

City Council Regular Meeting Transcript – 11/3/2022

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[10:14:13 AM]

>> Mayor Adler: We're going to convene today's Austin city council meeting. Today is Thursday, November 3rd, 2022. We're in the city council chambers here in city hall. The time is 10:14. Colleagues, kind of looking at the day that we have, it looks like we could have three minutes for each of the speakers here this morning that we will start with as soon as we do the housekeeping matters. It looks like speakers this afternoon, two minutes each on the zoning cases. Generally speaking, let me read the changes and corrections here first. Note that items jump from item 37 to item 73. There was an error with the numbering system, but no items are missing.

[10:15:14 AM]

Item number 7 is postponed to November 15th, 2022. Item number 19 has added a sponsor of councilmember tovo and it's being postponed to December 1st, 2022. Item number 21, it's been suggested that it be postponed to November 15th. Item number 21 is the public hearing, for November 15th. Item number 23 has been withdrawn and replaced by agenda item 86. Item number 24 is also being

[10:16:18 AM]

suggested that the hearing date be December 8th as opposed to December 1st of 2022. On item number 29, a valid petition has been filed in opposition to the rezoning request. Item number 73 is

being postponed to December 1st, 2022. Item number 85, the suggested date for that public hearing I guess is being moved to January 26th of 2023. Colleagues, the consent -- we also have, by the way, late backup in items 4, 7, 18, 26, 28, 29, 30, 32, 33, 82, 84, 89,

[10:17:19 AM]

90, 91, and 92. And if you all would remind me, we have late backup in Austin housing finance corporation, items 2, 3, and 4. And if you help me remember to say that when we're in that meeting, I'd appreciate it. The consent agenda today is items 1-24 and items 73 to 86. 1-24 and 73-86. We are pulling items 1, 4, and 74, the colony park items to be heard after the public hearing item 26, so those are pulled, 1, 4, and 84.

[10:18:20 AM]

Those are the pulled items that we show on changes. One, 4, 74, not 84. 1, 4, and 74 are the colony park-related items, okay? My intent in terms of overall schedule, we'll get back to pulled items, I want to point out that on item number 18, boards and commission, we're removing Pilar from the list of appointees to the joint sustainability committee. We'll follow up with a substitute appointment. We thank her for her service. She's indicated that she'd like

[10:19:21 AM]

to move on, so we'll find someone else. Item number 76, the atp board appointment, is a late add and it's Juan Garza on item number 76. On item number 82, councilmember tovo, did you want something put into the record on 82, or do you want to do that later?

>> Tovo: It's your choice, mayor. Maybe in just a minute or two? I just need to pull up a couple of things related to that. Thank you.

>> Mayor Adler: That's fine. After we do the consent items, it's going to be my intent to immediately go into colony park. So we'll handle items 1, 4, 26, and 74 at that point. We can vote on the annexation settings, which are 89-92. We can vote on the audit plan,

[10:20:22 AM]

which is item number 87, I think. 85? What?

>> It's 87.

>> Mayor Adler: It's 87. We can do the audit plan. I think that will be quick. And we can do whatever pulled items there are. We've posted some direction on item number 83, which is the tirz item. Staff gave us a memo. All we're doing is setting a public hearing on that, but they asked for some direction, which we posted and I'll hand out here shortly when I have copies of that. I have copies of it, so I will

[10:21:22 AM]

hand them out. It's also posted. That gives us the zoning cases this afternoon. As soon as we handle the zoning consent vote we will immediately at that point go into the statesman P.U.D. Council wanted to have a time certain with respect to when we move to that. And then after we do that, we'll handle item number 29 or other pulled zoning cases, if any, as well as any other pulled items we haven't gotten to. Yes. Councilmember pool.

>> Pool: I saw there was some new language on councilmember tovo's real estate item. Is that number 84?

>> Mayor Adler: Yes, that's number 84.

>> Pool: And I don't see that one pulled.

>> Mayor Adler: Okay.

>> Pool: Unless I'm not looking at this right.

>> Mayor Adler: It was not on the pulled list, but we can pull that. Item number 84 is pulled.

>> Pool: Thanks.

>> Mayor Adler: Okay.

[10:22:29 AM]

All right. Anybody else have any other pulled items? The pulled items that I'm showing at this point, consent agenda 1-24 and 73-86, pulled items 1, 4, 74 and 84 at this point. All right. Let's go then to -- okay, yes, councilmember tovo.

>> Tovo: Thank you very much, mayor, for the opportunity to just lay out item 82, which is a renaming of the Austin history center reading room in honor of Betty baker and Steve Sadowsky, passionate advocates for historic preservation. In your backup or email, we have letters of support from the Travis county historical commission in support of the renaming. We have a letter of support we've all received from the executive committee of the Austin history center association and friends of

[10:23:32 AM]

Willard square. I've culled with -- consulted with the library director. They are comfortable with this request moving forward. This was a suggestion of Steve and Betty's colleagues, including Jerry rusthoven, who is going to make a few comments this morning at this time. And I want to say how appropriate I think this request was. And I so appreciate Jerry and joy Hardin and others for suggesting this renaming. When we honored Steve, I mentioned there's not been one time I've been in the reading room -- I've been there evening and weekend hours. Nearly every time I've been there, I saw Steve in there doing research for the city of Austin. He and Betty were tremendous city staff members and public servants and this is a really appropriate way to recognize the contribution they made to their community. So, mayor, without further ado, perhaps Jerry is on the line to

[10:24:33 AM]

say a few words as well.

>> Mayor Adler: We could do Jerry after the speakers. Let's do that. Go ahead and call the public speakers, please.

>> We have bill bunch on items 1, 4, 19, 24, 26 . . .

>> Yes, good morning, mayor and council. Thank you for your service to our community, bill bunch from

[10:25:35 AM]

district 5. I wanted to ask that item 24, the site-specific amendment for the Brody oaks P.U.D. Be set on December 8th rather than the 1st. The applicant developers have agreed to that date and I think you can confirm that. The 1st is the day of our save our springs 30th anniversary celebration.

>> Mayor Adler: Mr. Bunch, it's looking like it's going to be postponed.

>> Kitchen: Mr. Bunch, the mayor announced that it would be December 8th a little bit earlier.

>> Thank you. I did not hear that. I would ask that you do the same with item 83, which was called for on December 1st and make that December 8th. That's a matter that we've been intimately involved with from the beginning. Last December 20th you might recall, I would ask for that schedule adjustment on that one as well. I want to speak in favor of item 84, the resolution on

[10:26:39 AM]

city-owned land. I really appreciate all the hard work that's been done on that. It's very -- a very important action item. I would like to caution you on item 4 and creating another tirz until the city has a real process of distinguishing between, you know, what are important public investments and public benefits versus simply building private facilities for private gain. Of course there's a case to be made for colony park and a public investment that does not exist on the south central waterfront, but I am concerned that you're going and creating another tirz district without having the metrics and the procedures in hand to determine when these investments might make sense.

[10:27:41 AM]

Let's see. I think that's all that I was going to cover at this time and come back on at 2:00 on the statesman P.U.D. Thank you for your consideration.

>> Chrissy o'brien on item 84.

>> Good morning, mayor Adler, members of city council and city manager cronk, I'm staff for the federation of employees, a resident of district 5. I'm pleased to see councilmember kitchen is a cosponsor for the item I am testifying in favor of today. We are calling to express our support for item 84. I want to thank councilmember tovo and her staff for putting in the long hours to bring this labor and community-friendly item forward. This public land for public good proposal is in line with our

[10:28:42 AM]

core values. When afscme worked to pass the living wage, we wanted to ensure better wages for our city of Austin family and hoped it would set a standard for all workers to earn better and family-sustaining wages. Workers defense project worked on standards and projects, they had the same vision. These are shared community values. As leaders of our city, you know we only have to many tools to provide affordable housing options, access to good-quality childcare, livable wages and protection for workers who build the city. This proposal aims to achieve these community benefits all within a framework of your control for the use of city-owned properties. Businesses wanting to operate on city land should include living wages and good working conditions in their business model. This should be the standard and we can make that happen today. Let's move this item forward so we can make community benefits the rule, not the exception. Thank you for your time today and for your dedicated public

[10:29:46 AM]

service.

>> Ruby rowa, item 84.

>> My name is ruby, and I absolutely am in support of item 84. I want to thank Kathie tovo and her staff for continuing to always think about the real values of our families. And I think this item proves the hard work that she's done not only on this item, but previous items before. Thank you, councilmembers, for your vote on this. Thank you.

>> That's all we have for remote for now. I'll switch to in-person.

>> Mayor Adler: Do we have any Austin housing finance corporation speakers signed up?

>> Right now only in person.

>> Mayor Adler: Okay. Move forward. Thank you.

[10:30:59 AM]

>> We have Gus peña speaking on items 1, 4, 26, 74, 14, 15, and 81 with Roy wayley on deck.

>> Can you do me a favor and read those items? I have problems with my brain injury from the helicopter crash. Can you read them again?

>> Yeah. One, four, 26, 74, 14, 15, and 81.

>> Okay. You did mention 26, right? Okay. I'm in very support of item number 26. And it has been our

[10:32:02 AM]

contention -- we already supported my black brothers and sisters. They're the ones that really -- I really work with heavily. And I just wanted to thank -- I know you're not going to believe it, Steve, but I want to thank y'all, also the community, for working on this issue. It's very important to the community and I know a lot of people there in colony park. So I just want to let y'all know that -- darn good job. And I know I've been very tough on y'all, but sometimes the people out there need help because it's tough times over there. And I'll leave it at that. Thank you very much for the other items on the agenda. Thank you, and that's all I have to say right now. Thank you.

>> Mayor Adler: Thank you.

>> Oh, before I leave, this is from the paper, will Austin be affordable for them. I wanted to throw it in there. It is very expensive here in Austin. Thank you.

>> Roy wayley, item 19, with

[10:33:02 AM]

Monica Guzman on deck.

>> So, 19 has been postponed, correct? Until the end of the month.

>> Yes.

>> Nonetheless, do work with the folks in Hays County that have the misguided plan to extend SH45 through Hays County. There is a portion of that that is in Travis County. It won't do any good for them to complete that to I-35 if the county and the city does not consent. This goes over some of our most fragile recharge area for the Barton Springs Edwards aquifer, and we have spent millions and millions of dollars protecting that. So let's opt to not spend money and still protect that. Thank you very much. And I'll be back this afternoon,

[10:34:03 AM]

I assume, correct? And I'll have two minutes at that time?

>> Mayor Adler: Correct.

>> Per item, since there are two items?

>> Mayor Adler: No. You'll have two minutes to be able to speak.

>> That's not what the attorney general of Texas says in his handbook, that you get the same amount of time for each item you were signed up on. You're an attorney, Steve. You understand that. Thank you.

>> Monica Guzman, items 21, 84, and 87, with Joao Paulo on deck.

>> Good morning, Mayor and Council. I'm Monica, policy director at Go Austin Vamos Austin. I registered at the kiosk this morning. I did it quickly. For the record, Gava is neutral

[10:35:04 AM]

on 21, 84, 87, opposed to 36. Gava supports public hearings. Did I hear correctly it's been suggested to postpone it to November 15th? That's the same date as the public hearing? How do you approve a hearing date on the date you're having it? I sincerely hope I heard wrong and the hearing date is much later, allowing people time to review the materials received, whether by mail or online, and ask questions for clarification. Item 84 -- Gava supports the efforts to ensure living wages and better builder. We cannot support requiring better builder only for development comparable to Project Connect. On a personal note, my partner is a member of the International Brotherhood of Electrical Workers, Local 520. They and other tradeswomen and men don't get to pick a contractor's projects but you're asking them to put their lives

[10:36:04 AM]

in even more risk when better builder is not required. The potential cost to them and their families is far greater than the cost of better builder. Item 87 -- it's good to see language access, tenant support, ems staffing and department program management listed. We recommend upgrading language access and ems staffing to high priority and department program management to at least medium priority. Gava residents have addressed council and gava staff have met with council or council staff regarding interpretation services during council meetings. In addition, for at least the past ten years, many in the community have communicating with city staff, testified at the audit and finance committee in 2016, and addressed council many times regarding the need for multilingual interpretation, translation, communications for all things for all people. Regarding department program management, city staff across the board, especially the Austin

[10:37:05 AM]

police department sworn officers should not be addressing and/or working on times for which appropriate -- items for which appropriate training has not been provided and when there is better-trained staff. Thank you.

>> Mayor Adler: Item number 21 is being voted on today to set the hearing for November 15th.

>> That's too soon.

>> Joao Paulo.

>> Good morning, mayor and council. I'm here to share with you some pieces of a letter that the atx mobility coalition sent to your emails this morning. Since some of you might not have had time or opportunity to read it, I want to point out some highlights.

[Buzzer sounding]

>> Is that right?

[Laughing]

>> Mayor Adler: We'll give you a little more time.

>> That was the shortest two minutes I've ever had.

>> Mayor Adler: You get three minutes.

>> Thank you. Some highlights from the letter. The important part is we're raising serious concerns about

[10:38:05 AM]

the nomination process for the atp board. The nomination process is broken and it has led to the nomination of a candidate who the community has not worked with around any of these issues, particularly not transit, who doesn't inspire trust from the community. And more importantly, the process itself is being called into serious question. I want to raise some of the concerns that we've pointed out in our letter. Community members, including the community advisory committee and other bodies involved in the program currently lack the ability to provide feedback on the selection criteria or nomination process. To ensure accountability it is crucial that these community members and project advisory bodies have the opportunity to provide such feedback. The current process lacks transparency as community members have no awareness of who applied for the position and what applications were short-listed for interviews. It is also vital that the nominating process prioritize the appointment of frequent transit users and the appointment process should

[10:39:07 AM]

include people who speak to the experience of transit users who understand our transit systems and who are engaged in transit advocacy. So -- there's a number of other points in the letter. It's in your inbox. I wanted to flag we should not be moving forward with any changes to the structure of the atp board or the nomination of any new atp board members until we have a nomination process that is more transparent, and involves the community. Frock -- project connect is a huge project with serious consequences and there's a lot at stake here, and the atp board should reflect that. Thank you.

>> Mayor Adler: Mr. Connolly, I want to thank you for the work you're doing on homelessness for the city, and I appreciate your appearance yesterday at the press conference. Today's headline in the statesman said the city was closing in on that \$515 million

[10:40:10 AM]

goal, about 90% complete now. And your work on that has been critical, as has the other community partners, and I just want to say thank you.

>> Thank you, mayor. We switch between many different hats, important issues that impact the future of the city, but it's been a pleasure and an honor to work with you on ending homelessness in Austin. Thank you.

>> Mayor Adler: Thank you.

>> Kitchen: Mayor?

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: Thank you for being here to bring this letter to everyone's attention. I will pass out a copy to everyone and at the right time when we get to that item I just want to signal to people to let everyone know that I will be bringing -- not today. I'm proceeding today. But I will be bringing something for the council's consideration related to the process, to try to address the points that you all are raising related to transparency.

>> Thank you so much, commissioner.

>> Mayor.

>> Mayor Adler: I appreciate, councilmember kitchen, the opportunity to work with you on that.

[10:41:10 AM]

>> Kitchen: Yes, mayor. I would like for us to bring something December 1st.

>> Mayor Adler: Councilmember pool.

>> Pool: JP, thank you for the comments and also to the others who you are working with on this issue, councilmember kitchen and I -- we share the concerns. And we are looking at how to adjust the nominations process to ensure transparency and accountability, and public access to the information, much like what we do with our boards and commissions nominations. I think all that information is --

>> Public.

>> Pool: Super public, right. This is a nomination. And so she and I will be carrying our concerns as well to the cap metro board we sit on, and hope that we can resolve this with some procedural adjustments in the new year. Look for y'all's help and support in that process.

>> Thank you, councilmember. And I also want to just take the opportunity to thank both

[10:42:13 AM]

councilmembers who are on the cap metro board for the work and support that you guys have been doing -- all three, sorry -- on the cap metro board for the work and support around the fares, access, and the free fares work that you guys have been helping us with. It's been crucial. Thank you so much for your support on that. Any other comments?

>> Don green, item 81, with Miller on deck. Donna Marie Miller, item 81. Monty warden, item 81. Virginia white peacock on item 81.

[10:43:13 AM]

Fabiola baretto, item 84.

>> Good morning, mayor, mayor pro tem, and councilmembers. My name is Fabiola. I am the Austin policy coordinator at workers defense and I am testifying in support of item 84. Workers defense is a membership-based organization that supports low-income construction workers in improving their lives and working conditions. I want to thank councilmember tovo, her staff, and all of the cosponsors for prioritizing the working conditions of construction workers by including compliance in better builder, as well as living wage in this resolution. Texas is the most dangerous state to be a construction worker, and because of this, construction workers within Austin work together to create a set of standards that would be able to improve their living and working conditions based on their own lived experiences. And since then, the better

[10:44:13 AM]

builder program has directly impacted 38,000 workers in central Texas. It has also helped recover over \$100,000 in stolen wages and provided 40% of workers osha training for the first time in their lives, and that's incredible. The key to the success of this program is high-quality third-party independent monitoring. Without the monitoring, these standards are only as good as the paper that they are written on. Today we think this resolution would be a great win for working people and construction workers in Austin. These are community values that the council and the community have set forward and so your vote today is really crucial for that continuance. Thank you all and we urge you all to vote yes on item 84.

>> That concludes everyone that is not ahfc. We have three ahfc speakers.

[10:45:14 AM]

>> Mayor Adler: Anybody else signed up to speak this morning that we missed in the regular council meeting? Okay. I'm going to go ahead and recess the Austin city council meeting here at 10:45. I'm going to convene the Austin housing finance corporation meeting here at 10:45 on November 3rd, 2022. We're in the city council chambers. We're going to hear from some speakers, and I think it's a consent agenda, so we're probably going to try to take care of the agenda before we go back to the Austin city council meeting. It should be noted in the record that there's late backup in Austin housing finance corporation items 2, 3, and 4. Would you call the speakers, please?

>> We have Gus Peña on ahfc items 1, 2, 3, and 4.

>> Mayor Adler: Is Mr. Peña still with us?

[10:46:17 AM]

Okay. Next speaker.

>> Tracy fine on ahfc 2.

>> Hi. My name is Tracy fine. I'm the senior director of housing for national church residences. And I am also based here in Austin, Texas. I am heading up the transaction for Arbors at creekside. National church residences is a national nonprofit developer that specializes in senior affordable housing. We've done multiple projects across the country, and several here in Texas, including the central Texas area. The bond financing is critical to preserve this much-needed senior affordable housing in this community. And we really appreciate ahfc's support for this transaction. I am available for any questions you may have.

>> Mayor Adler: Thank you. Any other speakers, people

[10:47:18 AM]

signed up to speak?

>> One last speaker, Sarah Watkins on ahfc 2.

>> Excuse me, mayor.

>> Mayor Adler: Yes.

>> Harper-madison: I would like to encourage the national church residences folks to get in touch with the district 1 office. Thank you.

>> Good morning. My name is Sarah Watkins. I'm an organizer with building and strengthening tenant action. And I have been supporting the residence association at what is now known as Arbors at creekside since 2017. And the residents association has been working in particular for the last month to talk with their neighbors and talk with everyone about the renovation that is upcoming and things that have been going on. I'm really happy to have

[10:48:20 AM]

Mrs. Cooks with me this morning. And Mrs. Cooks and 52 of her neighbors spent the entire month of October having little gatherings with their neighbors and talking a lot about their questions and their concerns, and their dreams for a renewed Arbors. And so even though there are not a lot of residents with me today, they are engaged and they are working. And there's a lot of enthusiasm. And I in particular want to take a moment to thank both the ahfc board and in particular ahfc staff for the way

that you've gone above and beyond to make things right at Arbors, and in particular, for the ways that there has really been a commitment to engaging with residents and in particular with resident association leaders throughout this process. I counted, since 2020, folks

[10:49:21 AM]

like Jamie May, Kennedy and Patrick Russell who had more than 12 meetings with the association. I know Patrick and Brendan and a lot of other folks have walked the halls, climbed the roof, really looked at conditions, met folks at the door. And it's really made a difference. And I think it is really important, the work that ahfc does, not only to build quality housing, but to do this outreach and to engage with residents and say, not only do we want to build you quality housing, but we want to make sure it stays that way. And I think this whole engagement process has just been really, really remarkable and I want to commend everyone for it. And I would like to see it continue also at other ahfc properties. I think one of the questions I get most often is does the city really care about the place where I live. And in this case, I am very

[10:50:23 AM]

happy to say that residents are beginning to feel like the city really cares. Thank you so much.

>> Mayor Adler: Thank you.

>> That concludes ahfc speakers. We do have another last-minute call-in for the --

>> Mayor Adler: Okay. We'll get to them in a second. Staff, thank you for this work as noted.

>> Mandy Demayo, Austin Housing Finance Corporation, you have four items on your agenda today and as you noted there's late backup on 2, 3, and 4. Item 1 is approving the meeting minutes from the October 13th meeting. Item 2, as we had speakers reference, is with respect to Arbors at Creekside. We're really excited about moving forward with the bond issuance up to \$25 million in private activity bonds, multifamily revenue bonds. And items 3 and 4 are related to Cityview at the Park Apartments, a 70-unit senior apartment complex in District 3 that ahfc

[10:51:25 AM]

is both asking for authorization to form a nonprofit subsidiary and to acquire the investor interest in that property. I am happy to take any questions. As noted previously, there's late backup on all of these items. And I do want to thank the speakers, both from National Church Residences and, of course, from the tenant organizers and the residents who spoke last week on the Arbors Creekside complex.

>> Mayor Adler: Great. Thank you. Colleagues, the consent agenda could be items 1-4. Is there a motion to approve the consent agenda? Director harper-madison makes that motion. Is there a second to that motion? Mayor pro tem seconds that motion. Discussion, director pool. Okay. Discussion, director harper-madison.

>> Harper-madison: Thank you. I wanted to echo the sentiment of our last speaker, which,

[10:52:25 AM]

thank you, by the way. That was brilliantly articulated. I couldn't have said it any better myself. Thank you very much for bring that to our attention. I wanted to also -- a resounding thank you for the creativity and innovation of the ahfc staff. I remember when we first brought this up, and it was one of those instances where -- it's interesting that we have the beautiful regal and royal purple of colony park in the room as I say this. It was one of those really interesting Franken management properties that my office inherited. And that wasn't the only one. So once we realized that, you know, for folks who are listening, there's something that I want you to take into consideration. When a person comes onto the Austin city council, it's a brilliant, beautiful honor. Most folks come in here ready to do the work. But there's no training. Nobody trains you to be the city councilperson who comes in here and takes on the items that were in the queue long before -- for

[10:53:26 AM]

me, for example -- long before I ever thought about politics as a profession, policy-making as a profession. So you have to acclimate and make commitments. All that said, I was new to it. But the residents, much like colony park at Arbors, called me over that January and they said we want you to see our swimming pool. The water was green. And it was a mosquito breeding ground. And I think they sat us all next to the pool on purpose, just for impact. They said I want you to see the pool. We also want to take note we can't meet in the community room because there was a flood and it was never repaired. There's mold. We can't sit in there. I'll never forget the impact of the way that those community members and residents advocated for themselves. And the fact that y'all took the opportunity to really get creative and thinking through how to address it. It wasn't just creativity, it was the commitment. I appreciate that. I don't think y'all get enough credit for when you really do

[10:54:26 AM]

dig down deep and make the commitment for something that's difficult, because it's one of those times where even while you guys were working, you couldn't tell everybody what you were doing at every step along the way. So sometimes folks feel like nothing's happening. You can't see the feet kicking

under the water, so you feel like nothing's happening, but I promise y'all, more often than not if it's been handed to the hands of the staff members who feel so much, you know, commitment and integrity around delivering a high-quality product, especially in a situation where we all took a look at this income-restricted housing project for our aging residents, and it was completely inappropriate. It was bad. And I don't want to go back. I want to look forward. But I also want to recognize that without making that commitment we wouldn't be sitting here. Without them making that commitment to advocate for themselves, we wouldn't be sitting here. To our residents, general citizenry, just because you don't see the work does not mean it's not happening. I saw them kicking feverishly

[10:55:29 AM]

until they were able to finally say -- they didn't want to come prematurely. They had to get beat up along the way with the implication of them not having made the commitment or doing the work, but they were doing the work and I wanted to not so briefly highlight that. I appreciate it. This project along with all the other district 1 assets that have been overlooked and underrepresented, you know, this is our time to shine. All over the city, to really make these true commitments with our time, with our dollars, and with our staff's innovation. And I appreciate that once again y'all showed up when given the opportunity to do so. So, thank you.

>> Thank you so much for that acknowledgment. Our staff has worked closely with the residents and the tenant organizing on the property. And we cannot wait to take you on a tour of the property after the renovations have occurred. So, we're super excited about this development.

>> Mayor Adler: Thank you. Colleagues, the consent agenda,

[10:56:29 AM]

all four items have been moved and seconded. Any further discussion? Let's take a vote. Those in favor, please raise your hand. Those opposed? I'm seeing it as unanimous. We've taken care of all our work. Thank you, staff. And we will adjourn the Austin housing finance corporation meeting here at 10:56. We're going to go ahead and reconvene the Austin city council meeting here on November 3rd, 2022, it's 10:56.

>> We have Zenobia Joseph on items 1, 4, 18, 26, 74, 76, and 82.

>> Thank you, mayor, council. I'm Zenobia Joseph. I'm totally confused about today's speaker arrangement, so how many minutes do we have?

>> Mayor Adler: You have three minutes to speak on the city council morning non-zoning

[10:57:33 AM]

agenda.

>> Okay. Thank you for clarifying. I just wanted to say I would appreciate it if the clerk could show my opposition to item number 2. I ran out of time and had to cut and paste the Samsung information from item 1 into number 2. Specifically as it relates to colony park, I do appreciate Barbara Scott's work over the years, but I do want to express my opposition to council specifically, because the backup materials does not specify what \$3.3 million will be used for. It actually has a scope of work, but it doesn't enumerate the amount of monies that will be used for each of the items that are in the backup material. So I was just trying to figure out why phase two is going to cost about three times more than phase one. I also want to point out specifically that the people in colony park today, black people, wait 60 minutes for the bus. That's ten times longer than

[10:58:34 AM]

southwest and central Austin. And as you are aware there's a November 3rd, 2017 Austin chronicle article that talks about the once an hour bus. Those routes those routes are partially funded by Travis county. Nothing has been done to improve the service to the residents now. I find it disingenuous that it's on the agenda now. You took credit for the -- you invested zero dollars. I'm not sure why you have such an aversion to black people. This is a smoke screen. The green line will have to be funded and I reminded commissioners that a good reason for me to withdraw from capital metro is that Joe

[10:59:36 AM]

Clemmens told them -- one of the deputy managers at the time -- that it doesn't mean the ridership for funding. As related to the other item lgs I signed up for -- that I signed up for I support item 82, the naming of the Austin history center reading room. I know he was quite passionate and I've been there a number of times myself. As relates to public participation, because of the bylaws standing item you have on the agenda -- I oppose number 76, but I want to call to council member pool's attention that if she goes back in time, you will see articles that say Austin transit partnership was opaque and not transparent. So for you to think the public

[11:00:37 AM]

will think you would be transparent now is disingenuous. One of those three on the board could be a citizen. Because of the lack of time there's always been three elected officials. If you have questions I will gladly answer them at this time.

>> That concludes public speakers.

>> Mayor Adler: Thank you. We're back on the consent agenda. 1, 74, and 84 are the pulled items. I want to give you one quick oral change -- in the last par Grae we said the public hearing date would be noticed for multiple readings for action. And I have the first and the second and the eighth and the ninth. We don't know whether we're going to be meeting on the 2nd

[11:01:38 AM]

or the 9th. That would be carry-over. We intend to finish our work on the first day. It says concluding on December 1st as well as the 8th with the intention -- our intent is to finish that day. If we need to carry over we will. Any other -- is Mr. Restoven here? He is.

>> Good morning, council members. I first met Betty baker in 1984. Upon graduating high school he went to secretarial school and started at the city as a types. One of the things I remember is she knew stenography.

[11:02:40 AM]

She was a stenographer. If she didn't want us reading her notes we would write -- she would write them in stenography. She rose nup the planning department.

-- Rose up in the planning department. Whole blocks were being demolished on congress avenue to build high-rises. Betty felt -- was appalled by that. She convinced the city management as well as council to create the historic preservation program. The local historic district was created. The result is what we see today. Not every building needs to be saved. Betty realized that. What she called the main street of Texas [indiscernible] Right now. She tackled sixth street which

[11:03:40 AM]

was a main shopping drag back in the day. There was a lot of pressure to redwap that as well as congress. The sixth street entertain. District is what it is today. Betty was my mentor. She taught me a lot in my professional and personal life about how to treat people and be a better person. She could sometimes come off abrasive. My experience is when she was chewing you out it wasn't for her own satisfaction; it was because she thought you could do better. It was I'm mad because of a decision you made; it was you can do better and we should. I think we all today, even if we didn't know her, benefit from her work. Upon her retirement after 30 years at the city of Austin she went to work for the Austin convention bureau.

[11:04:40 AM]

She was appointed to planning commission where she served for 18 years between the planning commission and zoning and planning commission. After a brief bit Steve took over. At times they had rather spirited discussions. I've known Steve for 21 years. He was passionate about telling the city of Austin. When you work for the planning department, it's tab future -- what's the city going to look like in the future. Both did a great job reminding us city planners that there's also the past and we need to honor the past and there are -- just as important as looking to the future we have to look at the past. Both understood not all our pasts is something we need to be proud of and I think they took important steps to make

[11:05:41 AM]

sure we recognize the work -- the contributions that all of Austin had given, not just the governors and senators and people like that. So I think they were very important to that. I think we try to continue that work to this day. Steve was a meticulous researcher. He was great with people's skills, convincing people that your mother or father were important people in the story of Austin and there's no better way to honor them than preserving their skill or business. Likewise you had to tell the neighbors sometimes that we want to save the house but it's not historic. I think they were professional in the way they went about their work. Steve passed away, as I'm sure you know this past January -- we're still missing him, to be honest with you. I think that renaming the

[11:06:42 AM]

Austin history center reading room is a great way to honor Steve and Betty because they both spent so much time doing research there. Betty created the program. Steve a lot of work on it. I think they'd both be proud to have their names on that room. I thank you for your time.

[Applause].

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

>> Kelly: I'd like to call a special guest, congressman Roy to speak in favor of item 81.

>> Appreciate the honor to

[11:07:42 AM]

address you. Dressed up for the occasion, as you can see. I don't always agree with city council. That will surprise a lot of folks. I know there will be a lot of tears shed when redistricting takes effect. I think an important resolution is being considered. It's important to preserve and protect the Austin we all love. I don't know what that looks like and I doubt any of you know what that looks like -- which things to protect. We've heard different ways. Not every building can fully be protected but if you take something like the spoke as one example that has been part of our culture and community for now, you know, 60-odd years, what are we going to make sure that the soul of Austin stays intact? It's going to evolve and change. People come and go. I get that.

[11:08:44 AM]

Buildings are going to be built and it's going to continue to evolve. When I think of the spoke, I think of going there as a kid with my family. My parents met and married here in 1978. I used to roll down to the continental club and go to the hippy hour of Tony price. I loved doing it. I would get a margarita and go to the continental club and listen to tunes. Followed up listening to other bands. We had the south Austin drug band at our wedding rehearsal. I was there when they were auctions things off. Shady grove is where we went -- hang out under the live oak tree.

[11:09:44 AM]

It's not there anymore. Dry creek closed its stores a year ago. There are many of these things part of the fabric of Austin. We can't keep every one of them. If we lose the spoke and -- go down the list of things that makes Austin unique and different then we're Dallas on a lake, with all due respect to Dallas. I say that as an -- there are things you want to conserve. I would love to have an open dialogue about the things I would like to conserve, about the hill country as we grow. As I drive out to my home in dripping springs and I see another sur burr ban stretch. What can we -- E -- what can we

[11:10:45 AM]

do to preserve things? Things will change and grow but I strongly support resolutions like this in particular, preserving and protecting the spokes. I've known the whites many years. Sad with the passing of Mr. White last year. Try to help out a lot of businesses with the ppp loan -- trying to keep the restaurants and businesses alive during the pandemic. Went to the derailers the night of our wedding at the spoke. My wife and I ended up there -- went to the spoke dancing to the derailers. I'm a fan of the culture where the hippies and red necks got together. Happy to work with you, mayor, and others, regardless if in

[11:11:47 AM]

January I represent downtown I will still represent Travis. With that, I appreciate the time and the ability to address you.

>> Mayor Adler: You're always welcome here.

>> Thanks, mayor. Appreciate you.

>> Pool: I just want to say -- and for my colleagues -- thank you for supporting this resolution. This resolution I'm bringing is to initiate consideration of historical Z designation for the broken spoke. It's in my district. It's in my heart. I've spent a lot of time there. It's really great to hear you speak about it. I know there could be opportunities in the future as we go down this road that perhaps you could be helpful so we'll stay in touch. This is our Austin economic development corporation -- is as part of their cultural trust activities is looking at different places in our city --

[11:12:51 AM]

iconic venues to protect. This is an avenue they're suggesting we explore as potentially helping us preserve the broken spoke. Thank you for being here.

>> Council member kitchen, I appreciate that. I can no longer roll down to the horse shoe lounge. At least we can preserve the spoke. There are other venues. My wife and my first date was a Willy Nelson concert at stubbs.

>> Pool: Thank you.

>> Mayor Adler: Colleagues, any further discussion? I don't think we have a motion on this -- is there a motion to approve the consent items? Any furtder -- further discussion?

[11:13:51 AM]

>> Kelly: I would like the clerk's office to reflect no-vote on item 3 and 78. I would like to be added as a co-sponsor to item 72. Thank you for the story and I want to thank the congressman for coming to speak as well.

>> Mayor Adler: Council member kitchen?

>> Kitchen: Yes. Thank you. I want to point out a resolution I have. It's item number 20, and it relates to directing a staff to work with txdot on a memorandum of understanding. This is an important item -- for

district 5 and the rest of the city. There's opportunities to work with txdot on areas under our overpasses, to design and activate those areas. So this is the area from pack

[11:14:52 AM]

saddle to Lamar under 71. It's an area we've worked for quite some time with our neighbors and corridor program. Now we'll have the opportunity to work with txdot on activating that space. I wanted to bring that to everyone's attention. Second thing, I mentioned earlier, and I will go ahead and pass -- Mr. Connolly spoke to some recommendations that the atx mobility coalition has for us in relate to looking at the transparency in our processes for the atp appointments, so I want to say -- I first want to thank our committee members, the mayor pro tem and council member Ellis. I know it's not an easy process. It's something I went through last time. I appreciate their efforts. This is something that I intend to bring with council member pool and mayor and others and

[11:15:52 AM]

we can have a conversation at that time on December 1st about what would be the way to proceed with this. I think it's important for the whole council to address how we want to proceed from a transparency and public engagement perspective on these appointments. It's something that neither the mayor pro tem nor council member Ellis had the benefit of hear fromming the -- hear fromming the council. It will be a good process to have. I appreciate their efforts today and appreciate moving forward with this appointment. And appreciate the opportunity to discuss what kind of process is desirable going forward. Thank you.

>> Mayor Adler: Thank you. Further discussion?

[11:16:53 AM]

Mayor pro tem?

>> Alter: I have several questions on the motion sheet you passed out for 83. Wondering if it would make sense to pull it.

>> Mayor Adler: We'll pull 83.

>> Alter: Thank you. Council member Fuentes?

>> Fuentes: I want to speak to item 78. This is an item I'm personally excited about. We know foundations communities is a local home-grown nonprofit that provides affordable housing throughout the city. What's unique about their housing -- it helps seniors and viter rans and -- veterans and people

with disabilities. It provides housing on site. So with item 78 foundations community is developing 100 units of permanent supportive housing. That will be in the phase four of our community first

[11:17:56 AM]

expansion and that will be in southeast Austin. I'm excited about 78 and thrill today have your support on it. Thank you.

>> Mayor Adler: Thank you. Any further discussion on the consent agenda? Council member harper-madison? And then we'll come back.

>> Harper-madison: So accustomed to being virtual that I tried to unmute myself just now. I know I've said a bunch today but it feels like that kind of day -- feels like that kind of week for district one. Last night -- I am taking a moment of privilege in addition to the item that's on the agenda -- I want today make note -- wanted to make note that we had an opportunity last night to offer an official welcome hosted by the carver and the Austin alumni chapter of the delta sigma the

[11:19:14 AM]

theta. We all welcomed the incoming CEO. We all recognize what a massive impact Dr. Pierce burnet made. I can tell you after hearing her speak and seeing how poised and graceful and brilliant she is, Dr. Williams understands the assignment and we'll be all right on the east side. It has been a great week of celebrations. So with that I'll close out our celebration were colony park today. It's a big day for Austin, big day for greater east Austin. For 20 years now the city has promised major investments in a community that's been largely ignored.

[11:20:15 AM]

It's been a food desert, transit desert, and healthcare desert. The residents have pushed forward as other major city projects have taken off throughout the course of the years. Those residents, long-timers and those only around a short decade or so have been relentless to push this forward. The district one team, my team -- thank you, district one team -- and I made it a top priority when I took office in 2019 to make sir their efforts wouldn't go to waste. When I was campaigning as a candidate they made sure to let me know -- I appreciate the opportunity. I want to thank my colleagues for supporting our resolution

[11:21:17 AM]

earlier in the year. We have before us today the fruits of hard work and persistence advocacy. We're closing the funding gap. This is a major leap forward in bringing more than a quarter billion dollars worth of public investment in a community that needs it. Assisting residents will get access to new services and amenities, including a health clinic, open spaces and trails. We're creating 2,000 new homes, including nearly 400 income restricted -- I want to make sure to note that the colony park residents were so thorough and thoughtful in their consideration around how they want today see the community develop. They were the first community I heard state we needed to delineate when we talk about affordability. Are you saying work-force

[11:22:20 AM]

housing, income restricted -- affordable for whom? I appreciate the community forced us to delineate. It holds us accountable in the end. Eventually the project connect expo line will be up and running through the neighborhood and the green line commuter rail will connect it to downtown. The plan and vision creating an abundance of access in an area that currently has so very little outside of the commitment, love, and investment of the current community. I know the neighbors aren't going to believe it until they see it -- until they see dirt being turned. I think given our city's history that's a rightful degree of skepticism. I hope we pleasantly surprise the community. Without their tireless advocacy this day would have never come.

[11:23:21 AM]

I would like to thank you city staff -- there's some degree of miscommunication we talk about people who build things. I want to point out they didn't have to stick around and fight with us and along with the colony park residents to see this through. Thank you to them as well. And my staff who made mention to the nonstop work to move forward. One of the items in the queue was laid out before us. I would be remiss not to acknowledge folks who came before us. My predecessor and hers -- long line of folks who said we make this is priority but didn't have the support needed. Let's keep the momentum going, let's bring badly needed public investments to greater Austin in general. Let this be the beginning and let '23 watch us shine and make

[11:24:22 AM]

more of these conversations and visions a reality. Thank you, colleagues.

[Applause].

>> Mayor Adler: And we'll call up the matters after we take the vote on the consent agenda. Thank you for your leadership and everybody else -- thank you for your leadership in this work. You're the one getting it across the line. Anything else on the consent agenda? Council member kitchen?

>> Kitchen: Just a quick note, we have a proclamation honoring the broken spoke. Invite you to participate today.

>> Mayor Adler: Further discussion on the consent agenda? Let's take a vote. Those in favor of the consent agenda, raise your hand. I show it as unanimously passing. Let's take up the two tirz items. First one is colony park. We're calling up now together

[11:25:26 AM]

items 1, 4, 26, and 74. Motion to approve these items? Council member harper-madison makes the motion. Is there a second to the motion? Council member Fuentes? Discussion on the items.

>> I went ahead and jumped the gun.

>> Mayor Adler: That's okay. I would have let you go first. In fact, you made sure you did. I would just say that this is way too long in coming. It's the first real tangible step to having this area transform and in fact be able to realize the resources and opportunities and access, as I said this morning, that is the prize of this city. By this action today we are making Austin just a little bit

[11:26:27 AM]

more just and fair. And I continue to be proud to be part of that. Council member Fuentes?

>> Fuentes: Thank you. Thank you for your comments. I want to express my gratitude to council member harper-madison and to the community. I have enjoyed watching the fierce advocacy by our community. I'm with you on understanding our east side communities, east of 183, have been long-time neglected and underinvested in. I'm proud to stand alongside you two in solidarity to make sure we're able to bring this vision into fruition. I have asked staff if they would consider putting together a tour for me and our new members of the dais for some time next year -- maybe in January, February. And would love to tour colony

[11:27:30 AM]

park alongside our community and make sure our new members of the dais learn about what's ahead. I'm excited to vote on this exciting finance item.

>> Mayor Adler: Okay. Council member pool? Then mayor pro tem.

>> Pool: I wanted to congratulate you all for a good successful combination of all this work and tip a hat to my colleague, council member harper-madison. Congratulations on bringing it home.

>> Mayor Adler: Okay. Mayor pro tem?

>> Alter: Thank you. So today we can mark a milestone. I don't want to prematurely say we've gotten it over the finish line because I think there's still a lot more work to be done. Let's pause and celebrate the work of our community, the

[11:28:32 AM]

neighbors. Council member harper-madison, I was pleased to join you earlier in the year. I want to ask the city manager make sure a couple steps get incorporated. I couldn't figure out how to advocate for those within these items. We need to make sure that the building code process that we've set in place is applied in this area so that in the event of a wild fire, that the new homes are protected and the investment we're making in this area and the people are making is a solid one. I asked some question ins the Q and a about response times for public safety. I had a bit of a conversation with council member harper-madison about that and I want to underscore we need to

[11:29:33 AM]

make sure that the public safety needs of the community, whether ems, fire, or police and whether city or county -- who's the appropriate authority, I'm not sure. We need to make sure we have a plan as we build out this large development, that we will not have situations where we will have really long response times. The response times that we got back for what is existing in colony park were not the worst I've seen in the city but they were not at ideal levels either. City manager, I would ask that you find a way to address public safety investment concerns so we don't have a repeat, even as we make the large investments moving forward. Thank you.

>> Mayor Adler: Thank you.

>> I have one quick clarifying

[11:30:34 AM]

question before we take our vote. I know there's been discussion about single family, multifamily and missing middle. I want to make sure we're not excluding certain types of missing middle. Can someone clarify the language might include that option through the exclusive negotiating agreement.

>> We will ensure that we have all housing types as we move forward with the negotiations.

>> Thank you so much. I wanted to clarify that but I'm excited about the opportunity for this project to move forward. You are more than ready for this to get going.

>> Mayor Adler: Council member harper-madison, I understand your motion to include -- it has us both opening and

[11:31:35 AM]

closing -- actually closing since we opened the -- we're closing the public hearing as well. Okay. Council member tovo?

>> Tovo: Just in a nature of making sure it's part of the on going conversation, we had a conversation in work session two and it looked like there was good response from what I could see in terms of body language on continuing to look for integrating the preference policy here and source of income protections. The preference policy the right to return, which would affirmatively market -- give preference to individuals and families who have been displaced or are at risk of displacement. I'm not making this a requirement. I'm offering that for continued conversation as the project moves forward. The other item we have talked about that staff have committed following up on is in relation

[11:32:37 AM]

to homeownership fees and how they would be managed and a proactive attempt in how to obtain the affordability for the families who will come to live there. I wanted to add my thanks to my colleague, council member harper-madison, to her leadership. Appreciate your years of passionate and energetic and extraordinarily time consuming -- what must have been frustrating advocacy. Thank you for your past and continued involvement.

>> Mayor Adler: Okay. Take a vote. All those in favor of passing these four items, closing the public hearing, raise your hands. And those opposed? This matter is unanimously approved. Congratulations.

[Applause].

[11:33:38 AM]

Thank you. I move passage of 83 with the included direction as requested by staff. Is there a second to this? Council member pool seconds. Any discussion? Mayor pro tem, you had some questions.

>> Alter: Hi. So I wanted to walk through the motion because we didn't have this in our back-up and wanted to make sure I'm understanding what the motion is. So I don't know if it will be -- I don't know whether this motion was requested by you or staff, but if somebody can go through each of the bullets so that we understand. If we are going to move forward with the public hearing to discuss this, I think it's important that folks have a sense of where the dais may or may not be going. So, mayor, I'll let you decide --

>> Mayor Adler: Let me see if I can do it quickly.

[11:34:39 AM]

If you want further detail, we have staff here and I'm sure -- this is setting a public hearing on the question of the tirz. We can decide what the do and the staff has the chance to speak to us. Staff has asked for some guidance with respect to the draft ordinance. That serves as the basis for the public hearing. The first question they asked was what about the district boundaries? As you'll recall when we set the district up before there was a question about whether the building that's been built on pud was included in the boundaries or not. The question there is whether or not it contributes to the but-for element, whether it would have been element with or without the promise of the capital improvements. The staff had recommended we not include that area. I think we did include the area, what we passed. I'm recommending as far as the

[11:35:41 AM]

ordinance goes that we not include that area. Staff is not comfortable doing it. Give us a chance to see if we can make them comfortable. If we can't I'll stick with what the staff recommendation will ultimately be. That was that issue. Ultimately the successor council will be the one to decide that question as it goes through the regulating plan and decides what it wants to do long term. The second issue -- that's what the staff recommended in the memo they sent out. They said give us direction and this is what we recommend. Establishing the participation rate of 46 per cent is what staff recommended, so I'm putting that recommendation in here. I think that's right. So long as our plan is the way the plan is. That eliminates height of most building to 100 and 200 feet. You don't generate enough money to do the capital improvements

[11:36:44 AM]

necessary. That's something the next council can deal with. If council decides to go greater density, then you can do that. At which point that would be the appropriate point to raise the percentage. With the existing plan, staff is recommending 46 per cent. That's what I have in the direction. The third one was

with respect to affordable housing the staff does not include any dollars for affordable housing. This is the one where I have moved -- strayed from the recommendation of the staff in keeping with the amendment that council member tovo had brought when we considered this a year ago. There's not enough money to approve all the infrastructure we would like to have happen. I think there was \$290 million.

[11:37:46 AM]

This generates about 90 million, which is not sufficient to do it all. It is sufficient for the roadway and drainage functions necessary and that create the value of the tirz in the first place. Whether than take out affordable housing I have put it back in. I think that was the will of council and the desired intent. I put the dollar amount -- I put in 20 per cent of that overall capital budget. Again, recognizing council next year is going to have to wrestle with how you handle this and whether you generate, in fact, enough money to actually transform that area. And then the last one -- the next one includes the administrative costs for adc as recommended by staff in their memo and then the last one was staff had indicated the public

[11:38:48 AM]

hearing would be on the 1st but the ordinance wouldn't get to us until the 8th. I spoke with the manager and if there's a way to get the ordinance back I think that would be best. It enables council to take action that week. If it needs to go over to the next week for other readings, it can. Mayor pro tem?

>> Alter: We can't have a hearing without a draft ordinance.

>> Mayor Adler: That was my point.

>> Alter: Okay. What is the density that is assumed?

>> Mayor Adler: What is --

>> Alter: I don't know if it matters for this point but for the actual -- it seems like it matters for the actual financing plan and we would have to specify. One of the questions we were debating was the amount of density on which the tirz was planned on.

>> Mayor Adler: It was the tirz plan approved back with the vision plan, and there's a --

[11:39:48 AM]

exhibits to the vision plan that talk about the development on each tract in terms of the floor area ratio of the various tracts. The consultant hired by the city took that nfrgs and then estimated the -- what the but-for value would be and that was the number staff used. I'm not changing any of that in this and saying at this point that's the best information we have. My recommendation and heck, I may show up at public communication and remind you all. But then again, I may not. My recommendation is at that point in the time in the future you have to consider that point. At this point this is consistent with earlier work based on the vision plan.

>> Alter: Okay. And then question for legal: Are we able to make this kind of direction, given the

[11:40:50 AM]

posting.

>> The staff absolutely needs this direction to bring back the ordinance on December 1st. Please do give the direction. Thank you.

>> Alter: I was getting questions on that so I wanted to clarify. I'm -- I still have reservations about the tirz and I need to see our conversation about the statesman this afternoon. I'm going to abstain on 83, but I think it's important for the community to have greater clarity on what the expectation is for -- what is going into the base for this.

>> Mayor Adler: Okay. Council member kitchen?

>> Kitchen: I can support this moving forward with the caveat that what this is doing is directing council to bring something back. It does not mean I support every item here. I want to make that clear for everyone. We're not being asked today, nor are we saying we support 46 per cent or that we think 20

[11:41:51 AM]

per cent is enough. But I appreciate you putting that in there. Or aspects of it. Just wanted to clarify that.

>> Mayor Adler: Let's take a vote. Council member tovo?

>> Tovo: I'm going to support setting the public hearing but I, too, have not decided where I stand these days vis-a-vis the tirz.

>> Mayor Adler: Take a vote -- sorry. Council member Kelly.

>> Kelly: I am supporting the public hearing but I have not landed on the place where I can support this as a whole.

>> Mayor Adler: Okay. Those in favor please raise your hand. Those opposed? Those abstaining? We have one council member abstaining, mayor pro tem. It passes with the direction. Thank you and I appreciate

[11:42:52 AM]

staff's work on this. Those are the two tirz items. We have items 89 to 92, which are annexations. I think it's setting public hearing. Is that right? 80 to 90 -- hearing and ordinance. So we're approving the annexations. Anybody else sign up to speak on these? Motion to approve the annexations and close the public hearing? Council member pool makes the motion. Council member Renteria seconds. Discussion? Those in favor raise your hand. Opposed? Looks like it's unanimous. Items 89 to 92 also pass. We have the audit plan, which is item 87. Is there a motion to approve the audit plan.

[11:43:52 AM]

Mayor pro tem makes that motion, seconded by council member pool. Any discussion on the audit plan?

>> Alter: I think Ms. Stokes might have wanted to speak to it.

>> Mayor Adler: Okay.

>> Alter: Not sure --

>> Mayor Adler: Or do you want to lay out generally what it is?

>> Alter: There was a minor switch, but I don't want to make the switch if --

>> Mayor Adler: Okay. So this is the annual -- the auditors presenting to us after discussion with the council offices has been presented to the audit and finance committee, I think.

>> Alter: Let me see if I can figure it out.

>> Mayor Adler: Council member pool?

>> Pool: We did pass this on to council, supporting it unanimously -- those of us who were at the finance committee. I did see our city auditor in the back, but I don't see her

[11:44:53 AM]

here.

>> Alter: Give me one second. See if I can.... I'm not sure how to make the adjustment. My understanding is that the Amanda audit is no longer required as it will be replaced by the city occupancy study audit. The back-up was not updated.

>> Mayor Adler: Okay. Are we ready to vote on this now with that, or should we wait?

>> She did make those comments in the audit and finance committee hearing.

>> Mayor Adler: Let's hold on.

>> Alter: I don't know that she did make them in that hearing.

>> Mayor Adler: Let's hold on O this. We'll come back.

>> Alter: My understanding was

[11:45:53 AM]

she was going to be here to introduce it.

>> Mayor Adler: We moved perhaps faster than she thought. We'll come back to the audit plan, 87. We'll do 84 after lunch, which is the real estate item. Do we have anything at this point other than the zoning cases and the property resolution, which we're going to do after lunch? Go ahead

>> Tovo: I want to make a couple of comments. You have a copy of the posted revised draft. This does several things outlined on the message board. I was responding to the fact that some people said it was long and cumbersome and challenging to read. We have substantially cut many things from the draft. There is nothing new but there is less. One of the things I cut are the

[11:46:56 AM]

whereases that refer to previous resolutions. We have handed out exhibit a which captures both the resolutions that were cite inned the original draft as well as some others. Not every resolution we've ever passed on real estate but a good number of ones that have been recent and part of this council to provide justification for the action my co-sponsors and I are suggesting we take. If you look at the quote from 2017 it talks about 10 resolutions that have been pass Ed. That's what you have on the dais -- exhibit a. The revised, posted version which has no new ideas but has removed a lot of the language, simplified language, reorganized for clarity, and has addressed the concerns I was hearing about the process and priorities. So those sections are revise today be more open ended.

[11:47:57 AM]

My staff and I have talked to lorrain riser. We have incorporated some of her suggestions. Thanks, mayor. I wanted to lay that out as we go off to lunch.

>> Mayor Adler: Council member Ellis?

>> Ellis: Are these available on the message board?

>> Tovo: Yes. That's a great suggestion. Yes to the resolution. It was posted last night. We'll make exhibit a posted -- available and the agenda office distributed the resolution. We'll make sure they distribute exhibit a as well.

>> Is there a version that's red lined -- or which version it is so we can keep track of the changes?

>> Tovo: There is so much that has moved around. My goal was to reduce the amount of text.

[11:48:57 AM]

I think it would be wildly confusing to have the red line. But we'll see if we can make that available as well. Again, there are no new ideas. There are just less, simplified, rewritten. And again, unrevised suggestions -- revised the areas that seemed to be causing concerns.

>> Mayor Adler: I'm going to take a look at this over lunch. I appreciate the opportunity to speak with you about it over lunch. My first reading of this still had a lot of prescriptive elements to it. I believe in teeing up issues that we keep getting. I'm not sure we're in a position to be able to decide those policy issues. Again, I have the concern I had before -- that even when we try to say something, it's not mandatory to our staff, they read it that way.

[11:49:57 AM]

It makes it really difficult, I think, for them and the process when they're trying to figure out how to do something they understand as an expectation and they can't. Ly take a look at this and let's talk during lunch. What I had put on the message board, colleagues, is what I said I would where I tried to identify the issues and said staff needs to come back with a way for those issues to be decided and not be recurrent issues coming back to council. Mayor pro tem?

>> Alter: At the appropriate time Ms. Stokes has arrived.

>> Mayor Adler: Okay. If there's no more questions about the property deal let's go to the auditor issue. Call up item 87. Thank you. We were just working really fast.

>> I know. I was a little bit shocked and walked in quickly back -- we

[11:50:58 AM]

have time. We don't have time. This happens. I love it. Thank you for seeing us so early in the day.

>> Alter: We are taking up the audit plan. We want to move approval but I understood you had some minor adjustments that you wanted to flag.

>> On the existing audit plan we have a carry-over project, a project we intended to do last year. The timing was bad as it was relate today the Amanda system. There was an upgrade happening at the time so we delayed the work. At this time we've been talking with the department and ctm and they've indicated they're going to stop undating the system, in which case our audit seems not the best use of resources. What we would propose is we have a project on the replacement list that's office-based management. Many of you expressed interest

[11:52:00 AM]

in that. To move up office space management, take off the Amanda carry over which we have not started.

>> Alter: I will adjust my motion to reflect the auditor's comments.

>> Mayor Adler: Any objection? Hearing none, those changes are incorporated into the motion. Moved and seconded. Any further discussion? Council member Ellis?

>> Ellis: I have a question as I'm not on the audit and finance committee. Do you know what type of involvement and trying to make sure that system operates the way we need it to -- do you know that level of detail.

>> So I don't. We don't have a time line for that. We just have a strong commitment for it to be done. It requires funding. It's in the early stages but still felt like putting it

[11:53:03 AM]

[indiscernible].

>> I'll take it up off line.

>> I think the director of ctm is the best person to talk to about that.

>> Perfect. Thank you.

>> Mayor Adler: Moved and seconded. Let's take a vote. Those in favor of this item 87, could you raise your hand. Those opposed? I see it's unanimous on the dais. Thank you.

>> All right. Thank you, guys.

>> Mayor Adler: Colleagues, it is 11:53. I think we've taken care of everything we're allowed to take care of under the rules, so we're going to -- I'm going to recommend, colleagues, that we have proclamations -- short ones today. Just a couple. We don't have many public speakers today. We have some great music for those that want to be able to partake in that. I'm going to recommend that we convene executive session at

[11:54:05 AM]

1:30. That will give us 30 minutes before 2:00 o'clock to visit the labor negotiations. We can come back out at 2:00 o'clock and call the speakers. We're going to do the consent agenda and that's everybody who wants to spoke on zoning matters. Immediately after that, we'll do the south central water front matter

>> Tovo: Then we're coming back to public lands after zoning?

>> Mayor Adler: Only because we've set that -- set time certain item. Would have come to property next but council wanted that set. So we set that. Immediately after that we'll do the property issue

>> Tovo: I didn't know if there was an opportunity to do it before zoning.

>> Mayor Adler: My sense is we're probably going to get involved --

>> Tovo: Okay.

>> Mayor Adler: All right? Are we okay with this?

[11:55:05 AM]

Mayor pro tem.

>> Alter: I wanted to clarify for the 1:30 executive session is that in person?

>> Mayor Adler: We're all here. We'll do executive session in person at 1:30.

>> Alter: Okay. Thank you.

>> Mayor Adler: Okay. City council will go into closed session to take up one item. We'll discuss -- say what.

>> Public communication.

>> Mayor Adler: Before I recess, I was going to do that -- like proclamations. Thank you. So before I close the meeting, we have to call the other way around. We have three speakers, I think. First one is Caroline rose Kennedy. And she's not here yet, but it's still -- we're going to stand down for five minutes, and at noon I will call the speakers. Okay. At noon -- we're going to

[11:56:06 AM]

recess for five minutes until noon.

[12:02:23 PM]

>> Mayor Adler:

>> Mayor Adler: Ms. Kennedy, why don't you come down.

>> Harper-madison: I'm going to have to take leave. I wanted to acknowledge something real quick. This afternoon I'm going to take my leave during our resident testimony because I get to celebrate some graduates of a haca program. It is a voluntary five-year commitment made by the housing authority of the city of Austin, haca, to reach economic goals through service coordination and invaluable support of their community partners. The family self-sufficiency families are connected to education, workforce development and financial management programs, transportation, work in school supplies and childcare and other supports are provided by haca's Austin's pathways. Participants can accrue escrow savings funds as earned income increases and utilizes funds to further their self-sufficiency goals after graduation. Today they are graduating 16

[12:03:25 PM]

haca residents at the ceremony taking place right now. I'm going to take my leave and speak there briefly, but if there was one testimony I didn't want to miss, Ms. Kennedy, every time. I'm going to be listening.

>> Mayor Adler: The time is 12:02. We are back from recess. We're now going to listen to Ms. Kennedy.

>> It only hurts for three minutes.

>> Mayor Adler: And you got them. You are always welcome here.

>> You know my name is Carol Ann rose from the dead kennedys, but I'm back for now. Okay. Thank you all for having me.

[12:04:27 PM]

♪♪ I'm dreaming of a black Christmas, just like the ones we've never known. ♪♪ where the black girls glisten and the white boys listen while building a big man out of snow

♪♪ may your Christmas -- may your Christmas be married and right, and may all your snowflakes remain white ♪♪

♪♪ I'm looking for a blue Christmas, just like the one

[12:05:27 PM]

you never heard ♪♪

♪♪ because you spend your money on the rich and the funny, then you run to the midnight mass to spread the word

♪♪ may your Christmas be over tonight, and may all your snowflakes remain white ♪♪

♪♪ I'm scheming of a brown Christmas, just like the ones we've never seen ♪♪ when we work to gather and we play with whomever, we

[12:06:27 PM]

keep our home land so serene

♪♪ may your Christmas be merry -- no, may your Christmas be merry and bright, and may all your snowflakes remain white play balls. I love you all. Don't forget to write. I'm going to miss you all terribly, Ann kitchen and mayor Steve and Kathie tovo. And where did Pio go? I thought you were going like this like he's behind --

[buzzer sounding] If any of y'all make the presidency in my life time, I want to be the vice. Anyway, thanks for having me.

[12:07:29 PM]

>> Mayor Adler: Klaus Schwab.

>> Hello, my peasants of Austin city council. Good to see you again for you. I hope that you are jabbed for monkeypox season, but that is not the last disease we have planned for you. It's a lizard sync-up to the human think tank to be more relatable. We have lots more disease that we make in the biolab

problem reaction solution to make perpetual revenue for you. Next we have bull frog gingivitis, llama induced syndrome, gerbil and it's

[12:08:31 PM]

best to have invisible enemy like a virus for the perpetual slush fund just like the war on terrorism, for example, or the greatest ex ten shall is the empire degrees information. Only trust official sources so that you are led to slaughter by our traps for you. But it's not so easy to be the empire. We have lots of difficulties, for example, we have to make coordinations of the

[inaudible] In all the teleprompters all over the country. We coordinate this. This is very difficult for you. And also it is very difficult to make the peasants pay for the propaganda, the big lie. So CNN plus just went bankrupt, for example. This is horrible for us. The third thing that we have difficulty for is the Joe Biden [inaudible] Has escaped from the facility for you. He is wandering around eating ice cream.

[12:09:32 PM]

He should be on the campaign trail or in front of the green screen making propaganda for us, but he is lost like a senior walking away from the home for you, for example. But I have made a solution for this. I have sourced a barbershop across from middle school and I make little bundles of, like, hair cigarettes, he likes smelling hair, so that's good to get him back in front of the green screen. So again, Joe Biden has left as a green screen brain-washed facility and if you see him making

[inaudible] In the street or eating ice cream or getting handsy, police call the world economic forum. Again, I'm Klaus Schwab. The trust fund of

[inaudible]. Thank you very much.

>> Mayor Adler: Okay. Just remind everybody there are rules with respect to how we let people sign up

[12:10:33 PM]

and speak because there are a limited number of spaces. And what is the rule with respect to how often people can speak. Can only speak once every three meetings, and to a large degree we are dependent on people's good faith and honesty in stepping to the microphone to make sure that we're all abiding by that so as to give people chances to be able to speak, and we hope that people demonstrate that measure of grace and honor. I think the next speaker would be Noah Schwartz.

>> Hi, guys.

>> Mayor Adler: Have you -- if you have already spoken.

>> That was Kevin fierce,

[12:11:33 PM]

mayor.

>> Mayor Adler: Please, please, we're -- as a community, we rely on each other. Why don't you come back in three weeks.

>> [Inaudible - no mic on]

>> Mayor Adler: Why don't you come on back in three weeks. Please respect the process. Let me go to the next speaker. The next speaker is Christopher Borgstede.

>> I was told that y'all got a handout from me. With list of questions I've got for you all. No? No one got my email, no one got the handout?

>> Mayor Adler: Did you email us?

>> Yes, I sent the email. The city clerk told me which email to send it to.

>> Mayor Adler: To all of our offices? Then they would have come in

[12:12:34 PM]

and probably staff may have been or --

>> Did they give you the handout that I sent via PDF?

>> Mayor Adler: Why don't you visit with us. I'm not sure the answer to your question. So this is -- would you introduce yourself again.

>> My name is Christopher Borgstede, and I am one of Austin's local homeless. I'm here to talk to you about some things I've seen in the city. It's weird things. It's bus service that stops well before the poor are housed. We got people moving into this ring around the city. It's the only place the council allows things to be built. Bus service does not go out to those places. It's the homeless programs that cost millions and millions of dollars. And us homeless don't see any benefit from them. It is zoning code that seems specifically designed to

[12:13:35 PM]

inflate -- inflate property values. It's just -- you know, the city, I get the word on the street that people think that this body is incompetent. I don't think that. I think this is deliberate. I don't know why. I know that someone is getting some value on it. And I don't like it. So I'd like a response to these questions at some point and do do a couple of media outlets that I'm talking to. And yeah, that's pretty much it.

>> Mayor Adler: Okay.

>> Just quickly, we did get your communication so I wanted to make sure folks knew it came from Lisa Serano at 2:14 yesterday. Thank you for sending.

>> Mayor Adler: Thank you. I think we've all found it now. Those are all the matters

[12:14:37 PM]

that we have, so we will -- city council, subject to the proclamations and music that we're about to have, we're going to go into closed session to take up one item pursuant to 551.071 of our legal code, legal issues related to number 88, city of Austin, 2022 labor negotiations. Without objection, we will go into executive session in the executive session room at 1:30. The time right now is 12:15. See you all then.

[12:15:45 PM]

[Music playing]

[12:18:54 PM]

>> Mayor Adler: We have come to where we bring music befitting of the live music capital of the world. It just is -- it's that part of our culture that keeps a lot of us here, made a lot of us stay, myself included, and we are really fortunate when performers and entertainers from our community step forward. And today we have the opportunity to have with us rabbi Misha ben-david. He describes himself as a veteran cosmic rocker. Pretty good as what he does and looking for other similarly-minded folk. A multi-instrumentalist, vocalist and song writer, he specializes in acoustic blues, rock and americana music. Influences include beatles, stones, led zeppelin,

[12:19:54 PM]

eagles, pink Floyd and traffic, among many others. And Misha has been active in the Austin music scene many years, this is his second time on proclamation day. Received his first on June 14th of 2018. And for

proclamation day, he only requests austinites vote blue on November 8th. I can't give political messages, I'm just saying what our guest wanted to say and certain he's able to do that. This is a little bit different today than we saw you before and I'm excited for this moment.

>> Thank you, sir.

>> Mayor Adler: The stage is yours.

>> Thank you, mayor, and I appreciate everybody's attendance here today. I am both a rabbi and a rock'n~roll guitar player, I'm both, and I like both occupations equally well and I think I'm pretty good at both of them. I'll let you be the judge.

[12:20:54 PM]

I want to say thank you to my councilmember pia Renteria is I think is out back having a smoke, I don't know. The song I'm going to perform is a song I've only performed before jewish audiences. I do not have an instrument. I do play a number of them and I didn't bring any of them. This song is supposed to be performed a~cappella. It's called god help us all. And I think a lot of people can understand that sentiment. It's a song that is very dear to my heart and it's a song that I hope you get something valuable out of. My pitch pipe.

[Singing]

[12:23:15 PM]

[Applause]

>> Mayor Adler: That was kind of like the reading of -- stay here with me just a second.

>> Sorry.

>> Mayor Adler: That's okay. So do you perform?

>> As much as I can.

>> Mayor Adler: And if people wanted to see you perform, is there a place they could go to find you?

>> Not right now, unfortunately.

>> Mayor Adler: Do you have a website or a social media presence?

>> I do, I'm on band mix. Just look for Misha on band mix. I'm there.

>> Mayor Adler: That's all people can find you. We have a proclamation here. Be it known that whereas the city of Austin, Texas is blessed with many creative musicians whose talents extend to every musical

genre, and whereas our music scene survives, produced by local favorites and newcomers, and whereas we are pleased to showcase and

[12:24:15 PM]

support our local artists. I Steve Adler, mayor of the live music capital, together with my colleagues on city council, hereby proclaim November 3rd of the year 2022 as rabbi Misha ben-david day in Austin, Texas. It comes again. Thank you so very much.

>> Thank you so much, sir.

[Applause] And thank you to the council for making this available and for seeing that musicians are recognized, because we're incredibly important in Austin and we don't always get what we need here. And I'm hoping that will soon change. But thank you so much. We appreciate the recognition.

>> Mayor Adler: Could I get my picture taken with you?

>> You certainly can.

>> Mayor Adler: All right. Let's take this with us.

[12:25:19 PM]

[Music playing]

[1:55:53 PM]

[Music]

[Music]

[2:50:36 PM]

Okay.

>> Mayor Adler: So we are out of closed session. In closed session we discussed legal issues related to item 88. Today is November 3rd, 2022. We're still in city council chambers. I see us as having the zoning agenda in front of us and also item number 84. I think that's what we have left. We're going to call the speakers on consent -- speakers on the afternoon work. We're going to handle zoning consent. As soon

as we're done with zoning consent we're going to turn to the other one which is the statesman pud issue. After the statesman pud issue let's see how many items were pulled and what happens next. It could be the pulled items on zoning or could be item 84. Yes.

>> I have one pulled zoning item that I don't think -- I

[2:51:36 PM]

mean, there will be a brief presentation but I don't know how long the statesman pud presentation is going to go. So might we consider taking that up first?

>> Mayor Adler: It could be the will of the council. There was request for time certain on that. I said that's what I would like to do. I generally don't like -- exactly this situation. If you want to change that, you would probably have to ask the colleagues if they wanted to change that. Okay? Council member pool?

>> Pool: I wanted to point out on a white sheet of paper is a little bit of -- I'm calling it the "Pool tool" -- I know. Someone is going to really have fun with that. Anyway, whatever. It has the unresolved issues on the front and a couple on the

[2:52:38 PM]

back, couple of amendments and all the issues resolved or so close to being resolved that we're missing language likely being vetted by legal. So this is just -- this is not a motion sheet or anything like that. It's the issues laid out in front of us with the different options we have discussed.

>> Mayor Adler: On the statesman pud?

>> Pool: Correct.

>> Mayor Adler: I think we represented to the community generally that we're not going to do anything on second and third reading. At most we're considering doing something on second reading and having this come back first week in December. I want to make that clear. We're not going to prove the statesman pud on second and third reading today. All right? We're going to consider whether to do it on second reading. We do a second reading, we'll come back first week in December and do a third read LG. My understanding is that we don't have to have all the

[2:53:39 PM]

language at this point. We could say the ordinance that came out on first reading, but with these substantive changes and we can describe the substantive changes. And the scribes could put that in second reading -- ordinance then comes back to us. Is that right? Okay. So we don't have to worry too much about -- I hope we're not word smithing here on the dais today. Let's make sure we have all the concepts clear so staff understands what to bring back to us. So let's do the -- first let's go through the zoning agenda. Tell us what things are going to be postponed so people know whether to -- whether they need to talk at all, and if they do talk, that they're directing their testimony toward the postponement.

>> We only have one

[2:54:39 PM]

postponement case today. It's item 37. It has a staff postponement request to November 13th.

>> Mayor Adler: All right. Let's go ahead and call the speakers. Colleagues, we have over 30, so we're going to go two minutes a speaker.

>> Jonathan Smid. Item 29.

>> Hello and good afternoon. I'm a homeowner in the neighborhood a volunteer first responder and I also run a business. Having a community focus center is the best case scenario for this property -- for my children, employees, and all my neighbors. Our neighborhood currently lacks a place like this for the neighborhood to connect -- especially the children of our

[2:55:40 PM]

community to connect and thrive with healthy activity. When the local pool didn't open this summer we were lucky to be able to drive to another location and recreate in another air conditioned close by. Ever since crux has been the driver that has made my family more involved with the community. As a homeowner, business owner, dad, I'm in full support of the project. We've heard a lot of discussion about future residential development, issues with roads connecting to I-35. All that is valid but that's not what everyone is focusing on, which is that this is an awesome opportunity for our neighborhood. Thank you.

[2:56:46 PM]

>> Sarah Campbell. Item 35. F.

>> Hello. Can you hear me.

>> Yes. Please proceed.

>> Hello, mayor and council. I'm speaking on items 35, 36, and 83, actually. I think they're all related. I'm opposed to the statesman pud the way that it's -- the way it's currently formulated. I would love to see the deviation from the land code development that there wasn't improvement to the code. That is missing. I'm against reduced set backs and I wonder if the council would consider a pud for the south central waterfront

[2:57:48 PM]

instead of the tirz. That's it for now. Thank you.

>> Ruby Roa on 35.

>> Good afternoon, mayor and councilmembers. My name is ruby, a member of Austin limited, a member of the ladies charity and catholic organization that serves the poor. I'm here to speak against the American statesman P.U.D. We should produce many more affordable housing units on this property because the need is still so great. We have a moral and social obligation to provide decent, affordable housing in all corners of the city. I beg you, as a lady of charity and the people we serve to do the right thing by all ordinary families, to allow them to live in dignity, a safe and affordable community where they can work and have an opportunity

[2:58:49 PM]

to enjoy the public benefits this project will provide. It's what -- is what this council is doing to ordinary families just? I keep asking you the question, if what we're doing as far as affordable housing is just. We elected each one of you to -- [clearing throat] -- To make our society better. We need a council that has compassion, empathy, willingness, the political will to serve our families. You all have that power as elected officials to serve the people who put you in office. Thank you for your time.

>> Jennifer Leone, item 35.

>> Yes, hello, my name is Jennifer Lyon and my husband

[2:59:49 PM]

owns bike a lot bicycle shop on manchaca road. I appreciate the opportunity to speak today about the Austin American statesman P.U.D. We're very concerned and opposed as the plan is currently laid out because we and our customers love the Roy butler hike and bike trail. And we really need the shaded areas. We need riverfront for the trail, not another boardwalk. And it's a sacred place for all of Austin

and all the people who enjoy the trail every year, including tourists. So, most importantly, we would like to see that shoreline preserved as it is. And secondly, we are really opposed to the corporate welfare they are requesting in the form of major tax breaks, because de facto, that would shift the tax

[3:00:50 PM]

burden in Austin onto existing businesses like ours and all taxpayers in Austin. And that seems really unfair for them to come in and rake massive profit out of our community while giving nothing back to our community. So I really hope that the council will take this into consideration. And I appreciate your time. Thank you.

>> Megan mysenback, item 35.

>> Hi. Megan, thank you, council and mayor for serving. I wanted to speak on the P.U.D., item 35 and 36. I would think that you would want this written down carefully before you start voting on it in any way. I wanted to talk about the road that the developer is demanding.

[3:01:51 PM]

He has said verbally he doesn't need a road, but now he's working with the staff to get a road. The memo conflicts with what Richard Suttle said, that they didn't need a bigger road, just a smaller driveway and avoid the public funding. But the staff was amending larger Barton Springs road extensions. However, the underground parking is another problem. There's a table, it's not a community benefit, it is not required, it will not serve the public. The draft ordinance does not require underground parking, only that 95% of the required number of parking spaces for the development with below-grade structure. Below-grade is not defined and almost certainly means a much higher level of Congress Avenue -- using that as the grade and not really the ground

[3:02:53 PM]

level as they suggest. It won't be required. So I would hope you will vote against this 35 and 36. And a tirz is really a bad idea. Thank you.

>> Garrett Nick, items 35 and 36.

>> Hello, and thank you for your time. You know, through the time that I've spent -- and I'm sure you hear this a lot as well -- in community-driven engagement processes, it's repeated over and over again how much Austinites would like to have more park space. They would like to have more affordable

housing. You yourself have stated multiple times that this is what you aim to do across the city in a variety of ways. I just don't understand why this

[3:03:54 PM]

development, driven by a billionaire family and lobbied for by someone whose name is on almost every, you know, bad development in the city warrants special exceptions to what everyone has already said that they want. There's really no reason for the city to bend over backwards to to appease the demands of a developer who has claimed that they can't make money on a project unless they get to do it their way. And I think that the city should just make them eat their words. If they can't do it, that's fine. Sell the property and move on. Someone else will do something the right way. But we don't need to be setting a poor example for other developers around the city who are going to look at this and say you gave it to Richard and his guys, so you've got to give it to us and our project. It's just going to set a bad precedent. We're not going to be achieving

[3:04:55 PM]

our goals. We're going to have less park space for austinites, less affordable housing, and it's all going to be as a result of projects like this and bad deals like this. Please stand up for what you know is right, and continue to build the kind of Austin that everyone has asked you to build. Thank you.

>> Brian Gonzalez, items 35 and 36.

>> Hi. My name is Brian Gonzalez. I am a 35-year-old fitness professional who lives in the Bouldin neighborhood. I've been a resident of this area since 2009, 13 years now. And I'm asking you to please approve the statesman P.U.D. It really is a win-win not only for the neighborhood, but also for the entire city. The ability to bring my dog to the waterfront, meet friends for lunch or dinner, watch the bats come out and enjoy the park, not

[3:05:57 PM]

only enhances the neighborhood but also provides a vital public space for Austin. I think it's going to be so cool. I'm also an avid runner, I've run the Austin marathon, I train on the trail. The trail is not well-lit and frankly feels kind of dangerous. As someone who uses that public asset on a regular basis, I'd love to see that stretch made into a beautiful well-lit space for runners and walkers to safely enjoy. That's long overdue. Thank you for your time.

>> Miriam Wright, items 35 and 36.

>> Hello. This is Miriam Wright. I currently live on Hamilton pool road, but I'm a former resident of the Bouldin area. I was active in the lake park

[3:06:58 PM]

alliance when the trail completion along the lake was a major component off what we hoped for. I would hope that the public trail would be on the lake edge and allow public access while mitigating any potential conflict between the developer's property and the public right to move along the trail. Please keep the trail property along the lakeside in the public hands and make sure decisions about the use of that land remain in the public's hands and not in private property owners. Thank you for your time. I appreciate you listening, and I hope that the trail will continue without breaking. Thank you.

[3:07:59 PM]

>> William Quinn, items 35 and 36.

>> Thank you, council. My name is William Quinn. I'd like to express my opposition to the P.U.D., the statesman P.U.D. As it is currently constructed. I am dumbfounded as to the fact that it has received a 10-0 vote on first reading. Just astounded. I would like to raise in addition so that I don't repeat what other speakers have said, I will raise just a few issues. Closing lakefront to the public and rerouting the trail over what is called parkland, which is really over the water, is unconscionable. Using public funds to subsidize a development that is certainly

[3:09:00 PM]

going to impact -- I will not say benefit always, but impact large members of the south Austin community, of which I've been a part for 40 years, is crazy. There should be no public funding of this whether it comes in the form of road construction, and I don't care what the source is. I completely agree that the burden falls on the applicant to fund the program, not to say I'm going to pick up my ball and go home if you make me do things that are required by city ordinance -- other city ordinance. There should be no variances and such things. Number 3, all water quality ordinances must take precedence over this development. Ladies and gentlemen of the council, I honor you for your service. Please reconsider any prior vote

[3:10:00 PM]

here and think that you are making a major impact. You are helping this developer, who is not the devil, make a major impact on south Austin and the community there.

[Buzzer sounding]

>> Certainly benefits will accrue. There's not enough affordable housing in it.

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

>> Some of them --

>> That concludes our remote speakers at this time. We'll move on to in-person. We have John Stokes on items 28 and 29. With Arden on deck.

>> I'd like to -- 28, that was

[3:11:02 PM]

the result of an old person trying to use the internet. I can speak on 29, if that's appropriate. Okay. I'm speaking in opposition to the crux development. I had a three-minute speech planned, and it was divided into three things -- traffic, building height, and commercial property on the site. I don't live at the end of peaceful hill lane where crux is. I live at the opposite of where crux, down at the north end. Why should we be so concerned with what traffic comes out of the crux development? How high the buildings are? It's for a very simple reason. We think they establish a very bad precedent for the rampant development of peaceful hill lane. You may recall that I was here speaking in favor of a residential development at 7901 peaceful hill lane. Our community is not opposed to development, we just want to

[3:12:03 PM]

make sure it's consistent with the peaceful hill neighborhood. The reason we're so concerned about traffic is there is already a proposed development that would increase traffic by 80% by 2025. It proposes a height of buildings of hundreds of thousands of square feet at 60 feet. And it proposes commercial property of hundreds -- 80,000 square feet of commercial property and 200,000 square feet of office space. We're trying to look at peaceful hill holistically. We think that some of the items on crux are at odds with what the people on peaceful hill lane prefer. I am the only speaker in opposition today due to the emergency illness of one of the speakers, but I can say I think without contradiction that the

[3:13:03 PM]

traffic, the building height, and the commercial properties are of a concern to all three neighborhoods -- park ridge, park ridge gardens, and peaceful hill. Thank you for your time.

[Buzzer sounding]

>> Arden with Audrey on deck. Arden is speaking on item 29.

>> Hello. My name is Arden Garris. I joined the crux community about six years ago. It was pretty immediate that I discovered that this place is much more than just a climbing business. It's somewhere that truly enhances the community. Places like this are rare. They provide a safe, comfortable, inclusive space with a positive focus on physical, mental, and social health. And as crazy as the word has been getting, I feel like we need more of these places. Besides the usual climbing and fitness programs, crux does so much to support the community outside of its walls. They organize community service projects, including trash pickups and trail maintenance in

[3:14:04 PM]

local parks. They raise funds for clubs and organizations that support all demographics. They hire people with special needs that otherwise would not have the opportunities. They have sober social nights for people that want to meet others without the need for alcohol. They have social programs for all ages, older retired folks, women-only groups, minority groups and more. They have parents nights to give parents breaks to socialize and exercise while the kids have a great time. There are so many other impactful programs. You're probably going to hear more about them. The important thing is crux are actual austinities, not a big business from out of state. They understand the community and the challenges we're facing. They listen to what people have to say and they serve the community as their own family. The most impressive aspects of crux are things that happen during times of crisis -- for example, during the big freeze, they opened their doors as a warming center when most people had no electricity. They opened free showers to surrounding neighborhoods. They offered water refill stations during the boil

[3:15:07 PM]

notices. They acted as a storm shelter during the tornadoes. They gathered and organized donations for the other areas of Texas hit with catastrophes and closed their doors at the beginning of the pandemic before it was required to protect the community and their staff. And they continued paying their staff full wages during that time. There's so much more. It's the type of health-focused center that improves the quality of life for everyone. Thank you for your time.

[Buzzer sounding]

>> Audrey Davis, item 29, with grace Nicholas on deck.

>> Hi, I'm Audrey Davis, speaking in support of topic 29. I grew up in Texas and moved to Austin about eight years ago. I know the catch phrase for the folks who have been here forever, at least the folks who have been here for five years, wow, things are changing, things are popping up all the time, but not much is new about crux and the climbing community. The climbing community has been around for who knows how long. Crux has been around since 2016

[3:16:09 PM]

serving the community ever since. Re-homing crux into an already strong community feels right. Crux provides a powerful space for people to come together, either by exploring something new like climbing fitness or yoga, making an old habit a new routine, spend time with family, or meet lifelong friends. Unfortunately, or fortunately, development is inevitable. Why not allow for community space to come in instead of a big corporation? Crux is run by people who care so much about listening and being intentional about each decision that they make. I am the fitness and yoga manager at the gym and have been so grateful for the way this place is run. I'm grateful for the care these people have for each member, each guest and each person they come into contact with. What I love most about being a part of crux is that nothing is actually about crux. It's about bringing people together in an exciting, empowering, responsible, taking care of self and other, kind of,

[3:17:09 PM]

way. It's a powerful place to be a part of. Thank you for your time and consideration.

>> Grace Nicholas, item 29, with Kristen Olsen on deck.

>> Okay. Hi. I'm grace Nicholas, born and raised in Austin, Texas. I'm part owner of crux climbing center and head of operations. When we started back in 2016, we were on a piece of property that was very similar to the one we're talking about off south congress between residential and commercial spaces. We are very intentional about naming it a center instead of a gym because we want it to be a place that people wanted to go to, not they felt they had to for weight loss. We worked with the community to make sure we created a lot of programs. They're listed here. We've talked about them, adaptive climbing, women climb

[3:18:10 PM]

nights, youth programs, bouldering leagues, family fun days that make it accessible for all families. We do discounts to different community members. Beyond that we've supported our community through fundraisers. I think the slide shows that. We've also worked with the boys and girls club, foster angels, explore Austin. We've had high school clubs meet. So we've done a lot. The next slide shows who we

donated to, anybody that asks, we are there to support them. Any pta or program we really want to help support our community. So, we were a small business that was hit with rising increases of rates of our rent and everything. And we're not sure if it's sustainable. That's how we landed at this spot. We've been doing a lot to work with the community to fix problems like drainage issues that are flooding backyards. We're excited to fix that for them, creating a safe space for school buss to be dropped off at. We know traffic is a concern.

[3:19:11 PM]

Thankfully, the city of Austin has put in a light to make it safer to get onto congress and it connects it to 35. I think our people, our clients will only be using 1st and congress to get to our site on a road that the city of Austin feels should be a commuter road now. So, we're still concerned about the traffic and as a local business, we can work with them.

[Buzzer sounding]

>> I hope you consider us for this.

>> Kristen Olsen, item 29, with Matt Roberts on deck.

>> Hello, my name is Kristen Olsen. Born and raised Texan, been in this area for the past six years or so now. I work at our location and plan to be hopefully at the new location. My background in education is in therapeutic recreation, doing adaptive sports and I created

[3:20:12 PM]

our adaptive climbing program, the beta program, be empowered to ascend. We started in January and already served over a hundred different individuals within Austin and a little bit on the outside of Austin to come and climb. Individuals with disabilities. We utilize volunteers from the climbing community to provide those climbing opportunities. Already over a hundred of our climbing community members have served as volunteers. So it's just one example of the programs and opportunities we hope to do and continue to grow, and especially when we have more space to expand on those opportunities. We're moving forward with employing people with disabilities and providing those job opportunities, providing other programs for seniors come and climbing have a designated group, so on and so forth. There's many benefits that come with climbing, some that may not be as known are not only the physical benefits, but cognitive, emotional, skill, lifestyle, and social benefits. As we said, growth and

[3:21:13 PM]

development in south Austin is inevitable, so why not have a place that truly and genuinely wants to serve and be a part of this community. We're only going to do that as we move into this space and provide -- there's a lot of opportunities coming, so we would be able to provide more opportunities south for our Austin communities. I appreciate your time today. Thank you very much.

>> Matt Roberts, item 29, with Susan Hambright on deck.

>> Hello. I've been the programs manager/youth director since the gym opened in March of 2016. In my 6 1/2 years, I've had the pleasure of being able to see the overwhelmingly positive impact that this sport has had on so many young lives. For most people, especially children, rock climbing can be intimidating, but with good coaching, that fear turns to excitement and confidence.

[3:22:15 PM]

Over 1/4 of American children struggle with some kind of obesity or health issues. Many children are on a phone or gaming console and struggle with social interactions and do not feel part of a group. This is troubling to me. When I was a teenager, I discovered rock climbing and it changed my life forever. It helped me grow, escape the stress that most teenagers face, and helped me to build memories that will last forever. I understand that many of you have hesitations about crux joining your neighborhood. The positive impact this gym will have on your community will far outweigh any negatives. Crux will always be about community. And I hope you take these words into consideration. Thank you for your time.

>> Susan Hambright, item 29, with laurel francell on deck. Laurel francell, item 31.

[3:23:27 PM]

>> Hi. I'm laurel francell, a member of the southeast combined neighborhood plan contact team. And I am authorized to speak for them. The contact team has voted in favor of the rezoning of the Flum. And we very much see the value in rezoning from single-family to multifamily, recognizing the need for more affordable housing in Austin. The contact team is very appreciative of the applicant and owner's efforts to meet with us. They have listened to us. They have gotten to know us. Our needs and our concerns, and they have even changed their plan based on our safety concerns. Additionally, they have met with and are working with another group, the urban roots, to develop relationships with them.

[3:24:29 PM]

And we really think that they demonstrate -- this demonstrates their sincere efforts to establish long-term relationships and develop a partnership for the benefit of current and future residents of this area. We look forward to working with this new owner, Domin I don't Doi don't Domin I don't do-- dominion

to improve quality of life. We appreciate the city staff that's worked on this, so we are in favor of this. Thank you.

>> Mayor. I just wanted to thank Mrs. Francell for joining us today. It's not often we hear from a contact team in support of a zoning case and talk so highly of an applicant. It shows the extent that the applicant worked with the neighborhood to make sure the needs were addressed. So, thank you.

>> Austin Holmes, items 31 and 32, with Steven kubenka on deck.

[3:25:32 PM]

>> Hey, everybody, Austin Holmes, I'm here on items number 31 and 32 representing the owner, dominion. Thank you for hearing this out and bringing this case. I'm here to answer any questions or anything if they do come up, but really can't say anything better than what was said. We're excited to work with the community and what we can bring. And I'll leave it at that. Thank y'all.

>> Steven kubenka on item 35, with bill bunch on deck. Bill bunch, items 35 and 36, with Karen on deck.

[3:26:41 PM]

>> Good afternoon, bill bunch, save our springs alliance here to ask you to reject this P.U.D. As inferior on all respects. This P.U.D. Fails to protect our beautiful lady bird lake. It would grant over 12 variances to the town lake overlay ordinance, the most offensive of these being reducing the setback for construction from the shoreline of the lake from 150 feet to less than 90 feet, and allowing them to essentially pave over the second -- what would be the secondary setback that would normally be limited in -- to less than 30% impervious cover. By failing to protect the lake, then you're also failing to get the parkland that you should get. The south central waterfront vision plan that was approved by council calls for a minimum of 9.6 acres of shorefront parkland. You're getting about four actual

[3:27:43 PM]

acres of land, and even this is encumbered with critical water quality Zones, private water quality controls, and we're calling parkland plazas, what are basically required sidewalks for basic function and access. You're failing to protect taxpayers. You're contemplating giving away literally \$100 million to a billionaire developer welfare to build a private parking garage. I don't think the city has ever done that. And you're pretending like that's some sort of public benefit. You'd be giving tens of millions to buy back land over the Barton springs extension, which Mr. Suttle himself told me he didn't care if it was two or three lanes. And if you read your own transportation memo, it says he's demanding the four lanes, which in turn require the buyback of the excess of land --

[3:28:45 PM]

[buzzer sounding]

>> For however size it is as a private park, a private road, really. Please show some basic respect for taxpayers and voters and just say no. This is your P.U.D.

>> Karen pupp, 35 and 36.

>> Good afternoon, mayor, and mayor pro tem, members of council. My name is Karen. You have distributed to you a piece that looks like this with the number of groups that have signed on to our proposal on how the housing piece should be structured in this P.U.D. The groups are the Austin area urban league, Austin women in housing, caritas of Austin, ladies of charity, sunrise community church, Texas antipoverty project and Texas housers. The statesman P.U.D. Should not be approved unless it meets the minimum standards of a P.U.D.

[3:29:47 PM]

Ordinance, which would be 10% of the residential units affordable at 60%. The P.U.D. Ordinance requires -- calls for superiority. So an example of superiority would take the \$23.5 million fee in lieu and allow the city to apply it to one Texas center, which the parking lot of that property, which the city has been planning to use for affordable housing as part of the overall district plan. The balance of the 10% could be used with 3% for housing on-site affordable to people below 30% and 3% on-site below 50%. A few years ago, the council -- the city debated redeveloping the old Mueller airport. Many believed including affordable housing would tank the whole development. You can see what a success, what a model Mueller is. The shores of lake lady bird are broadly enjoyed. Apartments along the lake once housed a mix of people including

[3:30:49 PM]

low-income people. As lake lady bird redevelops, will it be a playground for the rich or will it be the welcoming, inclusive place the city prides itself on being?

[Applause]

>> Mayor -- may I ask you a question about the alternatives you've laid out here, you and the other community groups who signed on to the letter? So, I'm looking at the different -- the four elements that you've articulated. Establish a 10% affordable housing requirement, accept the in lieu payment, require that 6% -- are these alternatives, or are you -- are the groups expressing these as a request for all four?

>> Well, they're certainly alternatives to what we're doing now, so a full 10% takes the 4% that's being offered, makes that part of the 10%.

[3:31:49 PM]

And the remaining 6, divides that between housing, affordable below 30 and below 50% of median family income.

>> Tovo: I see. Okay. Now I am reading it properly. Thank you. I know you talked about it in your testimony but I didn't totally follow it. So, the groups are expressing 10% should be -- it should be a bare minimum of 10% and it should be divided at 4% and 6%. So 6% on-site would be affordable.

>> Yes.

>> Tovo: At levels of 50 and 30 and then the other 4% would be the \$23.5 million which would be directed to 1 Texas center.

>> Right.

>> Tovo: Okay. Thank you. That's super helpful.

>> You're welcome.

>> Roy wayley, items 35 and 36.

[3:32:57 PM]

>> Howdy, y'all, my name is Roy wayley. I have the pleasure of serving as the conservation chair for the Austin regional group of the Sierra club. I'm going to say a lot of the things that you've heard me say before, assume that you actually listened to me before. This is probably the most valuable piece of real estate in the state of Texas, and it just goes against reason to think that you can't take the most valuable piece of real estate in Texas and turn a profit without asking for all of the public money that they are asking for, for all the different benefits they're asking for. To talk about -- to say that they can't afford to be doing the affordable housing just goes against reason. And I won't go into the same things that Karen did, but the Sierra club is asking for 60%

[3:34:00 PM]

affordable housing and more units. You should be able to walk across the bridge, not drive in from smithville or thrall to serve you your margarita at the W. And also, I've spent multiple weekends out talking with the trail users, and most of them have no idea that anything is afoot on changing the

pattern of the trail. We want to keep the trail as close to the lake as possible, preserving the tree tunnel on the east end of it. But people go there to run by the lake, not to run through a development. And I've spent several weekends chatting with folks. And on the idea of the boardwalk, I understand that has been ruled out already. It was a red herring anyway. The city is not going to pay for it. Richard said the developer doesn't have the money for it.

[Buzzer sounding]

[3:35:00 PM]

>> But they want it just so they don't have to come back later. They want it to establish a boundary for a nonexistent boardwalk so that they can extend parkland underwater to that boundary. And there is a lot more to say. I do want to really ask you to consider the nonreflective glass for this building. There are many articles that talk about how this preserves the lives of aviary species, birds, and it does not impact the energy efficiency.

>> Mayor Adler: Thank you.

>> There are lots -- ask Richard to supply that information.

>> Mayor Adler: Thank you.

>> Saying that that is true. Thank you very much.

>> Bill Oliver, item 36, with Carol bederski on deck.

[3:36:07 PM]

[Laughing]

>> Thank you, mayor. Thank you, councilmembers. It's nice to be back. For over 30 years the Austin chronicle, you know, has had its Thanksgiving, almost Halloween again. And we started this thing looking throwback, Thursdays on the Halloween tradition for the chronicle set 30 years ago of the more cringe-worthy of our populous. You probably notice a pattern there. Here's the current one. That's quite a company to be in. In 1991 it was Gary Bradley. 93, Jim Bob Moffett. And in 2007 it was our own guy, as you remember, Richard Suttle,

[3:37:10 PM]

the develop opera. As the chronicle says, he's been the horse whisperer for heinous proposed blights. If you have a really bad development plan, he's the friend you need at city hall. And here we are in real time, in real life. It's happening again. Thanks so much for --

♪ five lakeside towers 500 feet high like adding five frost buildings side by side by side by side by side

♪ moving the river the hiking path fleecing the city and scaring the bats ♪

[3:38:13 PM]

♪ setbacks and variances, who's fooling who town lake's the keepsake we're sticking to ♪

♪ enforce the code and protect the shore your variances aren't very fun anymore ♪

♪ this land is alive with a lady bird heart Austin should buy it and make it a park ♪ thank you.

[Applause]

>> Carol bederski, item 36, with Craig naysen on deck.

>> Good afternoon, mayor Adler, councilmembers. I'm Carol, I'm here today with Austin women in housing. We are focusing on only one

[3:39:13 PM]

aspect of the statesman P.U.D., and that is the affordable housing. And one of our concerns is that we may be creating a new 1928-type master plan in this city if we are not adequately providing for all income groups in all developments like the statesman P.U.D. And that's what this piece is about that you received earlier today that all of the groups worked on together. And I can guarantee you that this proposal that's in here, that we are suggesting for consideration, that councilmember tovo went over a minute ago is something that we talked about a lot. And this is a minimum, because the actual personal opinions of different people that we were in discussions with varied widely.

[3:40:18 PM]

Therefore -- and a point that I want to make is that every one of you, you campaign on the issue of affordable housing. But then it seems like when we get here on the dais, the issue sort of dies down. There doesn't seem to be the political will to really make the right thing happen in this city with housing. And that's what I'm encouraging you to do today. I looked at the newspaper this morning. On the front

page there's an article about the homelessness funding and the collaborative that was established for that where the city committed money to the project, provided that other funds were found in other areas --

[buzzer sounding]

>> And that seems to be on the road to success. And we would like to see you just say this is the way it needs to be done for affordable

[3:41:19 PM]

housing, and have them do it, or go someplace else and build, Mr. Mayor.

[Applause]

>> Craig naysen, item 36, with Virginia palmer on deck.

>> Craig is not here.

>> Virginia palmer, item 36, with Maka Guzman on deck.

>> Hello, Virginia palmer, founder of resources unlimited, human development foundation. And I'm really here to support all the speakers against the P.U.D., who spoke with such dignity, and heart, and eloquence. I also want to thank my councilmember, Kathie tovo, for

[3:42:19 PM]

her great service. And don't leave us.

[Laughing] So sorry to see you go. And my neighbor, councilmember Ann kitchen, thank you so much for all that you've done to help preserve the beauty and the integrity of Austin with your integrity. And that's your legacy. And this vote that you're going to take is every councilmember's legacy. No one will forget how you vote on this issue. It's the biggest one. And when you think of your legacy, is it for your constituents, for the city of Austin, for the -- your friends, your neighbors? Is it for preserving the uniqueness of Austin and all the issues that we have now? Or is it to give all this money away to the billionaires, to the out of state people who care

[3:43:22 PM]

nothing about Austin? To the law firms, to the lobbyists, to the real estate people who really only care about what they can get from this city, not what they can give. So, I implore you to think about your

legacy when you look in the mirror, and preserving this town, this city that might have to go back from lady bird lake to town lake because we'd have a town just built all across this lake, polluting the river, being another big city.

[Buzzer sounding]

>> Or do you want to preserve the beauty, the nature, the ecology, the equality, the music, the art, the culture of this city? Thank you.

[Applause]

>> Monica Guzman, item 36 with Daniel woodruff on deck.

[3:44:28 PM]

>> Good afternoon, mayor and council. I'm Monica Guzman, policy director at go Austin vamos Austin, speaking as a district 4 resident and organizer. My work as an organizer is focused in north central, southeast, and south central Austin. The statesman P.U.D. Is not in those areas, but approval sets the potential for dangerous precedents, especially in Austin's eastern crescent. Instead of voting for corporate welfare and another playground for the rich, instead, focus on community needs -- pools, public libraries, park maintenance, and other critical needs. You do this by voting for more than 10% on-site housing for all income levels, especially deeply affordable, family-friendly housing for those who work in and near downtown Austin. Vote for parkland and green space that can be used to engage in physical activity, relaxation, and play time instead of land underwater. I support bill bunch's comments.

[3:45:30 PM]

I oppose the statesman P.U.D. I stand in solidarity with the save our springs alliance, Sierra club, Austin area urban league, Austin women in housing, caritas of Austin, ladies of charity of Austin, sunrise community church, and homeless navigation center, Texas antipoverty project, Texas housers, and all other individuals and community organizations opposed to the statesman P.U.D. Thank you.

[Applause]

>> Daniel woodruff, item 34, with David Armbrust on deck.

>> Mr. Mayor, council, Daniel woodruff, landscape architect, lead designer representing the applicant for the P.U.D. I have a presentation ready if you so wish if the item is pulled from consent. At that point I'll be prepared to make a presentation if so needed. Thank you.

>> Mayor Adler: If it gets

[3:46:30 PM]

pulled from consent, we'll call that up and give the applicant a chance to speak.

>> Thank you, Mr. Mayor.

>> Mayor Adler: That's consistent with the rules.

>> David Armbrust, item 94.

>> Mr. Mayor, council, I'm with Daniel. We have a presentation if the item gets pulled. Thank you.

>> That concludes in person. We have a late call-in and I will switch to that now.

>> Mayor Adler: Okay. Anyone else in person think they signed up? Go ahead and call the caller.

>> We have Zenobia Joseph speaking on items 35 and 36.

>> Thank you, mayor, council. I'm Zenobia Joseph making comments on 35 and 36, the statesman P.U.D. I just want to preface my comments by saying that project connect will segregate Austin for centuries.

[3:47:31 PM]

As you are aware, your contract with the voters specified language that said you would be helping or giving access to the historically underserved and underrepresented communities. And so I would ask you to honor the words and the commitment that you made on August 7th, 2020. I specifically want to talk about the affordable housing. And I'm looking at the staff report one and two. The first staff report actually specifies 4% affordable units at 80% area median income. The second report, in response to councilmember tovo's question on page 8 of 43, it actually talks about tier three. And it specifies 60% or below median family income for the affordability. As it relates to the rental housing, 80% for homeownership. I would ask you to clarify and

[3:48:32 PM]

ask the staff why they support on page 7 of 127 the 80% area median income or median family mechanic. I just want to remind you and ask you to use the data from your own reports. The 2020 minority chambers report specifies that African Americans earn \$42,000, hispanics earn \$50,000. 80% area median income is \$61,800, according to the 2022cdbg community development block grant report. And 60% area median income is \$46,380, which is still more than African Americans make. And so mayor, I just want you to recognize the pattern and a caller just talked about your legacy. The fair housing act of 1968 --

[buzzer sounding]

>> Prohibits segregation. The pattern that I am seeing is on the blue line, you rezone --

>> Your time has expired.

>> Affordable units, and there

[3:49:32 PM]

is no place on the project connect major corridors that African Americans can afford to live. If you have any questions, I'd gladly answer them at this time, and ask councilmember tovo to get clarification on the affordable housing. Thank you.

>> Mayor Adler: Thank you very much. Those are all our speakers?

>> That concludes speakers.

>> Mayor Adler: All right. Staff, come on up. Why don't you take us through the consent zoning.

>> That brings back memories, that picture. Mayor, council, Jerry rusthoven with the housing and planning department. Your consent zoning agenda for today, first one is item number 28. Case 2022-0069. I can offer this case for consent approval on all three readings.

[3:50:34 PM]

Item number 29, this will be pulled for discussion per councilmember Fuentes for a brief discussion. On item number 30, case c14-2022-0086, this case is ready for consent approval on all three readings. Item number 31, case npa-2022-014.02, consent approval on all three readings. Item number 32, c14-2022-0088, offer this for consent approval on all three readings. Item number 33, c14-2021-003, consent approval on all three readings. Item number 34, c14-2021-0189, and on this case, mayor, I have -- consent approval on first reading only to grant limited office loco district zoning notwithstanding other code restrictions to limit

[3:51:35 PM]

development including watershed and environmental regulation, adding the following conditions to the property, the maximum impervious cover shall not exceed 3,000 square feet and the city manager is directed to explore options, limited to spicewood springs road. I can offer that case for consent approval on first reading only. That is item number 34.

>> Mayor Adler: That was the motion sheet that the mayor pro tem submitted on item 34. It's been handed out. Go ahead.

>> Okay. Item number 35, neighborhood plan amendment associated with the statesman P.U.D. That will be discussion. Item number 36 is the statesman P.U.D., that is discussion. Item number 37, npa-2022-0028.01, a staff postponement request to November 15th. Item number 93, case c14-2022-0044, I can offer this case for consent approval on first reading with the following

[3:52:37 PM]

additions. It would be moved to approve the rezoning of the property to mf2, co zoning and to amend part two to add the following language -- development of the pro-is limited to 32 dwelling units and the site development regulations for townhouse and condo residence of six district shall apply, unless the site plan is approved that prevent vehicular access onto fm620 through an adjacent property or a connecting street other than Zimmerman lane with access to Zimmerman prohibited except for emergency vehicle access. I can offer that case for consent approval on first reading only. I believe the intention is to bring it back for second and third reading on November 15th.

>> Mayor Adler: Okay.

>> And then finally, item number 94, c14-2009-0139.03, I can offer this case for consent

[3:53:38 PM]

approval on second and third readings with the following additions to amend part 12, part 5f4, lines 9 and 10 to read for daily vehicular trips shall not exceed 400. A trip is a one-way direction of a vehicle to or from the property. Amend exhibit E, the civic notes, note five, beginning with the second sentence of note number 5, the remainder shall be a new paragraph numbered six. The remaining notes shall be renumbered. Item 5 shall read, while the primary use of the property remains single-family residential, any changes to the structures may be processed using the residential permitting process including section 25-2, site plan exemptions. New item number 6 will read, unless authorized by 25-2, all other development including but not limited to parking garage, artwork, maintenance facilities, trails, docks, and other

[3:54:38 PM]

improvements will require the submittal of a site plan or revision or correction to an existing site plan as determined by the department, the director of the development services department. So with that, I can offer it for consent approval on second and third reading.

>> Which item?

>> Item number 94.

>> Okay. Thank you.

>> Mayor Adler: Colleagues, the zoning consent agenda is 28-37, 93, and 94. Pulled items are 29 and 35 and 36. With the notations that were made by Jerry to 94, 93, and . . . What was the other number -- and 34. Is there a motion to approve the consent agenda? Mayor pro tem makes the motion, councilmember harper-madison seconds that motion. Any discussion on the consent agenda? Mayor pro tem.

>> Alter: Thank you. I just wanted to acknowledge the

[3:55:39 PM]

neighborhoods of the kona 2222 neighborhood association alliance as well as the applicant and Mr. Armbrust for working very closely together with my staff, Mitchell, and myself to move this P.U.D. As quickly as possible. We are passing this on all three readings. And this happens when you work together -- or second and third reading, but we're doing it within a week's time. This happens when you work together with the neighbors and when you really are able to build an understanding of what's possible, and you can establish relationships that are really important as you move forward with the projects. This is a potentially very momentous project for our community. We will not see the fruits of it for some time, but it has the potential to offer an amazing art collection for the community to enjoy in the future while

[3:56:42 PM]

preserving and enhancing the environmental environment along lake Austin. Thank you.

>> Mayor Adler: Any other comments? I just want to put an exhumation exclamation point on what you just said. The potential for this community, if it's able to work out that way, is almost beyond description. Without any other discussion, we'll go ahead and vote. Those in favor of the consent agenda, please raise your hand. Those opposed? I see it as being unanimous on the dais. Colleagues, councilmember Fuentes, we would ordinarily now turn to the statesman P.U.D. Councilmember Fuentes said that she has item number 29, which she said could be handled in a matter of a few minutes. Do we want to let her do that?

>> Tovo: I requested a time

[3:57:42 PM]

certain for the statesman and I'm fine with that going forward, number 29 going forward.

>> Mayor Adler: It was when we were done with consent. Without objection, then, councilmember Fuentes.

>> Fuentes: Thank you.

>> Mayor Adler: Call 29.

>> Fuentes: Yes. Thank you. If we could have the applicant representative, Ms. Brown, with us. She has a very -- do you -- I don't know if you have a presentation or if you just want to go through --

>> I do.

>> Fuentes: Really quickly here.

>> Thank you, good afternoon, mayor and council. I'm representing the current property owner and hopeful developer of a property at 220 Ralph Ablanedo. There's kind of a lot to unpack, but I'm going to the end. Of my slides. We have been working closely with the three neighborhoods in our area. We've had approximately nine

[3:58:43 PM]

meetings with them, countless hours really listening to their concerns and trying to adjust those to the best of our abilities. We've been working closely with staff and also with councilmember Fuentes' office and have come up with a solution to many of those issues to address their concerns. Both through a combination of conditional overlays that have been approved and recommended by staff and zoning and platting commission, and also through a private restrictive covenant. One slide before, please. One more. Sorry. So the proposed conditional overlays associated with this case are a 30-foot landscape buffer on the eastern and western sides of the property. A maximum height of 50 permitted on the majority of the site, the entitled height would be 60 feet. There is an existing conditional loafer way that limits the height to 35 feet along peaceful hill and that will remain in place. Next slide, please.

[3:59:43 PM]

There is an extensive list of prohibited uses that we're proposing as a conditional overlay. Next slide, please. And there were several commitments that we wanted to make that legally could not go into a conditional overlay so we're working with one of the neighborhoods to do a private restrictive covenant including a prohibition of outdoor permit events. No windows shall be installed on the east side facing facade of the building above the first floor.

-- Floor. We'll be providing shade trees and landscape buffers on the eastern and western side of the property. Park ridge gardens, the neighborhood directly to the east of our site, has a little pocket park

that has nothing on it. And there was a request from the neighborhood to have that improved, so we're happy to do that, planting trees, committing to planting benches and additional improvements as well. We're offering free meeting space to the three neighborhoods to host their

[4:00:44 PM]

neighborhood meetings at our facility once it's been construct. A 10% discount on standard membership for all the residents of those neighborhoods. We want to host an early access sort of open house sort of party event for the neighborhoods to come see the facility before anybody else does. And free climbing event for all children under the age of 17 for the surrounding neighborhoods twice a year. And I do want to note those last few are things that crux does as a standard. We want to formalize it, but that is a common practice. With that, that concludes my presentation. I'm here available for questions. We have our engineer and lots of people from crux as well.

>> Fuentes: Thank you. Colleagues yesterday I had a community leader with neighbors in this area to discuss this case in greater detail. I've heard from constituents who both support this case and as well as from constituents who oppose this

[4:01:46 PM]

case. I want to say thank you to crux climbing gym for meeting about our community and for coming with these community benefits for our community and understanding some of the needs that have been raised and some of the concerns that have been raised from our area. And I know that crux climbing gym does a lot of important work where the community, it's a locally founded company that you really value and I firmly believe in creating more accessible communities so folks are able to get to things within their own neighborhood. So this by providing a climbing gym certainly will go a long way. I appreciate the programs you all do for youth and seniors as well. The main issue, though, that I want to address is the traffic flow along Ralph ablanedo, it is a substandard street, and it is -- we took a look at the street impact fees

[4:02:48 PM]

assessment and it is listed as a priority lane but not in the top ten. Certainly I want to work with staff to see how we can -- what other ways we can do to ensure the street impact fees are dedicated to Ralph ablanedo. And I also want to allow time for the applicant to consider that restrictive covenant with the neighbors. So colleagues, what I'm asking today is for support on first reading. I would like to explore, and if you all have any other additional strategies to consider, I think mayor pro tem on the pud item that we approved, I heard there was a conditional overlay on traffic so that's another area that my office

can look into. So with that, I am supporting this item, but would like to do more in terms of management -- traffic mitigation and understanding the growth that's in the area and wanting to work together with the community in addressing one of their top concerns. And that's it.

>> Mayor Adler: I make a motion to approve this on

[4:03:49 PM]

first reading. So moved. Is there a second to that motion? Councilmember harper-madison seconds that motion. Any discussion? Let's take a vote. Those in favor please raise your hand. Those opposed? I'm showing it unanimous with councilmembers tovo and Renteria off the dais. It passes on first reading. That gets us then to the statesman pud. Jerry, do you want to help us with this?

>> Alter: Can we wait for Kathie to get on the dais? It's in her district.

>> Mayor Adler: Okay. Should we take a few minute break and let people go to the restroom. Let's do that. We'll come back in five minutes. Time is 4:04.

[4:06:01 PM]

[Brief recess] Test test test. This is a test.

[4:16:08 PM]

>> Mayor Adler: Let's go ahead and get started. Let's call up the statesman pud. We're back from our break. The time is 4:16. We're going to call up items 35 and 36. Jerry, do you want to help orient us.

>> I'll give it my best, mayor. If I can lay out the case numbers, item number 35, npa-2019-0022.02. This is the neighborhood plan amendment associated with the statesman pud. This is a request to go from industrial to mixed use on the future land use map. Then we have the actual pud, case c814-89-0003.02. Mayor, what I thought we could do today, the first

[4:17:09 PM]

thing in the backup we have version 5, which is the latest version of the staff ordinance based upon first reading. I do have several three pages but -- four pages, but I could go through it quickly of points staff has worked on clarifying some of the language that's in that version 5. And also dealing with some, you

know, errata and some points we have checked with the staff on every one of those points as well as working with the applicant. We have agreement on all these points. Instead of reading the exact language, what I propose is give you a summary and a section number we are talking about that we have come to an agreement on where the staff, the applicant, the law department are in agreement. I can give you more detail on each specific item. That would be things we could say those would be proposed fixes to version 5, which is the first reading ordinance and backup. Then we could go forward from there.

>> Kitchen: Mayor, I have

[4:18:09 PM]

a question first.

>> Mayor Adler: Are they in backup?

>> Not now, no. Unless the law department added them, which I don't believe we have.

>> Mayor Adler: Is it possible to post that in backup?

>> We could. Steve?

>> Mayor Adler: Are you handing them out?

>> We could hand them out if you like. I could have someone do that right now.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: My question is similar to yours. So the -- so the document that we're working off of now is the one that Jerry is talking about. How does that relate to the document you put together for us last time that we had gone through? Because you had language in your last one showing the language that had been resolved, I guess might be the right word. I want to make sure that that same language is in what Mr. Rusthoven is talking about. If there's a different version, we'll need to look at it again.

>> Councilmember kitchen, this is not getting into those points we've discussed

[4:19:10 PM]

earlier. We had the list of 15 things, the 12 things we went through. And we have another sheet today to go through. Decision points and previously agreed to points. This is stuff that we feel was already in the staff ordinance from version 5. That has nothing to do with amendments proposed by councilmembers, you know, recent past. Rather these are just things that -- we do have a list of agreed upon amendments, disagreed upon amendments, decision points, et cetera.

>> Mayor Adler: So the way the process I think that I'm hearing to follow. The base motion is what got approved on first reading. That's always the opponent of departure. To that then it looks like there are three categories of possible changes to that. The first category are apparently the erratic sheet, three pages that staff is saying these are changes you should make, applicant agrees, development services agrees, staff agrees.

[4:20:11 PM]

That's the first session Jerry will take us through, kind of like at the beginning of the budget process. The second thing we're going to hit are -- and I'm going to use today the pool tool.

[Laughter] That was handed out to everybody and was posted.

>> Pool: And y'all, let's hope I don't live to regret that branding.

>> Mayor Adler: I could move off that if you want me to, but I think it's exactly what we're talking about. Are the second page of that are resolved issues. We're going to go through that to make sure we're all resolved on those issues. I think that includes your amendment, I think it includes councilmember pool's amendment. We're going to go through and make sure those are resolved, see if there is anything else we need to get to staff. Some of those have wording like your amendment, some of them may be just concepts that we're passing the concept and giving instruction to staff when you come back with the second reading version, make sure you -- the scrivener does these things that we

[4:21:12 PM]

want. That would be the second group. And then the third section we go through then are the enumerated things 1 through 8 on the pool tool that look like we need to discuss and make a choice on.

>> Kitchen: Okay. I guess my question is that third set that you mentioned, the ones that are resolved --

>> Mayor Adler: That's the second set.

>> Kitchen: Second set. Sorry. That are on the back of this.

>> Mayor Adler: Yes.

>> Kitchen: What document -- because my amendments I had specific language.

>> Mayor Adler: I understand that. When we get do that one, we'll be talking about your specific language.

>> Kitchen: I just don't know what document that's in right now, that's all.

>> Mayor Adler: I think it's free-standing. We had incorporated hours, but done that by way of device to see where it fit. I think it will be fine. Let us proceed this way. I think this will work for a way to firm up those issues. Let's begin with kind of the

[4:22:15 PM]

errata sheet.

>> There's copies being made right now. I'm going to para phrase what the issue was and not read the exact legal language. The first would be part 7d of the ordinance which would be to clarify the trail reconstruction will occur before the certificate of occupancy for the first vertical building. The original language said prior to initial or at the time of initial site plan review. Staff does not feel that makes sense because site plan review just means an application has been submitted. We usually base things upon issuance of a co. The second thing would be to item -- sorry, part 7g, which would clarify that there is an allowance in here of the parkland area that up to .9 acres can be used for rain gardens. This clarifies an underground cistern that's part of that would not count

[4:23:15 PM]

against that .9 acres. Both the watershed department and the parks department are okay with that language. In part 9, it's discussed this is discussing water forward. It clarifies that they would be required to construct a reclaimed water, extended reclaimed water system to the property and to do dual plumbing for the buildings. That was a clarification of some language. The continuation of that under part 9u specifies that they would have to include a loop as a part of the reclaimed water system. But they would not have to extend that loop beyond the intersection of Barton springs road and Riverside drive. Part 9v, necessity with irrigation of the landscaping. And it states reclaimed water will be used for the landscaping irrigation. With the exception of the critical water quality zone and 100-year floodplain they would be allowed to use

[4:24:16 PM]

water from the lake as they do today because they already have an existing permit from the lcra. The watershed protection department doesn't want reclaimed water being used that close to the lake so lake water will be used on the shore of the lake and otherwise it will use reclaimed water. Again, watershed department is okay with that. Part 9x is truly a cleanup item. It specifies the integrated pest management program applies only to the statesman pud property. The way it's written it could be the whole city so that's just correct ago mistake. Next part 11 which has to do with the transportation. On part 11a clarify phis dedication of the right-of-way for Barton springs road will be done prior to issuance

of a conditional overlay for a vertical building similar to what I discussed before. Talking about the timing and tying -- the timing to a certificate of occupancy. Part 11b talks about closure

[4:25:18 PM]

of the public right-of-way or access easements shall not be gated. And that within -- with the exception of driveway D, as shown in exhibit F, the interior easement roads may be closed on weekends, week nights and special events no more than three days straight. The reason is if you picture within this project where we're going to have a small grid network, they may want to close the street for a pecan street festival type event or a farmers market or, you know, some type of street festival. And this would allow them to do that on the evenings and weekends and for no more than three days in a row. Because those are interior streets, we're okay with that. That's part of urban life. The next part talks about the bicycle and pedestrian facilities, and similar to the discussion on Barton springs road, this clarifies

[4:26:19 PM]

that these facilities will be certain ones of them will be built prior to issuance of certificate of occupancy for the first vertical building. And then finally, towards the end here, part 11f clarifies that the development will be in accord anxious with the transportation demand management plan as opposed to the transportation criteria manual. This is what was intended and the add is okay with that. 11g states that the landowner shall construct 95 -- at least 95% of the parking spaces underground. We have discussed that earlier. This is just a wording clarification. We do have the portion that we were discussing the affordable on part 13a, we were discussing the affordable commercial space. This is to clarify that that is a 4% of the ground floor

[4:27:22 PM]

retail space the way it was originally written and said of the total commercial space. That would include all the office buildings, which I think was never intended. This was 4% of the ground floor retail. And also that we stay with the same thing that's approved recently with council on other projects that to define affordable means 60% of the class a going rate at the time that they commit with the site plan. It just clarifies that the commercial, affordable commercial be based upon the ground floor area and not the entire tower or towers. Part 15, code modifications, clarifies there is a mart that limits access to south congress to one single access point. We've always been discussing a driveway, a singular driveway to congress avenue from this project. This just clarifies that Barton springs road does not count as that one access. We've always been discussing a driveway and then, of

[4:28:23 PM]

course, Barton springs road would be a public street and not a driveway. And finally, part 11f-6 would clarify that for a period of 15 years after the right-of-way for Barton springs road is dedicated, that the applicant would not be required to pay basically what's called a temporary use of right-of-way permit. This is basically a rental of the right-of-way in order to do probably construction. This would clarify, this is a request from the owner from the applicant to not have to pay fees to basically use the right-of-way that they have dedicated to us as part of this project during construction. So they simply put, they did not want to rent back the land they gave to us as part of the pud. And that would last for 15 years. I know we also have, you know, mayor, that concludes the list of things that I had. We do have a list, I think that's been put together of

[4:29:23 PM]

issues that we would be walking through. But I do want to state there are two other items that the staff still has an issue with beyond the items that are on this list. One has to do with the applicant has agreed to certain conditions relating to light rail being constructed. We've always been discussing here the blue line going through this -- adjacent to this property or through it. And then the use of some of this property for a bridge going over the lake. The applicant would like that to specifically say this is for light rail, this is for light rail at several points during the ordinance. The staff preference is we use the word transit instead of light rail to keep open the possibility that other forms of transit may replace the light rail proposal. I think at this time we all know the project call for light rail there, but we would like to keep all possibilities open so our

[4:30:24 PM]

preference is use the word transit where light rail is used in the ordinance.

>> Mayor Adler: Help me so that I understand clearly, there were two items you said of additional concern. One was whether that bridge is light rail versus transit.

>> And the other one has to do with right-of-way dedication for Barton springs road. The applicant is proposing that the -- that they are not required to dedicate the right-of-way for Barton springs road until the city has funding committed to for construction of the road. And Austin transportation department is not agreeable to that condition.

>> Kitchen: Mayor?

>> Mayor Adler: I'm going to treat the first one of those as number 9 on the pool tool. And I'm going to treat the transit versus the other as number 10 on the pool tool.

>> Kitchen: Mayor?

>> Mayor Adler: Yes.

>> Kitchen: I know you mentioned this a minute ago, but I think there's some confusion from the public. What is the -- the document you were just reading through, where can people see that document? I think you mentioned it,

[4:31:25 PM]

mayor.

>> Mayor Adler: It's being handed out on the dais right now and we asked it to be posted into backup.

>> We're working on that right now.

>> Kitchen: Okay, so I just want to say that again because some people were confused.

>> Mayor Adler: No problem. Posted in the backup.

>> Kitchen: Posted in the backup, thank you.

>> Those are items we believe there's probably no disagreement on unless told otherwise for council, so at that point we're ready to move forward.

>> Mayor Adler: We're going to approve those and add to the base motion but we're not going to do it just yet. We're going to turn to legs of resolved things and then I'm going to double back and see if anybody had objection to any of the things you just went through. If not, we'll just add those things. Okay?

>> That's okay.

>> Mayor Adler: So let's see how many of the resolved things are kind of like resolved things that are potential changes. And some of these may be in the list of things that you just talked about, Jerry. All right, so the first one is water forward. That issue has been resolved

[4:32:27 PM]

in the language that you just proposed. Is that correct?

>> Yes. That was -- part of that was clarification of the water forward language and my understanding water forward and the applicant are in agreement.

>> Mayor Adler: That's in the document you just did. We can cross that one out.

>> Yes, it's a T, U and V.

>> Tovo: Could I hear from watershed staff what the differences would be?

>> The Austin water utility?

>> Tovo: Yeah, sorry.

>> They might be on the remote.

>> Tovo: I mean what would -- what would a strict interpretation of water forward require versus what is being suggested here?

>> Councilmember, we're going to check to see if they are on the line.

>> Mayor Adler: We'll come back to that one. But if you could get them on line and let us know and

[4:33:27 PM]

we'll double back to it. The question what's the difference between the strict interpretation of water forward versus whatever it is your language put in its place.

>> Tovo: And the final line in U is of particular interest that I'll ask our water utility about. In no event will it be required to connect to a point farther than, so I'm not sure what happens in the circumstances that they would need to. And then also I would like to talk about the raw water issue.

>> Mayor Adler: Okay. On your three-page deal, which were the -- Kathie, where were those? Was that on the second page?

>> Tovo: Yeah, Steve, those are on the first page under environmental, element T.

>> Mayor Adler: Okay.

>> Tovo: And then let's see, the next one was U,

[4:34:28 PM]

primarily the last line.

>> Mayor Adler: Last line in U.

>> Tovo: I thought original staff recommendation was not to use raw water or I thought we had existing policy.

>> Just to clarify, it was the raw water, the lake water would only be used in the critical water quality zone and the 100-year floodplain and the remainder would use the reclaimed water for irrigation.

>> Tovo: Staff I think initially had concerns about them drawing from the lake, so they've pulled back and adjusted their recommendation based on the limited use of the raw water

>> So not entirely lake water but we don't want to use reclaimed. So the agreement is use reclaimed water for everything outside the critical and 1 hundred-year floodplain.

>> Mayor Adler: We'll come back to those. Page 1 and 2, items T, U and

[4:35:29 PM]

V when water staff is available to join us. Okay. That is on the resolved list. That appears to be the first two bullet points. We will come back to. The next bullet point is affordable commercial rate. Applicants offering a portion --

>> That was one of the ones I just read in.

>> Mayor Adler: Okay. So that one is handled. What about the five Ada access points from councilmember kitchen? Are you all okay with her language, her amendment language?

>> Yes, we are as staff.

>> Mayor Adler: I'm going to move past that one. As being handled. What about trail realignment? That also is a kitchen amendment. Was that one okay?

>> Yes, we were okay with that clarification that we had before that -- well, with the realignment, we're

[4:36:31 PM]

fine.

>> Kitchen: So in other words, the language that I put forward is the language you are fine with.

>> Yes. From your amendment, yes.

>> Mayor Adler: Okay. And then there was a trail riparian restoration, kitchen language, three, are you okay with that one?

>> Yes, we are okay with that.

>> Mayor Adler: That let's to park amenities, park programming plan. That was the pool amendment. Were you okay with the pool amendment?

>> My understanding is yes, but we have the parks department staff here and I would like to check with director Neely, but I believe --

>> Mayor Adler: I'll put a question mark there, but as I recall director said at the last meeting -- she's okay. Are you okay with the pool amendment? Got it. Yes.

>> Thumbs up.

>> Mayor Adler: Kitchen, number 4, local artists. Are you guys okay with that?

>> Yes.

>> Mayor Adler: What did that do just at a high level, councilmember

[4:37:31 PM]

kitchen?

>> Kitchen: I don't have the language in front of me, but it's a preference for local artists.

>> Mayor Adler: It was what?

>> Kitchen: A preference for local artists.

>> Mayor Adler: Got it.

>> With aipp, correct?

>> Kitchen: Yes.

>> Mayor Adler: Yes. Building material. Which was kitchen fifth amendment. Okay with that?

>> Yes.

>> Mayor Adler: Everybody is okay with that one? That lets us to the red or star achieved. I think it was either -- led.

>> Austin energy staff prefers rebuilding. Leed is another equally good.

>> Mayor Adler: They are both okay with that one, so that one works T bike pedestrian safety issue.

>> Yes.

>> Mayor Adler: Are you okay with that one? All right. That got us to the bedroom mix for on site affordable housing units.

>> Yes, mayor, there were two words proposed. This is the greater idea you

[4:38:31 PM]

discussed about making sure that the types of affordable units are a mixture of types, one, two, three-bedroom. Equivalent, I believe councilmember tovo's language said equivalent, another one said equal toe. The staff prefers the equal to the ratio in the development. It's just more clear and so we're okay with that.

>> Mayor Adler: Okay. Are you okay with that, councilmember tovo? That makes sense to me.

>> Councilmember, what it does instead of saying the mix shall be equivalent to the thing, it says shall be equal to.

>> Tovo: That seems to accomplish the same thing.

>> Mayor Adler: In fact, it probably keeps -- make sure you get exactly what you want. Better builder program, has that language been worked out?

>> Yes, it has, between the -- remember last time --

>> Mayor Adler: As I recall that third party still maintained independent

[4:39:32 PM]

third party that had wording that --

>> Nothing has changed on that.

>> Mayor Adler: So I'm looking at this --

>> I'm sorry?

>> Mayor Adler: We have the water folks. Perfect timing. Thank you for coming back and joining us. We don't have councilmember tovo. Is she just around the corner? Can you see her?

>> [Inaudible - no mic on]

>> Mayor Adler: Check and see. We have the water department here to answer a question. We have the water department. We have questions about three things we want you to

[4:40:32 PM]

help us better understand. Kathie, do you want to take them through?

>> Tovo: Yes. Thank you. Thanks for being here and jumping on. Can you talk a little about the language under environmental that would -- that addresses water forward? Can you tell us what the difference is between strict adherence to the guidelines in water forward versus what is in here?

>> Kevin, assistant for Austin water. I will just generally describe the language that's been worked out and agreed with the applicant and been provided does in fact follow outline -- all of our water forward requirements. I think there are some details about proceeding with the individual components of development and so -- but I think we are all aligned and we feel like the language does fully reflect the water forward requirements.

>> Tovo: Good. That's good to hear. Is the same true of the last

[4:41:33 PM]

line in U that talks about how the hookup -- how the water main would connect to commercial?

>> Yes, ma'am.

>> Tovo: Okay, so there's no -- there's no variance from what you would want to see there. In terms of the connection point. The line that says but in no event will it be required to connect to a point farther than Riverside Barton springs or increase the capacity --

>> Yes, ma'am, that's -- in alignment with our reclaimed water system planning so we're all aligned on that particular item.

>> Tovo: Thank you. And lastly, we had discussions in earlier sessions and I thought there were concerns staff had about the applicant's proposal to draw water from lady bird lake. Do you still have those concerns?

>> No, again, we've resolved the language. You know, and we do recognize that the development is such that there will be some places

[4:42:34 PM]

where reclaimed water can't be used for irrigation so it makes sense that, you know, as a backup they be able to provide or use an existing contract with Icra.

>> Tovo: And as I understand it, that would be a backup, that would be their first resource.

>> Again, only in those areas where --

>> Tovo: Critical water quality zone.

>> Yeah.

>> Tovo: What are the concerns withdrawing water from lady bird lake?

>> Councilmember, this is Ross Krell and I wanted to speak briefly to that if I could. Really the concern was it would not ordinarily be subject to our water conservation ordinance. So what we've added to the pud language is that that raw water would be subject to our conservation ordinance.

>> Tovo: I see. Thank you very much. That's really helpful. Thank you, that's my last question.

>> Mayor Adler: Okay. Colleagues, it looks to me like we have confirmed that

[4:43:36 PM]

the resolved list -- yes, mayor pro tem.

>>>> Alter: I wasn't sure if we had dealt with the park one yet.

>> Mayor Adler: No.

>> Alter: No, the -- is the pool amendment the one that's on here or there is another?

>> Mayor Adler: The pool amendment is different than the parkland maintenance issue. But the pool amendment is the pool amendment.

>> Alter: Okay. Where -- okay.

>> Mayor Adler: It's the one that takes the \$9 million.

>> Alter: My question is on number 2 then.

>> Mayor Adler: Actually it's things other than that. It was the original pool amendment that -- I think councilmember pool was trying to move us along by combining stuff. It's the pool amendment pool had up a week ago that was incorporated into the other pieces. What's been handed out now includes some of the issue items for us still to decide. Like maintenance and the

[4:44:36 PM]

nine dollars. So the pool amendment is going back to the pool amendment that councilmember pool had for three weeks that we were using two weeks ago.

>> Pool: And the first one I'll just say, there's no change to that from what you've seen before and that has the list of what's included. The second motion speaks to the 9 million plus the \$100 per dwelling unit over the standard fee and so you can read that. That is an attempt to nail down how much money and for what.

>> Mayor Adler: What we're approving in the resolved part is the first one, the same as what you had before. And it's the second one, but not the section about \$9 million or \$100 because we're going to handle that as part of the enumerated items, number 2. Okay? So we'll get to that part in just a second. It looks like the resolved things are okay. Does anybody have any questions yet about the three pages that were handed

[4:45:37 PM]

out to us and posted? Okay. It looks like those are okay.

>> Kitchen: Mayor, wait a minute.

>> Mayor Adler: No, no, from what we've heard. We've heard. We haven't voted on anything yet. I'm moving past that. We're now going to go through the others and see if we can resolve those, then we'll ask for a motion and people can say whether they are ready for that or want to read the section more. I'm trying to get us to the place we can construct the motion.

>> Alter: It would be helpful to read them while there are not other things going -- it's kind of hard to do it.

>> Kitchen: Mayor?

>> Mayor Adler: I hear that. Let's give people a chance to react more. We'll take a five-minute break. Once we've identified the issues so everybody can think and read before we vote on anything. Yes, councilmember kitchen.

>> Kitchen: And also, I'm sorry, I'll check, but they need to be posted so the public can read them too, so...

>> Mayor Adler: Have they

[4:46:39 PM]

been posted yet by the clerk? Can somebody put them on to the message board if we have a council office that can slap them up there?

>> Tovo: Mayor, I'm noticing --

>> Mayor Adler: This document needs to be electronically posted somewhere, message board, backup. Something we can point the public to.

>> Mayor, it's being done right now.

>> Mayor Adler: When that's up, will you let us know so we can announce that and where it is.

>> Yes.

>> Mayor Adler: Thank you. Councilmember tovo.

>> Tovo: I'm noticing that some of the amendments that were distributed last time are posted as backup and some are not posted as backup. I may be missing it, but I'm not seeing the amendment that I distributed last time posted as backup on today's meeting.

[4:47:39 PM]

I'm just calling that out. I can distribute this again too if I can figure out how to get the copy machine to quit doing what it's currently doing which is not being cooperative.

>> Mayor Adler: Which --

>> Tovo: I had one amendment I distributed on September 29th and I'm going to redidn't it -- redistribute it because there may be other amendments that were distributed that aren't necessarily in the backup that we also need to consider.

>> Mayor Adler: Which topic was that? The public funds?

>> Tovo: Yes.

>> Mayor Adler: Which is number 7.

>> Tovo: Can you tell me what it's underneath? There's such a string -- I'm sorry, I'm missing it in the list.

>> Mayor Adler: Number 7.

>> Tovo: I'm not looking for it in the list that you distributed, councilmember pool, I'm looking for it in the backup posted today, but I'm missing it in the list of linked documents. I'll try to determine

[4:48:41 PM]

whether or not it's in there.

>> I think it says CM tovo on 10-21-22. It's in the middle of the list. It is underneath number 5 amendment part 15cm kitchen. There's a stack of CM kitchen.

>> Mayor Adler: And the pool amendment is pool number number 1 in the resolved list. So to be clear, it's pool amendment number 1. Which is the same as what we've been seeing before. Okay? The resolved list are the things we just went through. That's what we have. Okay. All right. So they are posting the three pages. We've been through the, quote, resolved list from the pool tool. And now we're going to turn to the issues.

[4:49:42 PM]

Hotel use is the first issue. Do we allow how tell use. Staff recommendation, keep it as conditional use or prohibit hotel use. Councilmember Fuentes.

>> Fuentes: Thank you. Colleagues, we have previously talked about this amendment at a work session, but to borrow from my colleague harper-madison and your favorite refrain, this is all about housing, housing, housing. It strikes the use of a hotel as part of this development.

>> Mayor Adler: Okay. Jerry, do you want to respond to that, see if the applicant will respond to that?

>> Sure, mayor, the staff recommendation did include hotel as permitted use T applicant is in disagreement with the PC recommendation which was to make a conditional use or make it a prohibited use.

[4:50:42 PM]

>> Mayor Adler: Okay. Applicant?

>> Mayor, members of council, Richard Suttle. We had applied originally to have this hotel as a permitted use. We feel it's an important part of the mixed use project and important part of the fabric of the whole project. There has been some conversation if we don't do a hotel, we will do more miscellaneous but that's not -- housing but that's not the case. We feel a hotel is additive to the project and hope it would remain as a permitted use. Thank you.

>> Mayor Adler: Okay. Councilmember Fuentes. Do you want to prohibit it as opposed to doing a conditional use that requires them to come back to get approval?

>> Fuentes: Yes, this is -- and if we are talking about the base versions. I know there's some difference and distinction between councilmember Vela's and your --

>> Mayor Adler: We're in the base motion, v5.

>> Fuentes: This is

[4:51:42 PM]

striking the hotel use. So it would be prohibiting hotel use.

>> Mayor Adler: Colleagues? Let's discuss this issue. Councilmember Harper-Madison.

>> Harper-Madison: I'm going to try to avoid making any assumptions, but in my mind's eye, I assume the hotel use was a matter of the project being able to generate revenue for itself. If there's another explanation for that could you give it to me. And councilwoman Fuentes, I'm curious how we propose -- if that's a significant portion of the consideration around the financing for it, how do we propose to make up that gap if there is a financial gap? And I don't -- whichever over.

>> Fuentes: For me it would be prioritizing housing.

>> Mayor Adler: I'm going to go ahead and support this amendment to prohibit it on second reading.

[4:52:44 PM]

But I'm going to express some reservations about whether I'll still be with you on that on third reading. But so that we have the next 30 days to talk through that issue and to see where things are, I'm going to support it on second reading, but not necessarily on third reading. Let's see how the conversations go. Okay. Further discussion of this issue? Councilmember Kelly.

>> Kelly: When I look at this project from a whole from a 30,000-foot, it makes sense to have hotel in close proximity to the downtown area, especially with our future plans to possibly expand the convention center and to bring more people here to Austin for these special events that we have. And so I'm supportive of them having hotels as a use there.

>> Mayor Adler: Okay. Anyone else want to discuss this issue? Yes, councilmember Fuentes.

[4:53:47 PM]

>> Fuentes: We talked a lot about if there is not enough market rate housing supply, how does that affect the ability in 20, 30 years for markets to be alleged more affordable. So for me it's not just about affordable housing but about all housing. I also worry about if we don't have the hotel use, can we make the affordable units pencil out the same way. And I think that's one of the benefits of hotel use is being able to off set the affordable housing and that it will be subsidized through this project. But I also care about hotel occupancy taxes because I know this is a really creative way for us to fund projects for the city and I like making sure other people if they come visit here are helping to put money through sales tax into the city as well. I've been struggling a lot with this one. I appreciate the folks I've had conversations with on this tappic. If we had to voice this in or out I would like aabstain so I could continue to do my

[4:54:48 PM]

research but appreciate the conferences I've had on this issue.

>> Mayor Adler: Councilmember pool.

>> Pool: I'm in the same place as the mayor and councilmember Ellis are in. I'm reluctant, but I'm willing to vote to allow this to continue so the additional work can be done between now and third reading. And I hold my prerogative for third reading to have a different position.

>> Mayor Adler: Okay. Councilmember Renteria.

>> Renteria: Yes, and the only reason I'm supporting the hotel is that it seems to be that if we don't do that, this development is not going to happen. And to see a place here that's going to be empty for a while longer. So that's why I'm going to support the hotel uses.

>> Mayor Adler: Okay. Anybody else want to speak to this issue? Councilmember tovo.

>> Tovo: I'm supportive of

[4:55:49 PM]

councilwoman Fuentes' position.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: Yeah, I'm going to support this amendment. I think it's -- at this stage it's important and I think we should proceed with it. I think there might be some opportunities for continued conversation and that should occur. And I will support it at this stage.

>> Mayor Adler: Okay. Mayor pro tem.

>> Alter: This raised a related issue for me. I'm wondering if Jerry can speak to what kind of short-term rental rates would be going with this pud.

>> Well, not for a hotel, of course, but for a condominium or apartment project, they would be limited to no more than 25% within a building, a single building, and 25% on the overall project.

>> Alter: Okay, I'm going to ask legal if we can have a conversation about what -- not right now, but before third reading, I think we need to have a conversation

[4:56:50 PM]

about whether we just don't want to allow it in this area at all. I believe we're allowed to do that.

>> Mayor Adler: Okay. Please note that, we'll have an executive session before we vote on third reading first week in January, probably. Yes.

>> May I ask the applicant what some of the -- I guess reasons that you all are opposed to doing more affordable housing in this area are?

>> We're not opposed to affordable housing. However, highrise affordable housing on the lake by its very nature is very expensive to build. But it's -- in context of the hotel conversation, it's not an either/or, housing or hotel. No hotel does not necessarily mean more housing. The hotel is just an integral part of the financing and we've -- it's just part of our plan.

>> If we didn't allow hotel

[4:57:51 PM]

use, what would be an outcome for you all?

>> I don't know.

>> Okay. Thank you.

>> It -- it could range from we do more other uses that y'all think are appropriate downtown to maybe the project doesn't get financed. Thank you.

>> Mayor

>> Mayor Adler: Anybody else who hasn't spoken, support councilmember Fuentes and her amendment? Mayor pro tem?

>> Alter: I didn't speak to her amendment, but I would support this.

>> Mayor Adler: That means there's more than six of us. I'm going to suggest that if we pose a motion to vote on the second we include that. It looks like six people favor that. Let's move on to the next one now. The next one on the list is parkland dedication fee.

>> Mayor -- I'm sorry. The next several items deal with parkland. I'm going to invite the director

[4:58:54 PM]

to come up and address it.

>> Mayor Adler: Okay. So, with respect to parkland, the issues in front of us, as councilmember pool has laid them out for us, is first, is it \$9 million that it was under the old rate structure? Is it the six point whatever it is under the new rate structure? That's one question, I guess. Then we have a question about what is the timing of when that is paid. And then the third one is park maintenance. With respect to -- let's go through and hit each one of these three things. The first one is \$9 million versus the \$6.9 million. And I recall that the way that was Teed up before, the applicant was happy to pay

[4:59:56 PM]

\$9 million. But if we wanted to put the additional \$2.1 million somewhere else, that would be fine, so long as it's \$9 million total, because that's what their model allowed them to spend.

>> Right. So, I was going to say I would like to defer. Councilmember pool's office, the applicant, and the department had conversations with regards to language that may work. We have an understanding of intent. We also have some proposed language that I have to admit I just made a little adjustment to because we were working on it today. But we -- I believe the applicant, because the intent is the same, it's really a clarification in the way it's written. I think councilmember pool had motion number 2, v2.

And it would be under the modified part-time a to read landowner shall pay an additional \$100,000 per dwelling unit other the standard fee --

>> Pool: It's \$100.

[5:00:57 PM]

>> Oh, what did I say?

>> A hundred thousand.

[Laughing]

>> Pool: I want you to know --

>> That would be okay.

>> Mayor Adler: That might have been able to slide through.

>> Richard just about jumped out of his seat.

>> Well, I gave him a break last time with \$600,000 instead of 6 million, so I'm making up for it. Let me start over. Sorry, guys. I apologize. The land owner shall pay an additional \$100 per dwelling unit. I want to make sure that everybody understands that this is the parkland development fee. So the land owner shall pay an additional \$100 per dwelling unit over the standard fee required under city code for an additional parkland development fee. And then the second part of this is the land owner will pay a fee of \$9 million cumulative fee in lieu as the fees are -- I think we have to manage this. But the intent here -- we have

[5:01:57 PM]

to word Smith this. The intent here is that you would pay the fees are due during the development process with the \$9 million total not to include the parkland development fee. So, basically what we're trying to do is separate the fee in lieu of for parkland and the development fee because there's two different fees for parkland. This needs to be massaged. I believe the intent is there. And we agree to that. Council office motion put forward agrees to that. And I believe that the applicant agrees to it, but I will defer to \$100, not 100,000.

>> Mayor Adler: This is the pool motion sheet number 2v2 and it's the first one modifying park 10a to read. Is everybody okay with that one? That's making the choice to spend \$9 million here.

>> Pool: Plus \$100 per dwelling unit that is over and

[5:02:57 PM]

above the \$9 million.

>> So this is where I think we need to have clarification. So the land -- there's a land fee which is the land fee -- either give us land or fee in lieu of for land, right. And that is -- we call that the parkland fee, which is the -- and that's a certain amount of money which is the \$9 million. And then we have the parkland development fee, the \$100 per dwelling, over what it says in code. As long as we're on the same page, we can massage this language. I'm doing to defer to the applicant.

>> Mayor Adler: Is that your understanding, too, Mr. Suttle?

>> Yes. The language as-is, it works. You've got to make sure -- everything is connected. So at the end of the motion is a motion that this \$9 million is set and it includes -- it's not in addition to the congress

[5:03:58 PM]

avenue steps. It includes the congress avenue steps. But that's included in the motion as we keep going.

>> Pool: So we have identified funding for the steps that are being --

>> Mayor Adler: That's the change you made in number 7. \$9 million here and that \$9 million is in part or in whole paying for the congress avenue public park access, which was the additional cost associated with councilmember kitchen's amendment. Councilmember kitchen, then mayor pro tem.

>> Kitchen: Just two quick questions. The \$9 million, I think you mentioned a minute ago, can you repeat where that number comes from? You said that was the calculated amount?

>> The \$9 million came from the original estimated calculation before we changed -- before council voted to only raise the residential parkland dedication

[5:04:58 PM]

fee 10%. Then we added the commercial fee. That's where the \$9 million came, an estimate anticipating the full amount being raised, but the council made a different decision, so that dropped it down to 6.9. However, the applicant has agreed to pay the original estimated amount.

>> Kitchen: Okay. My second question is just -- so, the items that are included that will be paid for using the \$9 million plus the additional 100, I think? What happens if it costs more than that? Are we saying those items will be done and paid for, we're saying here's the dedicated amount that will be used to pay for it?

>> So in -- further in the motion, in a previous motion that I believe councilmember pool made, there was a list of the items that the applicant has agreed to pay for, which I can pull out and read those to you. But I know they're in your backup. This \$9 million would be used to

[5:05:59 PM]

pay for amenities that are within the south central waterfront plan that go through a prioritization planning process. They could be used to pay for those additional amenities that the applicant has not already agreed to pay for without using the parkland dedication funds.

>> Kitchen: I just want to make sure that the south congress steps are included in that. But -- I'll just look at the language. I want to make sure it's not written such that if there are some unanticipated costs that means that it doesn't get built. So that's all I'm wanting to make certain of. But I think, you know, that's what I want to make certain of, that the language is real clear that that's the responsibility -- the developer to pay for. We've identified funding for it and that's good, but there's always the what happens if. I want to make sure that that makes it clear that those steps will be built even if there's

[5:07:02 PM]

some kind of gap. We don't think there's going to be a gap.

>> Mayor Adler: My sense is that's not how that's drafted. As I read how this is drafted, it says the developer is going to pay for certain things and those things are enumerated. And then there's a list of other things that the parks fee can go to.

>> Kitchen: Okay.

>> Mayor Adler: But it had a prioritization process associated with that. And what councilmember pool's amendment here is doing -- and I've just seen this -- it appears to now be adding the congress avenue public park access into the allowed expenses that that \$9 million can be used for.

>> Kitchen: So --

>> Mayor Adler: It doesn't necessarily mean that that's going to be enough to do it. If it's a \$25 million expense they're not on the hook for \$25 million. Confirm, my understanding is correct. My understanding correct?

[5:08:05 PM]

>> Another way to look at it, in another part of the ordinance your amendment says we're doing the steps. Then we have the prioritization on what the \$9 million can be used for. The first of that the million dollars will go towards the steps.

>> Kitchen: Okay.

>> Your steps are there and the money will be there.

>> Kitchen: Okay. As long as -- this is not instead of the other language. The other language says there will be steps and you guys will pay for it. I'll go back and look.

>> Mayor Adler: I stand corrected. I called the mayor pro tem next and then councilmember tovo.

>> Alter: So, something that we'll need to get straight on the parkland dedication fees, there's a fee in lieu of land and a parkland development fee. And we have to make sure that whatever language we adopt recognizes that, because they'r not paying 9 million in a park development fee alone, otherwise then we'd be getting the parkland dedication fee as well, which I would welcome, but I

[5:09:06 PM]

don't think that's what the intention was, which is I think what you were getting at, director Mcneely. I don't know the fix within the wording of this amendment, but my goal -- and I think what councilmember pool was trying to get at was so that they were paying at least as much as what we had been promised when we were going under the assumption that the parkland dedication fee calculations were based on what was in the proposed budget for this year. I would like us to see whether there is a way to write this. I need to think through, given the change we made about assessment, whether there is any scenario where they would have to owe more and that we're actually potentially taking in less. There is an issue here that if they shift the balance of the building to be more or less

[5:10:07 PM]

residential depending on how we write this, that we may not be maximizing the amount of parkland dedication fees that we should be getting. And I don't know within this wording how to figure that out, but that is something that I would want, as we moved forward. And I just saw this new language. I don't know how to address that right now, but I think those are issues that we have to sort out. So it's not just do we want the \$9 million. I'm not sure if there is a scenario, given how we changed the assessment for the parkland fees, but there is the -- sorry. I'm not sure, based on what we changed in terms of when we assessed the fees whether it's possible for a given set of residential units and commercial for it to change the total, but it is possible for the total to change if they change the unit mix, which would mean you'd need to have more parks to serve the additional residents.

[5:11:07 PM]

And I don't think we should be giving up that.

>> Mayor Adler: Help me with this. What it says is you're going to pay \$9 million for the park development fee. You're also going to pay the development -- the other park fee. And in addition to that you're going to pay \$100 more per unit. And what this is saying is you'll pay the \$9 million and then as concerns the \$100 additional dollars, that is in addition to the \$9 million.

>> Mhmm.

>> Mayor Adler: Is that right?

>> The way that I'm interpreting this and the applicant is obviously right here, is that there is a parkland development fee. And that parkland development fee is \$100 more per unit based upon whatever the code is -- that the code says. In addition to that, you pay a parkland fee in lieu of, which

[5:12:08 PM]

we had calculated originally at \$9 million. And that's the amount of money that is listed in the amendment that councilmember pool wrote. So, two fees. One is \$9 million, which is the park development fee. The second fee --

>> Pool: Actually, the \$9 million is the fee in lieu. And the cleanup on that is to delete the words parkland development fee. It's the \$9 million cumulative fee in lieu specifically. And down toward the bottom, as the fees are due during development process with the \$9 million total not including the 100 per dwelling unit additional funding. They're two different funds that director Mcneely has been talking about. The \$9 million fee in lieu --

>> Mayor Adler: Are there three things?

>> Pool: No.

>> Mayor Adler: There's the fee in lieu.

>> Pool: Correct.

[5:13:09 PM]

\$9 million.

>> Mayor Adler: The new ordinance it's like 6, no?

>> There are three things. The \$100 extra, what we offered. I've got to clarify. The city was never promised \$9 million.

>> Mayor Adler: I understand that.

>> We promised \$100 a unit more over the standard P.U.D. -- Let me -- it's important. Two different park fees -- development, fee in lieu. \$9 million is the cumulative of both development fee and fee in lieu.

>> Mayor Adler: That's the question.

>> And that's the answer.

>> Pool: So the edit I was given on version two was the words parkland development fee should be struck. It would just read 9 million cumulative fee in lieu. So that is something that we need to make sure. Go ahead.

>> I think it sounds like we have a different interpretation and we will need to come back to

[5:14:09 PM]

you tonight, go on to the next thing and let me work through this, because that is not how I interpreted it during the conversations and I don't want to waste your time.

>> Mayor Adler: We're going to come back to item 2 on our --

>> Pool: Do you want to finish --

>> Mayor Adler: Let's continue with the other two park items. The next one is timing of the parkland dedication. In other words, when -- at what point is it dedicated. Was there proposed language on that?

>> The staff recommendation was related to the required dedication, that certificate of occupancy at the northern most building of each phase. We realized that the planning commission added to that the ninth year. That wasn't something the staff recommended, but certainly it's for council's consideration.

>> Mayor Adler: I'm looking at councilmember pool's motion sheet number 2, v2.

[5:15:09 PM]

And it's a modification to part 10c. And there's language there. Is there agreement to that language?

>> Yes. From staff.

>> Mayor Adler: Did the applicant agree? So that handles the timing of dedication. So that would appear to be done. Then the third -- the next one down is the parkland maintenance issue. There's several choices here. One was the land owner pay. One was that the city pay for it. Those were the two choices.

And I think councilmember pool, you had talked to me about a third possible choice which would have the D avenue publicaa pay for it. I had a conversation with -- my sense in that conversation is that it may be the daa would take the money that this property is paying for the downtown pid and apply it to

[5:16:10 PM]

this park maintenance. He had a couple concerns. The first one was he wanted there to be a really clear statement of what was maintenance and what was operation and programming, that I think the trail foundation is doing, so the responsibilities are really clear between the two. The other thing that he mentioned was he wanted to make sure that his obligation wasn't greater than what this property was paying in the pid fee so that it covered that, and hopefully more, but at least covered that. And the third one was a cash flow or timing issue. He didn't want daa to have a maintenance requirement that came before there was pid payment by the property owner, because then he wouldn't have money to be able to do that. So I'm not sure exactly how that works out, but I like your idea,

[5:17:11 PM]

councilmember pool, of this in area saying before third reading, go talk to daa and see if that can work that out. Is that what you were thinking?

>> Pool: To that end, my chief of staff just handed out staff direction that consolidates what you just discussed. The city manager is directed to convene the applicant are representatives of the downtown Austin alliance and trail conservancy to discuss providing funding and responsibilities for parks maintenance in time for third reading of the ordinance.

>> Mayor Adler: Okay. Councilmember tovo.

>> Tovo: To be clear, this motion -- the intent here is to ask the trails foundation -- the trails conservancy to pay for funding of the ongoing maintenance, as well as the daa? Can you help me understand the trail conservancy piece of this, please?

[5:18:12 PM]

>> Pool: Sure. I was waiting to make sure you were done. The staff direction we're holding for third reading to get the response from the downtown Austin alliance on their willingness to put the assessment from the statesman P.U.D. Toward the maintenance of the site. In the absence of that, we have the standard operating maintenance agreement with the city parks department, which would be in a baseline. And we're all familiar with what that would look like, although director Mcneely could probably give us a better understanding. Clearly, the approach that I prefer would be to have the

downtown Austin alliance work with the trail conservancy in order to handle this. And I think we're all hoping that that will be the outcome. And that's what I'm driving to. Absent that, we are looking at just the standard maintenance from the city of Austin for the

[5:19:14 PM]

park.

>> Tovo: Mayor, if I may. Because -- I believe when it went through the commissions, there were thoughts that the applicant was paying the ongoing maintenance and operations. Last time -- I believe that's what's in our ordinance at the moment. I know that we did have an opportunity with director Mcneely either with you or your staff to talk about the different levels of funding. As I recall, even at the baseline level it was a substantial maintenance and operation cost. And so what I would also ask is that we get from you some sense of where parks would come up with that additional funding, because it is so substantial. Not necessarily right now, but I think it's an ongoing question. If the parks department is taking on the operations and the maintenance of this in perpetuity, it would be good to know how might that impact our services to our other parks throughout our system.

>> Mayor Adler: So I think as I read this amendment, staff,

[5:20:15 PM]

tell me if this works for you. My sense is we're kind of punting on this now to see what the capability and capacity of daa is and whether we can get daa certainty with respect to responsibilities and the cash flow, timing and where wherewithal to do it. I don't think we're asking the trail conservancy to pay for the maintenance, although they're going to have responsibilities with respect to programming. But they do have to participate in the conversation if you're drawing up a really clear list of who does what kind of thing. The trail conservancy is going to be part of that conversation to make sure and to protect daa that it's not being expected to do something that it doesn't know it's being expected to do, which I think goes partly to your question, councilmember tovo.

>> Mayor and council, please know the department, the applicant, and both those entities that you've mentioned

[5:21:16 PM]

are already in active conversations in anticipation of what we thought you might give us direction to do today.

>> Mayor Adler: Cool. All right. So if people will be okay with that direction which says go and figure it out but make sure daa is part of it. If people are okay with that, we will go on to the next one. But first, mayor pro tem.

>> Alter: I wasn't quite done with the first motion sheet version two. I want to understand and go back to councilmember kitchen's question, because we've gone back and forth. Are they paying for -- does number 7 say that they're paying for all of the park stuff just from the \$9 million, or are they -- because if those costs go over the \$9 million, where do those things get paid from? Sorry. I don't have the original motion

[5:22:17 PM]

from councilmember pool, which I think said some of the things that they were paying for outright. And so I'm getting a little confused since I don't have that one here.

>> Pool: That should be your motion sheet number 1.

>> Alter: Right. I just don't have --

>> Mayor Adler: There's a section of this that says the land owner will pay 100% cost for the polling im- - following improvements, 100% cost the applicant is paying for, seven things. It was all plaza areas throughout the project including those with parkland easements, the great steps, the amenitized infrastructure, the underground cistern, 17 linear feet of trail, environmental items including shoreline restoration, vegetation between trail and shoreline, fence, and 2,000 square feet vertical green wall to reduce the urban heat island. Those things you're paying for 100%. Then there are other things that

[5:23:19 PM]

are eligible to be paid for out of the \$9 million. And that list of things that are eligible to be paid for out of is what number 7 lists. And the question that councilmember kitchen had was, how does she know that the fifth access point to the property is something that is going to happen out of that \$9 million as opposed to that \$9 million being spent on all the other things that are listed in number 7. Is that your question?

>> Kitchen: Well, there's another section about the access points that says shall be paid. So it's not in the first one you read out but it's in another section that does the same thing.

>> Mayor Adler: I guess that's where the Venn diagrams overlap. The \$9 million can be spent on all these things and there's another section that says one of the things that these folks will be doing is those five access points.

>> Kitchen: Mhmm.

>> Mayor Adler: Okay. So it's required to do.

[5:24:21 PM]

So I think the Venn diagram charts overlap on that.

>> Alter: But where does it say that they are required -- it says they are required to pay for the great steps, but --

>> Kitchen: It's in here.

>> Alter: In the other one it says that money can go through all of those things.

>> Mayor Adler: There's another section on access points. Do you know where that is?

>> Alter: I'm looking for it, but then we've just prioritized for the prioritization process.

>> Mayor Adler: We have.

>> Alter: Which is not verifying a prioritization process.

>> Mayor Adler: As concerns that element, that's what I was pointing out. It's making the choice here that this is something that gets spent. Where is that language?

>> So that would be in part seven. I believe it's still C. Land owner commits to construct a minimum of five Ada access points as shown on exhibit B. Each will be constructed with the appropriate phases. Land owner will provide one of those five access points to connect south congress avenue

[5:25:22 PM]

right-of-way to the parkland and trail as shown on exhibit Q. It says it's 30 feet. And it won't interfere with atd's issues on the bicycles. So it's a commitment to build that. So, in fact, we have prioritized that one as number 1 priority in the ordinance.

>> Alter: So my question, which is different than councilmember kitchen's, is that that doesn't seem to really be in the spirit of the park prioritization process, which was supposed to be working with community groups and stakeholders to identify what we want. And it seems to me, which I think councilmember kitchen would agree with me but probably not the applicant that they should be covered the Ada access and that shouldn't be coming out of the park fees. And I believe that if we strike the congress avenue public park access from the motion sheet number 2 then they are required to do both things, which would

[5:26:23 PM]

be my preference.

>> And that's what we're unable to do. We can't do \$9 million plus stairs.

>> Alter: How much do you think the stairs cost?

>> We don't know. Probably around 2 to \$3 million.

>> Alter: So now -- I mean --

>> Mayor Adler: That's the question.

>> Alter: I just -- it seems to me that if -- you ought to be doing that. Let me point out that we have in our backup today in our q&a a question I think from Mr. Vela about what a developer normally pays for a park of this scope on their own. And within the context of a P.U.D., a developer pays for an on-site park, the costs are balanced with entitlements received. We are giving a ton of entitlements here and I think that they should have to pay. I think they should do both.

[5:27:24 PM]

I understand the priority that you're placing on it, councilmember kitchen. I just think they should be doing both.

>> Mayor Adler: Okay. The issue that's Teed up in number 4 is that question. In item number 1, item number 2, which is the first of the park questions. The question in front of us is, the current fee for parkland would be \$6.9 million. The applicant is agreeing to pay an additional \$2.1 million on top of the 6.9, even though the park rules don't require that. And he's saying I will pay that, and I will use that money to fund the fifth access point. He also said you can take that money and put it to any other thing you want to put it to, but if your priority for the 2.1 is to spend it here, they're willing to spend it there. And the mayor pro tem is saying we want him to pay more than the 9, in essence.

[5:28:28 PM]

We want 9 plus 2, we want 11 as opposed to 9.

>> Alter: I don't see the Ada access as the park.

>> Mayor Adler: I think that's the issue. The question, councilmember kitchen is asking that the \$2 million from the 9 --

>> Kitchen: No I'm not. My amendment was all about that they agreed to do it. I never was part of discussing where the money would come from.

>> Mayor Adler: Okay. So, the applicant is saying he's happy to do it and he'll pay \$6.9 million as required by -- by the ordinance. If you want him to pay more than the \$6.9 million the applicant is happy to do that, but that's the \$6.9 million plus the access point. If you want to pay the 9 then the applicant is saying we're not going to pay for the extra access point. And that's the question.

[5:29:29 PM]

Councilmember Ellis.

>> Ellis: I see park access as part of the park space. When I think about how I use the trail, I use the stair step that's already there. A lot of the folks are going there with the intent to access the park space. That's important to see the importance of Ada accessibility to our park spaces, but to also see that there's probably not people going -- the park is what draws people into that location and I want to make sure that is part of this agreement.

>> Mayor Adler: I see people shaking their head. They want the access point done. We could say we want the access point done. Rewrite, the applicant says they'll pay the \$6.9 million required for park fees and there is some sentiment on the dais to say even though the ordinance would require you to pay 6.9 we want you to pay \$9 million. I think that's the question. The applicant is saying they'll

[5:30:31 PM]

pay 6.9 in park fees and members of the dais want them to pay \$9 million.

>> Alter: Mayor, we don't know how much it costs to build the steps. And, I mean . . .

>> Mayor Adler: But --

>> Alter: I'm not -- I want to be clear, in response to councilmember Ellis. I was not advocating that we not have the access, but it seems like it should be their responsibility above and beyond that.

>> Mayor Adler: I understand. But I was just repeating what the applicant said.

>> Alter: I'm not sure your way -- I need to think through whether your way is more beneficial to us or more beneficial to the developer.

>> Mayor Adler: I wasn't proposing a way, just trying to repeat what the status was. The status is they said they'll pay for the fifth access point as described by councilmember kitchen. They'll pay for it. But what they're also saying is they will pay \$6.9 million in park fees.

>> Alter: What I'm saying is I don't know that the stairs cost

[5:31:32 PM]

2 million plus.

>> Mayor Adler: Regardless of cost --

>> Alter: The way they're saying it they could tell us it costs \$3 million and do other things and call it part of the steps and we would have no recourse.

>> Mayor Adler: If we all want to make sure they pay for the steps, I think we make it they have to pay for the steps. Then the only question is do they pay \$6.9 million as they're offering for park fees as required by the existing order ordinance or do we ask them to pay more. Are we going to ask for more than what the ordinance says. That's the question. Regardless of what anything costs, that's what they're offering, 6.9 in park fees. And they'll pay for the steps. They'll pay for the five access points, not an issue. They'll pay for that. Councilmember Fuentes.

>> Fuentes: I have question for director Mcneely. Director, can you please shed

[5:32:33 PM]

some light with councilmember Ellis' point about the accessibility and accessing the park, is that considered a part of how we would use our parkland fees? Or if you could just provide some context with traditional developments, how do we handle accessibility?

>> So I think the way to answer your question is that during the negotiations as part of this conversation, we originally started our conversation thinking that -- or the way the description was is that having an access point next -- adjacent to the congress bridge was going to create I think you might have remembered me saying a tunnel or a space that I viewed as unsafe. Instead of that, we agreed to five separate Ada access points. Since then, negotiations and

[5:33:34 PM]

conversations occurred and the applicant heard loud and clear how important the adjacent access point -- next to the congress bridge was and redesigned some things to allow for that access point to occur. So, I would say that when we're talking about other developments, Ada access, obviously we would want to be in compliance with whatever the Ada regulations are, but the reason we came up with five out of this particular conversation was because the original agreement was in lieu of that adjacent. And now the applicant has said not only are they amenable to the other access points, the Ada access points that they originally agreed to, but they are also looking to design this space so that we can have that adjacent access point that's Ada accessible right next to the congress bridge. So, there's really no -- there's not a particular or a given -- there's a standard that's

[5:34:36 PM]

written for Ada compliance, but this is beyond that. And the original number came from original negotiation. And now we're talking on top of that. Does that answer --

>> That's very helpful. Thank you.

>> Alter: So is there a way -- if the steps cost less than \$2.1 million then they should be paying that money in addition for parks.

>> Mayor Adler: I think the question for the applicant, you're offering to pay \$6.9 million. If the cost of that fifth Ada access point is less than \$2.1 million, will you pay 6.9 plus however much that access point is less than 2.1? The answer to that is yes.

>> Alter: Okay. I think that's the minimum. And that should be what is

[5:35:36 PM]

written in. And just, again, on other parks this would be paid for, in other P.U.D.S by the developers.

>> Mayor Adler: Okay. We understand that issue. Let's move past that issue. We have the timing issue, which was agreed to. Parkland maintenance, we're going to do that direction which has a discussion with daa. I think on the question of -- I think those are those issues. We've handled the parks issues. With respect to the first one for right now, based on shaking heads on the dais we're going to say the park fee will be \$6.9 million plus however much the fifth Ada congress avenue access point costs less than 2.1, that we added to the 6.9. Yes.

>> Kitchen: You know, we have

[5:36:37 PM]

a lot to go through and we have some folks here for the proclamations. So what is your thought, just so we can let them know? We only have two proclamations. What's your thought on when we'll break for that?

>> Mayor Adler: It looks like we have three more issues to decide on this. We have the affordable housing question to decide.

>> Kitchen: That will take a while.

>> Mayor Adler: Reflectivity issue, and --

>> Kitchen: That will take a while.

>> Mayor Adler: The use of public funds for affordable housing. Do we want to break for dinner?

>> Kitchen: I would like to break to do the proclamations. If I thought we could Finnish 15 minutes, I'd say fine.

>> Mayor Adler: I don't have a problem breaking for proclamations.

>> Tovo: I have a family commitment at 6:45. I had assumed we would end earlier. I can not postpone it. I would ask the council to grant

[5:37:37 PM]

me and my cosponsors a postponement on item 83. I'm sorry, 84. Thank you.

>> Mayor Adler: 84. All right. We're going to postpone 84.

>> Tovo: To the 15th, if that's possible.

>> Mayor Adler: I won't be here on the 15th, as you know.

>> Tovo: I could not remember who was here and who was not.

>> Mayor Adler: It's me.

>> Tovo: Can we talk --

>> Mayor Adler: I'm fine with you posting it on the 15th. And if you'd like me to, I will ask for that to be pulled --

>> Tovo: If you'd rather be here, we'll postpone it to the 1st. Thank you.

>> Mayor Adler: It's your call.

>> Tovo: That's fine. Certainly we want you involved in the conversation.

>> Mayor Adler: Any objection to postponing this item, the property real estate to December 1st? Hearing none, that will be postponed until then. Let's take a break here -- recess is and let's do the

[5:38:40 PM]

procs, then come back and see if we can handle the other ones before dinner. Let's see.

>> Kitchen: Okay.

>> Mayor Adler: So the time is 5:38. We're going to take a recess to do proclamations. And I would anticipate, this is 5:40. I think that's going to take us no more than 15 minutes. So at five minutes until 6:00, 5:55, let's see if we can knock out these remaining issues and then we'll have a motion.

[5:41:47 PM]

>> Kitchen: If my colleagues want to join us. Y'all can come on down here. Just stand back here. Huh? No, everybody can come down. Mhmm. Yeah, mhmm. Yeah. Yeah, exactly.

>> It is doing its job. How are you?

[5:43:00 PM]

>> Oh, great. Okay.

>> Kitchen: Okay, guys. We'll get started. Y'all can move over this way so you're right in the TV. Yeah, this way the camera will pick y'all up.

>> I don't want to run into anybody's toes.

>> Kitchen: So, welcome, everybody. I am very, very honored with my colleagues to honor the broken spoke tonight, one of my favorite places in town. I have been kicker dancing there for many, many years. I also was very honored to have my kickoff for both of my campaigns at the broken spoke when I was a state representative and also for city council. It's one of my favorite places. It's right around the corner from me. And it is well, well-loved. And if you don't know, they also

[5:44:02 PM]

do lessons. So, if you're not sure whether you can dance, you can go and y'all can tell us what days they are. But you can go and drop in and get a lesson. And then you can join in the fun. So, I am very honored to present this proclamation. Be it known that whereas on November 11th, 1964, the broken spoke was opened by James and anetta white in what was far south Austin at that time, far south Austin and now has become one of the most renowned honkey tonks in Texas, showcasing country talent to legions of austinites as well as visitors from around the world; and whereas the broken spoke is an iconic site that has hosted national stars and up and coming

[5:45:05 PM]

talent from dolly parton to George strait, Garth brooks, Alvin crow and so many more; and whereas the broken spoke maintains a museum -- you should definitely go see the museum -- of artifacts from performers, politicians and celebrities who have visited, documenting much of modern Texas and Austin

history; and whereas it is hard to imagine what Austin would be today without the influence contributed by the broken spoke to our shared history and music culture; now, therefore, I, Ann Kitchen, on behalf of our mayor and my colleagues on the city council do hereby proclaim November 11th, 2022, as the broken spoke day.

[Applause]

>> Would you guys like to speak? Does -- anybody have a speech?

[5:46:08 PM]

>> Do you want me to go first? I'll go first. All right. Thanks. Thank you. My name is Monty Warden. My Texas Music Hall of Fame group played at the Broken Spoke the last Friday of every month for years. I've been blessed to write a few million sellers for George Strait, but that music first gets tried out on the stage at the Broken Spoke. If the dancers don't like it, that usually means George Strait won't like it either. We try it out first at the Spoke. It's funny to me that for Austin to be the live music capital of the world, it would be ill-suited if it no longer had a dance hall within its city limits. And the Broken Spoke is the last dance hall within Austin city limits, which is for me tonight, being asked to speak, I'm going to talk about my fourth grade grandpa, Jesse. He's Jenny's fourth great

[5:47:09 PM]

grandpa too, that makes us cousins. When Mrs. White found out we were cousins, everything changed for me at the Broken Spoke. A little bit easier for me to get down there. What's important about that is Jesse fought at the battle of San Jacinto, helped found Austin, Travis County's second commissioner in 1842. I think whereas so many cultural places have gone by the wayside, the past few years in Austin, I hope we always have the Broken Spoke, because the White family is unique to any other cultural proprietor. They have a touchstone to historic Austin, not just old Austin. We should honor that and remember their pioneering spirit, which keeps everything going on six nights a week at 3201 South Lamar. Thanks.

[Applause]

[5:48:14 PM]

>> Sometimes it makes a little squeaky noise. Hi. I'm Jenny White. My parents are James and Anetta White, the founders and owners of the Broken Spoke. And I had a speech prepared but I want to talk about -- I wish my dad was here today. My dad is James White. Everybody knows him. The guy that always has the bling shirts on. He would be so honored for the Broken Spoke to become a historical

place here in Austin. He used to say I'm just a country boy. I never dreamed all of this would happen to me. And he used to say, he goes, I'm living my dream and y'all let me. So that's pretty good. So, we're going to keep living his dream, which is the broken spoke, with my family.

[5:49:14 PM]

And I guess that's about it.

[Applause]

>> Okay. Thanks.

>> Would you like -- would your mom like to speak?

[Laughing]

>> I had a 40-minute speech. I'm just kidding. I just wanted to say thank you to the mayor and the city council, councilmember kitchen for recognizing the broken spoke. I'm one of those folks that came here to Austin to go to the university of Texas and I never left. I've been here since the '70s. And as my good friend Alvin was saying on the ride over here, what Austin used to have 200,000 population, 50 dance halls in this down. And now we've got well over

[5:50:15 PM]

2 million and there's really one. And so I think his observation was really astute. And so I won't bore you with the rest of my remarks I was going to make, but I want to tell you how much we really appreciate it, not from the folks who are necessarily musicians or run the spoke, but folks who come there to dance, have fun, and get entertained by wonderful musicians, and the kindness that the white family shows us. We really appreciate it.

[Applause]

>> Kitchen: Take a picture?

>> Yeah.

[5:51:55 PM]

[Applause]

>> Thank you, Mr. Mayor. Good to see you again.

>> Thank you very much.

>> Last Friday of every month.

[5:52:57 PM]

Third Thursday.

[Laughing]

>> Mayor Adler: All right. Why don't you guys come on up. We have a chance to do another proclamation.

[5:54:20 PM]

>> Mayor Adler: So you know, in the . . . All right. So we have another proclamation to read, and this one -- you know, one -- obviously one of the most significant things the city went through over the last several years was the pandemic. And the city fared really well in that. And I think the ultimate measure of that are the lives that we saved in this community. The mortality rate in the city of Austin was less than half of the mortality rate in the state of Texas. If the state had the same mortality rate that we had in Austin, about 50,000 Texans would still be alive. That's a lot of lives. And what it really shows is just how well we did as a community.

[5:55:21 PM]

It was hard, and there were a lot of people that really contributed to the measure of success and the lives that we saved, and the people whose health we protected, and the way that our city responded. We have a chance to honor one of those community heroes, an unsung hero that really was one of the ties between our city and our community. The U.S. Hispanic contractors association was one of the organizations that was doing a lot of work on the ground. We'll get a chance to honor them later, but one of the organizations that they worked with and one of the bodies and

[5:56:23 PM]

institutions in our city that has been there every time our city has called on them is the Mexican consulate office in our city. And today we have the opportunity to recognize someone in that office that was one of the ties to help make sure that people and residents in our community that we could help, in

fact, had access to the help that we could bring to bear. And to that end, Roxana, will you come on up here? I want to read a proclamation for you. Be it known that whereas Roxana Pineda contributed her time and energy to support the U.S. Hispanic contractors association as a tireless advocate and as a consultant to assist that

[5:57:25 PM]

association to open up covid-19 testing and vaccine clinics in concert with the general consulate of Mexico, the salud. Whereas the ability to test and vaccinate austinites saved the lives of our residents, now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, together with my colleagues on the city council standing up here today and those that are behind us do hereby proclaim November 3rd of the year 2022 as Roxana Pineda day in Austin, Texas.

[Applause]

>> Say something?

[5:58:26 PM]

>> Thank you so much. I'm grateful and mostly grateful for everything. Thank you so much. For help us. This was possible because we are working like team. And I really give my thanks for the hispanic consulate association, especially you, friend, because you make possible to bring that to the consulate and working together and achieve this goal. And, of course, my coworker Jimena is at the ventanilla, to. We try to do this work for everybody. My CEO, Karen, from the network, that always are behind us pushing and supporting us to do the best that we can. So, thank you, and my pleasure to work for the community and

[5:59:27 PM]

ready to continue to do this hard work with all of you guys. Thank you so much. Thank you.

[Applause] Kirk congratulations, honorable mayor and honorable members of this council and my dear friends, it almost seems like we don't want to talk about the pandemic anymore and that's a good thing because it seems like it's from years back. But it's hard to believe that a year ago we were still struggling with it. We still had the majority of the businesses shut down, even this council we couldn't get people in. We had to do everything through zoom or whatever it's called, electronic version of our council. So it was a strange time and for the U.S. Hispanic contractors association, literally we were working outside our norm, outside our expertise. But it was like with persons like Roxana Pineda being

[6:00:31 PM]

honored by the mayor and council and working outside her comfort level because she was there to consult us, to point us in the right direction. So it is very endearing today to see her receive this recognition, this very much deserved recognition. So mayor Adler, I thank you from the bottom of my heart for recognizing, like you said, a true hero of that time. Thank you very much. And congratulations to you.

[Applause].

>> I just want to add my thanks to the mayor and the council and to the city of Austin, which is such a great place to live and to be. And always willing to create partnerships. Who knew that people from my grant clinicians network and the U.S. Hispanic contractors association would make such wonderful partners. And move together during this last crisis to really

[6:01:33 PM]

save lives. Thank you for honoring our wonderful Roxana who is -- it's the people on the frontline that are -- that show up every single day that make these things possible, and she really deserves this award. She really is an unsung hero. Thank you.

[Applause].

[6:06:10 PM]

[Music]

[Music]

[Music]

[6:13:17 PM]

>> Mayor Adler: All right, colleagues. I think we have a quorum. Let's see if we can knock some stuff out here. Advocacy is a, I didn't mean -- she was walking up to do something and chased her back. All right. Six, all right, we can go ahead. Seven. We're going to go ahead and reconvene the Austin city council meeting. The time is 6:13. I'm going back to my handy dandy pool tool. There are a couple of things

we're going to do here real fast in terms of housekeeping. We didn't have the right ordinances when we did the annexation. They've now corrected that. They've posted the correct ordinances. So I'm going to ask for a motion to reconsider the three -- item number 1 -- item 91, that was the one that was off. So we're going to reconsider

[6:14:19 PM]

item number 91 and come back with the correct document and then pass that. Okay? Is there a motion to reconsider? Councilmember Ellis makes the motion, councilmember Renteria seconds it. Reconsidering the vote on item 91. Those in favor of the motion to reconsider because I don't see anyone wanting to debate, raise your hand. Those opposed? I'm seeing unanimous with council members tovo and Kelly off the dais.

>> Tovo: Mayor, I'm online and I'm voting in favor.

>> Mayor Adler: Oh, okay. Great. We need to see you, I think. Can you visible?

>> Tovo: Um...

>> Mayor Adler: Okay. The record should reflect that councilmember tovo voted yes, was not visible on the screen, but voted yes. And that's that the minutes should say.

[6:15:20 PM]

>> Tovo: Sorry, mayor.

>> Mayor Adler: The legal consequence of that we'll let somebody else decide. It's not necessary.

[Laughter].

>> Tovo: Mayor, I think I'm sending my video.

>> Mayor Adler: Okay. Doesn't need to say that. Councilmember tovo votes yes. Now, is there a motion to approve 91 in the form as currently posted in version 2. Version 2 is in everyone's mailbox and it's posted. Is there a second to that motion? Councilmember Renteria makes the motion. Councilmember harper-madison seconds it. Discussion. Let's take a vote. Those in favor of the motion on reconsideration. It's unanimous with councilmember Kelly off the dais. All right. There were some series of things that were also cleanups on this item. Jerry, do you want to walk us through those?

>> In addition to the list I

[6:16:21 PM]

read earlier, and having some discussions with the applicant there are some other points that I can say everyone seems to be in agreement on. One is on part aa -- some of these things we have discussed earlier. On part aa to remove the prohibition on residential within 400 feet on northwest corner of the property. We have discussed that before. Staff is in agreement to take that out and the applicant is in agreement to take that out as well. Part 9 --

>> Mayor Adler: Applicant agrees to that as well?

>> Yes. The next one would be to clarify that part 9, the sidewalks within the parkland, would not count towards impervious cover. The parkland of course would become city property upon dedication and normally we don't [indiscernible] Anyway, right-of-way this applies the same principle. The next one would be in part 10h to remove requirement requiring a 10-foot vegetative buffer next to congress avenue. This is all changed of course because of what we heard about from atd about

[6:17:22 PM]

the city project and the agreement. So there's no longer a 10-foot vegetative buffer that would cause a problem at this point.

>> Kitchen: I'd like to understand that one a little bit more.

>> Mayor Adler: I think it was originally for bats.

>> It was originally for bats. The thought was to keep a little bit away from the bridge structure for the benefit of the bats. But now we have the issue of the access points. Frankly, you can already walk under the bats so I think that the problem was that the 10-foot really did not help them as much as --

>> Kitchen: I can take it offlinement I just wanted to understand that one better.

>> Not a problem.

>> The next one would be to amend part 11. Actually, this is still a point of discussion. This has to do with the dedication of right-of-way and related to city funding, so that one I'll put aside for a moment. The next one would be to amend part 158 to add

[6:18:25 PM]

boardwalk. The highest level I can describe it. There are modifications to the code and it would allow certain parkland improvements to be done without further variances being necessary further on down the road. So if we amended part 15b and included boardwalk, that doesn't mean a boardwalk necessarily would get built. That depends upon future decisions, but rather the modifications that are being made within the pud would allow for the possibility of a boardwalk.

>> Okay.

>> Kitchen: I have an amendment related to that.

>> Mayor Adler: Okay.

>> Kitchen: Should I mention it now?

>> Mayor Adler: Yes.

>> Kitchen: Okay. My amendment just says that no public dollars shall be utilized as a source of funds to [indiscernible] The proposed boardwalk element. I'm not in favor of the boardwalk but I'm not going to oppose including it. I want to make it clear that we're not going to use public dollars for it.

[6:19:26 PM]

So I know I'm bringing this without a lot of discussion so if you want me to bring it on third reading I'm happy to do that.

>> Mayor Adler: Could you bring it on third reading because I have some questions about the legality of this council telling a future council what it can spend money on.

>> Kitchen: Well, we do that all the time.

[Laughter].

>> Mayor Adler: We'll bring it back on third reading.

>> Mayor Adler: I'll bring it back on third reading, but I wanted to give people notice of that.

>> This amendment says that the environmental modifications proposed for the broke. I have a similar one almost identical for the peer. Modifications, there's a mandate that those get built, but the modifications would allow for them to get built without further variances needed.

>> Kitchen: Does that mean -- I'm sorry.

>> Mayor Adler: Go ahead.

>> Kitchen: Does that mean if those things are going to be built that it has to come back for approval or they just have the right to do it?

>> It would mean that they would not need to seek further environmental variances. The modifications built into the pud preclude the need for future action from the department.

>> Kitchen: But I don't know about -- I guess what

[6:20:26 PM]

I'm asking, does that mean there's no approval required of any sort?

>> I think until they're actually designed the modifications in the pud and the modifications in their mind would allow for these things in the future without seeking additional variances but it's not 100% sure.

>> Kitchen: So we could be approving a boardwalk.

>> Not approving a boardwalk, but approving a modification to the environmental rules that would allow the possibility of [indiscernible].

>> Tovo: Mayor, I have a couple of questions about that element. One is I do -- councilmember kitchen, are you talking about the investment of. The modification fees into the boardwalk because I would think that would be germane to the conversation before us.

>> Kitchen: Yes.

>> Tovo: So that to me is part of the pud because it's talking about how we're

[6:21:28 PM]

spending those dollars. So rather than -- that's kind of a matter before the current council, not a question. For me I don't see that as a council on telling future councils how to spend their dollars. To me it's about how we're evaluating their proposal for spending the parkland dedication collars that are before us with this pud. So there's that. And then the second point I have is I think it would be really valuable and I'm not sure that we yet have a really comprehensive list of all the variances. Mr. Rusthoven, am I missing your response to that question?

>> Council member, there is within the ordinance

[indiscernible] With the code modifications.

>> Tovo: Does it include the code modifications specific to the boardwalk and the steps.

>> Yes, it would allow the possibility of a boardwalk and steps in the future.

>> Tovo: So what I think I understand from what your

[6:22:28 PM]

response back to councilmember kitchen is that based on what you've included -- you've included space for the modifications you know would be needed, but if it's designed there might be a request -- once it's designed there might be a need for additional waivers, but the pud ordinance does not waive those?

>> The pud modifies the code to the degree that they believe is necessary to allow for the construction of the things we're talking about here, the boardwalk, the steps, the pier, but I do not believe that those

things have actually been site planned at this point and designed to that level. So I think their intention is to yes, the parkland would become city property and -- but they're asking for the modifications now while they own the property. Frankly with the idea of assisting with the ability to build those things if that's what the city chooses to do.

>> Mayor Adler: So on the cost question, if we put in

[6:23:29 PM]

this as you're recommending, the availability of that should somebody fund it and proceed to permit it and approve it, is there anything in this pud that says that the pud -- that the park contribution, that this applicant is paying, could be used to do that?

>> I would have to defer to --

>> Mayor Adler: Is it on the priority list?

>> Alter: It's on the list in the amendment that councilmember pool brought. Where it says that the fees shall be allocated towards the building, the great lawn, pier, steps, boardwalk, and other park amenities on version 4,.

>> Did we discuss that earlier? I think Ms. Mcneeley is here.

>> Alter: It's also in motion sheet 2.

>> First I think it's important to note because there's a lot of information out there. The boardwalk is not instead

[6:24:29 PM]

of the trail, it's additive to the trail. And two, the Obamacare is in the list of things that could be paid for with park fees, but it has to go through the priority process that councilmember pool has proposed.

>> Mayor Adler: And what is that process?

>> It's a group of -- I think it's us, the trail foundation and parks department, and we all get together and prioritize it.

>> Kitchen: But the public's not involved in that conversation.

>> The way that it's written, -- Kimberly Mcneeley, parks and recreation. The way it's written or the way it had been proposed is there's a prioritization ranking process that's going to be defined in exhibit G and I believe in exhibit G it defines that it's a stakeholder process inclusive of, but not limited to certain stakeholders that would get

[6:25:33 PM]

together, prioritize the waterfront plan and it would be approved or go through a recommendation process that would include the parks board and the south central waterfront task force.

>> Pool: And I can add to it. If you all look at motion 1 that I brought, which is the repetition on the back, it says the prioritization process and it shows the \$30,000 from the landowner to pay for park amenities up to a maximum and it includes how things will be prioritized and who would be included in the stakeholder. It calls out the trail conservancy and daa, but it does not include other parties.

>> Mayor Adler: So for me on this one, I know there's been some question among some in of the community about having a Obamacare. My perception is it's one of the most popular parts of our trail right now.

>> Kitchen: Mayor, I thought we were going to bring it on third reading.

>> Mayor Adler: So we'll just handle that on third

[6:26:33 PM]

reading.

>> Kitchen: Yeah.

>> Mayor Adler: So we'll create the availability now as part of second reading, but on third reading we'll consider any limitations on it.

>> Kitchen: Yeah. And I reserve the right to -- I'm not sure I agree to create the availability.

>> Mayor Adler: I understand. We'll resolve that on third reading. We'll move forward with it now as staff recommended. We recognize probably it's going to be a much longer debate on third reading. Jerry, was there anything else in that group?

>> Mr. Mayor, one thing I would like to clarify or amend to my answer earlier, there is a possibility, and possibility, that the boardwalk would need a variance on the floodplain. If the city issues that modification. It is not in the pud. If the boardwalk were constructed it is possible it could come back for a floodplain variance. And the other one, mayor, that I think we have agreement on is frankly a repeat for the third time, I'm sorry, to change 15g4 to clarify water steps. It's the same exact issue. There's multiple

[6:27:35 PM]

modifications and so we have to say steps, pier, boardwalk and multiple pilings. But it's the same exact idea as you've been discussing.

>> Mayor Adler: And the last one to mention is you had mentioned earlier the change that would allow the bridge to be transit and not just tied to --

>> Yes. The applicant has agreed to -- as we discussed, there is a portion of the future parkland that may be used for the bridge and also portions that may not. The applicant has stipulations proposed in the ordinance that would say that for light rail, for light rail, for light rail in places throughout the ordinance. Staff would prefer that to say transit to allow for multiple possibilities depending on what happens with atp.

>> I think that's also in that group of things that would be fixes we would want to fix.

>> Thank you.

>> Mayor Adler: In front of us now we have the first list of things that Jerry gave us. We've been through the resolved section. We've been through the hotel use, the three parks questions. That gets us now to affordable housing.

[6:28:36 PM]

We have affordable housing and reflectivity, use of the public funds and then affordable housing bonus. Let's see if we can get through those four things. Councilmember pool.

>> Pool: I invited Walter moreau to give us an overview of the proposal he has for the property, and so he is here and wherever it is appropriate, mayor, he's willing to come to the podium and discuss -- because it's the Mary Lee project.

>> Mayor Adler: I think that would be good if you want to come up. So the choices in front of us, generally speaking, and councilmember pool, thank you for kind of laying them out. Applicant was offering four percent on-site at 80 percent mfi which was 55 units. Applicant also said if you want to move them off site or adjacent to the 422 building you can do 70 units

[6:29:38 PM]

at 80% mfi or 35 units at -- was it 35 units, something like that, at 60% mfi. All right. Another option was to take \$23.2 million in lieu to be able to invest and to in affordable housing. I think it was 34 units at 60%. And that's I think the choices.

>> Kitchen: Mayor?

>> Mayor Adler: Yes, or some combination of those.

>> Kitchen: We may have another choice that we want to add. I think that the coalition of folks that are involved in affordable housing made a pretty strong proposal to us earlier, and I for one want to consider that.

>> Mayor Adler: What was it?

>> They were proposing that 10% is what's required of a

[6:30:38 PM]

pud. They were proposing that the -- I can't find my piece of paper. They were breaking that down, the four percent and six percent. Some percentage of it be used for the dollars like we were about to talk about. And that the other percent be for affordable units on-site. I think that's what they were saying, but let me -- I'm wanting to leave that open. I don't want us to just say that these are our only choices right here. That's what I'm trying to --

>> Mayor Adler: I think just to identify them. Whatever they are, they just have to add up to \$23.2 million.

>> Kitchen: Well, you know --

>> Mayor Adler: Unless the council makes an effort to get more than 23.

>> Kitchen: And that's the point I'm making right now. I am not in agreement that -- that we can't reach the 10%. So I want to put that on the table. We can go forward, but I want to put that on the table.

>> Mayor Adler: I understand. Mr. Moreau.

>> Walter moreau, the

[6:31:38 PM]

director of foundation communities. We've been trying to think about land and sites that are in the waterfront district or nearby, and one I think tremendous opportunity to consider about a mile away we've been working with the Mary Lee foundation on Lamar square. Phenomenal 60-year-old non-profit in Austin that has provided really critical supportive housing for very high need folks. They currently have about eight acres that they own, about 50 clients that are served with skilled nursing and other services, about 150 affordable housing residents, about 200 residents total. The campus plan wouldn't displace any current residents but there's land there and vacant buildings to redevelop to build about 600 units of affordable housing. The first phase would be 128 units, all below 60, 50 and 30 percent of median.

[6:32:40 PM]

For \$23.2 million we could get way more than 35 units at 60%, make it affordable for 99 years and really serve high need folks. So that might be an option. It's not the waterfront district, it's a mile away, a little over a mile away.

>> Mayor Adler: Where is it a mile away?

>> It's all the land behind the Saxon pub.

>> Mayor Adler: Got it, thank you. How soon would that phase I go up?

>> I think in three years, so it would take us a year to get permits, give or take, get the design done, get permits. What's missing is that core funding. We're building right now zilker studios a couple of blocks away and that project took three years from land donation and getting tax credits and getting it

[6:33:43 PM]

built. I think there's a potential of Mary Lee not to use tax credits. We've got four percent credits.

>> Mayor Adler: Of the 128 units, how many at 60% mfi.

>> All of them would be affordable below 60% mfi. And I think we would probably have a third below 30%. And then a third or so at 50%. So it's a chance to --

>> How is it that people want to speak to that proposal?

>> The Mary Lee foundation is a long-term partner of ours. We funded multiple complexes within their complex. We have also met with Mary Lee foundation recently to talk about redevelopment, which would include as Mr. Moreau said, no displacement of any of the existing developments. They provide deeply affordable housing. They are fantastic, as is

[6:34:45 PM]

foundation communities. Housing and planning department, though, is committed and recommends keeping any of the fee-in-lieu should you all stayed to do a fee-in-lieu or partial fee-in-lieu for the statesman pud, keeping it within the south central waterfront. As you all know we're working on the regulating plan for the south central waterfront that does have a subsequent% affordable housing goal. It's going to be crucial for every penny that is generated within the tirz that will stay within the tirz for the affordable housing. I will also note at the last -- must have been first reading, we talked about the adjacent opportunity at 422 on the lake, and one of the things that is most appealing about 422 on the

lake is it exists. It's not a year from now, three years from now, five years from now. It would be affordable housing, a bird in the hand, which is certainly appealing. Also it is like for like.

[6:35:48 PM]

The pud development would be an urban style development, presumably. And this would be very similar, although several years older on that, but a class a apartment complex that we would be able to access those units immediately. So while we fully support the mission and the vision and certainly I would anticipate supporting any redevelopment of Mary Lee foundation campus within the -- in the future with respect to the statesman pud and any fee-in-lieu that y'all are contemplating, we would recommend to keep it within the south central waterfront.

>> Mayor Adler: Okay. Councilmember kitchen. And then councilmember pool.

>> Tovo: And mayor, I had my hand up as well.

>> Mayor Adler: And then councilmember tovo.

>> Kitchen: Okay. I would like to see a better -- I would like to

[6:36:49 PM]

see these dollars go further. So I appreciate and respect the desire to keep this within the waterfront, but my concern when I'm putting these two things next to each other is the fact that 422 is not forever and it's 40 years and to me I'm very interested in creating more sustainable, longer term way affordable housing. So I am very intrigued by the proposal that Mr. Moreau is making. And it is very close by, the waterfront. It's on south Lamar. Which is a transit corridor. And so in a high opportunity area. And so I might agree if I thought that this was a long way of really far away and wasn't a lot of the same characteristics, but I think

[6:37:49 PM]

it is because it is a high opportunity area and along transit and stuff. I would be supportive of that. My earlier remarks just goes to the total. And the recommendations that were made to us by the group are consistent with this because they talk about the four percent, which is the 23 that we're talking about right now, could be used in a way like this. And we could be talking about whether or not we could get more.

>> Council member, can I clarify something? The affordability that would be whether it's a community foundations property or a Mary Lee property, would also most likely be for 40 years. That's typically what our restrictive covenants are for is 40 years.

>> Kitchen: Let me hear from Mr. Moreau.

>> Okay.

>> We would be excited to do 99 years. On some occasions with tax credits you do shorter period and have options to

[6:38:50 PM]

renew, but our mission is we don't want to do this option unless it's permanently affordable.

>> I can't see you building something, Mr. Moreau.

>> Mayor Adler: Let's go ahead. Councilmember pool.

>> Pool: I have been thinking about a combination of the -- of C and D on this list where we had a certain number of units at 422 on the lake. This says 80% mfi. And if there were money leftover then that would go toward the Mary Lee foundation, foundation communities' concept, when I heard about that, that just seems like a brilliant opportunity, and of course we all love Mr. Moreau and the work he's doing for our community. I would be interested to pursue just D based on what

[6:39:52 PM]

councilmember kitchen was saying, the 40 year piece. I had been thinking, well, those units would be available really fast, but then when I balance that off against the 40 year limit that is sort of pushing me a little bit more towards 100% of the total fee-in-lieu going towards the project, assuming that this is something that would make that happen. We do also have affordable housing bond dollars. That fund may be replenished soon. So if there's additional need to make the Mary Lee foundation piecework with foundation communities, there is that fund also to draw from. But I'm really compelled by what councilmember kitchen was pointing out about the 40 years versus how quickly those units could be made available, so C and D.

>> Mayor Adler: Thank you. Councilmember tovo?

[6:40:54 PM]

If she's still with us.

>> Tovo: I am, my camera was off. And then I have to peel off and not be on camera but will be listening to answers. One, I think the community groups that presented that proposal to us and their requests are really looking for an investment, if there is to be a fee-in-lieu, are looking for that investment to be within the south central. It's certainly worth confirming with them but that's my understanding from reading their proposal, but also talking individually to several of the people who participate in the groups that are represented. And I love -- I think Mary Lee foundation does tremendous work as does foundation communities and I wholeheartedly am in support of their proposal. It was my understanding from talking with housing and staff and really hearing Mandy talk today that there would be -- that there would really likely be city support of that program moving forward, of that project moving forward. And I really think strongly that we need -- I feel strongly that we need both.

[6:41:54 PM]

We need that housing within the south central waterfront and we need that housing at Mary Lee foundation if that opportunity for foundation communities and the Mary Lee foundation comes to pass. So I would -- I'm really strongly interested in continuing to look at options for creating that housing within the south central, not as an alternative, but in addition to the project, Mr. Moreau, that you're describing. I had asked last time for the staff to address how the 422 piece could be codified so that's one follow-up question I have. And I had asked Mr. Suttle to address whether they had calculated the tax benefits of providing housing over at 422 because it's my understanding that there is a provision where if you are dedicating 50% of your units to affordable housing, that you then become eligible for, I believe, 100% tax exempt status.

[6:42:55 PM]

And so that would seem to me to net quite a bit of value for the developers which could potentially net more update there or at more level of affordability. So those are my two questions, one for staff and one for the developer. And if staff would also just underscore what I think I heard them saying today, which is that we really need those -- we need that housing in both places. We need it in the south central, but we're also really likely to support Mary Lee foundation as well.

>> Mayor Adler: Colleagues, I -- I think I've spoken on this before. I would go for the greatest number of units we can get close to downtown, just period. I think it is functionally

[6:43:56 PM]

the same to be within a mile or a mile and a half and this tract is, so I would go with the greatest numbers. We have too many people in this city that don't have a place, so I would always be erring on

the side of greater numbers. At some point in the future when the city is able to reach some kind of balance or we don't have so many people without a place to be, then I would move to be more strict on having the sites at ground zero downtown if there was a project. But if we were just to consistently get the greatest number of units we can get in an approximate location, we can -- over time we can have hundreds and hundreds of people in a place that don't have a place. And I recognize that there's competing values in that, so membership, I agree with the sentiment that you expressed as well.

[6:44:56 PM]

And councilmember pool.

>> Alter: Mayor, I think that councilmember tovo were questions that she wanted answered.

>> Mayor Adler: Okay. I think that Jerry was looking. Downtown density bonus to respond to councilmember tovo's question? Sorry, mayor? What was the question she asked?

>> Tovo: Jerry, I had asked a question of the housing staff, if they had -- actually, last time I had asked a question about how legal staff would codify the 422. I think last time when I asked the answer was that you all have been giving some thought to that and I don't know if there was a response yet on that front. And then I also had a question for the developer about exploring -- whether they had explored what kind of value that would bring them if 50% of the units were affordable over at 422.

>> So council member, the answer to the question of

[6:45:57 PM]

how do we apply something on 422 when we're working on the statesman pud is something that I would have to have law department answer. Last time I spoke with them they were still trying to out how they would do that. I think it would take some form of restrictive covenant, but I don't know that we have that finalized just yet.

>> Tovo: Okay. Thanks. It would be good to get a follow-up answer on that. Thank you.

>> Mayor Adler: Okay. Councilmember Renteria and then --

>> Alter: I think there's a second question for Mr. Suttle.

>> Mayor Adler: Mr. Suttle, I think there was a question of an advantage of having more units at 422 so you get the tax advantage.

>> Before I answer and before we get out of here I want to thank everybody for taking all the time on this case tonight. The answer is there is a program, a bfc program, that if you do 50% at 80% you do get to waive all the taxes,

[6:46:58 PM]

including the school district taxes. And there is a benefit to that. What we are still trying to find in the marketplace is what does that do to your asset and does that mean that you hold it forever and what is the exit strategy and what is the value in the exit strategy, and we don't have that answer yet.

>> Mayor Adler: Okay, thank you.

>> Tovo: Okay, thank you.

>> Mayor Adler: Thank you. Councilmember Renteria and then council member vela.

>> Renteria: Yes. Mayor, this is something with the Mary Lee foundation property and it's very exciting to me to be able to have a possibility of building over 600 of deeply affordable units there and I'm really going to take that consideration really seriously because I believe people care more about having shelter, affordable housing, and living -- than

[6:47:59 PM]

living there on the river front.

>> Mayor Adler: Council member vela.

>> Vela: I share your sentiments, mayor. It's a numbers game. The more units we can get the better. And I would note also that the proposed location on the south Lamar there behind the Saxon pub is a great location. We're not talking about taking it from a good location and putting them in a less desirable location. South Lamar is one of the most vibrant and active, pleasant parts of the city. So if it's 70 in this location and 140 in that other location, to me it's not even a question that we take the 140.

>> Mayor Adler: And it is deeper affordability. Mayor pro tem.

>> Alter: So I think that I would think about this a little bit differently, assuming that the bond passes on Tuesday.

[6:48:59 PM]

I'm not sure this is an either/or choice, but a yes/and choice. And this sounds like it is the perfect spot to be investing our bond dollars, and I see the housing staff shaking their head. And this is a once in a lifetime opportunity in this area as well and I'm seeing them shake their heads that that may be the way to think about it here. So that's how I think about it. And nothing against what Walter is suggesting. I think it's a fabulous idea and we should definitely invest in it. I'm not sure, you know, if this would be

the way that I would do that. If you are going to do that, though, I do want to suggest that at a minimum in the three or four years it takes to get that built that you should be securing the unit at 422 regardless. Again, I prefer the other, but if you are going to go this direction, I think we

[6:50:00 PM]

should be getting the temporary years of housing at the other location first.

>> So me there's a way on second reading to tee that up, and that question to be decided on third reading to having like an a/b option. Staff to have an a that would have it in 422 and then B that would be fee-in-lieu and be able to invest in a project like that within a mile, mile and a half. Which would enable us on third reading to pick either a or B or some combination thereof. Yes.

>> Ellis: Could we also have Mr. Moreau's proposal in a one-sheeter so we can take a look at it. Thank you.

>> Mayor Adler: Thank you. If you could provide that. So let's move off that one and talk about reflectivity.

[6:51:03 PM]

Jerry, where are we on reflectivity?

>> Reflectivity, mayor, the staff has had that recommendation changed. We're still recommending 15% reflectivity on the first 40 feet and 25 percent above that. We did have an amendment from councilmember tovo that had the max for the whole thing. And as you all know we received a letter from the audubon society regarding their opinion of it as well.

>> Mayor Adler: Could you explain the 25-2, 721?

>> Sure, there's already in the waterfront overlay a code provision that maximizes buildings within the waterfront overlay at 20% overall reflectivity. So the applicant is asking for a modification in that section to allow for the 15% up to 40 and then 25 above 40. So that code section might

[6:52:03 PM]

be modified to allow for what the staff and applicant have come to an agreement on. As I said, councilmember tovo had an amendment that restricted it to 15 for the entire thing.

>> Mayor Adler: If you had 20 -- 15% on the first 40 and 25% for the over, what is the overall reflectivity? Do you know?

>> No, I don't. I know that we were discussing in relation to bird strikes. I don't know how you would blend those two together and come up with an overall average number.

>> Mayor Adler: When they say 20% overall reflectivity, does that mean 20% in each of the

[indiscernible] Or does that mean over the course of the building half needed to be at 15% and half needed to be at 25%? Which would be 20% overall?

>> I think, mayor, you just stumped us. I think we would have to look at that more. Do you know, Liz?

>> So there are two issues related to bird strike, according to audubon,

[6:53:04 PM]

anything above 15% the data shows is -- makes the building more at risk at bird strike, so their recommendation is 15%. The mirrored glass was not necessarily related to bird strike, it's more of a human experience issue related to the waterfront overlay and minimizing the amount of reflectivity to users along the trail.

>> Mayor Adler: So would our existing waterfront overlay allow for half the building to be at 15% and half the windows at 15% and half the windows at 25%?

>> I am not sure about that. I would have to look into it. What you're saying is if that allowed that to happen, there's a separate and independent reason not reflected in our ordinances right now that relates to audubon requirements for bird strikes.

>> Correct.

>> Mayor Adler: Okay.

[6:54:08 PM]

There's that issue, colleagues. Any thoughts on issues with respect to that issue? Mayor pro tem.

>> Alter: I think we should keep it at 15% and save the birds.

>> Mayor Adler: Councilmember pool.

>> Pool: I would suggest that we take the staff's recommendation that was agreed to by the applicant, which I think is B.

>> Mayor Adler: I'm not sure it was a staff -- is there a staff --

>> The recommendation, mayor, was for the 15 up to 40 feet and 25 above that.

>> Mayor Adler: That was your recommendation?

>> Yes.

>> And did the applicant agree to that.

>> Yes. And does that qualify for the audubon people?

>> I think the audubon society wanted less overall. Ed audubon society was at 15 overall.

[6:55:08 PM]

>> Mayor Adler: Why is our staff recommendation for 15 for the first 40 feet and 25% above that if the audubon society is recommending 15% overall? How do we assess that same environmental bird issue?

>> That's a good question. So our original recommendation was 15%. The applicant came back with a compromise which we accepted. And that was well before the audubon society was -- before we reached out to them to get their opinions.

>> Mayor Adler: Okay. Councilmember Ellis?

>> Ellis: I'd be supportive of what councilmember pool had offered to go with option B, just for second reading, so we could further analyze it, but I also know there were concerns brought up in one of the other times we talked about this, just about conservation of energy and making sure that in these buildings the reflectivity helps bring down the energy

[6:56:09 PM]

usage of the building. So I think that's a reasonable compromise at least for second reading.

>> Mayor Adler: Okay. Is there anybody else on the dais that thinks that that's an appropriate compromise for second reading? Appropriate for second reading. I'm trying to see if there are six votes for that on second reading. Appears to be. So I would suggest, colleagues, that we do that on second reading, but continue to discuss that issue because there are more than six votes for that.

>> Alter: I don't support that, but go ahead.

>> Mayor Adler: No, I understand. It was not unanimous, which is why I asked to see if there was six votes. This is just second reading, but this is going to narrow down the things that are in controversy on third reading when we have to finally decide. Use of public funds, councilmember tovo. Is she still with us?

>> Alter: If you give me a second, I have hers.

>> Mayor Adler: Okay.

>> Alter: I have to find

[6:57:10 PM]

it. Essentially she wanted to not allow other -- I think she posted it before. I have too many papers here, I'm sorry.

>> Mayor Adler: Do you want me to come back to that one?

>> Alter: Oh, I found it. She wanted to amend the draft ordinance to add a new part 20 and renumber the other ordinance accordingly and this was passed out at the September 29th meeting. This is not a new amendment. For our new part 20 and part XX, except for park amenities that exceed landowner contribution in part 10, section F, landowner shall not use public funds to build infrastructure void in this ordinance as described with landowners on is a requirement of code at the time of site plan.

>> Mayor Adler: Okay. Do you know what this is --

[6:58:11 PM]

what we're trying to protect against here? Do you know?

>> Alter: Subsidizing the development for things they are required to do within the pud and what we've agree -- beyond what we've agreed to, beyond what is possible with respect to parks.

>> Mayor Adler: Can the applicant speak to this. If the pud has you spending X dollars on an improvement of some kind, capital improvement, and then you don't have to pay for it, should that money be put into other community benefits?

>> Alter: It says they can't use public funds to build infrastructure. So if we pass the tirz and it's going to be invested in this area, can't go for things that we are required to do in the pud or as a requirement of code

[6:59:11 PM]

at the time of site plan.

>> Mayor Adler: Okay. I'm trying to figure out if there's an difference in intent or if we're dealing with a difference in language. I'm trying to narrow it down. There are certain things you agreed to build as part of this. Are you going to be seeking money from the tirz or otherwise to pay for things that you've agreed to build.

>> No.

>> Mayor Adler: Okay. Is that what that's saying? If that's what that's saying --

>> Alter: I believe that's what it's saying --

>> Mayor Adler: So you have -- okay. Uh-huh. Except for park amenities that exceed your contribution in part 10. Things will cost more than they are, landowner shall not use funds described in the ordinance as a requirement of land order to build an

[7:00:14 PM]

infrastructure that is requirement of code at the time of the site plan. What's the -- how?

>> We've never understood this amendment either. Tirz was the main thing -- the main thing we're looking for tirz payment on is Barton springs road and the infrastructure on Barton springs road.

>> Mayor Adler: Neither of those things in the pud have you agreed to do. Are either required of you under ordinances.

>> I don't think so. I think atd might say Barton springs is a requirement. Curtis is on the line. He might be able to address that. We've always said we need some city funding for Barton springs and the infrastructure.

[7:01:15 PM]

If this stops that we cannot agree to this amendment.

>> Mayor Adler: I'm trying to figure out if that's a real risk or a feared risk we can draft around.

>> Alter: I didn't draft it. Staff can speak. I didn't draft it but I believe this is an amendment I'm just as concerned in the community about us using tirz funding for things described in the pud. I hear what you're saying that you don't plan to do that but I think this is a safeguard to address that. And council member tovo can correct me on third reading if I'm misinterpreting that.

>> Mayor Adler: I'm trying to figure out if there's a real fear.

>> Alter: It's a real fear in the community.

>> Calderon: --

>> Mayor Adler: Whether his fear is a real fear. Staff, can you help me with that? The applicant is concerned that

[7:02:15 PM]

things the tirz intended to pay for will not be paid for by the tirz because the city takes the position that that's the landowner's responsibility.

>> Yes. This is Curtis with Austin transportation. It is a requirement that they would be -- the intersection improvements of Barton springs and south congress would be the responsibility of the applicant. It has also been assumed those funds would not be public funds so it would not come -- they could construct it as an offset to their impact fees which they'll be obligated to participate in but it was not assumed other funds would not be attributed to --

>> Mayor Adler: Are any tirz fundings being used towards

[7:03:15 PM]

that.

>> The applicant said it is.

>> It's in south central plan.

>> Mayor Adler: Help me, staff, with that. We know what the tirz is intended to pay. Clearly I don't think council member tovo is trying to get the landowner to pay for those things that we've recognized the tirz as paying for, so is there language that says that -- is there an amendment to this language we can put in that is council member tovo's language but it says that the following items are not the responsibility of the landowner because they're intend today be paid for -- intended to be paid for with the tirz.

>> That could be possible. From atd's perspective we are concerned there is not regulating plan requiring those improvements through the tirz and also the tirz is unfund TD. If we're obligating tirz funds

[7:04:17 PM]

that aren't there, where will the city come up with the funds to do it?

>> Mayor Adler: The city -- the whole issue here is that we need the capital improvements to be made. If there's no money to make capital improvements, there is no development. So if -- and if the building is not going to be built if those capital improvements are not made. That's what enables the greater density to happen and the greater density enables us to demand community benefits and give us affordable housing and parks. It all happens that way. So nothing happens here if we don't get the capital improvements done, and at some point in the future, council is going to have to wrestle with

doing a south central water front that pays for the improvements that are necessary. That's been Teed up and they'll deal with it next spring.

[7:05:18 PM]

As far as this language goes, if the language says those things that it's understood the landowner the going to pay for at the time -- you have to give us more community benefits if you do those things. I think that's appropriate to say so long as we say what are the things you're expected to do and not to do. The plan has the tirz paying for that road and the utilities underneath the road. Is that correct.

>> Mayor, I believe you're correct. Exhibit D speaks to those improvements.

>> Mayor Adler: Exhibit D needs to exclude from the language the things in exhibit D that the landowner is not expected to pay for. We're giving greater definition to it.

[7:06:22 PM]

[Tapping sound].

>> Maybe the way we solve it is you list ours and you list yours. We'll list what we're paying for, and you list what you're paying for. I feel like this is a trap. That's the only reason I'm anxious about it.

>> Mayor Adler: Right. Let's assume it's not a trap.

[Lafit Eric .

[Laughter]. There are certain things that the lander owner is expecting to pay and the city is expecting to pay. However you draft the language it needs to reflect that so the landowner is not agreeing to pay for something that no one at this time is expecting them to pay. We need language that reflkts that. I trust the staff and scribners to come up with that.

[7:07:22 PM]

I don't think council member tovo's language was intended to trick anybody. To the extent -- if you get money somewhere else to pay for the things I think it's reasonable you should be adding to community benefits. Money that comes in -- I don't mind you taking other public funds to pay for that as long as you give that back to the community. I think that our instruction on third reading should be to draft that. And I would support council member tovo's amendment with that clarification. Council member.

>> Thanks. I was going to speak a little earlier. It got a little muddy and you cleaned it up a little bit. I think we're on the right track but I think all we're doing is guessing and I want to make sure we're talking about

[7:08:23 PM]

actual information and naming of -- actual information and naming of projects. The ones in the beginning of her amendment except the park amenities listed -- that seems clear to me because those are delineated but I think in the future having the list is going to be helpful so we understand how it's going to happen. My understanding is they're dedicating the right of way with the road. I think that's where we started this morning.

>> Mayor Adler: That's a good point. Is there language in this pud agreement that talks about the city's responsibility to build the road? We have a paragraph that talks about your responsibility to dedicate the right of way. Is there any corresponding.

>> No, but there is language in the pud that says we're not going to dedicate the right of way and build the pud until there's funding.

>> I understand from legal the reason language doesn't exist like that is because we don't use puds to obligate the city's

[7:09:25 PM]

portion of this.

>> Mayor Adler: It says the pud won't be built unless the road is built.

>> Yes.

>> Mayor Adler: We have no obligation to build the road, but they also have no obligation to do the pud or perform under the pud if we don't build the road, which I think is how that works.

>> Yes. Uh-huh.

>> Mayor Adler: I would be okay with approving this language but asking staff to add in language that makes it clear that the only thing that -- to make it clear what -- that those things on -- if we're anticipating the city or somebody else is going to pay for are also excluded as are the park amenities that exceed the landowner contribution.

>> I think in a nutshell the things we're doing to achieve superiority, that's on our nickel. The things we've said in the ordinance specifically we're paying for, that's on our nickel.

>> Mayor Adler: Right.

>> Other stuff, whether park

[7:10:28 PM]

improvements, boardwalk, Barton springs road those are eligible for the tirz and we have language that says if the city is not going to pay for the road we're not going to dedicate the right of way. And that doesn't obligate the city to do anything. It just says either/or.

>> Mayor Adler: The city doesn't come up with money, then?

>> We have more land to build on.

>> Mayor Adler: I'm reading council member tovo's amendment here but there may be things not listed in the pud agreement that you're required to do just by regular development standards, right.

>> Uh-huh.

>> Mayor Adler: Those would be things you anticipate doing unless there's things that in this case given the pud negotiations we've negotiated you're not going to do. What I heard staff do is building an adjacent road could believe something required absent the greater deals we're

[7:11:29 PM]

making here, right.

>> Uh-huh.

>> Mayor Adler: There may be other things and it's anticipated that that's going to be paid by the tirz or the public. That's the deal being struck here in order to get all the parkland and affordable housing and everything else. The question is how do we draft that so as to not excuse you from those things that are normal parts of development but are not contemplated to be paid by the tirz. Is there a universe of those things.

>> I would have to think about that. I don't think so.

>> Mayor Adler: Okay. That's why I was with, without being prescriptive about how it needed to be drafted, I think the understanding is -- it's council member tovo's language but it's excluding from that those things. And you can get with the staff and figure out how to do it, whether it's positive list or negative, part positive, part

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negative list -- I don't know. But the intent is to make sure that those thing that is the pud envisions you're going to pay for, you're going to pay for.

>> Right.

>> Mayor Adler: And you're not going to get subsidies for the things you've agreed to pay for. Those things the pud does not envision you to pay for, those are being paid by public funds and those should be paid for by public funds. I think that's the intent and I would support that going into third reading and we can all look at the language and see whether that accomplishes that language or not.

>> Said another way you don't want public funds to go in to subsidize a private project that we -- we're not asking you to subsidize your project; we're asking you to pay for the things that are district infrastructure and district improvements.

>> Mayor Adler: I understand that.

>> If the intent of her

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amendment is that that's okay I think we're okay, but I want to --

>> Mayor Adler: I'm figuring out how to say that out loud. What we're trying to say out loud is, for example, Barton springs road?

>> Uh-huh.

>> Mayor Adler: You're not -- this pud is not envisioning you paying for Barton springs road. You're dedicating the right of way and tirz or other fupdz are paying for Barton springs road, correct.

>> Correct.

>> Mayor Adler: That's without regard to what other obligations -- right? So how do we come up with craft language that says that.

>> I'm just worried we're not sure what it says and I'm leery of adopting language that we're not sure of, you know, at this point in the game. I feel like if council member tovo can be here for the

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conversation next time maybe we can get clarity. Staff will make the list regardless but I feel like I don't know what --

>> Mayor Adler: You're proposing we don't include this, even modifying it today. That we don't include it in the second reading.

>> I think we should keep anytime the list of -- I feel like we're guessing about what this says and I'm apprehensive of adopting something I can't explain to someone myself.

>> Mayor Adler: Mayor pro tem.

>> Alter: Is there anything besides the Barton springs road area that is a question here? We've taken that we can do park stuff. Is there another investment on your property.

>> I don't have my south central plan with me because there are things in there that I'll forget, but the main one is the district infrastructure that includes Barton springs

[7:15:32 PM]

road and the utilities and bike lanes.

>> Alter: So rather than not include those maybe we could say except for -- park 10, section F or the Barton springs road improvements outlined in the pud that are not the responsibility of the landowner. The landowner shall not use public funds to build public funds. ..

>> Mayor Adler: Rather than say Barton springs can we say other than those things that are required of the landowner -- well, see, the issue is -- what Kathy is saying those things the landowner would need to pay under normal permitting processes. I'm not sure there's a list of those things.

>> Alter: That come ins the second part.

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That's what she's trying to make happen.

>> Mayor Adler: Right. But Barton springs might be something that could be read to be something that's required of a normal -- it's an adjacent road.

>> Alter: But if we're accepting that --

>> Mayor Adler: I understand but I'm in the sure the only thing is Barton Ving springs. I'm not comfortable coming up with a list that intends to be complete if we don't know it's complete. Rodney, what do you think.

>> If we could, we could hold on this item. We could work with staff to get that clarified like you had mentioned. We'd need atd in the room, Jerry, Richard and his team, and legal just to carve out what you had described, which is what the developer obligating themselves to do on their own nickel now and crafting the wording so that we're not using public funds to pay for those things.

[7:17:33 PM]

>> Mayor Adler: Council member Ellis, I'm trying to figure out how we could vote on it and keep that door open. We're not going to adopt language with respect to this but similar to what we just did with the daa we're instructing staff to go away and bring us back language on third reading that affects what this discussion seems to be -- what everybody wants. I think we're in violent agreement with one another.

>> I think that's fine. I think we're tried to guess in the absence of the author. I think it would do us a great service to see a list and understand, you know, if this ordinance says landowner pays for it seems clear landowner will pay for that. I think we're guessing at the intent here. I don't think that's a great way to approach trying to sort this out tonight.

>> Mayor Adler: Are there six people that would approve not just -- not addressing this but affirmatively addressing this

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section and asking staff to come back with language that affects the intent that the dais has on -- as unanimously expressed as being the intent, we just don't know the right words to do it? Is the applicant okay with that? Do you think this is amenable to coming up with language that doesn't end up with a trick.

>> I think we should be able to get there. I wish council member tovo were here because if she would just say, here's what I'm worried about, we could point to it. A vague amendment like this is quite scary, but think if we came up with a list -- our list says we're doing these things for sue peerty, these things in the park. Everything else talked about in the south central plan ar needed for the district to build out we expect to be

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considered for tirz funding.

>> Mayor Adler: Okay.

>> Kitchen: I was just going to say I'm -- I'm okay with what you're proposing, mayor, but I'm not okay with staff going off and working on language without including council member tovo. I know you didn't say that.

>> Mayor Adler: No. I agree not only she should but you should keep the council involved in that so the council can do that because my sense is that there's language that makes absolute sense to the

applicant in this one if we can just articulate that. But I sense there's some people that would just like us to pass on this and not agree to that. Where are you on this snl.

>> I think the conversation should come back when the author is here and I think we have a pretty clear understanding now of we'd like to see a listover what would be public funds, what would be tirz, landowner paid for.

[7:20:35 PM]

I don't know if we're talking about water fountains or roadblocks or road construction. I feel a bit off the clean policy lines. I --

>> Mayor Adler: Let's take out things we would approve on second reading. Let's come back with language that's appropriate with you can come up with appropriate language. Do we have six people in favor of that? Seems as if there is. The last item we have is a motion sheet I've handed out. Motion sheet that I've handed out that's been posted has a section that allows for greater development here in exchange for greater affordability. There's 3-1/2 million square feet in this plan. This says you can go ahead and exceed the 3-1/2 million square

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feet if it's tied to affordability. It says basically model off the downtown plan. It limits the amount you go to. It's six to one F.A.R. Downtown. I would reserve to push that farther. I'm putting in six to one right now but I want to have a conversation. I think that HPD indicates that if they went to a six to one F.A.R., which is about 1.4 bonus square feet at \$9 a square feet that would be almost \$13 million contribution to affordable housing. If we went to eight to one F.A.R. That would be an additional 3 million square feet. So without deciding the issue

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but to give a place holder and put something in here -- I don't know if the folks could increase the square footage or if they would want that entitlement. My hope is if we gave them enough we would be able to entice them to do more and give us greater contributions. But this basically -- you see the language that's been laid out. Says you can do it. It's pure bonus. You don't get it without a bonus. Don't get it for more than what you're asking for. We'll let you go above that if you give us additional affordable housing, and I have on here that could be fee in lieu. It could be on-site or off-site within a mile and a half radius which is consistent with the earlier conversation we had. Or fee in lieu used with affordable housing. So I would propose putting this in. I think it puts in all the

[7:23:40 PM]

issues between second and third reading. We can figure out if we want to fine tune or expand that. Council member kitchen?

>> Kitchen: I have a couple of questions. We did approve -- or we considered the direction on the tirz. And the direction on the tirz specified dollars for affordable housing. So I'm trying to think about how that relates to this. I'm not certain -- I would love to have -- I'm fine with having the conversation about this, but don't know enough about it yet whether I support it. So I would rather have the conversation between now and third reading. I am looking for ways to find more affordable housing. I've already said that. But part of me is thinking maybe the tirz is the way to do that as opposed to additional -- you know, additional development here.

[7:24:41 PM]

So I'm going to -- I would have to think through that. From my perspective I'm not ready -- I appreciate you bringing this up. I really do because I want us to think about everything we can in terms of getting more affordable housing but I'm not ready to move forward with this. I want to be more specific about how much more affordable housing we would be talking about. I know you talked about spending the time to have that conversation, which I think is good, but I don't think we have to put this in now to have the conversation.

>> Mayor Adler: I hear that. I think it's defined clearly enough with a downtown density bonus. I think there's numbers we can change and I've indicated over the last three weeks, four weeks that I was going to be adding this so it's not a surprise. It's something specific for the community to react to as well as folks on the dais. Mayor pro tem, then council member Fuentes and then council member Ellis.

[7:25:42 PM]

>> Alter: How much more square footage? I don't think in six to one floor area ratio so we're up to 3.5 million square feet.

>> Mayor Adler: Correct.

>> Alter: How much more square footage would be that be and what would be the height options.

>> Mayor Adler: 1.4 million is the bonus square feet. Doesn't mention a height, but 1.4 million square feet.

>> That's right, mayor. Right now it's 3.5. 4.27 F.A.R.

>> Mayor Adler: What is the F.A.R. On the existing pud.

>> .27.

>> Mayor Adler: At six to one.

>> It would be six to one. Square footage? An additional 1.4.

>> Alter: Again, then when we do that, just so you know, now you add that extra footage, you have to go back and redo the

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parkland stuff because they would need to pay parkland fees to go along with that commiserate at rate we were paying for the nonaffordable units that are in there because we have to accommodate those people. I mean, so there's some other issues here and we're talking about a pud and it's supposed to be superior and, you know, cap things -- the way you do that, we have -- I'm not saying we can't entertain some of this but there's a lot more --

>> Mayor Adler: That's the way ordinances work. If they do more --

>> Alter: [Indiscernible] Cap their parkland and now you're adding -- I don't know how many units that is but we're not taking care of with respect to the park and we're clear that we don't have enough money to do the parks the community is asking for. With the normal circumstances with the downtown density bonus with the other 90 per cent of the units they would have to pay parkland dedication fees to

[7:27:45 PM]

it or if it's commercial they would have to do that. I'm not saying that -- I'm not sure where I stand on the height because I haven't had the conversation with the community over there to know and I don't know what this translates to in height, which I do think matters or how this would mass out, given what we've seen. I want to raise -- those are issues that we will have to resolve before passing it on third reading. So I want to surface those as things that would be important to me in evaluating what this propo Sal does.

>> Mayor Adler: Okay. Council member Fuentes?

>> Fuentes: Thank you. Mayor, I think this amendment makes sense and I support including it on second reading. I think it's important to advancing the conversation. I also think this area is prime for more density. It makes a lot of sense just

[7:28:46 PM]

for, you know, knowing we want to get as many people connected to services and on the rail line and in housing and to the extent that this density bonus program can help us with additional housing and investment in our affordable housing fund, I am supportive of it.

>> Mayor Adler: Thank you. Council member Ellis and council member pool?

>> Ellis: I'm supportive of this as well. I appreciate you bringing it forward especially with the focus on affordable housing. I think of the scenarios about units and fee and lieu and how we'll make that decision. I think what if we could have the best of both worlds. What if we could have the units -- I think there's opportunity here. We know we need affordable housing. This is definitely to council member fun Tes' point an ideal situation for communities with great access to jobs. I think this is where we need

[7:29:47 PM]

to get creative and thinking big.

>> Mayor Adler: Council member pool?

>> Pool: I'm fine with that. The six to one makes sense to me. The additional time would be good for that. I want to clarify the funding piece before we leave.

>> Mayor Adler: Okay. Get right back there. Are there six people okay with this amendment? Appear to be. Okay. Yes?

>> Alter: If I could add some direction to that. But to come back with a recommendation about how to address the additional need for the parkland dedication as you increase the number of residents. That can be considerable amount of people that we would need to be accommodating within the park.

>> Mayor Adler: I would support a request for that direction. Any objection to that being included?

[7:30:47 PM]

In terms of the things we decided we were going to have a motion. Tell me, Jerry -- help me keep straight here, right? The motion would be for the first reading base motion as drafted by council, which was v-5. In addition it would be the changes that you laid out at the beginning of this. In addition, it would be the things that you laid out on the second list that you pulled together. It would include the items that were on the resolved list on the toll items, the light rail and the transit you add. It would -- on hotel use, it prohibit hotel use. I think that was the way we decided on that going into third reading. It would have the parkland

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dedication fee being 9 million. It would be the 6.9 million, plus however much Ada access point is less than 2.1 million. So it would be 6.9-plus, whatever that delta is.

>> If there are any dollars left over they would be spent on amenities.

>> Mayor Adler: The timing of the parkland dedication is as you worked it out. As indicated by the language that council member pool gave us. The parkland maintenance is asking you to visit with daa. It's the amendment -- the direction on the motion sheet that we got that says go talk to the daa and trail foundation and the like. On affordable housing it's asking for a and B -- one

[7:32:54 PM]

focuses on 422 and the other -- the fee in lieu. We can pick Oun or the other or combination of that. On reflectivity it's B, which was the staff recommendation. On the use of public funds it's not going to be mentioned in the draft but we are asking you to come back with language that would reflect the conversation that we had on the dais. And then the -- my amendment is also included. I think those are all the pieces. Are those all the pieces? Mayor pro tem.

>> Alter: We need further clarity on the parkland.

>> Mayor Adler: We incorporated that.

>> Alter: Okay. I asked about prohibiting str's. I didn't have a particular amendment but perhaps staff can chat with my office.

>> Mayor Adler: Okay. Can you come back on third reading what your recommendation would be, work with the mayor pro tem's

[7:33:57 PM]

office.

>> Alter: I need the language and make sure I can legally do it. I'm not asking for their recommendation. I'm asking for making sure I can legally do it.

>> Mayor Adler: We'll go into executive session. If you don't find out before then -- I think I'll have a question too. Is that it? Is there a motion to that extent? Council member pool makes that motion. Second to that motion? This is to approve on second reading only as we have laid out. Discussion? Mayor pro tem?

>> Alter: Thank you. This is a pud and I have been continually concerned that we are judging it based on the south central water front entitlements, which are much higher by, I don't know, around 3 million square feet, I think, if I have my numbers correct, over what they are currently entitled. As such I do not believe this pud is yet superior.

[7:34:59 PM]

I look forward to seeing what else we can move into it. But at this point I don't see this yet as superior. We don't have a regulating plan so I don't -- you know, I've mentioned that multiple times throughout this process, and it's really hard to judge what we're getting in this pud absence what that regulating plan is as well. So at this point I'm not comfortable voting for it. So I'm voting no.

>> Mayor Adler: Any other discussion before we vote? Council member kitchen?

>> Kitchen: I am just not comfortable yet with the housing -- affordable housing aspect of this. And I feel like we're -- you know, we're moving -- I don't -- I'm not comfortable with it. So I am not comfortable voting for this. I will abstain.

[7:36:00 PM]

Because there are a number of things that I am comfortable with, and I am comfortable with it moving forward but I am seriously uncomfortable with the housing so I'm going to abstain at this point.

>> Mayor Adler: Any other discussion? Let's take a vote. Those in favor of the motion, please raise your hand. Council member Renteria seconds it. Motion by council member pool. Those voting aye. Those opposed? Mayor pro tem. Those abstaining in council member kitchen. And also council member Kelly abstaining. Council member tovo is off the dais. On a vote of seven to one to two abstentions to one off the

[7:37:01 PM]

dais, it passes second reading and we'll come back the first week of December. All right. I think those are all the things we have to do. With that then, I am adjourning the council meeting at 7:37. Good work, everybody.