:16 PM]

way, there would be conservation, people would be able to conserve -- would have to conserve more energy and not use the air conditioning during the summer. But, you know, this is what in the past we decided to go forward that way. And we didn't anticipate the hot summer and the war came with the high price of natural gas going up. But I do have one question to ask our staff. The people that have solar, the low-income solar in the govalle area, are they going to be affected by this? I know that we have a field of solar, for our low-income and the ones that are vested into that solar field there.

[3:46:21 PM]

>> Councilmember Renteria, thank you, Jackie sergeant, general manager. I appreciate the challenge of this decision and I just want to thank all of you for the thoughtfulness that you're putting into it. And I believe what you're talking about is the community solar project and where we have half of that that is dedicated to our low-income customers. They get a discounted rate for that. There will be a slight impact as a result of the change in the psa, but it will still be discounted as compared to what other customers are paying.

>> Renteria: Okay. So they'll get the discount.

>> They'll continue to get a discount.

>> Renteria: That's including everyone that's on that program?

>> That's including everyone that's in the low income, they get the discount, the C.A.P. Customers that are signed up for that program.

>> Renteria: Thank you.

>> Yeah.

>> Mayor Adler: Thank you.

>> Renteria: I'm going to be supporting this.

>> Mayor Adler: I'm also going to be supporting this. It's a hard vote, because we're

[3:47:22 PM]

voting to increase rates, but we're increasing rates to pay bills that we have already come in and paid because we had to pay cost of energy. It seems to me there's only two choices. We they that -- pay that expense or not. If we don't it's going to cost the rate-payers more. Immediately our bond ratings go up. Then there are consequences to that. So it's going to end up costing taxpayers more. So the question is we're not going to cost taxpayers more and we're going to approve the rate, can we do it in a way that minimizes the impact. And I appreciate the work of staff and council to find a way to lessen that shock by spreading it out over a three-year period of time and then building in the triggers and controls to try to ensure that we're not here again. Part of the increase is due to we heard what's happening in Russia. Part of it is an increase in the

[3:48:22 PM]

price of natural gas. Part of it is that we have a debt owed us by ercot and other providers that they can't pay because they're in bankruptcy from the storm. We also know -- knew a year ago that we were paying back customers for an overpayment that they had made. So we knew at the end of the 12 months now rates were going to go back to where they were to start off with after we did that pay-back.

And that's being lost, too. Someone suggested at the work session on Tuesday, and I would urge Austin energy to consider probably that shouldn't have been mixed in on the bill that rate-payers were paying as if it looked like the rate was lower. They should have been maintaining the rate but showing a credit that everybody was getting. Thus, when the credit came off people could readily see that the rate wasn't going up, it was just that they had advantage of

[3:49:23 PM]

the credit for that 12-month period of time before it went away. Regardless, I don't think there's a responsible decision to make other than the 2a. And I appreciate the motion. It's been moved and seconded. Councilmember tovo?

>> Tovo: While we're on that point, I this brought up the point up about messaging and I didn't have a solution for it. But I think that is a great solution in the future, to have it as a credit for an additional expense. If you have an indication of when that time is going to be up, having a date for that, too.

>> Mayor Adler: It's moved and seconded. Councilmember pool.

>> Pool: I wanted to do a round of thank yous if I could.

>> Mayor Adler: Okay.

>> Pool: Because they really are meaningful and necessary, specifically to the mayor for his help, to my staff and me as we work through these difficult decisions, and to my colleagues here on the dais for the

[3:50:25 PM]

careful, thoughtful conversation that you have all engaged in, and the deep dive that everybody is doing on some pretty technical matters. And, of course, to Jackie sergeant, our general manager, and mark, and Tammy cooper, and our latest new staff, the government liaison, officer for Austin energy. You guys, it was a huge challenge. It came late in the day. And we all got our heads together and worked together to get to a good compromise. And we all did this together. And we did it for the residents and for the public who are watching us. And, of course, to all of our team members who worked pretty much night and day over the last three weeks, it was a pretty quick turnaround to get us to where we are today. So, this recovery of energy cost

[3:51:27 PM]

is primarily from the big price hikes that the mayor just spoke about. It's especially difficult coming as it does in tandem with the conversation on the base rates. We've done a good job of keeping those two

conversations separate as we make these decisions, but they are entwined and will be seen on everybody's bill. So, a lot of effort was put into finding a way to ease the burden on our customers. And we will apply that same effort for the upcoming continuing conversations on the base rate. So, thank you, everybody, for the shoulders to the wheel on this one. I am certainly grateful.

>> Mayor Adler: Madam chair, thank you for your leadership as chair of the Austin energy committee on the council, you and your staff as well. Those in favor of the motion for option 2a, please raise your hand. Those opposed? Two members opposed, councilmember Fuentes.

[3:52:28 PM]

I'm showing three members opposed, Kelly, Fuentes, and Ellis. Did anybody abstain? I'm showing three. Did the others vote aye? So then I make that count eight in favor and three against. Everyone's here voting. It passes. Thank you. All right. Let's go and do the consent agenda on zoning so we can let people go. Councilmember Renteria, while we have people here, I thought you had indicated to me that item number 39, the concrete pour case, you were going to ask if that could be postponed for two weeks and then come back to us?

>> Renteria: Yes. Mayor, I want to postpone this. There's been some more information coming out and I want to make sure that all my colleagues have all that information so they'll have a good knowledge of what we're doing there, the H-E-B at

[3:53:35 PM]

oltorf, and the H-E-B is also okay with postponing it.

>> Mayor Adler: Thank you. Manager, this is a short thing. We're going to consider it in two weeks. If it's possible, I would request for me to bring it back in the form of the resolution that we're postponing today, but bring it back in ordinance form is if the council wishes to act and pass the ordinance at the same meeting we can dispense with it then. I'd like that option to be available to us. Yes, councilmember tovo.

>> Tovo: I need to spend a few minutes asking staff to -- or asking the sponsor what other kinds of things are going to be in the ordinance that is coming back. Are there going to be noise mitigation measures? Are -- do you have a sense of which type permit is going to be included? Because different ones have different decibel levels. There's a little more conversation to have here if

[3:54:35 PM]

it's coming back as an ordinance. And I also want to ask staff if they -- I appreciated the information that was provided in the backup because I had forgotten the course of conversation that we had, many of us had in 2016 where there was considerable concern, especially downtown. I think in 2014 -- now I'm not going to remember the chronology right, but basically in 2016 we pulled back on the hours of concrete pours downtown, if I remember correctly, because of some of the concerns. And part of the compromise that was reached was to have noise mitigation and other kinds of things, and very specific notification requirements. So, what I am interested in knowing from staff, and maybe you'll have to let me know outside of this meeting is what is the circumference from a site where the noise is impactful? I know that will be different downtown. Because we don't allow overnight concrete pours outside of the

[3:55:36 PM]

downtown, I'm not sure how to measure what is sufficient notification. I think it's 300 feet from a site downtown. But I don't know what that's like in a residential area, because as your q&a suggests, we've never allowed overnight concrete pours outside of the CBD.

>> Thank you, councilmember. We do have Brian on the line. Brian happens to lead our sound enforcement. So Brian is the expert when it comes to the circumference as it relates to residential areas. I'm not sure if Brian would have that information today, but we have the question. So if we don't have that information today, we can come back with it. Brian, is there anything you might want to add?

>> There is a note, Brian with the development services department. There is notification required as part of non-peak hours, concrete pour. It's really geared more towards making sure -- after the permit

[3:56:37 PM]

is issued, making sure all nearby residents know exactly what's going on in terms of when that concrete pour is happening, the exact hours. There's a 24-hour contact provided. So it's a little different from the entertainment-related sound, which has a required notification and those interested parties and that all takes place before the permit is issued. This one is geared towards really good communication and relationship between the contractor and the nearby residents. And it does define adjacent residents and representatives of those residents get noticed. Notified. But it's geared more towards communication at any time during that pour. So I hope that answers that question. I'm available to answer other questions as well.

>> Tovo: So, Brian, 300 feet I think is the area of

[3:57:38 PM]

notification for concrete pours. Do you have a sense of how the notification -- what that circumference would look like around the H-E-B? I'm trying to evaluate the outreach and whether -- I'm trying to figure out how far that sound is going to transmit. I'm asking this because I'm trying to figure out who are the impacted neighbors here at this H-E-B site, because it will be -- I think it's 21 references 27 concrete pours overnight, one was 30. That's 27-30 evenings overnight. I think the first one is starting at 2:00 A.M. Those are potentially going to be disrupted night's sleep for people in the immediately adjacent area and I'm trying to figure out how many of those folks there are, especially as we contemplate doing something we haven't done outside of the central business district. Is 300 feet, was 300 feet selected because that was

[3:58:38 PM]

thought to be the area of impact?

>> Councilmember, it's 600 feet. And that really defines, you know, where that 7:00 P.M. Cutoff time comes in versus the 10:30 cutoff time. That's where the 600 feet comes in. The notification happens to adjacent and nearby residents. But the reason for that 600 feet, yes, is because there's a higher level of impact. And that's consistent across our entertainment-related sound as well. That 600 feet is something we use as there's a higher level of impact within that distance.

>> Tovo: So I'd like to suggest that -- and I don't know if this is staff work or if this is from the cosponsor, but I understand from the communications that we got from H-E-B that they were in contact

[3:59:39 PM]

with Euclid Avenue residents. I don't know if that's just those south of Oltorf or includes those north. I can't eyeball it and determine what 600 feet of circumference is. Between the staff and sponsor if you could figure out what is that area of impact, as defined by the city of Austin codes, and then I would suggest if that is beyond just those Euclid residents, I would suggest reaching out to some of the area neighborhood associations that represent that area out of Oltorf, the South River City citizens to the west of -- sorry, to the east of Congress right near H-E-B and Bolden Creek would be representative of the neighbors who are just north of Oltorf, west of Congress.

>> And in

[4:00:40 PM]

and also lasaro that's one of our income restricted but mixed income apartment complexes is not far from there. I'm not sure whether they are within 600 feet. They have their own tenants association. To make sure the word is getting out.

>> Councilmember, I just wanted to give you one quick clarification. Notification is provided to representatives of property owners and residents within 600 feet. So that is something that the contractor does for any permitted non-peak hour concrete pour. Just wanted to clarify that.

>> Tovo: No, I appreciate that. Thank you. I'm trying to as we are talking about whether or not there's been outreach for this measure, I'm trying to use the same -- the same measure that you would use with your notification.

>> Yeah, and I have received information from the south

[4:01:42 PM]

Austin river association. They have no problem with it. I mean, are we going to be -- how far do you really want to go, Kathie? We're just pouring concrete for a garage.

>> Mayor Adler: We're going to postpone the matter and we'll pick it up and hopefully we'll resolve it all.

>> [Inaudible - no mic on]

>> Mayor Adler: I cut him off. You can respond.

>> Tovo: Well, councilmember, I think we need to resolve south river city citizens. They have not taken a position as far as I know. I reached out to make sure they were aware of it and they sent on some questions, received answers from HEB and I'm going to forward those on. So I don't think we have the ability to communicate this outside of here, but maybe you could put it on the message board. But to this -- to this point, nobody that I'm aware of has weighed in in opposition at all and I didn't suggest they had. I'm simply saying that as we

[4:02:42 PM]

consider this on our agenda, I want to know who was contacted and I want to make sure the residents in the area of impact were contacted. So that's -- that's in answer to your question about how far I'm going to go, because I want to understand what it means when you say the outreach was conducted and I want to be sure it included all of those who could potentially be impacted as we move forward to make sure that they are all on board.

>> Mayor Adler: Councilmember Kelly.

>> Renteria: I don't know you don't believe, but I understand how you feel. If you don't trust my word, that's fine. I do not have a problem with it.

>> Mayor Adler: Let's go on. Councilmember Kelly.

>> Kelly: I know this HEB is going to be a great resource in the community and I appreciate the outreach that's been done, but councilmember Renteria, I spoke with a close family friend who lives on Euclid and they had not been notified. I would appreciate the

[4:03:44 PM]

additional time for additional outreach so we could make sure everybody who is potentially affected is notified.

>> Mayor Adler: And we are all in violent agreement. Any objection for this being postponed two weeks? Hearing none, this matter will be postponed for two weeks. Thank you. I think now we can get to the consent agenda. Oh, and by the way, on the Austin energy vote, it was 8-3 and the three no votes in that were councilmembers Kelly, Fuentes, and Ellis. The others voting aye.

>> Councilmember harper-madison was -- raised her hand voting no as well.

>> Mayor Adler: Okay. So she -- is councilmember harper-madison with us?

>> [Inaudible - no mic on]

>> Mayor Adler: She was here just a second ago and we lost her.

>> She's still on there, she's just not in the picture.

>> Mayor Adler: She raised her hand to vote no and was

[4:04:45 PM]

recorded yes. The vote was 7-4 and councilmember harper-madison also voting no. Let the record reflect that. Jerry.

>> Mayor and council, Jerry rusthoven, I'm going to walk you through the consent zoning. Item 52, I can offer this case for consent approval on second and third readings. Item number 53 is c814-2009- 0139. A staff postponement request to October 27. Item 54, c14-2022-0039, this is a joint postponement request by both the neighborhood and the applicant to October 27th. Item number 56, c14-2022-0080, I can offer for consent on all three readings. Item 56, I can offer this

[4:05:45 PM]

for consent on all three readings. Item 57, this is a postponement request by the applicant to November 15. Item 58, c14-2021-0109, this case I can offer for consent approval on second and third readings. Item number 59, c14-2022-0040, an indefinite postponement request by the applicant. Item 60, this is a postponement request by the staff to October 27th. Item 61, I can offer this case for consent approval on all three readings. Item number 63, c14r-82-016, rct, offer this case for consent. Item number 63, c14-2022-0044, a postponement request by mayor pro tem alter to October 27th.

[4:06:45 PM]

Item number 674, npa-2022, 0023.01, offer for consent on all three readings. Item 65, this case I can offer for consent approval on all three readings. I would make note the case does have a valid petition and requires nine votes to be approved today on three readings. Item number 66, c14-2022, 0001 has been withdrawn and is replaced by the next item, item number 67. Case c14-2022, 0001, a staff postponement request to October 27th. Number 68, npa-2019-0022.02. This is the neighborhood plan amendment related to the statesman pud. That is discussion. 69 is the statesman pud, discussion. Item 70, I can offer this

[4:07:46 PM]

case for consent approval on all three readings with the addition of one more addition to the ordinance that councilmember kitchen would like us to add and that would be to amend part 2 as follows: Development of the property is limited to seven dwelling units maximum and subject to limitations established by existing setbacks and one shared driveway until such time as roadway improvements can be made and the city of Austin requires alternate driveway configuration. That case also has a valid petition and would need nine votes for all three readings.

>> Kitchen: Mayor, I would like to make a comment. Is this the right time?

>> Mayor Adler: First, is there a motion to approve the consent agenda, all temperature 68 and 69. Discussion? Councilmember kitchen.

>> Kitchen: Yes, I just wanted to -- thank you for reading that into the record. I wanted to note for our neighbors that have raised concerns about the fact that

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it is a substandard road, and so what we are doing here with this language is we're acknowledging that, and we've got language about the staff -- the staff is proceeding to determine what can be done with regard to that road. And so that's the reason for these limitations. Until such time as road improvements may occur. So, for example, the curve that the neighbors showed us earlier, the staff is working on approaches for slowing down traffic. There also will be cases in front of council at some point in the future that are much larger developments on this road, and so we'll have to be -- council will have to consider what works on those roads, on the road at that point. And then finally I wanted to flag for people that watershed has identified this area as a future project related to drainage. It's not yet funded, but it is identified for future work. So all of that is to say

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that I appreciated the chance, you know, to work with the neighbors and I understand their concerns. And so my focus has been on putting a maximum number of seven as opposed to the five that at one point the neighbors had agreed to. And also to put into action a path for fixing that road. So I just wanted to make those comments. Thank you.

>> Mayor Adler: Thank you. Consent agenda has been moved and seconded. Are we ready to take a vote? Those in favor of the consent agenda please raise your hand. I have councilmember pool, Renteria, Ellis, the mayor pro tem, vela, kitchen.

>> Tovo: I'm voting in favor but I'm recused on item 55.

>> Mayor Adler: And councilmember Kelly also voting aye. I'm going to abstain on item 64 and 65, although I can vote because I don't have a

[4:10:51 PM]

financial interest, but Diane is on that board and my vote is not needed because there are nine votes otherwise. Councilmember harper-madison off the dais. Others voting aye except as noted.

>> Tovo: Except for my recusal on 55 and I filed an affidavit.

>> Mayor Adler: Correct. And councilmember Fuentes was also off the dais for that vote.

>> Could I get a confirmation of positive votes. Two of the items required nine votes so I just wanted to make sure we had nine votes.

>> Mayor Adler: We did. The only two voting no -- there was no one voting no, but councilmember harper-madison and councilmember Fuentes were off the dais. Those shown as 9-0-2. Councilmember tovo voted --

>> Except if you are not voting on Lancaster --

>> Mayor Adler: Then I'm voting on Lancaster and that would be the ninth vote so that can move forward.

[4:11:52 PM]

>> Thank you.

>> Mayor Adler: Okay. I guess that is necessary. I said it wasn't necessary, but it was.

>> [Inaudible - no mic on]

>> Mayor Adler: I'm fine because I don't have a financial interest in the case. All right. Let's then proceed. Colleagues, we have just a few items that are left before us. Councilmember kitchen, you want to do 32 and 33? Homelessness issues.

>> Kitchen: I'm going to bring up item 33. I believe the city manager has a statement.

>> I think probably the best thing to do is withdraw it and we'll bring it back when it's ready. We'll withdraw item 32 and bring it back when ready.

>> Mayor Adler: 32 is withdrawn.

>> Kitchen: Item 33, I would like -- this is my

[4:12:52 PM]

motion. For item number 33, I would like to postpone the agreement with sunrise community church, but go forward with the other three agreements. They are youth and family alliance, street outreach, urban alchemy and Austin urban league. Staff will bring forward the sunrise agreement in two weeks on October 27th. The reason for this is that we're still working out the language. Staff needed some more time to work --

>> Mayor Adler: Councilmember pool seconds that measure. I'm sorry, go ahead.

>> Kitchen: I'm sorry.

>> Mayor Adler: That's okay.

>> Kitchen: So the reason to move forward this way is because we needed -- staff needed a bit more time to work out the language with regard to sunrise, so that's why that's two weeks and these other three we can go forward with today.

>> Mayor Adler: Three moving forward, sunrise being postponed coming back in two weeks. It's been moved and seconded. Any discussion? Those in favor please raise your hand. All of us here are voting

[4:13:53 PM]

yes. Off the dais are vela, harper-madison, and Fuentes. The others voting aye. I think that's right. So on an 8-0-3 vote that passes. Okay. That gets us, I think, to item number 74, which is the balancing requirements with we don't have to hold things up and things can move forward without -- it's a situation we're given a choice to make that looks like a choice between

[4:14:54 PM]

affordability and environmental or other concerns. All of us want to avoid that. This is a resolution to try to institute a policy that would have us be able to do that without the delays we're now seeing on the water forward stuff that we have in front of us. I'm moving version 2, which is different than version 1 which doesn't allow staff to initiate anything. It has staff coming back, but has things coming to us together. It has staff look back, but it does not look back to change anything I've done. I'm supportive of everything in the past, but to take a look at whether or not there are balances that the council could consider. It's been moved and seconded. Discussion? Councilmember kitchen.

>> Kitchen: I just have a question because I'm sorry, I'm just trying to understand the language here.

>> Mayor Adler: Yes.

>> Kitchen: Because it talks about a retrospect I have review. So like on page 3, it

[4:15:55 PM]

says --en I appreciate this. Council supports the -- including but not limited to water forward. And this retrospect I have review is not intended to under mine or reverse those requirements. So I'm not understanding what the retrospect I have review is. I understood the moving forward part, I'm just not understanding what's the retrospect I have review?

>> Mayor Adler: The paragraph at the top says city manager is directed to enact the requirements to determine which reduce development capacity or affordability. And if there are some animals, if they would be able to come back to the council or the next council and say you might want to balance that here and this might be a way to do it. It does not come back as an ordinance and it does not change the action that has previously been taken.

>> Kitchen: Well, I have some concerns about that because to me that does change an action that's previously been taken. I understand it's not your

[4:16:56 PM]

intent, but it says if any of these requirements reduce development capacity or affordability, city manager is directed to consider and propose ways to off set those impacts, if any of those proposals require an amendment, the city manager shall return to council with any recommendations to initiate code amendment. So that is a review and a retrospect I have review of those water Ford requirements that we past last year.

>> Mayor Adler: It's not an amendment to the action previously taken. Maybe I need to put in that specific language. These proposals require -- because amendment was not intended to be an amendment to the water forward action.

>> Kitchen: But it is a review. We passed last year two water forward items that there were no objections to and so what this does is it goes back and looks at those --

>> Mayor Adler: It only looks to see where or not --

[4:17:59 PM]

would it make sense for there to be ability to go through the process more quickly in order to be able to off set an impact. Or whatever it is that staff might bring back to council to consider. But really specifically, lest there was any question, are you reading this, this is not intended to change any of the decisions we've made and the actions we've previously taken.

>> Kitchen: I understand that, but I understand the intent that you're saying, but let me try to explain a little more what I'm thinking. So it says this retrospect I have review is not intended to reverse those requirements, but one paragraph above it it says city manager shall return to council with any recommendations to initiate code amendments necessary to implement the proposed offsets. Which would be initiating

[4:18:59 PM]

code amendments that would reverse those requirements.

>> Mayor Adler: No, it's not to reverse the requirements. It would be amendments to provide offsets. Offsets being a property owner that lost half their property would go through to process more quickly, perhaps. That would be one example of an offset to someone that was otherwise losing development potential or increased costs. But it is not to amend the prior action being taken. The environmental action to be taken. That is not subject to review, it's not subject to change. I am real supportive of all the action we've taken and I think those were really important things for us to do. That's why we put in that language -- wording changes to make it more specific, but that's exactly what we thought we were and that was our intent by that line. If it was not otherwise clear, and we originally thought it was, but in any

[4:20:01 PM]

event, if it was not otherwise clear, we wanted to put in a line that said this is specifically not to change any of the actions that we've done earlier.

>> Kitchen: Okay, so what is the definition of offsets? Maybe that's what I'm not getting.

>> Mayor Adler: An offset would be something if we pass something or pass something in the future that's going to impact the -- if it's going to reduce the development capacity or reduce affordability, then the offset as determined in here would be ways to offset that diminished affordability. For example. The offset is to those things. It doesn't say change -- in fact, it specifically says do not change the environmental standards that we've adopted. Do not change the environmental cures that we have mandated.

[4:21:02 PM]

It specifically says not change any of those things. It just says to the degree by our actions we've impacted affordability, if there's something else we can do to offset that, maybe put it through the system more quickly or have a -- I don't know what it would be, a bonus. We're not prescribing that. We're asking staff to take a look at that.

>> Kitchen: Well, I would feel better if we said in this retrospective review is not intended to reverse those requirements but only to propose new approaches to offsets.

>> Mayor Adler: I'm fine with that language. That's the intent. Anybody have any objection to the language councilmember kitchen just proposed? Hearing none, that's incorporated. Councilmember pool.

>> Pool: Yeah, I wanted to emphasize that there is no intention to relitigate settled matters.

>> Mayor Adler: Correct.

>> Pool: It could be that an analysis of settled

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matters show us that there is room for adjustment in like a bonus program or creating some kind of new process that would streamline or make decisions more quickly. These are things that we always do. We look at how our policies and practices are changing the landscape. So analysis to see if there are new ways to make things simpler or easier and therefore less financially burden some. But no relitigating.

>> Mayor Adler: Absolutely. And that was the intent of the language as further clarified by councilmember kitchen. Mayormayor pro tem?

>> Alter: I pulled this and had to leave for a significant reason and we weren't able to speak about it. We just got a new version today and broadly I think that changes are positive, but I would still like to be able to have an opportunity to speak with staff. So I would move to postpone

[4:23:05 PM]

this for two weeks, and if you want to go through all the details of the questions, we can, but I -- I have significant questions and need to understand what this is authorizing. So if I have a -- if I can make that motion, if I have a second to postpone it.

>> Mayor Adler: Let's come back and see what the other questions are because we can air those and then come back to the question of postponing. Councilmember tovo.

>> Tovo: I'm trying to understand how this would work and I have more specific questions too, but just to get back, councilmember pool, to what you said about not relitigating. I'm thinking about some of the water forward measures we've initiated, dual plum plumbing, what would a mitigation look like? Can you walk me through some examples? All of those kinds of things are going to have a cost associated with them. So what would -- can you

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walk me through what would come forward both in the example of some of the water forward things, councilmember pool, but what do you envision going forward? Those are my two starter questions. What kinds of things would mitigate or come forward in the retrospect tremendous suspect I haveive things like water forward and how would this work -- can you give me an example of a new measure that would come forward and what it would be accompanied by?

>> Mayor Adler: Is staff here? Could staff speak to the kinds of things that might be able to used as off settings? Because our sent was not to be prescriptive, it was to say if we all recognize we're in a pretty significant affordability crisis in this city. I hear all the time it's in part a result of the requirements that we have made. So if there's a way to offset that so as to help with affordability, it's

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something we've been asking and today on today's agenda there's a lot of things we could have acted on today had that corresponding information been with us. The planning commission wanted the

correspondence with us and staff has taken with respect to the things before us today. I'm just trying by this to initiate it earlier in the process so we don't get to this place and then start back again.

>> Tovo: I merged my questions. Could we separate them too though and talk one about what kinds of things would come forward with stuff we've already passed? And then the other part kind of going forward.

>> Mayor Adler: Mr. Gonzalez.

>> Certainly. Assistant city manager Rodney Gonzalez. I don't specific examples, but recollection was we did something like this. As we moved forward with various requirements, we worked with many stakeholders to figure out, okay, if this is going to contribute costs to the development what might we do in terms of adding

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additional density, if you will. Those were measures we have taken. I can get with brentwood and also have me give examples of offsets that we might have used. Right now, of course, we're charged with developing a framework so we can't be very specific. We would come back, of course, with a framework and we could certainly list examples of those offsets. And I understand you would like more information and we can certainly gather that information and provide it to council.

>> Mayor Adler: Okay.

>> Tovo: Roddy, assistant city manager, how are you going to conduct the retrospective look? Where will you begin on that? And then what kinds of -- you know, what would be some examples of it and what are some examples of mitigation that you would be looking towards.

>> Two years from the date this is adopted, we would go through any title 25 amendments and look at those through the lens proposed here, not in an effort to

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reverse those requirements, it's very clear, but just to see if they had contributed to either the cost of development or if they had reduced that development availability. And so we'll look at that. And, of course, first we would put together the framework because that's the first task of order is the framework. Then go through the various amendments. Then we would come back to council with that analysis as well as a recommendation. But we would come back with the full analysis from our perspective using the resolution as guide and using the framework to inform council from our perspective what this resolution captures.

>> Tovo: Do you have a sense of how much staff time this will take and which staff are going to be perform ING this? And I want to frame my comments, we recently got a memo from director truelove and we've had follow-up conversations about where we are in the process of

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considering important land development changes that I think either passed on consent or nearly so. So the accessory dwelling unit resolution I brought forward last December that initiated some changes to try to make those more available throughout the city. Those I understood were coming back to council for a final vote in late summer. I think now we just heard they are probably not coming back until next spring. Mayor pro tem alter and the mayor initiated adding residential to commercial areas. I think that's not coming forward for several months. There were several other changes of that sort that will expand the ability to develop in new and additional places. And I'm just wondering, is the response to this going to be the same staff who are working to kind of bring forward these measures that are -- that will be increasing?

>> Sure, director truelove and I talked about this. A general sense of how many title 25 amendments we're talking about, we would have

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to go back and do that tally.

>> Tovo: How about the staffing issue? Because I know in our conversations and in the budget q&a, I noticed you have a good number of vacancies. One of the issues that is slowing down development there are quite a number of vacancies in development review and planning. And that's housing and planning and that's in our budget q&a. If you give me a sense of who will be -- what kind of staff members are going to be responding to this and is the this the same group working to prepare those code amendments that are going to open up more opportunities.

>> It would be. Rosy truelove. It would be the same staff. But the two you referenced, residential and commercial and compatibility, those are going to be coming back. You set the public hearing for the November 30 council agenda.

>> Tovo: I'm sorry to

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interrupt.

>> Adus is being hand through development services. So it would likely not be the same staff as would be working on this, although we would work collaboratively with them. We did consult with the mayor's offices on the potential time frame for bringing back the framework and we do think that it's tentatively feasible based on what we're forecasting right now and what we hope to accomplish before the end of the calendar year with existing work.

>> Mayor Adler: Okay. Councilmember vela.

>> Vela: I appreciate the item and I, again, very similar to the discussion we were just having and very appropriate given, again, we have I think very noble and good policy goals with regard to, you know, environmental changes. I know we've talked about things like Ada access and different kind of elements that go to improving the,

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you know, general well-being, but where they bump against affordability, what can we do to make those items neutral on affordability. At the very least neutral. And I appreciate the item and I think it's very sensible moving forward. I would support this type of analysis. I mean to a certain extent, this is the affordability impact statement, but it's kind of like an forward built impact statement plus with some suggestions as how to mitigate a negative affordability impact statement so we don't increase the housing prices. Like I said, I think that's a really good approach and one I support.

>> Mayor Adler: Okay. Councilmember kitchen. Then mayor pro tem.

>> Kitchen: I, you know, as we have this conversation, I'm thinking of more questions that I have. And so I would support the mayor pro tem's request, if she wants to move forward with it, to postpone it two weeks so we can ask some

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more questions. I do have a question for Ms. Truelove, for example. The other item that's outstanding is the district level planning ordinance. And I expect that's the same staff. And so the reason I'm asking these kind of questions is it's not -- I think the general concept makes sense to me, but I'm trying to understand all the implications and I'm really uncomfortable with the retrospective review. I understand you are limiting it to offsets and I appreciate that, but this kind of analysis of impact was done before we even passed those water forward requirements. Because when we initiated those water forward requirements, there was an amendment that said we must do the analysis of the cost impacts. So that was done at that time before that came back to us and before we voted on it. So this would be like a third level review on that

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same ordinance, and to me that is just too much, we're just retreading ground. We did it first when it was put in the land development code, we did it second when we passed it last year and now we're saying we're going to do it a third time. I hear your intent, mayor and appreciate your intent, and I don't have a disagreement with your intent, but I'm really worried about how this will be interpreted and carried out and so I need more time to think about it.

>> Mayor Adler: Mayor pro tem.

>> Alter: I would like to move to postpone this till October [inaudible] Meeting.

>> Mayor Adler: Postponed for two weeks. Is there a second to that motion? Councilmember kitchen seconds it. Councilmember vela, did you want to --

>> Vela: I do --

>> Mayor Adler: Mayor pro tem, do you want to speak to it first? It's your motion.

>> Tovo: Yeah --

>> Tovo:

>> Alter: I was very

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confused because we have an opportunity to have the conversations and get clarity. I have a lot of specific questions about how it's written and I don't know that I can present them in a constructive way today, but as someone who is not involved in drafting it, I don't know that it is providing the kind of clear direction that our staff needs to make sure they are doing focused and following what we're asking them. The statement that councilmember vela said that this is like give us an aforward built impact statement when you bring ideas for other things or have options that allow us when we recognize that there is a consequence for another worthy goal and we think we can off set that without, you know, upsetting the rest of the apple cart makes a lot more sense than the way this is framed. I, you know, and I can go through specifics if you want. I just -- I don't want to waste people's time on those if people will support the postponement.

[4:35:15 PM]

>> Mayor Adler: Councilmember vela, did you want to speak? I would like to think where other people are. To me affordability is the clarion issue in our city. We're losing people and wherever I go that's the single most dominant thing I hear. And I also hear that we contribute to that by the actions that we take. I know that we don't want to make -- and we have always said we don't want to make forced choices

between environmental things that we want to do that are necessary and important for our city and affordability, but yet we've never figured out a way to actually make that happen. We haven't. We just saw that again with things that were coming back to us today and planning commission last week trying to do things that would address affordability and they couldn't because of the posture of the way things came back. This is a pretty simple

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resolution. It's not very complicated. It just says, hey, when you're going to do something that has an impact on affordability, take a look at whether you can balance it. And we want to authorize the staff to help us do that. I mean, if people were ready to vote on it, I would be ready to vote on it because I -- this is so simple. We could make it more complicated, but it's not. It's really simple. If people wanted to postpone it for two weeks, we could delay it for two weeks. But this is actually really, really, really simple. Yes, councilmember Ellis.

>> Ellis: We've been talking about how to balance this affordability for quite a while. This is one of the main themes of the housing work session that we all -- or most of us participated in a year ago. Numerous items have come up not only today with environmental protection ordinances, we talked about it with parkland dedication. Every time we keep talking

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about some of the things that we believe in and that we want to work on as a city, with he have to make sure that we're not inadvertently pricing people out of this community. I think this is is just a streamlined way of saying let's do this comprehensively. I know councilmember harper-madison has a resolution she passed quite a few months ago talking about what is adding to the cost of housing and how do we make sure that we are doing what we can as policymakers to create this balance. I don't feel that we need to postpone it. I understand some colleagues may want a little more time, but I'll support this today or in two weeks if that's what it comes to.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: Could I have a question for staff? I think it's for Rodney. Where in the process is the analysis you all are doing as a result of, you know,

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councilmember Natasha harper-madison's resolution? That's something we supported and -- pardon? I mean that's something we supported and at the time I thought what we were doing was doing an analysis of the cost of various development regulations. So where is that in the process?

>> So we've got the data, we're going through it. It should be coming through to council preliminarily. The information we found is that the cost of city regulations is not a large amount compared to other costs. Like financing, like construction and all of that. So we hope to have that information to council very soon, but it's good information to have for yourselves and for the public and it certainly supports what we thought about as well.

>> Kitchen: How do you see that -- that effort, which sounds like you've done some of it and maybe you are finishing it up. How do you see that compared to what's being requested today?

>> Well, I put it in that basket of the entire

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conversation that you all hear a lot which is what are the costs of regulations to housing. Obviously there are costs involved to regulate from regulations to housing. The question that was asked of us was what is that cost is comparison to the total cost of housing. But yes, undoubtedly the regulations do contribute to a cost of housing, and I think what's in front of us is does it add to the cost of housing. And so that would be a dollar or it could be a thousand dollars. What's in front of us does it add to the cost of housing.

>> Kitchen: I just think that there's -- so I have about five or six more questions. I would really just appreciate the opportunity to think about it a little bit more. I think two weeks is not that long.

>> Alter: So this conversation is helpful to understand what this is about, but I have to tell you it doesn't say what

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you're saying it says in English. The language does not say that. And if someone who is reasonably informed reads it, we don't walk away saying that what we're come back. And whether or not you just said made a whole lot more sense --

>> Mayor Adler: Would you point out the language that you think is creating concerns for you? If you could be specific about that, then I would be -- better able to evaluate what you're saying.

>> Alter: Well, I mean I will say that reading this multiple times I did not get that, first of all, that it didn't apply to the original ordinances and that we were only talking about coming up with ideas of things that we could do that would still help us achieve our goals, but that would make things more affordable. I don't know what the offset

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word means. It's not something we have used in broad terminology. It's not just water forward that's in question. You could take the parkland dedication, the wildland interface code. When you start talking about these things, you know, I don't know which policies you have in mind. You don't write something like this without policies in mind, so I would like to know which policies in particular you had in mind that you wanted them to go look at.

>> Mayor Adler: The policy is to say that if we're doing things that have increased the lack of affordability in the city, that we should take a look at balancing them so that we don't. If you could tell me what is not clear about the language that says we support the requirements enacted in the initiative, of all the things we've enacted in the last two years including but not limited to water forward, and this retrospective review is not intended to under mine or reverse those requirements. And those requirements are the requirements enacted and

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initiated in the last two years. I mean, if you --

>> Alter: Can you give me an example so that the resolution states the city manager is directed to analyze requirements enacted in the last two years to determine which -- I'm trying to gain clarity on the specific items. And, you know, are there specific items that we've initiated in the last two years that you're wanting the manager to examine in particular to provide these things.

>> Mayor Adler: No, not anything particular, but I'm not ready to accept we haven't done anything in the last two years that has impacted affordability. So I leave open the possibility that maybe some of the stuff we have done over the last two years has impacted affordability. And then we give it to staff. Staff could easily come back and say, nope, you haven't done anything in the last two years that's impacted affordability or they could come back and say we have done some things and we

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could balance that by doing something else. So no, I don't have anything specifically in mind. I don't have a particular balance in mind. This is really simple. It's just -- it's just raising the question and giving the staff the ability to address it. It's the same question that the planning commission was acting and has asked several times when things have come to them only to hear that they don't have the jurisdiction or ability to be able to ask those questions because of the way our system is set up. And I'm just trying to change that. But if there's other language, I don't know how to write that language any clearer than the way that that language is written. But is there another section that you found?

>> Alter: Sure, you said the wording on lines 26 and 28, the wording effectively reduced developable land. What do you mean by effectively reduced developable land? What are examples that would meet that definition and what are some examples that would not meet that definition?

>> Mayor Adler: The

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developable land or yield to reduce the developable land would be to say that if 10% or 15% or 50% of the tract was devoted to a really important environmental use, then there's a certain amount of the developable land potentially that is being put to a common benefit for the community. It's not saying change that. Let's keep that. But if you have lost half your land, then is there something we should do to balance that. Yield is what the land lets you do. If you could have developed something with 1,000 square feet and because of the really important community benefit environmental ordinance that we passed, now you reduced to 500 feet, that's a change in yield. I don't know what words to use that would be clearer than that.

>> Alter: But the examples you are giving are very substantial, but effectively reduce it could mean that

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you did it -- the tiniest little millimeter and then you get an offset. And so there's no -- you know, I'm trying to understand what's in here and it's changed between the time that I had a chance to look at it and today. And I just -- we don't have a definition of that and that's extremely broad and by definition anything we do is going to have some impact. The manager is directed to incorporate a stakeholder process in the framework policy. What does that mean? Is that speaking to include a stakeholder process in development of the framework or whatever the framework he comes back with should include some sort of stakeholder process and should we senior our commission process or do we mean a stakeholder process should be something more than amendments which involve our commissions. And again, I was trying to just postpone this rather than do a micro analysis --

>> Mayor Adler: It's helpful to see that so that I and everyone can --

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whether those things are real substantial. It wasn't the intent to prescribe those things. It was the intent to let staff take a look at those things. The goal being we just want to make sure if we're doing things that impact affordability, should there be a balance to them.

>> Alter: But if it's 25 square feet that you're giving up, that's not the same thing as saying it's 500 feet --

>> Mayor Adler: If effectively doesn't get, we could say materially. It's not 25 or 26 feet or 22 feet.

>> Alter: I'm just trying to get a sense of -- I understand better now after this conversation what you're trying to do, and I -- I don't know that I actually object to the goal. I just want to understand what direction we're giving and when we came in today you were giving a blank check to the staff to come back with amendments, and you changed that and I appreciate that, but I'm still trying to get in my head about how all this fits together, what we're asking them to do and in an

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efficient way that helps us to -- to offset impacts on affordability, and I just have these questions. You know, how they were prioritized anything within this process. We have a huge code. It took years to do the land development code. How would they know what to prioritize among the things that we're asking them to look at? And I just think we could be clearer and more specific of what we want them to look at. But, you know, there are things that we've done. We have the wildland-urban interface, and you can say this reduces their affordability or look and say you're not going to get any insurance for your house if you don't do these things, so it's increasing affordability. So I'm just -- like when we start to look at some of these things without having a definition of an offset,

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without examples of what we're trying to get them to consider, it's easy to read more into this than what you mean. And I think you have a clearer idea than what's expressed here and if we're going to make a resolution and provide the direction that working together we can make it clearer. On what we're trying to do.

>> Mayor Adler: Motion to postpone. Let's take a vote. We'll just move that way. Those in favor of postponing this for two weeks, please raise your hands. I have the mayor pro tem, I have councilmember kitchen, I have councilmember tovo and councilmember pool. And councilmember Kelly. So that's five votes. So that wouldn't pass.

>> Kitchen: Mayor? Can I ask a question? I would just like to appeal to you to let us have two

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weeks to work through this. Nobody is saying that they don't appreciate you bringing it and no one is saying that they don't appreciate the concept. We just have a lot of questions. And so I hope we're not going to try to pass this on a 6-5.

>> Mayor Adler: I tell you what, I'll go ahead and postpone this for two weeks if people will agree that they will go to the message board and give me what their comments are within the next few days, so that we have time to look at it and so that we're not working -- so if everybody can agree to give comments by mid-next week and those will be the comments that we have, we can work through that. And with that I would agree to a postponement for two weeks.

>> Kitchen: Mayor, I appreciate that. I understand you have time constraints so I'm happy to look at it right away and do that.

>> Mayor Adler: Okay. Then let's go ahead and do that. Any objection to that?

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Councilmember tovo.

>> Tovo: Mayor, I'm in the midst of two other big projects so I'll give one of my comments now in case I can't get up to the message board. I think one thing that -- you know, one measure that we did pass I think within the last two years are the atlas 14 regulations, which clearly impacted the flooding regulations that we needed to pass for health and safety reasons -- pass for health and safety reason. If you could on the message board or here now talk us through what -- that's something that's happened within the last two years. You are asking staff to look and come up with an assessment of the value of the land lost or the number of units lost and propose how to make them up with new code.

>> Mayor Adler: I don't think anybody is asking for that quantification. But if the atlas resulted in housing costs going up or housing costs in that area going up, a lot of this is kind of the southeast part of our city where some of

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the areas most impacted by this. If that's resulted in less homes that are being built and now on the market contributing to the loss of supply or increasing the cost of those homes, and staff has a suggestion for a way to balance that so as to help us offset that, then yeah, I would expect them to come forward with that. It wouldn't mean we would relitigate --

>> Tovo: I understand your intention there.

[Multiple voices]

>> Mayor Adler: I'm not asking them to quantify anything like that.

>> Tovo: Okay. But that would be an example of the kind of thing that with the look-back you are asking, take a look at something like atlas 14 --

>> Mayor Adler: Sure. We should be doing everything we can to help with affordability right now. Anything and everything on affordability we should be trying to do. All right, so we're going to postpone that. And I look forward to seeing in the first few days of next week any concerns that people have. We'll move forward.

[4:52:31 PM]

>> Kitchen: Thank you, mayor.

>> Mayor Adler: Absolutely. I think the last thing we have then is the -- am I correct the last thing that we have is the pud question? Mayor pro tem?

>> Alter: I just wanted to say that I think it would be really helpful if your office could create some sort of visual time line, like a flow chart that explains how these pieces and time lines fit together. Because it asks for a retrospective and a framework and it's difficult to entangle what happens and some kind of visual might help. We will also put our questions, but yeah, I don't actually know that I fundamentally object to what you're saying, I just don't understand how all the pieces and I want to make sure when we're giving direction we're being as clear as we can so we're not

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wasting resources that could be spent on other things we've already identified that would help with affordability.

>> Mayor Adler: It's very simple. In working with staff in the drafting of this, they wanted the opportunity to draft a policy framework for how you would do offsets or consider offsets or balancing. So I think that would be as city manager Gonzalez just said where they begin, coming up with what that policy is. Certainly on things that are coming to us, they would either be bringing it with offsets that we could enact if we weren't able to bring it as we considered the initial resolution, they would come back to us quickly with a suggestion or resolution so that when we actually considered the ordinance, the underlying ordinance we had in front of us and ability to act on potential balancing things. And then as the staff would be able to do would also take a look at things we had

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done in the past and that would be dependent on the number of people and the workloads that they had. It doesn't prescribe that. For the staff. Again, really simple. All right. Let's postpone. Let's then go to the last thing that we have. Jerry, why don't you come back up again. I've had several colleagues come up to suggest the way we did this last time might have been helpful, so we tried to return. By the way, the staff also asked us on that last one that we just did to add a line that says nothing in this resolution limits the planning commission's authority to initiate amendments. Under city code section 25-1-501. And I would intend to add that because we weren't trying to take away any

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planning commission's ability to do anything. Or the council's ability to do anything. Or anybody's ability to do anything.

>> That was a staff suggestion.

>> Mayor Adler: That was a staff suggestion. Okay. So colleagues, I've handed out and posted on the board so that councilmembers Kelly and harper-madison can have access to them, two things. One of them is statesman pud issues. It is a three-page document. It has version 2 in the upper right-hand corner. And it's three pages, so front and back page 1 and then over to the next page which is in the first group the issues that I think are still seeking resolution. I could be wrong and if I'm wrong I apologize for the mistake and error, but that's best attempt at that. Resolved are the issues that

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are listed at the end that I think are issues that have been resolved to work through. A really shorthand way for what the resolution was because colleagues on Tuesday were saying where it says we solved but I'm not sure how it was resolved so I tried to put in something that would give indication to that. I've created a new section called funding issues and priorities because I think there's some things that we can get and the applicant would support, but just not everything. So in case we're having to make choices between things, I started trying to have a list of things that people have said they want that are going to cost money so that they are all kind of gathered in the same place. Then there is a copy of the ordinance itself. In this ordinance, this is the ordinance from staff that was the base document here is the ordinance from

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staff that represented the first reading approval. And then there's some amendments that have been added to this. Amendments have been added were the ones that were brought forward. Councilmember kitchen had five of them, councilmember pool had an amendment that was added to

this. I had brought one, councilmember tovo brought a second one. And as you go through this, four of councilmember kitchen's five amendments I think are resolved and agreed. All of councilmember pool's I think are resolved and agreed. So you can see their amendments in here, but they are highlighted in green because I'm not sure there's work to be done on those. I don't think that there is. But those things that we do need to work on that are enumerated on the first document are highlighted in red. That contains some red lining that will let you see

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where the applicant had challenges or questions with respect to what was being proposed. And then in the areas that concern something we need to work on, there's a red block drawn around them. What I would propose, Jerry, you've suggested this is a good way to do it, is I would literally start at the beginning of the statesman p.u.d.'s issue version two question, unless you had something you wanted to say first?

>> No.

>> Mayor Adler: Then I would start through and I would begin with the first thing, which is the five Ada access points. Councilmember kitchen, you can see that councilmember kitchen's wording with respect to that is on page 3 of 25 of what I handed out. And my understanding is is that there's not a challenge with the issue, it just costs money. And the question is where will

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we have the applicant spend money. Is that correct?

>> Kitchen: Well, I think so, but I do have one question about that. So, I think everybody understands that, but this is not asking for additional Ada access. The five is what was planned all along. To the extent there's additional cost, I'd like to understand that from the applicant. I don't know what it relates to. I don't want to speculate. I'd like a little clarification.

>> Mayor Adler: That's a really good question. Is the applicant here?

>> Yes. Mayor, before he speaks to that issue, we had a meeting, councilmember, yesterday with the Austin transportation department, parks staff and the applicant and myself. I don't want to use the issue right now, because this was a late afternoon meeting yesterday. The city is also working on a project along congress avenue that addresses access to the

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lake from this general area.

>> Kitchen: Okay.

>> The main goal, everyone is fine. We talked about what we talked about last time, plans on access down to the water. This may be an additional access the city has already been planning as part of the congress avenue redo that's been under way for a while. We agreed yesterday we would come up with language to make sure nothing precludes possibilities with the action and we continue to work together to make sure there's not interference between the two projects.

>> Kitchen: I'm sorry. I wasn't aware of that. I would like to understand better what it is that the staff has been -- we don't have to do this right now, but if you could share that with me.

>> It just came out yesterday.

>> Kitchen: That's fine.

>> We were all working together. There was to disagreement. It was a -- no disagreement, it was a matter of making sure the city doesn't do something that precludes.

>> Kitchen: I have a lot of questions about what that is and

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what it looks like.

>> Mayor Adler: Apparently two questions with respect to number 1. Is it otherwise physically pre- -- precluded, hopefully it's not. The second question with respect to this is why does this councilmember kitchen amendment cost, add money.

>> I'll allow the applicant to address that.

>> Mayor Adler: Okay.

>> My name is Richard Suttle. Our original concept plan did not show an access point along congress, nor did it show stairs down to the trail, nor did it show the -- I'll call it the catwalk, the bridge you could get to the elevator to make it ADA. After our last conversation, our designers came up with a new design that included stairs and

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a bridge. That costs extra money. It was an added cost to the project.

>> Mayor Adler: What was the cost?

>> Our guys are looking at it, but it's looking like up to \$2 million.

>> Mayor Adler: Okay.

>> Where this became relevant is that there was also discussion at our last meeting -- let me back up and say, as we go through this P.U.D. You'll see it's just a matter of you want something here, it pushes something up here. It's just a balancing act. But here's where it gets relevant.

>> Kitchen: Let me ask another question, please.

>> Mhmm.

>> Kitchen: So, this is not an additional Ada access point. But what you're saying is that -- so, how is it different than the -- how you would have done the fifth access point? I get the bridge point. That's not new. But are you also saying that it's between a million and 2 million for the bridge, or is it between a million and

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2 million for all of that stuff, the steps down? Weren't you always going to have steps down?

>> No. That was one of the big issues that came out of the parks board. They were angry the steps that were there now were going away. And we heard it from more than one source that we needed to have some access at that point again. So your comments and others said put something there with steps down. The steps now are skinny little things. So what we did is designed something after your comments that is grander, bigger, and gets you down to where everybody wanted to get to. Plus a bridge over to the elevator should somebody want to get Ada access there.

>> Kitchen: Okay. My question is just -- yeah, I see that. I'm trying to understand the difference between that cost and the fifth access point that you were going to build anyway.

>> We are still going to have that other access point, because that is another pathway that

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it's the one that folks were differing on that made you go between the buildings. That one is still there.

>> Kitchen: I'm sorry. I'm still not understanding. There always was going to be five access points.

>> Correct.

>> Kitchen: Okay. So there was a cost associated with the five access points, right? And so what you're saying is by substituting this access point for another access point that you were going to do, it's going to cost X amount more, because it's a different type of access point. Is that what we're saying?

>> Correct. But we're not subtracting one of the others.

>> Kitchen: Why not?

>> Because you have to have flow through the project to get down to the trail.

>> Kitchen: You're going to have six access points, is that what you're saying?

>> Two of them will go to the same elevator.

>> Kitchen: Well, I don't know --

>> Maybe it's best --

>> Kitchen: Mayor, I don't intend to use this time -- I

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don't want to use up your time. Maybe you need to provide a list of the cost and how that relates to what you were going to do and then I can understand it better.

>> Mayor Adler: I think you'll be able to resolve this. We can move past this one. If you can work with Jerry and get him something he can get to all of us that says, we're saying this is another million to \$2 million because these are the elements that are not in the base plan, but if we're being responsive to councilmember kitchen.

>> Kitchen: And how your original five access points would cost. So we don't need to go through that right now, but it is something I need to see because I need to understand.

>> Let me say one more thing about it. It's an important point. It made a lot of people rest a little easier. It was an additional access point at a place that a lot of people wanted to have it. It cost extra money. Now, on the other side of this,

[5:06:43 PM]

as we were going through this process, y'all were considering a bigger raise than what you did on park fees than we had budgeted. So in one of the material pieces we had said look, our park fees are \$100 a unit more than normal park fees plus whatever the number was, 9 million that it looked like y'all were going to pass. Some of y'all said a-ha, he's got \$9 million in his budget for the park fees, we're going to get him. And we did. But when we now do an extra access point, we're going to back off at \$9 million extra parkland fee. Our parkland fees are now in the 6.9 million range.

>> Kitchen: Let me say this is not an extra access point. This is not -- my intent was not to create an extra access point. It was about where this access point was. I understand that the configuration of it for various

[5:07:44 PM]

reasons might cost more than what you had planned, but it is not an extra Ada access point. That was never my intent.

>> Okay.

>> Mayor Adler: We understand that. The issue in front of us, based on a conversation we had about park fees before, you did budget in your pro Forma \$9 million for park fees. Given the action that we took on parkland dedication fee, that fee goes down. You're saying that goes down to 6 million something. There was \$3 million that was in your pro Forma you were intending to spend when you were figuring out what you could spend on parks, on all the rest of the deal. There's another \$3 million.

>> It's not 3, it's 2, it was 6.9.

>> Mayor Adler: 2.1, whatever that number is. And councilmember kitchen is saying she wants to change the access in ways that I think we're all supportive of.

>> Kitchen: Mhmm.

>> Mayor Adler: And you're also saying that's going to cost more money.

[5:08:44 PM]

And you're saying I want to take some of that \$2.1 million that is the differential and I'm happy to spend it there. But as a council here, we could decide whether we want it spent there or somewhere else, or if we agree with the number or not. And we'll get to all that later. But I was just trying to highlight here, I think we all like the physical changes, the plan changes that councilmember kitchen has proposed, subject to the issue Jerry is raising about conflicts with construction. I assume those can be resolved. Then it's a question of added cost and what is the ramification of spending added dollars here. And to that end, you have been asked to provide for the council a better understanding of why is this an added cost.

>> Right. But it's important to know we never agreed to the \$9 million park fee.

>> Mayor Adler: I didn't say you did. You put it in your pro Forma.

>> It's in there somewhere, but we agreed to \$100 --

>> Mayor Adler: You figured

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out the financial viability of this project assuming you would be spending \$9 million on park fees. And now under the park regulation it would not be \$9 million.

>> Correct. But we can't do the 9 and the congress avenue access.

>> Mayor Adler: We understand that. Let's now move on to item number 2. Hotel use -- every time we get to this one, councilmember Fuentes is not with us to be able to speak through this, but it was the next one that we had up. Councilmember Fuentes I think was suggesting that either hotel use not be allowed, or that it be a conditional use. Does the applicant want to speak to that issue? You keep going away, Mr. Suttle. I'm going to call you up on every one of these. Sorry. No hiding.

>> I'll get my steps in today.

>> Mayor Adler: Mhmm.

[5:10:48 PM]

>> I'm being very careful how I talk about this issue, because it's an interesting issue. And I met some interesting people. Unite here has reasons why they don't want us to have a hotel. I get the impression by talking to some of their folks as far away as Philadelphia that under certain circumstances they would remove that objection to having a hotel downtown. We can't meet their conditions to remove their objection to a hotel. So we think a hotel is appropriate land use in a mixed-use project in downtown Austin. We want a hotel. Hotels are one of the few things you can get financed right now. We think it's an appropriate use. We want the hotel use.

>> Mayor Adler: Okay. When you said you couldn't meet

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the requests, are those labor-related requests?

>> Yes.

>> Mayor Adler: Okay. All right. Any further discussions on this? Councilmember pool.

>> Pool: I'm supportive of the use of a hotel at this site. It makes sense to me.

>> Mayor Adler: Okay. I understand the labor issue, too. I'd like to try to figure it out and work on the labor issue. I see that different than the land use question.

>> We couldn't link the two.

>> Mayor Adler: I'd like to get to conversations on the labor issue. For me they're not linked.

>> Mayor.

>> Mayor Adler: Councilmember Kelly and then councilmember tovo.

>> Kelly: Thank you.

[Clearing throat] I, too, imsupportive of the use of this as a hotel. I think it also makes sense, given that we will eventually expand our convention center and downtown will continue to have

[5:12:50 PM]

activities and we will be a hub for festivals and conferences. It just makes sense that we would be able to utilize that for that purpose.

>> Mayor Adler: Councilmember tovo.

>> Tovo: I wanted to appreciate your work with workers defense on some of the better builder issues that they raised. And I'm glad that you're in conversations with unite here. And I hope that you're able to continue to work toward those -- an agreement on those labor issues. Are you still in conversation are unite here on the -- with unite here on the labor issues?

>> I would describe it right now as an impasse, but always happy to have conversations.

>> Tovo: I did see what appeared like it could have been an impasse with workers defense come to a successful resolution, so I have a lot of confidence that that might be possible in this case, too. So, thanks for continuing the conversations.

>> Mayor Adler: Okay.

[5:13:51 PM]

I think we understand that issue. I'm not sure we can resolve it. I think probably people want to figure out how to break that impasse. I'm not sure there's a linkage. Kitchen 2 and 3 seem to be accepted. That gets us to water forward. It's required in city code. The applicant is proposing in exhibit Q something, and what's the difference between water forward as required in the code and the exhibit Q conditions? And I think our watershed people should speak to that.

>> This was an issue being handled by the Austin water utility. There was supposed to be a meeting at 3:00 today between the applicant and the water utility to discuss this. Everybody who was at that meeting is here instead. That meeting was not able to

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take place.

>> Mayor Adler: Is there any more information?

>> Apparently they did meet.

>> Mayor Adler: What is it we involved?

>> Let's hear from them.

>> Mayor Adler: Let's hear.

>> I didn't completely understand the difference between what we were proposing and water forward. But our engineer met with the water people today. There are some things in water forward that start dealing with gray water and black water and all those things. I think we got through those issues today. And Kevin's on the line now, too. He may be able to shed more light on this. It also had to do with us being able to use our water rights to do some irrigation. Here's one of the interesting paradoxes. This thing is loaded with them. On one hand, we had some city staff saying we don't want you to use lake water to irrigate your landscape or your park. And we want you to use reclaimed water. And yet on the other hand they were telling us you cannot use

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reclaimed water in the critical zone along the lake. I think we've resolved that now.

>> Mayor Adler: Can we hear from staff?

>> Yeah, please.

>> Mayor Adler: Where do you think we are on this now?

>> Kevin from Austin water here. Again, I was not in that meeting and I haven't gotten a report from my staff, so it may be -- I think the applicant may have a representative that was at least in the meeting and perhaps I could hear that response.

>> Yes. Chris, civil engineer. I met with swetha in Kevin's office and some of his water forward staff. The resolution with regard to water forward was we are extending the reclaimed water system to the site. There is still a gap that's being paid for by the cip project, but it will be fed by potable water until that connection is made, but we will

[5:16:55 PM]

have a dual plumb building and that will satisfy the water forward needs up to that point, is that extension of the reclaimed system to provide our non-potable needs. With regards to the irrigation, we

will say we have agreed to utilizing reclaimed water for our irrigation needs except where it's prohibited and then utilizing lcra water as opposed to domestic water for those areas where it's prohibited.

>> Mayor Adler: I think we're addressing items number 3 and 4 now. The applicant is suggesting there's agreement. Jerry, can you get us a note from you that confirms that there's an agreement now on this issue or not? Okay. Thank you. All right. That would be four and five. Item number 6 is a question of, is that a question of when the parkland is dedicated.

[5:17:56 PM]

>> I believe number 5 had to do with the parkland fee amount.

>> Mayor Adler: Okay. F. You'll recall, the applicant --

>> Mayor Adler: I meant three and four are resolved.

>> Number 5, the issue was what is the amount of the parkland dedication fee. The applicant has agreed to pay \$100 above whatever the fee is. There was a presumption the fee would be a certain amount and the council in recent action made it a different amount. The question is whether the applicant would pay the fee based upon the presumption of the original anticipated increase.

>> Mayor Adler: Would you have our staff take a look at this to confirm whether or not the right numbers are roughly 6.9 and roughly 9?

>> Director Mcneely is here as well.

>> Mayor Adler: Do you know the answer to that? Thank you.

>> Kimberly mcknee LE, parks and recreation director, your rough numbers are accurate, roughly 6.9 with the brand new

[5:18:56 PM]

calculation of commercial and residential and the newly passed fees for the council and previously the rough amount was 900,000.

>> Mayor Adler: 9 million.

>> I mean million. I'm sorry.

>> Mayor Adler: Got it. This one is really simple.

[Laughing]

>> Mayor Adler: All other things being equal, I think we just assume the applicant paid the \$9 million they were originally thinking. Under the fee it's 6.9. So I am taking this item and I am moving it to the funding issues and priorities question, because I think it's a question of dollars. Mayor pro tem.

>> Alter: Mayor, I will just throw out there that presuming that the council wants them to stand by what seemed to be a pledge for one of the more important things for our community, which was what we were investing in the park, it should be the \$9 million or the fees, whichever is higher. They could switch development to residential in some way or do some other things. Depending on the timing of

[5:19:57 PM]

things, the calculation could be higher than that. So that \$9 million should be the minimum that we are expecting. So however we resolve that, I would ask that we address it that way and recognize the importance that our community places on that park space, which is the intention behind your moving it to the other area.

>> Mayor Adler: Right. And in our discussions, obviously if we're trying to place a \$2.1 million delta, we could place that in additional park fees and setting the way you described. We could take the \$2.1 million and put it towards enhanced entrance, as councilmember kitchen had. We could challenge the assumption that we're talking about \$2.1 million. I think all those three things are in front of us and we're moving those things to the finance priority question. Yes.

>> I just want to remind us that granting them these entitlements is our choice. They are not entitled to these

[5:21:03 PM]

entitlements. We have an opportunity not to just take what they're say and say this is what we're willing to do. We may need to exercise that some given what we're hearing today.

>> Mayor Adler: That's what I meant by saying we could challenge.

>> My comment was not directed at you.

>> Mayor Adler: Okay. I just wanted to make sure. The next question is the timing of the parkland dedication question. This is item number 6.

>> Mayor, this had to do with, staff had an agreement with the phased parkland dedication scheme, three phases. The planning commission had an additional recommendation that irregardless, at year nine all the parkland would need to be dedicated. It varies from the staff recommendation in the agreement that the parks department and the applicant are working on. And just has an ultimate deadline that says at nine years it occurs no matter what.

>> Mayor Adler: Still phased in, but in any event, you have to do it all in year nine.

[5:22:05 PM]

Applicant, do you want to address that?

>> So, parkland is not due until you have your development that triggers the parkland requirement. That's one issue. So, we want to tie it to when -- as our phases go along, and we trigger the parkland, we'll donate the parkland. The other issue is basic logistics. If we dedicate the parkland too early along the frontage and come in and build a building adjacent to the parkland, there's a safety issue and there's an access issue. And we've got to preserve the right to get to our phase to build it without getting into the parkland at this point. It's a thing we're going to dedicate, but the timing is when it's safe and when it's actually required under the code.

[5:23:08 PM]

>> Mayor Adler: Okay. Mayor pro tem?

>> Alter: I appreciate the need for it to be safe, but the point of a P.U.D. Is to deviate from the code. We also can make the choice that it happens earlier. I want to clarify just because you say something is the way, this is a P.U.D. We haven't done a lot of P.U.D.S lately. I want to be clear on what we are able to do in terms of our end of this process.

>> I will stipulate you can do that. And I can always say I'm not doing the P.U.D. And then we're at an impasse.

>> Mayor Adler: Is there wording that you can do that if it was dedicated in year nine would reserve to the property owner the ability to impact access or be able the way we do on streets where we close down lanes to help adjacent construction, is there a way to draft language that would cover those two things?

[5:24:11 PM]

>> I believe there is. I think your parks department and your lawyers get anxious about that, but certainly we could dedicate it with the total reservation to come back and close all or part of portions of it.

>> Mayor Adler: Would you work with your staff to see the best shot in terms of agreement on that language, what the language might be? And Jerry, could you see if our staff could engage in that exercise to see whether that is truthful?

>> We have a similar situation on the Barton springs road roadway. We are prepared to dedicate it day one. We're not too interested in having to rent it back from the city when we need to close a lane to bring in a crane.

>> Mayor Adler: Which makes sense. Would you work, Jerry, with similar language with respect to Barton springs road? Let's see if we can get that question. Councilmember pool?

>> Pool: The north burnet gateway amendment that I brought

[5:25:13 PM]

earlier this year addresses this, up-town atx had an issue with needing to use the land before dedicating the park. And so the city has some experience in this and we can look at how we've handled it in these recent circumstances.

>> Mayor Adler: I remember you do that. Check and see if that informs this. The next question is item number 7, park maintenance. Is this just straight-up a finance question, or are there other issues?

>> It's a letter from parkland maintenance, the applicant versus the city through whatever mechanism.

>> Mayor Adler: What is the cost associated with that? I recall it was \$600,000 a year.

>> Mckneeley worked on those numbers. She has them.

>> Mayor Adler: I think we got them on Tuesday.

>> The rough numbers -- I'll need help from Richard settle with regards to the applicant's estimate, but the rough numbers

[5:26:14 PM]

are 600,000 for the parks and recreation department. That was the estimate to have dedicated staff to maintain it at the highest level. The -- a third-party entity that might be able to enter into a relationship estimated \$900,000 annually and I thought the applicant said somewhere between 1 and 1.2 million but I don't want to speak for them, so they can tell you what their estimate was to maintain that space.

>> Mayor Adler: Do you have a rough idea of the cost?

>> We extrapolated from maintenance over republic square and our numbers 2.2 to 3 million bucks a year.

>> Mayor Adler: Do you know why there's a differential there between 600, 900, 1.2 and 2.2?

>> I haven't seen the numbers. I'm guessing the parks department has staff and crews ready to go whereas we'd be

[5:27:16 PM]

third-party farming it out, is my guess, but I don't know.

>> Mayor Adler: Go ahead, Kathie.

>> Tovo: We talked a little bit about some of the economies that the parks department could realize at our work session on Tuesday, but that's quite a differential. It's twice as much, right?

>> So, in the backup that we provided in the question and answers that we provided to you, the third-party entities that helped us put together those numbers, that \$900,000 number included the trail foundation, included tbg, a representative from tbg, included representation from the downtown Austin alliance as it relates to republic square and some other experts in the field. So, I could certainly ask them how they were able to -- in your backup it shows you. I feel like I'm being a contrainer by saying -- contrarian by saying look at your backup, but I could provide you in a separate response additional detail that would help you with that question,

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sift through that question.

>> Tovo: Director, we have so much information. I have a half foot, maybe a foot worth of paper here. Could you tell me, was -- what's the best source at the moment. I see some information in the q&a about parks maintenance, but it sounds like you're describing a chart.

>> As part of the answer to the question and the question and answer, there were two charts that were sent to you also that outlined how those costs were. But I can provide it to you --

>> Tovo: I'm trying to figure out where they are. They're not in the narrative q&a --

>> There was a narrative q&a with two attachments.

>> Mayor Adler: Whoever did the numbers, would they visit with the applicant to see if, as you compare numbers with each other, there's a consensus feel for what the cost might be for those different --

>> Sure.

>> Mayor Adler: We're comparing apples to Oranges in

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some respects, perhaps some apples to apples. Can you do that and report back to us?

>> Absolutely.

>> Mayor Adler: Applicant, are you okay doing that exercise?

>> I think the differences will be level of service and level of payment and all that.

>> Mayor Adler: Just so we understand, I want to know in the finance column when we're talking about dollars, that might be relevant.

>> It's an added expense that we hadn't counted on because we're thinking we were going to give it to the city, build it for the city and maintain it for the city because the city has general fund money to do that. One of the issues we have, somebody mentioned something about create another public improvement district over the top of us. That doesn't solve it, that's another added cost. However, we are in the daa district. Their number is an eye-popping number at buildout. And maybe they could help maintain it. Or you take us out of their

[5:30:20 PM]

district and put us in our own district and then we could maintain it.

>> Mayor Adler: For now I'm moving it to the funding issues and priorities section which I imagine will be the very last section that we deal with. Okay? All right. So that's parkland maintenance.

>> Mayor, I have a question for Ms. Mckneeley. Who pays for the rose maintenance at the park?

>> The developer pays for the maintenance, but I would have to look up the exact amount of money that they pay. I'm not familiar. I have to find out.

>> Thank you. We have precedent in past P.U.D.S we have done where there's been a park, particularly where the community and the neighbors really value that park for that maintenance to be the responsibility of the land owner. And we also have a partner here in the trail foundation.

[5:31:20 PM]

And those expenses should not be borne by them. They are taking over a lot of the maintenance of the trails. This gets a little bit complicated. But it also means there are some opportunities for sharing of how that happens. But in terms of logistics, but I don't know that the presumption should be that you build a park that you have to dedicate insider to get your entitlements and the city has to take on the responsibility of maintaining it. I'm not sure that for something that size and the magnitude of what we're talking about that that would be what I would comfortable with.

>> Mayor Adler: Thank you. Let's move -- councilmember Ellis.

>> Ellis: Quickly, I appreciate that sentiment and when we continue the conversation I want to be mindful of the relationship between if it's privately maintained how much leverage we have as public to dictate what activities happen there. I'm not saying there's a perfect answer, but the more we say it should be privately funded the more we might give up our ability to have public events or

[5:32:21 PM]

other things we dictate as a council we'd like to see out of it.

>> Mayor Adler: Okay.

>> Alter: We have rules for the trail that's part of their agreement in the case of the grove, there is a parkland agreement that governs all of those things so that we can maintain control over things like concessions and all of those things. So, absolutely we would have to work that out, but I think we have models that do do that. So I don't think it's an insurmountable issue, but it is an important one and I'm glad you raised it.

>> Mayor Adler: Okay. Let's go on to the next one, which is item number 8, parking garage.

>> Mayor, the applicant has agreed as part of the application to put 95% of the parking underground. There would be 5% of the surface for door dash, drop-offs, and things like that. The rest would be entirely underground. As we heard from the city's economic consultant, the cost of that is about \$70 million. To the staff it was a very important part of our recommending the P.U.D. As part

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of being superior project. There is no code requirement to put parking underground. It is the most expensive way you can do parking. And we are really concerned -- staff is concerned from an urban design aesthetic, amenity standpoint of having a podium-type building as we see in other places downtown. We did not want to see eight stories, maybe higher parking garage immediately adjacent to the butler trail. So to us, the additional expense to put the parking underground that the applicant has agreed to is an important part of our recommendation for the project.

>> Mayor Adler: Okay. Councilmember tovo.

>> Tovo: Mr. Rusthoven, I have a couple questions and I'm going to have to apologize, I have to switch to a virtual hearing if we're going to continue, because I have an event I need to be at at 6:00. So, can you help me understand how much of the parking garage will still be above ground even though some of it --

>> 5% of the total spaces would

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be allowed to be above ground.

>> Tovo: How does that -- a couple questions that have been asked of me from constituents. What is the height of the parking garage, the parking piece of that structure that extends above ground? How much height?

>> For the 5%?

>> Tovo: Yeah. How much of that -- what is the 5% equating to in height from ground level?

>> I would have to defer to the applicant. I anticipate it would be none, but I would have to check.

>> Tovo: Yes. Then I would like to ask the applicant that question, please.

>> I think I heard the question. Can you repeat it?

>> Tovo: Mr. Rusthoven said only 5% of the parking can be above ground based on your proposal, or is intended to be above ground based on your proposal. What does that equate to in

[5:35:24 PM]

terms of the height above ground? How much parking?

>> It depends on where we put it in on the site. On one end it could be five levels. I think it was about five levels to put it on one end. But . . . There's no way to calculate how much more height, because it could be anywhere in the site. It's just about 200 spaces are going to be somewhere, probably not in the below-grade garage. We're not designing buildings yet. That's the hard part.

>> Tovo: What is -- I understand. Your point is because the grade changes?

>> No.

>> Tovo: Why would it be five levels in one spot but less than five levels in a different?

>> Because it's a monolithic garage. The first of the 4,000 spaces, the 95% of them, it's on one

[5:36:26 PM]

monolithic garage underground. So you might have -- let's say that's the flat level. You might have 200 spaces over here or you might have 200 spaces spread out more and they only go up two or three levels.

>> Tovo: You don't know yet whether they would all be -- they would be spread across the whole thing or all stacked. If they're all stacked, what's -- I don't want to say worst-case scenario because that implies a judgment. What's the highest-case scenario in terms of the amount of that 5%?

>> Five levels.

>> Tovo: Okay. And what would be the minimum?

>> Two.

>> Tovo: Okay.

>> Two levels. Five levels or two levels. Come on, guys. Two levels.

>> Tovo: Two levels.

>> Forget the five.

>> Tovo: Five would be the highest.

>> Mayor Adler: The maximum levels of parking above ground you would anticipate would be two levels.

>> Tovo: Five levels is not contemplated.

[5:37:27 PM]

Okay.

>> [Off mic]

>> Tovo: Okay.

>> Mayor Adler: All right.

>> Tovo: So I think one of the reasons - I think it was you, councilmember kitchen, who brought this up last time, that it is such a high price tag. As we look at the different benefits that are included and the real interest that several of us have in getting to lower levels of affordability and a higher number of units, this is one we want to understand. I'm not sure as I hear from constituents and in of -- many of your other offices I'm hearing a real interest in seeing more housing even if it comes at the expense of a parking garage. I'll throw that out there.

>> I'll throw this out here. It always sounds so awful when you say stuff like this. We traveled all over the country, some parts of the world and found the one thing that makes waterfront developments great is you don't have parking garages on the waterfront. I will tell you that we're not building one with garages

[5:38:32 PM]

above-ground.

>> Tovo: The other question that has arisen, and I don't want to jump into some good points councilmember kitchen raised last time, do you need as much parking as you're building is the other question we've asked.

>> We believe we do.

>> Tovo: We're hearing from community members in part, because we know this will be a transit-rich site.

>> We're already taking a reduction in the amount of park that you would normally build. Another thing that would happen -- it's not going to -- but if we built individual garages for each building you would have to build more parking because you can't share. On the monolithic garage underground you can share. We are taking a sizable reduction in parking space, one because we're able to do it underground and two because we're near the transit and we think we can cross pollinate with the various uses. The other reason it's important to have hotel residential, office, and retail so that you can have a mix of uses on the

[5:39:35 PM]

parking.

>> Tovo: Can you remind me where -- I know this is in the staff report and the proposal, but how many spots are you including and how many are you required to include? Are you including more spots, more parking spots than you would be required under code?

>> No. Less. There's also a third component people don't take into account. There's code-required parking and then there's what you can do. And then what you have to do to get your financing.

>> Tovo: Right.

>> Financial markets are still saying they want to be able to park.

>> Tovo: So if this council decided look, we don't want to see as much parking, we want to see less because we want to see you take some of that money that would have been spent on the garage and put it toward the housing component, is the investment piece of -- are the investors driving some of the parking choices?

[5:40:36 PM]

>> Investors and practicality. We're not going to build a project that won't work. We know it will work. The developers know what will work.

>> Tovo: Your consumers mostly want parking still?

>> They want a certain amount.

>> Tovo: Would you say those are mostly the residential consumers?

>> I think it's a mix of mostly the office. But remember, developers generally don't like to build parking. It's not their preferred -- it is money that goes into the ground and it doesn't produce the revenue that the space. So it's not like we just want to do it. It's because we have to.

>> Tovo: And just to summarize, I hear you saying that it's office tenants, maybe the residential tenants who continue to --

>> And the retail.

>> Tovo: And the retail.

[5:41:37 PM]

All right. Thank you.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I'm just trying to remember because we've talked about this before. Was it 30% -- I'm sorry, what was the reduction in parking?

>> 35% reduction.

>> Kitchen: So it's a 35% reduction. What level of reduction puts you at risk on your financing?

>> 35%.

>> Kitchen: So you know for sure it's right up against 35%?

>> A combination of what we know we need for the project to work and to get the financing is the 35%.

>> Kitchen: I'm talking about the financing. If you put your parking at 36 or 37% reduction, you wouldn't get the financing? Maybe that's too -- say 40%.

>> I do believe there would be a problem, because remember, if we

[5:42:38 PM]

thought we could get away with less we'd do a 50% reduction. But we know that won't work.

>> Kitchen: I'm just trying to ascertain where you are in the process and the extent to which you might have explored how much you could reduce and still get the financing.

>> We think we're where we are right now based on the financial markets now and the experience of the developers, and what we know to be the market.

>> Kitchen: Okay. You haven't requested it.

>> We'd rather not build it, but we have to.

>> Kitchen: Okay. Let me make sure I'm understanding that the two floors. I'm sorry. I couldn't quite understand. You're talking about a maximum of two floors above grade, is that what I heard?

>> Oh, yeah.

>> Councilmember, it would look to be the 5% could be up to two levels of above-grade parking.

>> Kitchen: Okay.

>> We were just discussing while this discussion was going on,

[5:43:39 PM]

we're going to be incorporating ordinance language to make sure that portion of the above-ground parking which is just that 5% is wrapped by buildings so it would not -- we're trying to avoid a parking garage on the waterfront.

>> Kitchen: I just want to make sure I'm understanding the difference between -- because the ground is lower, so are we talking about ground itself below the ground?

>> We're talking about five levels below the ground and possibly two levels above the ground. Those two levels would be wrapped by building. They would be internal to the building. They wouldn't be on the edge with the ugly cement.

>> Kitchen: We're not talking about the level of the top of the hill or the level of the congress or anything. We're talking about --

>> Five levels below the ground, possibly two above in certain places, but wrapped by a building.

>> Kitchen: Okay.

>> Mayor Adler: Everything I've heard, I'm not sure I see

[5:44:40 PM]

this as a fruitful area to try and change. I agree with staff that we can push the parking underground. It's going to make the public experience in that area, the parks, and the trail, better. I hate looking at parking garages and I think people feel that way. All right. So let's move on to the next one, the affordable housing question.

>> Mayor, I just want to get a sense of our plan. We have folks who are here for proclamations and I want to get a sense of our timing.

>> Mayor Adler: I was trying to push through. I'm not sure breaking for dinner and coming back, if we only have ten minutes or so left to do, I would keep going.

>> Alter: I wasn't sure what the plan was.

>> Mayor Adler: Sorry?

>> Alter: You want to take ten minutes?

>> Mayor Adler: Let's see if we can push through. On the affordable housing issue, I think that councilmember tovo as I just confirmed is okay looking at 422, although she'd like to have it on-site. It's in the district.

[5:45:40 PM]

I would like to have us take the \$23 million and let staff run with it. But I'm going to compromise on 422. My sense is that's probably where the will of the dais is on 422. If that's true, if anybody feels differently let me know. But I think that's the direction to go to. And then the question is what's the number of units and what kind of units are there. And the applicant is proposing at 80% mfi, 70 units. And that's what's shown there, the 5% at 70 units at 80%. We asked what would be at 60%. The applicant said 36 units. I asked the question could we get more units if we put more money there. Beyond the \$23.2 million.

[5:46:41 PM]

I think that's ultimately the question. So I put that question in the funding issues as a priorities question because that's a dollar question, where do we want extra dollars to be spent, or where do we -- what are our priority for where additional dollars are spent. There's one additional issue, though, that has come up on this that I want to highlight for colleagues. I checked with the applicant to confirm that we could get into those 422 units much more quickly than we could get them on-site or get them nearby. If they would do it on-site, over a construction period, it could be 15 years. 422 would be immediately available. The applicant raised the question, if we make it immediately available, what happens if the city doesn't do its obligations to build Barton springs road, for example, and put in the capital improvements. So the applicant said either we

[5:47:43 PM]

need -- if you're not going to build the road and do the things that the city is doing to drive the affordability, then we need to get those units back. And the applicant said they were looking at two different alternatives. One was an automatic claw-back if the city elected not to proceed with the capital financing necessary to be able to build the infrastructure, which is at this point the tirz. There's not an alternative that staff has presented to us. So there's either a claw-back, or wait -- they're ready to do it as soon as we do the tirz and then when you do the tirz, then we would get it. I laid out both those options on C, in 9c, those two options that the applicant said that they were looking at as the way to handle giving us the affordable

[5:48:44 PM]

units effectively now or much, much sooner. Did I describe that correctly?

>> Yes.

>> Mayor Adler: Okay. I don't know if anybody has any questions on that right now, but I think that's, you know, for me, that's a reasonable request. We can't get the units and then not perform what's necessary for the city to do in order to get the units, which in my mind goes to the question that the community's been asking, which is why are we building the capital improvements and is it a benefit to the developer. And I would continue to repeat that we're investing public funds here because of the public benefit we get, not benefit from the developer. The entitlements the developer is getting enable the developer to give us the affordable units we want. And that's why we do it. Obviously we don't perform, then I understand that the units wouldn't go.

[5:49:44 PM]

Mayor pro tem.

>> Alter: So, at what point do we define what our obligations are and what the tirz is? Because we haven't had those conversations and for several of these meetings I've been asking that. It's really hard for me to assess all the entitlements that we're giving and what they're getting without understand what that value is, because I'm not sure that I share the same interpretation you do fully, although there are parts of that and certainly the building of the road is one piece of that. But it seems to me we'd have to define what fulfilling our obligations were in a way that I don't know that we are able to do anytime soon within the framework that they also want to get this P.U.D. Passed. And I don't see us assuming they want to pass it on the 27th, I don't think we know what goes into that tirz and what that amount is and how you would ever

[5:50:45 PM]

come up with language that would satisfy that. That seems a little bit unrealistic if they want to have that in there. Then we're going to have resolve the tizr over time. And I don't know how quickly that happens.

>> Mayor Adler: I think that's a good point, a good question. Maybe rather than just saying tizr, there are specific capital improvements that would be needed in order for the applicant to feel comfortable that the project could go forward. Obviously a lot of the capital improvements in that area are for other properties as well, so I'm not sure that the whole district needs to be built out. It needs to be built out in order to make the same exactions of other property owners that we're making here. But maybe there's something that's different. When we grant the P.U.D. We say to a property owner, here is the P.U.D. This is what you can build if you want to. But there's not an obligation to

[5:51:45 PM]

build the P.U.D. So the property owner could say I appreciate the rights you've given me, economic conditions have changed, we're not going to build the project, whatever it is. At which point I can understand an applicant saying we're not going to give you 70 affordable housing units if we don't build the project. But if we do build the project we're committing to give you 70 units. I think that's all they're saying. But they're also saying we're willing to give you the 70 units even before. We're willing to give you the 70 units earlier if there's some protection for us on the back side in case the project doesn't go forward. And they're not tying that performance to their decision about whether or not to go forward. They're tying that to city performing certain functions, which I think is a reasonable

[5:52:46 PM]

and better for the city to have it that way. Then it's within our control. But to the mayor pro tem's point, if there's a way to describe that, I don't know what granting a tizr means. There are a thousand different ways a tizr could be granted. I think for everybody there needs to be a description of that eventuality in a way that is more objective and more specific. Okay?

>> Alter: Mayor, then how would we -- we could build a road and then they wouldn't build anything. We'll have taken their land. Then we have a road to nowhere. Essentially.

>> Mayor Adler: I think the dedication comes --

>> Alter: I more wanted to raise the question, since you raised this for the first time, that this goes back to a question I've asked multiple times. With what you just said, you're obligating us to build a road. They don't have to build anything.

[5:53:47 PM]

Now we built a road to nowhere.

>> With regard to the road specifically, mayor pro tem, aside from serving the statesman property it would also serve the crocket, another property and the station.

>> Mayor Adler: At what point do they dedicate the right-of-way for the road?

>> We're working on an agreement with them. They are trying to ensure that they don't have to dedicate the right-of-way. Similar to the parkland issue, they come back and are doing construction in that right-of-way before we build the road. Normally the city would rent that to them, but since they're giving it to us, their goal is to --

>> Mayor Adler: Let me ask, go hard on giving us the road. Not the machinations involved in who leases it during construction, but the dedication comes with the commitment -- the commitment to give the road comes with the granting of the P.U.D.

>> Normally it would come with a

[5:54:47 PM]

site plan.

>> Mayor Adler: It's at that point that they dedicate that.

>> Alter: But we're selling to the community that we're doing affordable housing earlier so that we can get this affordable housing right away. Now I can understand that the term on the affordable housing ends if we don't do something. I don't know.

>> Mayor Adler: Right.

>> Alter: What you're proposing, I am not --

>> Mayor Adler: It's not my proposal. I'm reporting to you. They said one of the things they're considering is what you said, that they're willing to give us the affordable housing earlier than what ordinarily happens. But if the city doesn't perform, then --

>> Alter: It takes time for us to build the road and the whole argument for doing the affordable housing off-site was so we would have the affordable housing quickly.

>> Mayor Adler: Tie it to the building of the road. I think --

>> Alter: We have no tirz. We have no money in the tirz.

[5:55:48 PM]

We haven't -- we seem far from having a tirz. I'm not understanding how these pieces fit together.

>> Mayor pro tem's point is well-taken. We want to get to the same spot. It's just how we get there. Whether it's tirz and funding for the road, you're better off us building the road than you. We can build them cheaper and better. I think what we didn't want as a developer, is we give you X number of units and then you either don't build the road or you increase the park fees to 18 million or you, just like you almost did today, create another buffer zone on our property and we don't do our P.U.D., but we've given you the units. If we do that, we're happy to give you the units, but if you do something to us we want them back.

>> Mayor Adler: We're not going to solve that today.

>> That's --

>> Alter: Your buffer zone.

>> Mayor Adler: We need you to draft -- can you work with Jerry

[5:56:48 PM]

to draft language to do this?

>> Your.

Yes.>> Mayor Adler: We understand the concept but we don't understand how that works. If you guys could get together and get that out to us so we can see that, we need to understand the mechanics of how that works. That gets us to --

>> Alter: What was the buffer zone? I'm lost on that.

>> Mayor Adler: You guys can talk about that. Affordable commercial rate.

>> Mayor, are you moving on from housing?

>> Mayor Adler: Yes.

>> Tovo: I had a couple questions about the housing. I missed a piece when I was transferring online. I am not understanding the connection between the housing and the road. I'll go back and listen to that piece. I think what -- I think I understood there is an interest in having a mechanism to -- I heard most of it. I think I get the request.

[5:57:49 PM]

I just want to note that I need to think about that a little bit more, because there are also advantages to the developer of moving those units off-site to a place where it's less costly than constructing them on-site. I need to better think through the benefits and the relative benefits here. I had a question for our staff about the mechanism for including -- were we to move forward, it sounds like there's a lot of support for having those units at 422, but it's not the site that we're rezoning. So what is the legal mechanism that we're going to use if we move forward in this direction to codify that piece of it? Is it a public restrictive covenant? What does that look like? Does it get built into the P.U.D. Ordinance itself, and if so, how?

>> Councilmember, we're working to figure that so we don't have an answer right now.

>> Tovo: It would be good to get

[5:58:49 PM]

some answers. I appreciate that, patriesha, and the sooner you know the better, because we are getting that question quite a bit and I'd like to understand -- you know, whether it would need -- yeah, anyway, if -- when you have information if you could let us know that would also help to evaluate that choice.

>> Will do.

>> Tovo: Thank you very much for being on top of it.

>> Mayor Adler: Okay.

>> Kitchen: Mayor, I'm sorry. I forgot to ask this question about the affordable housing. So I'm not seeing it here, and I may just be missing it, but the, um, the length of time that we're talking about retaining it as affordable -- 40 years or 99 years.

>> Mayor Adler: Staff is saying 40 years.

>> Kitchen: Is there an option for longer that we're discussing?

>> We've -- we've negotiated with them for 40 years. If the council would like longer we'd have to engage in conversations with the applicant again.

[5:59:50 PM]

>> Kitchen: Okay. That's one of the things that I'm concerned about is the length of time.

>> Mayor Adler: Okay.

>> Kitchen: Thank you for that clarification.

>> Mayor Adler: So has the applicant looked at the possibility of granting more years?

>> [Indiscernible].

>> Mayor Adler: Would you take a look at that and report back to us? Okay, thank you.

>> Tovo: Mayor, are we still on housing or is that for commercial?

>> Mayor Adler: We're still housing.

>> Tovo: The other issue -- the other issue is the difference in both the number of the units and the level of affordability.

>> Mayor Adler: Yes.

>> Tovo: If the proposal is still at 80, that's another -- another gap.

>> Mayor Adler: Yes, we have those. We have percentage and number of units and mfi and timing and we will add in that, the factors duration. So I had a fifth point there. Okay, let's go to the next one. Affordable commercial rate.

>> So, mayor and council, the applicant agreed to provide a

[6:00:50 PM]

certain amount of affordable commercial on the property. I did speak with the -- the economic development department on Tuesday after the work session. They were going to consider. I have not heard back from them yet but I will check in again with them. I do have a feeling that they may be okay with the 60% of class-a market rate because that was something done by council recently on another project --

>> Mayor Adler: Would you check with them and report back to us.

>> Will do.

>> Mayor Adler: Again, send us an email so we understand the issue there from the applicant's standpoint is to have a certain number they can plug into a pro Forma.

>> Correct.

>> Mayor Adler: Okay. So --

>> We're looking for an objective number and I always want to take the opportunity to make sure that we're clarifying. This is on the retail space, not the office space. The ground floor retail space.

>> Mayor Adler: Okay. Ground floor retail. Thank you. All right, reflectivity. You heard audubon people to say today they wanted to have the 15%.

>> Here we have -- and I do not

[6:01:51 PM]

yet have a response from the watershed protection department where the folks were going to look at that letter and get back to us on it. And I'm still waiting to hear on that response.

>> Mayor Adler: On the reflectivity?

>> Yes.

>> Mayor Adler: Will you let us know on that. The applicant, do you have anything to add on that?

>> You remember in other parts of the pud you are asking us to get a lead certification. In order to get the lead certification you have to have energy efficiency. And the energy efficiency goes down and you use more electricity and as we learned today that the rates are going up. So this is another dollar figure thing and it affects another provision of the code. It's harder to get your certification if you don't have energy efficient buildings. So what we thought that we'd come to assure on all of that was the lower reflectivity down low, treetop where the birds are and higher reflectivity up where the office buildings are. And just know when you start

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doing reflectivity on the whole body building it affects other parts of the pud. Thanks.

>> Mayor Adler: Okay.

>> Tovo: Mayor, I need to clarify --

>> Mayor Adler: Yes.

>> Tovo: I need to clarify Mr. Suttle's comment.

>> Mayor Adler: Go ahead.

>> Tovo: Mr. Suttle were you saying that less reflectivity makes it less energy efficient?

>> Yes.

>> Tovo: Okay. Are there -- is there -- is there an ability -- or are there examples -- this is a question that we don't need to answer now, but I would be interested to know if there's an ability to get lead certification with non-reflective glass, you know, what some of the examples are out there of built things that have been able to achieve both.

>> Mayor Adler: Jerry?

>> Tovo: And were you saying that there are examples, but it's just more costly? Or that it's just difficult to -- it's just difficult for those two things to align?

>> We'll check with the Austin energy staff on that issue R

[6:03:53 PM]

about whether the reflectivity would affect the green builder or --

>> Mayor Adler: Lead.

>> Lead certification.

>> Mayor Adler: Okay. All right. The next item that we have is the setbacks and I think that goes to -- are there variances in this pud to setback?

>> There are, mayor. The standard waterfront overlay setback would be 150. They've agreed to keep it at 150. However, a portion of their property is actually underwater, under lady bird lake. So what they're asking there is to have the setback to be reduced to 90 feet. Essentially it is still the same 150 all the way across the property. But because 60 feet of it is under water, they're asking to have it to be 90 feet at the portion where their property is underwater. So instead of starting -- instead of pulling it back and going 150 from where the actual shoreline is, they're asking to,

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um, basically -- put this map up if you would like to see it -- but 150 across everything except that portion where the water pushes into the property, if you will, and they'd reduce it to 90. So it's at essentially the same -- the same 150 across, taking into account the fact of the inundation.

>> Mayor Adler: Does that require a variance?

>> It does.

>> Mayor Adler: And what does watershed and our staff think about that?

>> They were recommending it.

>> Mayor Adler: They recommend that?

>> Yes.

>> Kitchen: Mayor?

>> Mayor Adler: Yes, councilmember kitchen.

>> Kitchen: Um, just a couple of questions. So, the set -- do we have a definition of setback?

>> A definition of setback?

>> Kitchen: It seems highly unusual to me and that's why I'm just asking that you would start the setback -- I always thought of setback as starting at the water's edge, as opposed to --

>> Right. And that's why they're asking for the modification because we'd normally be 150 from the

[6:05:56 PM]

water's edge and the property. So for the portion of the property that, you know what I mean, the water comes in closer.

>> Kitchen: So I hear what you are saying. So it is a variance and it's not complying --

>> We call it a modification, but, yes, same thing.

>> Kitchen: Okay. For that part of the property?

>> Yeah, for the portion that is inundated by water.

>> Kitchen: How much of the property is that, you know, in terms -- how much -- I'm sorry --

>> Can I go ahead and put the overhead up?

>> Kitchen: Yeah, that would be great. Thank you.

>> If you like while we're doing that, I will hold it up. I don't know if you could see it. It would be 150 from here to here and 150 from here to here. But on this portion, if we continued the 150, it would be -- you know, in the water.

>> Kitchen: Um-hmm.

>> So what they're proposing instead is to go 90 from this

[6:06:57 PM]

portion from here to here, because the water actually -- their property extends, you know, under the water.

>> Mayor Adler: Would you explain it again with what's on the screen?

>> Sure. So it would be the portion -- if you follow the -- the water line, and there's a dashed line along the water line, and the -- that is the property line. And so that portion where the dashed line extends beyond the white, is the portion that's under the water. And so they're proposing 150 for everywhere

except for that portion where the property is under the water. In which case they're asking to do 90. Right there where the hand is.

>> Mayor Adler: Why does our watershed people feel comfortable with that modification?

>> Mayor, they're not here today right now, so I could ask them and we could answer that next time.

>> Mayor Adler: Could you ask them that and see if they could give us that answer as to why they're recommending that for

[6:07:57 PM]

the applicant? Applicant, do you want to address that?

>> Kitchen: Can I ask one --

>> Mayor Adler: Let me ask a question real fast and we'll go back.

>> So to answer it I have to go back to 1835, when the bottom of the lake was conveyed to the landowners out of the state. Over a series of many court cases and legislative actions, there was a --
[music playing in background]

>> Mayor Adler: I think that we need somebody to mute if you're not speaking.

>> It was all finally resolved in 1960, with a boundary line agreement between the landowner and the city of Austin. And the boundary line agreement has language in it that states the boundary line and it also gives the property owner the ability to maintain that

[6:08:58 PM]

property line. And if it goes underwater due to erosion or secretion, we can fill it in. So the council --

>> You guys look great.

[Laughter]

>> We're easy -- we can either go and fill in back out to our property line, and then measure from there, come back 150 feet and need no variance. Or your environmental staff didn't think that was too cool. So they said how about we go it a different way and measure from the actual water line and figure out what the difference is, and that was 90 feet for that small stretch. So we can offer up two options and we're going to either fill in our land and get it back and then measure 150. Or we can do like the staff recommend and go 90. And that's as simple as it is.

>> Mayor Adler: I still want our watershed staff to give us something that speaks to this issue, please. Ann and then mayor pro tem.

>> Kitchen: How does that relate to where the building is now,

[6:09:59 PM]

the statesman building? Is that at the 90 feet?

>> Oh, I think that it is closer than that, isn't it? Yeah, we've got numbers for you on the reductions of setbacks, and the impervious cover on the buildings are so far into setbacks and all that it would be an interesting thing to talk about. But do we have an existing condition there?

>> [Indiscernible] [Off mic]

>> It would be much farther back.

>> Can we leave that graphic up there?

>> Can we go back to that one?

>> Mayor Adler: Would you check those distances and give us those distances to the buildings?

>> Of the existing building or the proposed?

>> Mayor Adler: Both the existing and the -- and the buildings on-site.

>> Sure. What we're lacking is the

[6:11:00 PM]

existing, right?

>> We have existing.

>> If you give us a second we can show you what the existing is and compare it to what proposed is.

>> Mayor Adler: Okay.

>> That's existing there.

[Off mic] Is that the primary or the secondary? That's primary. Primary -- well, it's labeled right at the top. And that's secondary. So you will see that it will all be pulled out of the primary and secondary. And if you want actual footage, we can measure that. But that's -- that is what will be pulled out. In addition to the parking and stuff over there on the east side.

>> Mayor Adler: Would you give everybody on council a copy of

[6:12:01 PM]

this?

>> Sure.

>> Mayor Adler: In fact, a copy of this powerpoint would be helpful.

>> Sure.

>> Mayor Adler: Thank you.

>> If it's in there, and we'll get you another one.

>> Thank you, can we get a legal opinion and some information about this part about the being able to just fill in the lake? I know that our state has done some crazy things before, but, um, I would --

>> This was the city.

>> Alter: Or we have done some crazy things too for sure. But I would like to understand that and -- and why that's not changeable.

>> We can look into it, mayor pro tem.

>> Alter: Because it may be very legal, what you are saying, but it's still going to be something that, you know, people who are concerned about the setbacks -- we're going to have to be able to explain why we gave a variance --

>> Sure.

>> Alter: -- For this, if we do, and we need some more information for that.

[6:13:01 PM]

Have we -- this is a question for staff -- have we done this before for other properties along the lake?

>> Mayor pro tem, I cannot recall doing it, I think that the situation is rather unusual to have private property under lady bird lake. We can go back and check, but there's none that I can recall.

>> Alter: Okay. Can we get a map to see where -- I mean, because we have -- I mean, up on lake Austin, you have that all the way but I have never heard of filling in the lake.

>> I would not doubt that the Hyatt regency is inside the setback because that is the building that triggered the ordinance so more than likely it doesn't comply with the ordinance because it triggered it. But I cannot recall, other than some of the puds that we have done with adjustments to height and that, but in regards to the setback off of the water, I can't recall us doing a modification of that.

>> Alter: Okay, so there would be properties that pre-date the

[6:14:02 PM]

waterfront overlay -- but my question is that since we've had the waterfront overlay, have we --

>> I will have to check and I think that the one that I need to check -- we called it I think Fairfield, or something like that, and the parking lot adjacent to the Hyatt right now has a pud on it, and it was in the news recently because it's going to be developed. But I don't recall if it had an overlay setback but we can check.

>> Alter: Okay, thank you.

>> Mayor Adler: All of those questions I'd like answered in the review that you indicated that we'll get from watershed. Okay, this gets to us the next one I think is the use of public funds. I think that the question that councilmember tovo was asking for is -- and as I -- as I understand it, and I don't know if councilmember tovo is still with us, um, there are certain things that are part of this plan that the -- that the applicant has agreed to do.

[6:15:02 PM]

And as I understood, and I'm guessing, I think that councilmember tovo was saying that everything that they've agreed to do we need them to do as opposed to going out and getting further public subsidies to get those things done. Because to the degree that they get further public subsidy to get those things done, they're no longer doing those things at their expense anymore. And, therefore, would impact the deal. If they could get all of these things done for free, then there's still more than they could do for the community. I -- I -- I want to know if there are certain things that are in councilmember pool's amendment, where she has indicated all of the things that they're willing to do. And I think that it is in section E.

>> What page?

>> Mayor Adler: One through six. And, um, part 10. In the parks. And also in I, I think that

[6:16:04 PM]

those are the list of all of the things that --

>> The applicant --

>> Mayor Adler: That the applicant is doing.

>> Yes.

>> Mayor Adler: I want to know if the applicant at this point is intending to get -- if -- and I guess that we need councilmember tovo, if we could reach out to her and to better understand the intent of that. I think that it's to ensure that there's no greater public subsidy given to any of these, one through six, or one through seven things, because if there's greater public subsidy then it's not costing the applicant as much and they can do more.

>> Right. And one thing that I'd like to say mayor real quick. This zoning ordinance applies to a private piece of property, and so it obligates them to do certain things, but what it does not do is to obligate the city to do anything, per se. Thus, the concern that we heard from the applicant on the affordable housing and the road. So, my understanding of the ordinance as far as the things that the applicant would have to otherwise pay for are modified

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by the ordinance and we had that issue brought up earlier about the rental of the property that they give back to us for both the road and the parks during the construction. But it does increase the fee for the parkland, a hundred above, question mark, still to be determined. But there's no way that the zoning ordinance can obligate the city to pay for off-site improvements, because it only applies to that property and to the city in general.

>> Mayor Adler: So are there any public subsidies that the applicant is getting for those things that the applicant is proposing to do here, other than the agreements in the pud that the -- for the city obligations?

>> No. What we had always programmed in, based on the plan, was that the district infrastructure and road, Barton springs road, and the park things that we have not -- that are in the pud but we have not agreed to pay for.

>> Mayor Adler: Okay. Would you check that, confirm that, if you could send something to the council that

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says that, all of the things that you're agreeing to do in here are things that are not being subsidized, save and except for the obligations that the city is also making in the -- as part of the pud.

>> Right. I can do that. And Jerry is right, I don't think that we can obligate the city to pay for things through the zoning ordinance. My concern of councilmember tovo's amendment was I read it that she was thinking that nothing would come out of public funds, including Barton springs road, the infrastructure in the road, and the park things that we're not paying for. I just want to make sure that those are the things that we are expecting the city to cover because they are district infrastructure.

>> Mayor Adler: Can you please get with councilmember tovo and see --

>> Sure.

>> Mayor Adler: Because I didn't understand her to say that.

>> Okay.

>> Mayor Adler: She's going to know best.

>> She will.

>> Mayor Adler: What it is that she intends. If you could get with her and see if there's an issue with her. And if there's not, I can take it off and put it in resolved and if there's an issue there

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let's daylight the issue so that we can talk about. And the next page, the affordable housing bonus entitlement. And the language that I have right now on this is shown on page -- right at the end on the top of page 25 of 25. Jerry, does the staff have any reservations or concerns about that part 20 language?

>> Mayor, this is one that I think that the staff -- you are talking about the 3.5 million language?

>> Mayor Adler: Yes.

>> This is something that the staff would like to consider a little bit further.

>> Mayor Adler: Okay.

>> Only because, um, well -- we'd like to consider it a bit further and get back to you.

>> Mayor Adler: If the staff could consider that further and reach out.

>> Sure.

>> Mayor Adler: Okay. That would be great. Councilmember kitchen, there was something about boardwalk, I don't know if that is an issue at this point or it's been resolved by other stuff?

>> Kitchen: Yeah, let me raise it and it probably takes some

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further conversation offline. But basically, um, my concern about the boardwalk is the cost. And I wanted to be clear that if we're -- you know, in a world where we're looking for tradeoffs that's not where I would want to put city dollars. So I would want to either either strike the reference to boardwalk because it's in exhibit G right now, I think. Or, um, to be clear that no public dollars would be utilized as a source of funds to design or construct the proposed boardwalk. And, again, my concern is

the, um-- I thought that I had seen somewhere that the cost could be as much as \$6 million. And, you know, in a world where we're trying very hard to find out how much we can do, well, we're having discussions we can do for affordable housing, to my mind I would much rather put dollars into affordable housing than on a boardwalk. I realize that it's not that simple. But I do -- that's where I'm coming from on this one.

[6:21:10 PM]

>> Mayor Adler: Jerry, would you and the staff take a look at that question?

>> Sure.

>> Mayor Adler: See whether or not affordable can come out of G, or is anybody obligating to put money towards a boardwalk as part of this?

>> Not to my recollection, but I do know that it was proposed as an amenity, unlike other places where the city built it and it was kind of required to continue the trail. And this was strictly an amenity deal.

>> Mayor Adler: Is the applicant proposing to build a boardwalk.

>> Not to my knowledge.

>> Mayor Adler: So this is then a city expense. Is the applicant --

>> No, this pud provides the opportunity for someone to build a boardwalk. It doesn't obligate the city, it doesn't obligate the landowner, but it provides the framework within code to be able to be built at a future time. So if a philanthropic park entity came and said that was an important piece of the trail, they could do it and they wouldn't have to come back and

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change the pud. It's purely in the event that somebody wants to do it, they can. To commit --

>> Kitchen: I'm sorry.

>> It doesn't commit anyone to do it.

>> Kitchen: So is it figured into your pro Forma in terms of cost?

>> No.

>> Mayor Adler: Because there is no cost.

>> Kitchen: Okay. Well, I would want some clarity because we're in the context of talking about how we pay for affordability housing. And I would want clarity that we're not using city dollars to pay. Because there is some concern from -- from some constituents about even having a boardwalk.

>> Okay, so councilmember if I may. What he stated is that the pud provides the modifications to do the board-walk if the city chose to do it and there's certain code requirements that --

>> Mayor Adler: Check with staff and the parks board and see if there are any plans to do a boardwalk here so that question from the public can be answered.

>> Okay.

>> Mayor Adler: I understand that it's outside of the pud question and, quite frankly, we

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want the pud to encumber the property with the ability to do it in the future. But not the responsibility to do it in future.

>> Correct. And that's why -- that's why we have had that. And there's been discussions with watershed about that --

>> Kitchen: I think there's also a difference of opinion about whether -- I have heard some feedback from the community that they -- at least some portion of the community does not want to authorize a boardwalk at this point in time, and so the other question that I would want to know from you is that if at some point in future that the city took up the question of paying for a boardwalk, could it not be authorized at that time? Why are we authorizing it right now?

>> You could -- really it has to do with doing it just one time. You could take those modifications out of the pud and then if the city ever wanted to do the boardwalk in the city, the city would have to go get environmental variances on its own.

>> Mayor Adler: Is it on city property, or on their property?

>> It would be on city property. It would be over the water.

>> Kitchen: Yeah, I'm just

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concerned about trying to resolve a question right now that needs really complete vetting with the public when it's not really, you know, when they're not paying for it, and we're not committing dollars for it, I'm not sure that it is appropriate to make a decision on that right now as part of this pud process.

>> Mayor Adler: I think that I understand the issue.

>> Kitchen: Okay.

>> Mayor Adler: It doesn't involve the applicant at all. The question is should the city use it as an opportunity to be able to get the right to be able to do that in future, versus the city --

>> Yes.

>> Mayor Adler: Going through the process to get the right to do it at some time in the future. Is that the issue?

>> The applicant is a stakeholder in this, because we think that it is an important component to the parks. That area of the trail is heavily congested, and there are runners, there are bikers, there are walkers. We have heard from a large -- we didn't make this stuff up -- we have heard from a large segment of the community that they want to be able to pull off the

[6:25:13 PM]

trail, enjoy the water and watch the bats and not get run over by people doing bikes. So we put that into our pud as an amenity and we're hoping that somewhere we will find somebody that will fund it, but we don't want to have come back and go through the pud process again to get it approved to do it. So it's a placeholder right now. It provides the regulatory framework to do it if somebody steps up and provides the amenity for the city.

>> Kitchen: Okay, so then we do need -- according to -- from your perspective, it's something that you want in the pud, and then we need to spend the time that it takes to determine how the community feels about it. Because what you're saying is that you would put it into the pud but you're not going to pay for it is what you are saying?

>> That is correct.

>> Mayor Adler: Councilmember pool.

>> Pool: That is one of the items that we talked about that wouldn't be on the list of 100% funded. The boardwalk and the pier and the great lawn were things that would go into the public process to have the public give us their

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input on the things, how they would prioritize the different amenities.

>> Kitchen: What if the public doesn't want a boardwalk? That's really my question. We don't have to debate it now, but that's really my question. Because I have heard from certain members of the community that feel like it's -- that it's not appropriate from an environmental perspective. So, okay, so we're just working out the issues right now, right?

>> Pool: I have heard that it's useful from an environmental perspective, because you're not walking on the edge -- you are off --

>> Mayor Adler: But I understand the issue for us and the issue is should the pud at this point preserve --

>> Kitchen: Right, that's the issue. That's the issue.

>> Mayor Adler: -- It's a discreet policy question that we can answer. I understand that, well, we'll be able to address this more directly to that question. Councilmember Ellis.

>> Ellis: I won't weigh in whether there should be or not a boardwalk, but when there are

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setbacks existing, it's very difficult for even private philanthropy to maintain those trails because if they were built fresh they would be further from the water line and we don't have that option right now in a lot of those locations. So I'm not advocating one way or the other but I want us to be mindful of that when we try to sort out the most appropriate way to address this concern.

>> Mayor Adler: Thank you. Anybody have any other questions that we need -- that we could resolve or give direction on? My hope is that on the 27th we're in a position to pass something on second reading. And we'll work to try to really identify what the discreet questions are that are in front of the council that's going to be dependent on the staff's ability to be able to answer the questions that have been answered today quickly enough for the council and the community to be able to absorb that information. But if we can get back the answers to the questions, it seems that we ought to be able to take a vote at least on second reading on these discreet questions, tee them up and vote

[6:28:16 PM]

on them. Certainly, if you can resolve any of these questions before then and resolve some of them -- and some of them look like they might be resolvable, really. Anything else that we need to bring up, Jerry? Jerry, anything else that we need to bring? Is there a motion to postpone this to the 27th? Councilmember pool makes a motion and seconded by councilmember Ellis. Any discussion? Yes?

>> I'm happy to continue discussion on the 27th, but I don't see how if we're going to tie the affordable housing to the tirz pieces and what we're committing to construct, that we're going to be able to resolve that on the 27th. So, I think that it's helpful for us to keep talking and I think that this project deserves the attention, but I think that it's important that we have realistic expectations. It also sounds like we may not have an ordinance for to us

[6:29:16 PM]

review for quite some time. So just to -- to keep expectations clear, um, what we have to be ready for on that date, and I wanted to just --

>> Mayor Adler: We'll see. One of the questions that we're asking with respect to the tirz is a question that we ask staff whether they can draft it in a way that sets out the mechanics that would allow us to proceed. I agree with you, that if we don't have mechanics that allow us to proceed, we're not going to be able to proceed. So see what you can do and get it back to us.

>> When is the meeting -- what is the next meeting after the 27th?

>> Mayor Adler: The third.

>> So one more week?

>> Mayor Adler: Correct.

[Off mic]

>> Let's bump it to the third, I think, because Jerry -- oops -- you're out of town next week. So we're going to lose a week.

>> Mayor Adler: Any objection to to postponing to the third? Without objection, moved and

[6:30:17 PM]

seconded. Those in favor please raise your hand. Those opposed? There are six of us here on the dais and Natasha voting yes, so 7-0. Natasha, mayor pro tem, and Ellis and pool and me. This matter is postponed to the third. And we will go to the proclamation right now and it is 6:30 and this meeting is adjourned.