

# City Council Regular Meeting Transcript – 12/8/2022

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[10:32:02 AM]

>> Mayor Adler: Who are

[10:33:09 AM]

re-missing? Everybody's here. I'm going to go ahead and

[10:34:26 AM]

convene the Austin city council meeting here on December 8th, 2022. This is the last city council meeting of the -- barring a

[10:35:30 AM]

special called session -- of the original 10-1 council with iterations. My understanding is that there's going to be some acknowledgment of staffs and councilmembers today during the period of time

[10:36:33 AM]

that normally has proclamations. I'm also going to give a key to the city at that point to reverend parker who's showing up today, so I invite everybody to stay for that. But I understand that there's going to be recognition of staff and councilmembers, and that there's going to be a gathering that's not an official meeting next week as well, I think on the 15th. Is everyone going to be able to be here on the 15th? How many people are not going to be here on the 15th at this point? Councilmember harper-madison and councilmember Fuentes and councilmember pool, not here on the 15th. Okay. I had something I wanted to give out, and I wanted to see if I should give it out tonight. Presents today. I'll do that today, too. I will also be participating on the 15th as well. Other housekeeping matters? Councilmember pool.

>> Pool: I wanted to note for everybody here that our special musical guest at 12:00 P.M. Today is shake Russell. And I will be offering him the shake Russell day recognition

[10:37:33 AM]

and he'll play a couple songs for us and I would urge everybody to stay and listen. He's a very well-known Texas singer-song where ier. I'm a long-time fan of his. And he° to come and today is the day that worked for his schedule and our schedule. So at 12:00 P.M., we'll be hearing from shake Russell. I hope y'all will stay for that brief musical interlude.

>> Mayor Adler: I remember shake Russell from what I arrived in '78, and what an amazing opportunity today. I was about to complain when you asked for more than one song. I was about to complain what I heard that you had asked for more than one song during music and then I saw it was shake Russell and I decided I would not raise it as an issue.

[ Laughing ]

>> Mayor Adler: All right. Changes and corrections. For Thursday, December 8th, 2022. The time is 10:35. Item number 8, authorize negotiation, with gray star development, central LLC development had been left off. Item number 39, we're talking about a six-month term, not a 12-month term. Item number 66 has added councilmember vela as a sponsor. 68 added councilmember Fuentes as a sponsor. Item number 74 has added councilmember vela as a sponsor. Item number 86 is in district 1. On our agenda, consent items are 1-75. I'm showing the following items are pulled. Item number 4, the base rate question I pulled and councilmember pool pulled. Item number 33 and 34 have been pulled by councilmember Ellis. Item number 35 has been pulled by councilmember Kelly. Item number 58 I have pulled and I have a motion sheet that is soon to be circulated on that. Item number 63 I have pulled and I have a motion sheet soon to be circulated on that. Item number 68 has been pulled by councilmember Ellis, and there will be a small language change to clarify language, and that will be circulated. Item number 72's pulled to be taken up after executive session

[10:38:34 AM]

with item 84. Item number 74, I've pulled and I understand we may have some amendments being offered by some and potentially staff.

>> Kitchen: I hope people offering amendments will post them on the message board.

>> Mayor Adler: I would suggest anybody that has any amendments get them to councilmember kitchen so she has a chance to be able to work through them or perhaps we solve them so that she has them and can work with that. Are there -- also, by the way, changes and corrections, we have late backup in Austin housing finance corporation items, so if people could remind me when we go to that meeting to call out these items, 52, 57, 59, 63, 74, 99, and 100. Colleagues, are there items to pull?  
Councilmember Kelly.

>> Kelly: Thank you. I'd like to pull item number 69. I have a motion sheet and the intent of the motion sheet is so we can gather more information about the individuals who are staying at northbridge upon return of that report from the city manager, I will send out the motion sheet as soon as we've got the language buttoned up for review.

>> Kitchen: If you'd share those with me, we might be able to keep it on consent if I can take that as a friendly amendment.

>> Ellis: I'll post it on the message board.

>> Mayor Adler: Post it so we can all see, but also get councilmember kitchen.

>> Kitchen: Mayor, at the right time, let's think if it's something we can keep on consent.

>> Mayor Adler: Okay. Right now I'm pulling it, but if we can put it back on consent, we can do that. There will be some speakers this morning, but for right now the default is it's being pulled.  
Councilmember Ellis?

>> Ellis: Thank you, mayor. I also have a relatively quick question on number 53, that's the one about the Barton springs road speed limit and I do see transportation staff here already.

[10:39:36 AM]

>> Mayor Adler: Okay. Is that a quick question, or should we pull it?

>> Ellis: We could address it before consent.

>> Mayor Adler: Okay. Leave it on consent?

>> Ellis: As long as I can ask a question first.

>> Mayor Adler: Make sure you raise your hand, and I promise you you will.

>> Ellis: Thanks.

>> Mayor Adler: Councilmember Fuentes.

>> Fuentes: I'd like to pull item number 59. I do have an amendment to offer, the intergenerational facility. I have some questions from director MC-- for director Mcneely.

>> Mayor Adler: We'll pull item number 59, Nash Hernandez item. Okay. Anything else? Councilmember tovo?

>> Tovo: Thank you, mayor. I am pulling 8. We're working on an amendment, and I have a few questions for the applicant. It shouldn't take long.

>> Mayor Adler: Okay.

>> Tovo: Item 60 I'd like to pull. I have a couple amendments that will be distributed soonish.

>> Mayor Adler: Okay.

>> Tovo: Number 62 I'd like to ask staff to very quickly respond now or whenever about

[10:40:37 AM]

whether or not they support that item.

>> Mayor Adler: What?

>> Tovo: 62, whether or not our staff are supportive of that item.

>> Mayor Adler: Okay.

>> Tovo: I have -- I would like to pull 11. Our questions may have been answered or councilmember kitchen's questions may have been answered, but in the latest q&a that I need to double check --

>> Mayor Adler: What number?

>> Tovo: 11.

>> Mayor Adler: Is that something we need to pull?

>> Tovo: Pull it for now, but it may be resolved.

>> Mayor Adler: What's the other number?

>> Tovo: So far, 8, 60 --

>> Mayor Adler: 60, one more many

>> Tovo: The question I asked staff to answer for 62, I don't know that we need to pull it, I just want an answer before we vote. And then 11. And mayor, I think it's your item 67, you and I had talked about some clarification. Did you upload a new version?

>> Mayor Adler: I have uploaded a version. Let's pull 67. Why don't you take a look at that language and see if it's

[10:41:37 AM]

okay with you. And if we haven't uploaded it, we will shortly. Let's pull 67. When you read it, maybe it can go back on.

>> Tovo: Yeah, thanks.

>> Mayor Adler: Okay. So, what is item 11?

>> Tovo: Item 11 is a contracting item. Councilmember kitchen asked very good questions about why these are contemplated as contract positions when we're moving out of using contract positions for ongoing needs.

>> Mayor Adler: Okay. So the items we have pulled are 4, 8, 11, 33, 34, 35, 58, 59, 60, 63, 67, 68, 69, 72, and 74. We have questions on 53 and 62, we're not pulling them at this

[10:42:39 AM]

point. Please make sure you raise your hand to ask the questions. Councilmember tovo.

>> Tovo: 62 can go back on consent.

>> Mayor Adler: 62 is on consent. Got it. That was a quick answer. All right. Colleagues, we have speakers today.

>> Chair.

>> Mayor Adler: This morning -- sorry? Yes.

>> Item number 36, I don't think I need to pull it, but just to be certain, I want to make sure that all my colleagues are comfortable with what I posted to the message board?

>> Mayor Adler: Okay.

>> Councilmember harper-madison, could you just explain what you posted, what you're trying to accomplish? Thank you.

>> Harper-madison: What I'm attempting to accomplish in total, or what I posted to the message board, the motion?

>> Start with the motion, and then if you want to add anything --

>> Harper-madison: I moved to approve item 36 with the following amendments, and then

[10:43:39 AM]

it has some -- is there anybody who didn't read it on the message board to where you need me to read this through? You guys can -- strike lines -- I don't know that this is the appropriate place. I think I'll pass on not pulling this item. I'll pull this item.

>> Mayor Adler: Okay. Let's pull 36.

>> Councilmember, I'm printing a copy right now. Would you like a copy for the entire dais? Okay.

>> Mayor Adler: Okay. Obviously as we get closer, if we can put any things back on, we'll put stuff back on. By way of --

>> Mayor, if I could just clarify, councilmember harper-madison, I don't know that I have any problem with your direction, I just wanted to make sure that I understood it. I don't know that it will take a long time when it comes back, I just wanted to make sure I understood, that's all.

>> Mayor Adler: Okay. All right. So, we're going to give speakers three minutes each. It looks like we have about 15 speakers here this morning. We can go up to the 3 minutes.

[10:44:42 AM]

Do we have any ahfc speakers?

>> Yes, mayor, we do.

>> Mayor Adler: When we call up those two speakers, are they here or are they remote?

>> Remote.

>> Mayor Adler: Remote. Okay. Let's take them toward the end of remote. We'll convene the Austin housing finance corporation meeting, take those speakers, and try to dispense with the agenda and then we'll return back to speakers. I think that we can -- after we've done that, we'll see what quick votes we can take. I think maybe the central health board, the eminent domain matters, the private activity bond, the quick items that hopefully maybe we can put some more things back on the consent -- some things that were pulled from the consent vote, which is what we do first, maybe we can handle some quick things

[10:45:42 AM]

there. My guess is that takes us close to 12:00 P.M. At 12:00 P.M. We're going to break to have a quick honoring of Jerry, and then we will take the 12:00 P.M. Speaker. There's only one speaker. And then we'll have a lunch break. Somehow or another, my staff, because I was -- I need to go to a board

meeting during that period of time. My staff's going to have to reconcile that with my ability to listen to shake Russell. So, staff should be working on that question. We have to figure out a way to do that. Yes.

>> Pool: Shake is coming in from Houston and will be here a little before 12:00 and then he has to head on for a gig later, so if we could take him as close to 12:00 P.M. As possible, that would help with that. So that might be --

>> Mayor Adler: We can take him first.

>> Pool: Great.

>> Mayor Adler: Let's take him

[10:46:43 AM]

first. That increases my chance of being able to hear him and I'll hug Jerry many times after. That gets me to the board meeting, I think. But I think that's what we're looking at, fast items, consent items this morning. Then take the lunch break, hopefully coming back as close to 1:00 as we can, we have pulled items. At 2:00, zoning speakers, 25 speakers. That at two minute each. I think most people have signed up on Brody oaks where I anticipate us just going first reading only and councilmember kitchen I think has an amendment on that to be added, but we'll take care of the consent zoning and hopefully as many of those things as we can, which may be most of them. Then we'll go into executive session. Executive session we'll hit those items, come back out for

[10:47:44 AM]

proclamations, which we're not having. We're going to do pastor parker and then some honors for the council, for both the departing members as well as the entire council, I would ask everyone in council to be present for that. And then obviously we have the afternoon for Austin energy, which will be coming up later. And I think there may be a way to accommodate a lower fixed charge that starts with 13, maybe also a way to get below the 31.3 and get those two things in the same thing. Still working on that. And chairman, as Austin energy and Thomas, as we have the

[10:48:45 AM]

ability to be able to do that, I think we should elevate that so people can start thinking about that. We have the ability to carry over until tomorrow, but we'll lose some people, so best we try to push today and get through. As much as I love being with you guys, if we can end it today, probably best. Yes, mayor pro tem.

>> Alter: I just wanted greater clarity on when we are going to be sharing the options for Austin energy.

>> Mayor Adler: If not before, then right after lunch, I think.

>> Alter: Okay.

>> Mayor Adler: Okay?

>> Alter: Yeah, thank you.

>> Mayor Adler: So that people can start thinking about that.

>> Tovo: Before lunch would be great so we have an opportunity to discuss with staff and community members.

>> Mayor Adler: Working on that. Okay? All right. Let's go ahead and ask for the

[10:49:46 AM]

speakers.

>> The first speaker is pat.

>> Hello? Is this . . . ?

>> Yes, go ahead, please.

>> Okay. Thank you for the opportunity to speak. My name is pat, I currently live in district 9, and I want to especially thank my councilmember, Kathie tovo, for her service on city council these many years. And I also want to thank the other three departing councilmembers. I am speaking on item 2. Item 2 is the interlocal agreement between the city of Austin and Travis county. And I have been disappointed that there has not been more

[10:50:48 AM]

discussion and ability to discuss animal issues on this council. And I am especially disappointing that -- disappointed that this particular item has had no significant backup with the details of how much money is being provided for spay/neuter in the interlocal agreement. I had hoped that during these years we would have made some progress in spay/neuter. We have not. So my request is to the council that will be -- the councilmembers in the current council who will be remaining and also the councilmembers who are yet to join council that in the next series of meetings there will be discussion on pet overpopulation and the fact that we are never going to solve the animal issues problems and the animal services problems without



[10:51:49 AM]

a larger contribution to spay/neuter so that fewer animals are being born, there's fewer animals on the street. I have heard certain people say that we have enough homes to house all animals and it's just a question of marketing and a question of management. I totally disagree with that opinion. We have too many animals being born that are large dogs with behavior issues. And those large dogs with behavior issues cannot find homes in our rapidly increased population and our increased density. Whenever they do surveys, they include pets like gerbils and hamsters. And when they do studies they say there's enough pets that can find homes. Yes, cats, small animals, small dogs without behavior issues tend to find homes, but there

[10:52:49 AM]

are too many large dogs that are not able to find homes in Austin. So we need to increase the contribution to spay/neuter and we need to do that by having more council discussions on pet overpopulation, whether we have enough homes in Austin to house the large numbers of large breed dogs with behavior issues that are coming into the shelter.

[ Buzzer sounding ]

>> And unfortunately, I know that you have a packed agenda.

>> Thank you, speaker.

>> You're not going to pull item 2 today. You're not going to start the discussion on that today. But I appreciate that some of you have a commitment to doing this --

>> Mayor Adler: Thank you very much for participating with us today. Thank you. We should go ahead and call the next speaker.

>> Wendy Murphy on item 2.

>> Good morning, my name is Wendy Murphy, a 30-year resident of district 4, longtime advocate for the welfare of animals here

[10:53:51 AM]

to speak to item 2. Instead of a 12-month agreement I'm asking that the interlocal agreement should be approved for just a three-month extension. There needs to be more transparency and accountability for how this \$2.5 million will be used and allocated. Animal advisory commission and local animal welfare advocates, especially spay/neuter advocates, should have an opportunity to review and discuss and advocate. Percentage-wise, a very small amount of that money is designated for spay/neuter and it's

plain wrong that we don't take this opportunity and allocate more money toward an effective and comprehensive spay/neuter program. Spay/neuter is the most important thing we can do to really make a difference in the never-ending problem we have with pet overpopulation and shelter capacity crises -- plural, crises. It's my understanding that the county has performance measures attached to this agreement, but I have not seen them.

[10:54:51 AM]

Can we see them? And by we, I mean we the members of the community, the people who are so greatly impacted by the type of decision like the one being made concerning item 2. We are the people who see the dog get hit by a car and have to do something about it because that dog was not taken to an animal shelter. And we are the ones who see a cruelty case and are told that no one is available to deal with it. We're the ones who spend our own time and money, which often we don't really have. We spend our own time and money to take in these animals and take care of them, get them spayed and neutered, which they should be, and find homes for them. And we're the ones who need to be made more aware of what's going on. And we need to know all the details of what's going on before these kinds of decisions are made. So, you know, more transparency and accountability is important. I don't know if it's too late on this or not, but if it could be approved for three months, it would give us more time that we

[10:55:52 AM]

need. So we're the people -- the animal advisory commission also should have and could still host this and discuss it and debate it and make it more available to the public, make the public more aware of what's going on. The spay/neuter is the most viable and humane way to end all these problems we have with -- that stem from the over-popping over -- overpopulation of pets. As for people who say there is no overpopulation of pets -- no overpopulation of pets, they're not the ones who get their hearts broken every day seeing these animals on the street or who end up keeping them because there's nothing else to do with them. I'm guessing these people are not doing any of the hard work, because there most definitely is a pet overpopulation problem. And the answer definitely is spay/neuter.

[ Buzzer sounding ]

>> And I was unable to find out how many --

[10:56:52 AM]

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

>> Thank you.

>> Akim McLennon on item 8. Akim, please unmute.

>> Hello?

>> Yes. Go ahead, please.

>> Hello? Yes, hi. My name is Akim McLennon and I'm a district 4 resident in St. Johns. On a personal level, I've been excited about the new development at St. John old home Depot project for a few years now, but I think this has been a whole model of community engagement and a whole process. And the developer agreement that

[10:57:53 AM]

we've ultimately come to has been the result of a lot of time and input from the community at large. And so I'm definitely in favor of passing this resolution, because I truly feel like the content has kept the community in mind and it is a good model for development moving forward, things that will benefit both the city, private companies, and the people who actually live in the community. That's all I have to say. Thank you.

>> The next speaker is asara on item 8.

>> Hello?

>> Yes, please proceed.

>> Oh. Thank you. Hello, I'm a district 4 resident and until recently, I lived in St. Johns for five years. As Akim said, this has been a

[10:58:54 AM]

real model for community involvement. I want to give a shoutout to councilmember Casar and our current councilmember for their continued work to make sure the St. Johns community has been involved in this process, for vacant land or a spot to place compost buckets, it will be a place that will host over 300 and that is with tp community's input in the process. The number of three-bedroom units in the plan is quadrupled. I'm strongly in favor of the resolution and the plan moving forward. I would ask that council continue to work with the community, particularly in regards to continue efforts with right to return and right to remain, as well as more

[10:59:55 AM]

ownership opportunities within the development. This is a great process and a good project and I'm really pleased to have things move forward and I hope this can be emulated and seen in other parts of the community. Thank you for your time and for all the council members, have a happy holiday season. For all those departing, thank you for your service.

>> Next speaker is William bunch.

>> Good morning. I would like to speak in favor of item 56. It's an important move. Thank you for bringing it forward. I would like to out against

[11:00:56 AM]

several items -- first, item 14, the walnut creek waste water plant expansion with an estimated cost of \$750 million. Not move forward without an aggressive need to reduce the need and delay the need for expansion by investing in decentralized reuse and water efficiency and taking our water-forward goals for seriously. We can save money and save water first. If it is going to go forward it needs to have nutrient removal equipment added to avoid down-stream water quality standards. We oppose item 60, the Oracle deal. This was misguided from the beginning, should not have been launched by council without going through standard procedures. You're now faced with what you

[11:01:57 AM]

started with the monopoly deal with agreed demand. Please comply with the state constitution and not grant a gift to Oracle. And if they're not willing -- you should not do this even though the voters authorize you to do it. We also stand against the sos site-specific amendment, item 80 unless there's off-sight mitigation that would reduce the impervious cover to 15 per cent impervious cover for the Barton creek water shed. Let's see, we also stand in support of item 61, the Colorado river trail -- study

[11:03:00 AM]

to connect our trail north of the river with our trail south of the river, somewhere in the vicinity of long horn dam and pleasant valley. We absolutely need this to happen and appreciate council members bringing this forward as well. We have concerns about some of the other items but I'll leave it at that. Thank you for your consideration.

>> Kirk yosheda on item 65.

>> Good morning, mayor, city council. I'm here to speak in support of item 68. I'd like to specifically address the next phase of the Asian American resource center,

[11:04:01 AM]

the aarc and the need for capital funding. The bond resolution included funding. Since approval of that bond measure a master plan has been developed for the entire property and the priority project that emerged through community engagement process was additional conforming art space. What's now being called the aarc phase two project -- that design was recently completed with a preliminary cost estimate. It far exceeds the amount from the 2018 bond. This proposed project would provide much needed art space in district one, which I also live in and happens to be an area with significant amount of

[11:05:03 AM]

growing art space in the last years. The schematic design includes a multipurpose space that may be used to support smaller performances by community groups, rehearsals, and a stewed yoi recording. It will have an art gallery -- three spaces under one canopy. It will serve the Asian community but be available for artists and performers city wide. Our commission is fully committed with working with staff and community partners to explore every available source of funding to reduce project public tax burden. However, a significant amount of funding will be needed to complete the aarc project. I ask you complete the

[11:06:03 AM]

resolution today so the community-driven project have the best opportunity to be completed as envisioned by the community and reflected in its schematic design. If I didn't mention, I'm the chair for the Asian quality of life commission.

>> That concludes all speakers online. We have two in person

>> Mayor Adler: Let's take the hs speakers at the end.

>> Moving to in person, for item 4, kaiba white. On deck is Paul Robbins,

[11:07:05 AM]

speaking on item 4.

>> Good morning, mayor, council members. I'm here on public citizens, Texas office. You've heard from me plenty, so I'll get right to it. I think y'all do have options before you today. I would encourage you to focus on the options that will be most beneficial to the widest range of customers, more specifically advocating for residential customers. There seems to be confusion or I think misunderstanding about the benefits of different solutions for low-income customers, and I hope that y'all heard what council member Fuentes spoke about at work session, that there are many

[11:08:06 AM]

more low-income customers in this city than there are even cap-eligible customers, and of course many of those who are cap eligible are not on cap. When we're talking about protecting low-income customers we're talking about all the working-poor families who don't have much margin in their family budgets. We're asking you to focus on solutions to keep the fixed fee low. We would urge you to pick one number and not do the phased-in approach. We think that's confusing and doesn't achieve any goal because at the end it will be whatever the last year is. We would ask you pick the \$13 fixed-fee approach and go with that. We do like the idea of, of

[11:09:10 AM]

course, reducing overall revenue, but I suspect there's maybe not support for that. And so would just ask that you prioritize the low-fixed fee as well as keeping the tiers in the first and second tier low. I would ask that you adopt 4-b -- the tiers in the 14 scenario. The residential class is being overbilled in that scenario and understand that Austin energy is asking for you to use that money to fund cap, but that is a future expense and they are not accounting for future earnings, say, from the sale of their expense I have building that they're going to get many millions on than they're going to speak on cap from. It's not appropriate to not

[11:10:12 AM]

account for those future costs and sources of revenue. You have money to work with there within that scenario without adjusting. Thank you.

[Buzzer sounding]

>> Tovo: You talked about preferring the tiers in 4-b. Are you saying the tiers in 4-b instead of 5-a? You were part of a group that advocated -- are you still supportive of the cost in 5-a.

>> We are and if you reduced the customer charge -- if you took everything else, left it the same and reduced the customer charge to \$13, you would come close to the residential cost allocation that we collectively agreed to. We would have liked to see that

[11:11:13 AM]

scenario run with the cost allocation, but --

>> Tovo: I just want to be clear because you're saying you have a preference for one set of tiers but we ran a cost allocation model that matched what you requested and support. So which method are you in support of.

>> We're in support of the agreed upon method. Scenario 5 would be great. I'm putting forward to options -- either scenario 5 or the 4-b, \$14 scenario but reduce the customer charge to \$13. I think those are the two best options on the table that balance the needs of Austin energy and the needs of the community.

>> Tovo: Thank you.

>> Mayor, I have one follow-up for Ms. White. The 14 to 13 and graduated 13, 14, 5.

>> We are not in supportive of

[11:12:15 AM]

that.

>> 13 and 14 fixed going forward or 29-1/2 at the graduated 13, 14, 15.

>> I think it was 28 --

>> Tovo: Not sure what scenario council member pool is describing.

>> Pool: I'm not talking about?

>> Sorry. What were you saying about --

>> Pool: You know what, mayor, I should back away. I really just wanted to confirm whether the fixed cost was graduated or fixed at 13 and it is fixed at 13 at the 31-3.

>> We think that's going to be confusing to customers to have not only the customer charge but each of the tiered rate.

>> Pool: I understand. Thank you.

>> Tovo: Mayor.

>> I just wanted to clarify. The scenario of the 4-b scenarios, if we were going with 4-b -- we have to do the

[11:13:17 AM]

comparison with 5-a. You prefer taking what was generated for the \$14 and changing it to \$13. You're not saying you want 4-b run with \$13. You're saying you want to take 4-b and lob off a dollar.

>> It was run with \$13 but the tiers got increased.

>> Alter: You're not saying run this whole thing off and start with 13. You don't necessarily get to the 31.3 million that way.

>> You would have to make some other adjustments to do that. I think if that's not possible, then the \$13 4-b scenario would be the fall back.

[11:14:18 AM]

>> Alter: Your first preference is not expressed with?

>> We would have liked it to be run with the revenue allocation we all agreed to so there could be a real comparison there.

>> Alter: I understand. I wanted to make sure I understood what your initial reference was there.

>> That's looking at it from the residential side. I realize other things would need to adjust a little. The residential side is more complicated than the other rates to a certain extent, so it might be possible to adjust some of those on the fly. I don't know. You'll have to hear from Austin energy on that.

>> Just to clarify, if we take 4 B, you would like to see 4-b with 13 -- the \$13 customer charge. Did you say -- not graduated, right? In other words, just capped across the board.

>> Yes.

[11:15:18 AM]

Correct. We feel that is both confusing and doesn't really achieve anything because you end up at 15 or 16 or whatever anyway.

>> Okay. Then the second aspect of what you said, just to clarify, you mentioned lower tier rates. Can you be more specific. If we were -- I'm certain that the proposal in front of us will be 4-b. We'll be



considering 4-b. You're suggesting -- I get what you're saying about the 13. But are you suggesting we would need to suggest a change to 4-b related to the tier rates.

>> Well, I think 4-b does not align with the cost allocation that the parties wish to come to agreement on.

>> Okay.

>> I acknowledge it will take a little work to adjust that for each of the other customer classes, but on the residential customer class, there's 6.3, I

[11:16:20 AM]

think, million additional dollars being charged to that so you could just make up that difference by reducing the customer fee by a dollar. Yes, you then need to make that up in other rates. I suspect that that could be done.

>> Kitchen: I'm being even more simple than that.

>> Okay.

>> Kitchen: I'm saying if someone was to say, yes, we want to go with 4-b but we want to see if it's the will of the dais to go to 13, then would we say it's the will of the dais to have -- are you saying the 49 per cent cost allocation? Is that what you're saying.

>> Yes.

>> Kitchen: Okay. I just wanted to clarify that. And then do you have a position on any of the other -- I think there's a five?

>> We're supportive of five. If there's support on the dais, we're support of five.

[11:17:21 AM]

Yeah.

>> Kitchen: Thank you.

>> Tovo: I'm sorry. I'm still really confused. Five has the cost allocation you requested. Is that your preference.

>> We're supportive of 5. If it's 4-b we want \$13

>> Tovo: 5 captures the items you said are preferences. They would include?

>> Yes. I do appreciate that that was run. I just, you know, don't know where everybody stands on the tier breaks and the revenue, so if that is not an option that people are good with, then at least 4b with the \$13 customer charge I think would get closer to where we're trying to go

>> Tovo: It sounds from some of the conversation we heard in exchange with you that there may be a proposal for a lower revenue requirement. Just based on what my

[11:18:22 AM]

colleagues said. It would not capture the cost allocation you discussed. Or not exactly.

>> Thank you.

>> Mayor Adler: I think where the other voices are coming in, council member tovo, on that issue, would be a choice between 31-3 but going to 13 flat or going to 29.5 revenue and going 13, 14, 15. Going to 29-5 lowers the revenue so that the total bills would go down because the total revenue requirement goes down. But it would have us going 13, 14, 15 starting at 13, but having the phased-in approach we talked about. The other option would be staying at 13-flat but with the higher revenue, which means that the variable charge would

[11:19:25 AM]

need to be higher -- 31-3. So from where I'm sitting, where chair is sitting, it's -- I think for us it's between those two options at this point -- 31-3, 13 for all three years, 28 -- 29-5. That's dropping the revenue, and the thinking behind dropping the revenue is a lot of those questions are -- we don't know the answer to, as council member tovo I think pointed out. The midpoint was 28. We feel more comfortable leaning toward the professional expertise of the staff. I wasn't here for the conclusion of the meeting you had on Tuesday but in those conversations I understand they were running a 29.5, 13, 14, 15 option so that we can compare them to put that in the mix with the other options being

[11:20:27 AM]

considered. Council member tovo?

>> Tovo: Thank you for that explanation. It sounds like there would be no adjustments to the cost allocation in those two options.

>> Mayor Adler: Those use the 4-b model

>> Tovo: We have an option on the table that includes the option recommended by the joint consumer advocate who we hired as well as others who are party to that. Manager, I would like to point out there were a couple of different scenarios we were told you didn't have time to run. You told me very clearly on Tuesday that you needed to see a show of support before you would be willing to run an additional scenario. It sounds like between Tuesday and Thursday you've run an additional scenario. And so I just find -- I just note that. I also note that some of our stakeholders and interveners who have requested runs have

[11:21:28 AM]

been told they weren't able to. So I think -- there's a policy you need to get multiple council members to express support -- multiple in my case was four. It sounds like the number was lower yesterday. I just -- that's a problem. It's not a problem I'm going to be facing any longer but I note that as an issue.

>> Understood. I don't think the numbers have been run at this point in time.

>> Mayor Adler: My hope is they wouldn't do that. I wasn't here for the afternoon. I am the mayor of the city. I was elected by the city. I asked for and hoped there would be consideration of that. We hired the consumer advocate -- to be a consumer advocate -- not to tell us what's best for the system, for Austin energy, for the city. We hired someone to be an advocate for a particular segment of our group and he's

[11:22:28 AM]

doing a great job. I wouldn't expect him to tell us what's best for the entire system. That's not what he was hired to do. He's doing his job, to be an advocate for one segment. Let's continue with the next speaker.

>> Paul Robbins on item 4.

>> Mayor Adler: I understand.

>> Can you start the clock again, please. Council, I started my work as a consumer advocate opposing the south Texas nuclear project. It was a proverbial baptism in fire. Austin energy continued to support the nuke as it rose a net 440 per cent above its original cost. I learned quickly that experts

[11:23:30 AM]

make costly mistakes. I might add that mayor Adler, when he ran in 2014, disparaged expensive mistakes like the water treatment and biomass plant and he should not expect the public to blindly

follow experts. I have several comments. The independent consumer advocate should be able to answer questions in real time, similar to what occurred Tuesday. This allows transparency and quicker information and quicker information flow. Both scenarios devised by Austin energy were carefully manipulated to provide maximum pain to low users while extremely high consumers see virtually no increase in their bills. Here are the charts for 4-b and

[11:24:34 AM]

5, and as you can see, there's virtually no increase with high consumption, and this is another example of how Austin energy gamed the numbers. This council would prefer to vote on this rate case today, but if the day ends without a conclusion, the responsibility lies with Austin energy. Third, there are a side issues. Here's another slide of the scenario. There are a number of other side issues unrelated to the revenue and rates that have largely been agreed to by the interveners. They are largely noncontroversial. However, the utility has not accepted them. I think they're holding them hostage. Without these issues, the case is incomplete. And if this day ends without a conclusion, the responsibility lies with Austin energy.

[11:25:35 AM]

Fourth, while I support the \$28 million proposal and the 13 million dollar charge there is no official scenario created if the council was a 31 ML 31 million 13 dollar charge. If the day ends without a conclusion, the responsibility lies with this utility.

[Buzzer sounding]

>> Tovo: Thank you for putting this together. I want to make sure I understand the impact. Just to be clear, your chart below goes up to 30 per cent. While it may look like the numbers are in the same spot, the scale is different.

>> That's correct

>> Tovo: In your estimation, which of the two proposals before the one that the major

[11:26:37 AM]

just described -- which of these two proposals has the least impact on residential customers.

>> I prefer proposal five

>> Tovo: Do you have a sense of how -- of whether the elements would carry over with the two proposals just described -- the two alternatives? Do you have a sense of your position on those two that were just outlined by the mayor.

>> I personally do not support a graduated increase in the customer fee. I have maintained all along that this is onerous to low consumers, many of whom are lower income.

>> Tovo: Thank you.

>> Is there anything else I can clarify?

>> Tovo: That helps me, yes. That would be the fixed

[11:27:37 AM]

customer charge versus graduated.

>> Mayor Adler: Guys, I would suggest we not engage in this -- we have 17 speakers left before noon.

>> I'm not debating.

>> Mayor Adler: No, no. You were answering questions. I'm talking to my colleagues and suggest we give the public time and will ask Austin energy questions when we get there. Let's go to the next speaker.

>> Shane Johnson on item 4. On deck is John coughman.

>> All right. Can y'all hear me?

>> Mayor Adler: Yes.

>> I'm a district 7 resident,

[11:28:37 AM]

as are my family. I'm a resource management commissioner. I'll be using my time to build on my testimony about why Austin's energy proposal to expand the cap is a red herring and very harmful. To minimize the harm to low-income residents of Austin we need you all to oppose a customer charge higher than \$13. Higher shouldn't be on the table. Do not increase -- in particular do not increase the customer charge higher than that as Austin energy has suggested to acquire more funding for expanding cap. This approach is exactly very backwards and will harm the supermajority of low-income people in Austin -- in other words it will harm the supermajority of cap eligible customers. We should expand cap but it should not be part of this rate

[11:29:39 AM]

height. The literal majority of low income cap majority customers in Austin do pay the customer charge already. It's not true that we can assume no cap customers are -- cap customers are paying that. Two-thirds of low-income people who are cap eligible are not enrolled in the program. Studies have shown there seems to be a limit around a third of where it's realistically possible without extensive increase in resources to enroll people in a program like cap. So what this means is the two-thirds of low-income people are paying the customer charge and they certainly cannot afford an increase, even if it's quote, unquote just from 10 to \$15. We have to keep it as close to \$10 as possible. Paying \$5 a month extra for a

[11:30:40 AM]

low-income person and for low/moderate income people with all the inflation, ridiculous rate hikes any of us face, anyone living paycheck to paycheck is hard enough and could mean getting disconnected from electricity or worse getting evicted. You have passed on a \$15 a month rate hike to all customers through the psa. Two-thirds of the people you have been talking about are already facing at least -- with a \$15 a month customer charge would be facing at least -- probably the closer to a \$25 a month rate hike. This is inexcusable and shouldn't be on the table. So I urge you to not increase the customer charge beyond \$13 a month. I agree that 5-a, if I remember

[11:31:42 AM]

correctly is the best, and if not, 4-b with \$13 a month customer charge but what is listed with the \$14 a month tier

>> Next is John Coughman.

>> Good morning. I'll be brief. I saw the proposals that went out last night for the Austin energy -- the 4-b and 5-a scenarios. I've provided written comments you should have in your pack. The main thing I want to highlight is only the 5-a option for -- divides the overall revenue requirement amongst the different customer classes -- residential, commercial. Only 5-a does it as agreed upon by the parties paying the bills. I saw -- I was shocked

[11:32:44 AM]

to see in the e-mail that Austin energy describes that difference as de minimus. It is not. That is the difference between 49.4 per cent of the rate increase being on the backs of residential customers and 50.4 per cent. It's not exactly clear what that additional excess money is, but if you go with option 4-b

you'll add over 40 million dollars to the residential class. For whatever scenarios you run, please look at the revenue allocation column and the closer you get the -- whatever revenue requirement you agree upon, we would like to see that closer to 49.4 per cent. I don't know what all is in that extra money. I think that some of it is used -- being prepared to use subsidizing folks who live outside the city, and it is

[11:33:45 AM]

also I think been described as potentially somehow dealing with the expansion of the cap program. I also disagreed with the comment that in some way the customer charge is linked to increasing the cap charge. There is no connection in my mind to the -- the customer charge is supposed to be designed for customer-specific costs and whatever costs you do and I hope you do find a way to increase the cap participation. It is a good program. But it is going to be a future cost. It's outside the test period. I would also note that if you decide to do what's been described as the graduated phase-in of the customer charge you're likely to increase the revenue that you'll be collecting more than your desired. There will be more customers that the additional costs

[11:34:46 AM]

should be spread amongst. There's a -- overcollection revenue requirement problem with that approach. I'll leave it at that and urge you to look at my written comments. Thank you.

>> Anders anders razmuszen.

>> I'm here with my wife Beth. We live in onion creek in district 5. We're here about item 31, the purchase of the 6.8 acre Anderson estate. Our 6.5 acre property shares an 800-foot long border with the Anderson tract on the south side. We have chickens, a shed, and hope to build a home. We understand the city is using

[11:35:48 AM]

it to build a park. We understand the structures will be removed and the home is partially on our hand so we're curious if the city is planning to drive heavy machinery on our property without our permission. We say please work with us. How will the city keep visitors from wandering on to our land? Across the street is a green belt. When hikers go below the dam -- there's a dam onslaught -- there's a dam. We're concerned about -- the boundary is not clearly defined and we can't have a fence. Will the city of Austin be responsible for accidents because the park pro -- we

[11:36:52 AM]

would like access to put a fence along the west side. There's also an area that has a steep decline on the side street that could be dangerous and we don't want to be liable for visitors who trespass on our land and tumble down the hill. We're asking the city to be good neighbors. Thank you.

>> Kitchen: Mayor? Sir? Thank you for coming to speak to us and, city manager, if you could help make sure that staff responds to the questions that he's raising. You're welcome to share them with our office, but we will make sure staff connects with you and addresses the questions that you're raising.

>> I can e-mail my questions to you.

>> Kitchen: Yes. If you would do that also.

>> Monica Guzman.

[11:37:55 AM]

On deck is Bertha delgado.

>> Good morning. Item 36, despite what exhibit a and other back-up documents say, there wasn't enough community engagement. Allow more time for authentic engagement of low income and vulnerable communities. We recommend you work with community-based organizations that have relationships with these communities. We agree with and support the early childhood recommendations. Item 74, we support the recommendations. I want to note yesterday afternoon and evening on the agenda and council message board, back-up documents were posted with residents having insufficient time to read and review, including me and other directors and advocates. That being said, my testimony

[11:38:57 AM]

was written without an opportunity to review those documents and provide more robust comments. In closing, we thank council members Renteria -- we thank you for your work and support of the community. Thank you.

>> Bertha delgado.

>> Good morning. I think I have a slide. I'm the president of

[indiscernible] And was also the park chair of the park we're here to talk about. Go to the next slide. We have done ten years of community outreach in my neighborhood as well as we made a neighborhood



agreement with the park department. We're ready to move forward. We have a 3.3 million dollar building that needs to be restored and needs to give back

[11:39:57 AM]

to the community. We ask that you do not vote on this item. We ask that you postpone it due to conflict of interest. Laurie Renteria cannot be moving forward. We don't want those organization to be in our neighborhood park. We've asked that you respect the stakeholders and the community. It's a disrespect for my community. I ask that all the sponsors that are co-signing this -- Ms. Madison, anybody else -- this is not in your neighborhood and we ask that this be removed and we move forward on community-engagement discussion in our community next month and we move forward with the parks recommendation.

[11:41:00 AM]

We've been waiting ten years to get this back. We have a neighborhood agreement on hand. The parks department is here. If you want to move on my slides you'll see community engagement has been done, a survey has been done. 88 per cent of the community has spoken. It's here in your back-up. We have letters being sent B to you all because we were just notified this was on the agenda as of last week, which is a very poor, you know, notification. This is a holiday, and we ask that you all respect us and not support something that's being moved forward by council member's wife. If you have any questions I'll be here today.

>> Good morning, council and mayor. I'm Lisa Montoya.

[11:42:03 AM]

I've been in district three 70 years of my life. I was born and raised in that area. Also a daughter of Edward rindon. We have been waiting for parks to do more recommendationsrecommendations. I'm against moving forward with an approval for the Hernandez building. Yes, I do recommend that y'all support the parks recommendation because we have worked many years with parks regarding this issue. And, yes, Mr. Renteria, Laurie has been sponsoring this with UT and all this. That is unfair because we just found about this a week ago, by

[11:43:04 AM]

parks that this was moving forward. We have been waiting a long time because it was needing funding and also to engage with other projects with the community. And a lot of the community members don't know this is going on. So I'm very disappointed. I'm very disappointed with council because we have parks' recommendation and I hope that y'all follow that. Thank you. That's all I have to say.

>> Anna mosiel on 59. On deck is lucky larow.

>> Harper-madison: You can sit at the table if you want to. You don't have to stand at the podium. Which is easier for you.

>> Thank you for this

[11:44:04 AM]

opportunity. I am an austenite and I'm a senior and disabled and to hear that we want to -- we want to change the Hernandez building into a senior center is unusual to me being presented at this time. The city of Austin has done a wonderful job. Pard has done a wonderful job making sure senior activities are being presented throughout the city, especially east Austin. East Austin has all these recreations that offer services to our seniors, which include Rudy Mendez, pan am.

[11:45:08 AM]

We need to make sure that the city communicates with your community. What great way of doing that through pard through the recreation centers. Why do we need a senior center being built? I think that central health needs to concentrate on making sure that they make sure they have people they can provide their services to and they also to need to make sure that they invite the community to come in. There's no connection there. I think pard does a great connection with our seniors because seniors feel comfortable going to the reck nation centers for -- to the recreation centers for the activities. There's no reason we have a senior center. Let's use those funds for other things besides what the city of Austin is already doing and that's providing services seniors need in their communities. Seniors like me who are

[11:46:10 AM]

disabled, we can't just get up in the morning and go to a senior center and -- it's not an easy thing to do. For me today, I had a doctor's appointment before I came here. I had two different colored socks. Come on, now, I do what I can to get here. I want you to remember seniors have a hard time just getting up and going places. I can't see a lot of people going to a senior center when the city of Austin has provided a luxury, really, to our seniors who can go out, play bingo, come to the recreation centers and provide these services. We don't need a senior center. The rbj right there has a lot to offer as well. So I hope that

you reconsider. I oppose this center being changed to a senior center. It's ridiculous to me. And I'm a senior. Thank you.

[Buzzer sounding].

[11:47:13 AM]

>> Renteria: The parks proposal is to make these -- the -- that building into an administrative building. Our proposal is to put in the seniors. For it to be said they just learned about it last week, this went through the CDC -- Bertha is on the CDC and agreed with it three months ago until she learned it was Laurie Renteria was that part of the group. It's more of a personal thing than what they're discussing that we're trying to do, and is trying to address our senior problem. I live within eyesight of -- I've been there 43 years.

[11:48:15 AM]

I worked and led the group to save fiesta garden during the boat races. I lived there when they first started and I could not stand that noise and I went out there and I picket. I went to the city council. There was a demonstration. There's even films right now -- they showed me there at the boat races with Paul Hernandez, Sam Hernandez -- ma'am, I'm not talking to you.

>> Mayor Adler: Hey, please.

>> Renteria: I grew up there in east Austin. I did the marches. I went out there and did the protests with my friends that we worked very hard to do, and for them to say that, you know, they're the neighborhood -- well, what are us that -- I lived in the same house for 43 years. I still live there.

[11:49:15 AM]

It's across martin middle school and right there at festival beach. I'm not going to stand here and get insulted by special interests.

>> Mayor Adler: No one interrupted you when you were speaking.

>> Renteria: I just want to make -- put -- get this straight, that the public did know. It did go through a process. We got St. Davis. We got all these organizations that are working hard for our seniors, are working really hard. And we have been led to believe by parks that there was going to be part of a senior housing -- I mean rec -- senior housing there. So that's why we're here right now, trying to get these -- this proposal through just to -- where the city manager gets to study and come back with a recommendation. It has nothing to do with

[11:50:15 AM]

giving the site to anybody. The manager is instructed to go out and do a study on it. And that's it. Whatever recommendation they come back, we're going to accept it.

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

>> Kitchen: I just want to thank council member Renteria for all his work on this.

>> Mayor Adler: Who's the next speaker? Okay.

>> Hello, mayor, manager, council members. I'm going for some positive vibes. Sorry to shift gears a little bit. I'm in support of resolution 68 that supports the cultural center funding, the cultural center projects and the creative space. I represent the friends of the

[11:51:19 AM]

Darty art center. I think you -- several of you know me already. I'm going to miss some of you who are leaving so it's a sentimental day as well. I'm in support of the resolution and proceeding with the construction projects, especially with the construction of the art scepter project. It's time to move forward with the project. I know the need has been well established for a new building. I know it's been comprehensive -- long-running support for this. There was fund inning the 2012 -- funding in the 2012 and 2018 bond election. The site has been approved and even a design -- design phase has been approved. There's a public/private partnership willing to engage in a capital campaign. I think all the projects in the resolution are worthwhile.

[11:52:19 AM]

Just to give you a little perspective, I've been coming here since 2012. The reason I became passion about it is my son went to the preschool. I got involved and became president and said we're going to get this rebuilt. It's 2022 and he's going to graduate high school next year. I gave a commitment to continue on with this and I'm going to. I want to get it moving on before I retire, before he goes off to college. It's time. I appreciate working with you all over the years. I appreciate the ones leaving. Thank you for your continuation and support of the resolution.

>> David dujohn on item 68. On deck is bill mchemally.

[11:53:26 AM]

>> Good morning, everybody. Thank you, council, for your time. I am the vice chair and past chair of the advisory board representing district 5. I'm here to support item 68. I'd like to thank the mayor, council member harper-madison, Renteria, and kitchen and continued support for the USB mak. We sit at starting construction of the phase two expansion with architects and designers, with the advisory board and staff. We have been victim to a volatile construction market. We have gone from being within budget in the spring of this year to approximately 30 per cent over budget in a matter of a few months. Unfortunately the project has had to result to value engineering scope reduction due in part to inflation, supply chain issues and competitive subcontractor market. With some of the high-rise

[11:54:28 AM]

developments under construction or nearing construction at our property line, seeing the scope of the mak phase two during record era of growth compromises it for a proud community. Reduction of scope affects our ability to meet the demands of the community. Imagine what can be done with a well equipped and fully completed facility. The board approved a resolution at our November meeting, requesting additional funds to build an expansion. We are nearing completion of the design phase and this request has much urgency to eliminate delays. I support the approval of item

[11:55:30 AM]

68 so we can begin work and to fully fund the expansion. As the neighborhood becomes one of the most dense environments in the state, the mak is one of the only forces providing a safe environment for culture to be preserved, created, and celebrated -- I should say mexican-american culture. We invite you to our ground-breaking ceremony to celebrate the start of the construction. Thank you very much.

>> Can I give a quick comment? I want to thank you for your comment. I wish I could attend this Saturday. But I have another commitment. I have requested to be added as a co-sponsor to the item.

>> Bill mchemally.

>> I'm the executive director of transit Ford, an Austin

[11:56:32 AM]

based 501(c)(3)501(c)(3). Here to speak on 74, or our organization sent a board-approved statement to your office ins the last couple of days regarding what the proposal looks like in its original form. We understand council member kitchen has some changes. We want to appreciate her communication. Our

preference is still that a vote on the board expansion, piece of this resolution is delayed. We think it's important to keep everyone's focus on the engagement process for the first light rail investment piece that you all heard about last week at the tri-party meeting. The citizens advisory council will be a critical part of the process and the new proposal being put out overlays the time for creating new processes for board expansion with those processes and our preference

[11:57:33 AM]

would be to have a laser focus on the critical piece that's going to be coming forward. That being said, we appreciate that the effort is being made to provide more flexibility. Being kept in the loop as this has been developed and being named in the resolution as a partner for engagement. If this is passed our organization and members will commit to working with our friends at the cac who we respect greatly to get the best possible outcome for all of us in the city. Mayor, members of council, thank you --

>> Kitchen: I have a question. You understand the revisions don't dictate a time line for council to take any further action. We deliberately advised it that way to tfa's concern about the time line could be addressed by the next council. Just want to make sure you

[11:58:34 AM]

understand that the language reads such that in the spring if there's concerns about pulling time away from other activities, this doesn't -- you know, there's enough flexibility here that that can be addressed.

>> We appreciate that very much. We appreciate the consideration. Our worry is if the citizen advisory council is going to be one of the main organisms atp looks for, that time frame is overlaid with the time frame requiring a plan at the and that's just our concern that we really want to keep focused on the process itself.

>> Kitchen: I understand that and I hear that concern. The cac is comfortable with moving forward with this and comfortable with working with you guys, but you are specifically named. So as you all get into the process, you guys can say oh, this really isn't going to work. We need more time. It allows that flexibility

[11:59:36 AM]

to occur.

>> And we appreciate that very much and we appreciate working with y'all and the consideration. That's kind of where we're at.

>> Kitchen: Thank you.

>> Thank y'all very much.

>> Shal Connelly on item 24.

>> Good morning, mayor and council. I wanted to share our considerations from our perspective as advocates and as members of the cac. I want to express first broad support for the item put forward by kitchen with the latest amendments. The most important point for all of us in this is that there be no board expansion without clear transparent changes to the process that allow for the needed transparency. That is the key. And that we have a very clear process to understand what problems we're trying to solve for and what criteria with the new board members so we don't keep adding members to the board who aren't deeply invested in and have the necessary experience to move a mass transit process forward. That is the number one priority for us.

[12:00:37 PM]

So around timeline, I would defer to staff and I would defer to the leadership of the cac as well in figuring how when and where is the best time to move this process forward, but for us the most important thing is that we don't take one piece of this or do a change or an expansion to the board without clearly understanding what we're trying to do and why and have a clear, transparent process for everything. So thank you very much. Those are all my remarks.

>> Kitchen: Thank you very much. So what I'm hearing is the transparency aspect is very important. The transparency aspect, we're using that term, but just for the public, what that means is that the application process for an atp board member is -- that the names of the people who apply is public, the names of the people that are interviewed is public. The recommendations that the nominating committee makes allows for some time so it's

[12:01:37 PM]

public. So it allows two weeks, I think. And then the other transparency provision is that any criteria that the nominating committee is going to apply is developed and shared publicly and with the cac.

>> Yeah, that is exactly correct. That is what we mean by transparency and really just to underscore both the criteria and the names that are being considered for nomination. Both of those things matter, yeah.

>> Kitchen: Thank you, yes.

>> Mayor?

>> Mayor Adler: Let's try not to debate these items so we get through speakers. It is already after noon and we -- after 12:00 and we still have more speakers to go.

>> Kitchen: I will bear that in mind.

>> Mayor Adler: Council member vela. Next speaker.

>> Zenobia Joseph she's called in on items 8, 9, 10,

[12:02:42 PM]

35, 72, 75 and 77.

>> Thank you, mayor and council. I'm Zenobia Joseph. Mayor, I know you're pressed for time but may I ask you a technical question?

>> Mayor Adler: Your time has started so you can use your three minutes however you want it. I don't know that I'll answer any questions. But you can certainly ask. Zenobia Joseph yeah. Mayor, so I would respectfully ask you not to use this part of my questions for my time. The question that I have is who decides when to combine the agenda items? You have many items related to the St. Johns redevelopment, but they were not together on the agenda. And then other times they are together. So that's one question. And then the other question I have which is technical is how does a person in the public get their information into the backup materials? And I'm not sure if that's

[12:03:42 PM]

the liaison when it comes to planning commission and zoning and platting commission or if that's the city clerk's office. So those are my two technical questions.

>> Mayor Adler: The clerk's office puts things

on the agenda: And the public does not put things into backup. The staff puts things into backup and council member offices can put things into backup. So if you want to get something put in the backup you should approach a council member or the clerk. And now let's start your three minutes.

>> Yes, mayor and thank you for answering my question. As it relates specifically to the agenda items, I just want to preface by saying that transparency is important, however title VI of the civil rights act of 1964 which prohibits discrimination based on race, color and national origin, is paramount when it comes to you getting federal

[12:04:42 PM]



funding. So I just want to say to anyone in the public domain who may be frustrated with you and project connect and the way that you're trying to get funding and circumventing the process, you can follow the U.S. Department of justice and civil rights divisions at usdoj.gov and the person would be Kristin Clarke, the assistant attorney general. Or you can send the comments to the treasury. The items that are through the build America bureau is really just you getting funding through Pete buttigieg. We know that he is quoted as being your mayoral bff and I know in a tri-party meeting you noted there are creative

[12:05:44 PM]

ways to get funding. So I am adamantly opposed to you circumventing the process so if those innovative ways of getting funding for project connect are not available throughout the United States then you are circumventing the law. As it relates specifically to the St. John's project, I just want to call to your attention that you are segregating the city and that will be your legacy, mayor. And respectfully, 60% area median area income is about \$60,000 according to the June 15, 2022 cdbg hud chart. So I just want you to recognize that when you have all of the 19-acre units at 60% area median income or below, that's African-Americans that you're targeting, and specifically 80% and higher the 19 acres that you just approved for downtown at the old "Austin american-statesman" building is going to be exclusively for white people. And that is actually

[12:06:45 PM]

prohibited by title VI as you're aware, as it relates specifically to item 36, which is your equitable transit oriented development, I just want to remind you that on December 17, 2018, you actually testified before capital metro when they adopted the project connect long-term vision plan and it started the first station south of U.S. 183 and that has not been revised. That information was also given to you in your joint meetings as well. So unilaterally changing the determinants to the north Lamar transit center in order to use the ridership is like using black and brown people like slaves on a plantation and I would ask you to cancel this entirely

[indiscernible].

>> Thank you,. University of texas,speaker, your time has

I'm going to reconvene the Austin city council meeting here at 12:15 P.M. We have the consent agenda in front of us. It's items 1 through 75. Let's see if we can put some things back on quickly, if we can put them on quickly we'll put them on. I want to vote on the consent agenda before we break for lunch. I'm not sure there's else we can do. If it turns into something that's too long I'm going to pull it and we can deal with

[12:15:57 PM]

it this afternoon. Let's begin here in order. Item number 4 is pulled, needs to stay pulled. Item 8 is St. John. Councilmember Tovo, could that be put on to consent?

>> Tovo: I believe so if our applicants can come up. I think we've got some agreed upon amendments.

>> Mayor Adler: Okay. Is the applicant here?

>> Tovo: Maybe we can circle back around but I think it will be really snappy.

>> Mayor Adler: We can circle back around. If the applicant is here it can be put on consent. What about item 11?

>> Tovo: Maybe after lunch.

>> Mayor Adler: 11 can't be. What about item number 33, councilmember Ellis? 33 and 34?

>> Ellis: Yes, mayor. I got an answer from staff in the q&a about the human capital management system and they are planning on moving forward in line with the budget direction from August. So I'm happy to put those back on.

>> Mayor Adler: 33 and 34 on back are on the agenda.

[12:17:01 PM]

Next one I'm looking at here that might be able to be put, 53 remains on the consent agenda. Let's see here.

-- What about item number -- sorry?

>> Vela: I think -- go ahead.

>> I had pulled 35 and 36.

>> Mayor Adler: All right. Could that be put back on consent?

>> Kelly: I'd like to ask for a postponement until my staff with review the contracts. I can lay out why I have my reasoning.

>> Mayor Adler: Does staff have any objection to postponing number 35?

>> [Inaudible - no mic].

>> Mayor Adler: That's okay. We'll keep that pulled. We'll keep 35 pulled. I'm going in order here, guys. The next one we have --

>> Alter: I also object on the postponement for 35.

>> Mayor Adler: It's okay, it's pulled. The next one I see here, 36

[12:18:03 PM]

should still remain. Councilmember harper-madison pulled.

>> Harper-madison: As long as you follow through on giving me my present like promised earlier today. Yes, sir.

>> Mayor Adler: Okay, it will stay unpulled or go on consent.

>> Harper-madison: It can stay on consent.

>> Mayor Adler: 36 stays on consent.

>> Vela: I'm sorry, mayor, can I clarify. That's with your amendment, council member? Harper-madison it is. Councilmember alter had a brief question and it was resolved.

>> Mayor Adler: 36 as amended by the posted amendment by councilmember harper-madison stays on consent. I think the next one I'm looking at here is 58, I've handed out an amendment on that, but if it needs to be stayed pulled because it's pretty extensive.

>> Mayor, on 53 I still had a question for staff.

>> Mayor Adler: So you want that pulled?

>> Yes, unless staff wants to try to handle it quickly.

>> Mayor Adler: Do they know the question?

>> Ellis: I'm not sure, but I see director Mendoza

[12:19:04 PM]

here.

>> Mayor Adler: Do you want to ask.

>> Thank you for am coulding up, director Mendoza. Item 53 is lowering the speed limit on Barton springs road and I wanted to clarify -- sorry, I would have done this earlier but I was out of town earlier this week. This does not cover the section within zilker park. Can you tell me what next steps would be to potentially review that and lower that as well? As it stands right now it's lowered outside the park and then the speed would actually increase as you enter the park and that seems counterintuitive to me?

>> That's correct. Richard Mendoza, interim transportation director. That section of Barton springs road from about 650 feet west of ozzy Morton out to mopac actually has fewer drive accesses and conflicts that would make it more challenging to -- through an engineering study to justify lowering the speed limit. And we did not want that to hold up lowering it for the more impacted area. Our plan currently is to

[12:20:07 PM]

install a pedestrian hybrid beacon at the botanical gardens drive and make additional sidewalk and bike improvements for that section. And then come back and look at the speeds. Typically with when we do those types of improvements it makes driver's behaviors aware of those multi-modal aspects and lower speeds. If you desirous to include that in this we'd be more than happy to do so.

>> Yeah. I think it would make sense for it to be the same speed throughout the whole Barton springs road. But if we need to meet offline and understand how this plays with the zilker park vision plan and like you said, the hybrid beacon going in near the botanical gardens, I would love to do anything we can to let people know they're entering a park space. There are people with puppies and strollers and picnic baskets and really trying to enjoy the park and making sure we're not inadvertently having people speed up and go faster.

>> Yes, ma'am.

[12:21:08 PM]

And our plan is to study that portion but after we make the interim improvements and that way we can move forward with the other section and then come back to this area.

>> Ellis: I appreciate it. Thanks for coming up. We can put that back on consent.

>> So the record is clear, 73 is back on the consent agenda. Councilmember harper-madison, while we're having a break, your item number 36, you have a motion sheet you distributed on the dais. Is it in backup for the

[12:22:08 PM]

public to see?

>> Harper-madison: That's a did question that I can't answer. I can ask my staff whether or not it's in backup for them to see. I don't know.

>> Alter: It was posted on the message board.

>> Mayor Adler: So that was -- which number was that? 53 stays on consent. On 59, council member Fuentes has offered an amendment that's been posted that I think puts a whereas where there are other places that might also be considered for a pilot program. Council member Fuentes, I see that you've asked to be

[12:23:08 PM]

inserted that city manager is directed to conduct community engagement meetings to gather input on initiating a pilot program at locations recommended by the parks and recreation department. Is it okay with you that when they do that analysis they also consider as part of the universe of places to consider the Nash Hernandez building? Okay. So if we change.

>> Fuentes: Amendment to put that as among the universe of places to be considered. Any objection to that amendment being made? Insert after line 91 it would say city manager is directed to conduct community stakeholder engagement meetings to gather input on initiating pilot program at the locations at Nash Hernandez building and at the locations recommended by the parks and recreation department. So it just becomes one of

[12:24:09 PM]

the places that staff can consider as they're finding the best location.

>> Vela: Mayor -- go ahead.

>> Mayor Adler: In my mind I rule that to be germane because I think it's how we manage the Nash Hernandez building. We're just saying it won't be considered alone and I find that to be within the posting language. Okay. Anybody object to that? Okay. So with that amendment and with that addition that's going to stay on consent. 59 stays on consent. Sorry?

>> Sorry, mayor, I need to pull item 64.

>> Mayor Adler: Okay. We'll pull 64. I'm looking to see if there's anything else here that we might be able to add back on.

>> Kitchen: Mayor?

>> Mayor Adler: Item number 68 was the mac and

[12:25:13 PM]

dacc that basically says do the work necessary to put the council in a position if it wishes to fully fund and complete these projects and directs the staff not to proceed with half a plan until the future council decides how it wants to proceed. Councilmember tovo, I appreciate the amendments that you suggested we've tried to incorporate them into the revised draft that's been posted and handed out. Does anybody have any objection to those amendments being added and it staying on consent? Councilmember Ellis. You had pulled it.

>> Ellis: Yeah, I did pull it and that is in line with where my questioning was going to be. And just simply the nature of now that we're going to have four new members on the dais soon are we committing a future dais to what the next bond program might look like and just so people know are we already putting these items into a bond package or are we deciding that later? So I think I got my answers -- my questions answered by staff, jujus

[12:26:13 PM]

wanted to make sure I knew what the steps were as we approach this conversation moving forward.

>> Mayor Adler: It's not intended to make any decisions on any future bonds, but just to make sure that the information is available to the next council so that if you want to put it on you're not told it's not ready to be put on.

>> Ellis: That is helpful. And then the next dais will have to figure out what these programs look like.

>> Mayor Adler: I'm adding that to the list of things I'll be enjoying popcorn and enjoying to watch. Yes, councilmember kitchen.

>> Kitchen: On that one, I didn't hear everything you said. It's written that it doesn't authorize reducing the scope of the dacc?

>> It is intended to make sure that it doesn't reduce the scope at this point. It says don't build half a dacc. At this point let's put the next council in a position to fully fund it.

>> Kitchen: I ask that because there was a lot of conversation about accepting

[12:27:15 PM]

the dacc plan and I wouldn't want to authorize this staff to change that dacc plan.

>> Mayor Adler: It does not. In fact, it seeks to empower the system to be able to build it all. If that's what the future council decides to do. Councilmember tovo.

>> Tovo: I have as I mentioned a couple of quick amendments on eight that are on their way down.

>> Mayor Adler: Which one?

>> Tovo: Eight --

>> Mayor Adler: Hold on. We haven't gotten to eight yet.

>> To be clear on 68 the item dramaticking about is 68 version 24?

>> It's 68 version three that's been handed out. That version stays on consent.

[12:28:16 PM]

>> Kitchen: Mayor, I think 69 is ready to be put back on. I'll let councilmember Kelly --

>> Mayor Adler: 69, councilmember Kelly.

>> Kelly: Yes. So earlier after our discussion this morning, I was able to post language for my motion sheet on to the message board. Since then there has been a version two that has been circulated a my intend is to be sure that we as a council have as many data points as possible in order to measure the effectiveness of what we're doing. This has to do with the north bridge shelter. I move to amend item 69 to add the falling clause, be it further resolved the city manager is directed to produce a report that gains information regarding resident length of stay, exit surveys of experience during the stay, number of residents year to date at the time of report and any concerns or comments from residents during their stay and report to the city council no later than March 31st, 2023 and every year after. And I believe councilmember kitchen is willing to accept that as a friendly

[12:29:18 PM]

amendment.

>> Kitchen: Do I need to wait for my colleagues to finish?

>> Kitchen: Yes, mayor, I accept the language that councilmember Kelly just read. It's just asking for data and it is -- and we have consulted with Diana gray and it's acceptable to her. It's tracking with what she's been tracking and presented to the public health committee and that makes it more specific so that's appreciated thank you.

>> Kelly: Thank you, councilmember kitchen.

>> Mayor Adler: That will stay on consent with the Kelly amendment as that's been read in. That was number --

>> Kelly: 69.

>> Mayor Adler: Thank you. 69 rather. Councilmember tovo, on 63, v2-- I've handed out a v2

[12:30:22 PM]

amendment. You wanted to make a comment on the third be it further resolved on that page and change the come back dates.

>> I do.

>> Mayor Adler: I think that will be okay.

>> Tovo: I'm going to need to ask for my amendment sheet back. Mayor, I'd like to move approval of this item. Oh, no, I don't need to because it's on consent. It can remain on consent with the edits that you proposed, which are good ones. I would like the manager to come back by March 1st with the question that we put forward, which is to really just take a look at the report, our housing staff have been -- this is the product -- the report is the product of the work of two students at the school of law and Heather way, and they've done great work. Heather way was the professor of Sara and Madison were the students who did incredible research. They have met with my staff several times and been working closely with our housing staff. I think the recommendations

[12:31:23 PM]

that they've identified are really ready for review around either implementation or a request for policy action from the manager. So I had like that review to happen by March 1st 2023. You have added some good changes. The first be it further resolved works in that time frame. The next be it further resolved really goes beyond the scope of this report. So I think it is an interesting body of inquiry. I don't think it can be accomplished within that particular time frame so I would just ask that you separate that out with the June 30th date that you proposed, but just know that it really does I think go beyond the scope of the report.

>> Mayor Adler: And I agree it does, but I think it's tied questions and I'm okay with those changes so let's change the language in the last be it further resolved so it says the city manager shall report pack to council my March 1st, 2023, except that the report

[12:32:24 PM]

back on the resolved clause immediately above, which is the last -- otherwise the penultimate resolve clause shall be June 20th, 2023.

>> Tovo: That's great. And to commend to my colleagues the backup. It's finalized and in the backup. They have done some incredible research as I've pointed out and have provided us with some recommendations for how to fix what are some really concerning problems, including that housing -- like the affordable units at the grove had such a high assessment value their first year that the folks who



qualified for them really struggled to pay it. So there are some really -- some things we really need to attend to to make sure that in our ownership units people can afford to stay in especially during that first year, and there's some good fixes. So thanks again to the UT school of law, the entrepreneurship and community development clinic, Heather way, Madison and Clifford.

[12:33:24 PM]

>> Mayor Adler: And manager, by adding that penultimate clause it gives you and staff wider purview to comment on this issue and get us to a good place. Okay. That stays on consent with that amendment. That was number 63. Is there anything else that we think can go? Councilmember tovo?

>> Tovo: I'm now ready with eight.

>> Mayor Adler: Okay.

>> Tovo: And I can read those and they're being distributed on the dais and will be distributed with the clerk here soon. This is the St. John's item. Thanks to all the community stakeholders for participating in this. It is really exciting. The amendments will be as follows. The city council requests that there be continued conversations with stakeholders and childcare professionals about on-site childcare for the general community. Number two, at least two weeks prior to final execution of the mda, the mass December development agreement, the city manager shall provide to the city council an update on the childcare conversation and on any other major changes

[12:34:25 PM]

to the terms of the agreement in a memorandum to council. If we're negotiating and executing that allows and affords an opportunity for the manager to let the council know about any major changes in enough time for them to take action before it's executed. And then thirdly, the term sheet is clarified to specify that the city has the option to buy back the property. The word city was missing. There's a discussion. It's my understanding that the housing authority is going to be the main owner. There will be a buy back option for the city at a price of one dollar, is that correct? And -- but the term sheet that we're approving today didn't specify who had that right to buy back. So inserting the word city clarifies that.

>> Council member Fuentes, are you welcome -- owe councilmember vela, are you okay with the changes.

>> Yes.

>> Mayor Adler: Councilmember Kelly, on item 69, the amendment we agreed to was something you labeled version two, is that correct?

>> Kelly: Yes, that is

[12:35:25 PM]

correct.

>> Mayor Adler: All right. Anything else we can put back on? Is there a motion to approve the consent agenda? Councilmember kitchen makes the motion. Councilmember harper-madison seconds that. Any discussion before we take a vote on the consent agenda?

>> Which one is that?

>> Councilmember Kelly.

>> Kelly: I would like the clerk to reflect a no vote on item 40 and 46 for me, please.

>> Mayor Adler: Okay. Mayor pro tem?

>> Alter: Thank you. I wanted to note item 39. I want to really highlight the efforts of our Austin public health staff in negotiating with the county regarding the cost-sharing models in our interlocal agreement on our agenda today. This new IIa includes a cost sharing model that captures the real cost and I think this is a healthy step in the right direction for our partnership with the county. I believe that making this a six-month term as reflected in changes and corrections

[12:36:26 PM]

demonstrates urgency to our plans at the county as we continue to negotiate the terms of our partnership for extraordinary events. We know that our future will likely and unfortunately include more unexpected public health emergencies, so memorializing our partnership and financial expectations with the county is imperative. I intend to stay apprised of those negotiations with the county as they continue so I wanted to say thank you. I also want to note that implied that we are finally moving forward with a human capital management software and its implementation. This is at least six years in coming and hopefully when it gets implemented it will make a big difference. We will need to look at some of the procurement steps that we take for large softwares and see if we can speed things up. Thank you.

>> Mayor Adler: Okay. Consent agenda, the pulled items that I have -- consent agenda is 1 through 75. The pulled items are 4, 11,

[12:37:26 PM]

35, 58, 60, 64, 67, 72 and 74. Yes? Item 4, 11, 35, 58, 60, 64, 67, 72 and 74. Ready to take a vote? Council member vela.

>> Vela: I wanted to make some brief comments on the St. Johns. First of all I want to thank the St. Johns community. You heard from a couple of members earlier for staying on top of this project for pushing us to get it done. It's going to be a huge asset to the community, significant amount of housing, significant amount of affordable housing, new commercial opportunities, a beautiful expansion of the park. I've got to say thank you to our staff, Suzanne and

[12:38:26 PM]

Christine who have worked extremely hard to get this done as well as graystar and haca who have also done some stuff negotiating and gotten us to this point. I've got to thank the city manager and the assistant city managers who have worked so hard on this. The mayor and my council colleagues who have been pushing this project forward. And finally I've got to thank my predecessor Greg Casar who is not here to finally see the project through, but I know that this was one of his priorities. He still -- he asks how is the St. Johns project going? So I've got to thank him. He really ran most of the race and he passed the baton to me and I'm happy to carry it across the finish line. I want to say thank you to everybody involved, especially the community. That Home Depot is an eye on sore, everybody is like let's get this done, when we going to see this? I'm happy to see it on this agenda and moving forward. Thank you very much to everyone.

[12:39:27 PM]

>> Mayor Adler: Councilmember harper-madison?

>> Harper-madison: Thank you. I had a few consent agenda remarks. Item 29, the millennium youth entertainment center, I'm super happy to pass item 29 which provides some much needed tlc for one of the finest district 1 landmarks. The complex first opened up about 25 years -- I used to make fun of people with allergies before I got them because I thought it was funny for adults to be all itchy faced and my eyes itch, my allergies. And then I turned 42 and it hit me. I am so sorry to anybody I ever made fun of. My bad. So this item, after it opened up 25 years ago, served as what was supposed to be an affordable recreation option for kids on the eastside. I know we talk a lot about the eastside, but a lot of folks who talk about the eastside we're here in the thick of it. So in the '90 when the MI

[12:40:30 PM]

classmates were literally dodging bullets we needed a place to go and play that was affordable and accessible and that was allowed to happen. I'm just going to make reference as we move forward into

'23 and that was allowed because the community was disinvested in. And like he every other community in the country, crack cocaine hit 78702 and other parts of east Austin and disseminated any community. This facility came to us not in the best circumstances, it came to us because we needed it and I really appreciate that we're making the necessary investment and an asset that at the time we needed it. And now that we have it, we really are the stewards who should be taking care of it. So that said, it's where we pulled off one of the largest food, water and emergency supply distribution efforts in the wake of winter storm uri, which is pretty appropriate. It's place that a lot of special meaning -- holds rather a lot of special

[12:41:30 PM]

meaning for all kinds of people and of all ages. Roller skating has made a resurgence. I'm not doing it, but I know a lot of y'all are out here roller skating now and it's lovely to see the diverse community accessing the millennium youth entertainment complex for roller skating as of late. It's been really a nice thing to watch. The old girl, though, has really been showing her age. That's why I'm thrilled to be able to offer the greenlight on the investment that will bring it back to tip top shape so we can continue to have it serve as the vital community space that it's always been and should be, frankly. Item number 52, metro bike expansion grant, we need to recognize how far ahead of the pack that the city of Austin is when it comes to bike-sharing systems. When so many other major American cities have outsourced their systems to private corporations we've recognized that this form of transportation is, frankly, a public utility, which is why I'm glad to see and help

[12:42:30 PM]

metro bike in its quest to expand its footprint in a way that expands equity and access by enlarging its presence in underserved communities especially in district 1. I love watching my income restricted apartment complexes access these first and last mile options. Scooters, the scooter people didn't think about my folks in income restricted complexes. These bikes, I don't think the powers that be are thinking about the folks in my district who use them and take care of them. I love watching us get those points of access, watching mobility be equitable as it really does make being hopeful for our future. And the carver museum falls under the umbrella of assets that are getting some love through item number 68. So thank you, mayor Adler for allowing me to

[12:43:31 PM]

co-sponsor that item. I think this forward thinking resolution really proves that you have that commitment to our city. And that it won't leave the day when you leave office. And our parked on your sofa eating popcorn. I am also excited to see a responsible financing plan that let's these expansions

reflect the growing diversity of our city. I think more and more we'll have to challenge our self. I heard some folks make reference earlier today to -- not even just today, but years and years of planning. Years and years of contributions by the community. You know, I want to challenge us as a community to just kind of stop thinking in that way. I'll be honest with you, I'm watching infrastructure projects, not just stop, but stop altogether! There's no more money to execute the thing that you ran pro Forma on six years ago. And that's across the board. It's construction projects, it's residential, it's commercial. It's -- across the board I think generally speaking

[12:44:31 PM]

we're all going to have to really start collectively being open to recalibration because where we were 10 years ago, three years ago, eight months ago, we are not anymore. We can't say we put so much time in it. You can put a lot of time into a wrong thing. So I offer us the opportunity to grow and expand and evolve and really just think realistically about the limitations of our resources and not just keep doing something because we always have. Thank you, chair.

>> Renteria: I just have a really quick comment.

>> Mayor Adler: Go ahead.

>> Renteria: I want to thank my colleague Vanessa for working with me on also leaving the Nash Hernandez building in the study.

[12:45:38 PM]

We worked years on that particular site. Before then there was discussion about making it into an activity center with food trailers out there. That didn't go through, but it's been sitting there for almost 10 years without being used. So I really want to thank the park board for committing to fix that place up. It needs a lot of attention. And I just want to tell everybody here in the audience since this is our last meeting, Feliz navidad.

>> Mayor Adler: Sounds good. All right, that's through. Colleagues, item number 67, which is the continuum of care resolution, can go back on to consent with version 2. Councilmember tovo, thank you for your assistance in making that better. The amendments are on there

[12:46:39 PM]

and it basically says that we really want the staff everywhere it can to focus on those units that can take people off the street. And out of tents. Councilmember tovo.

>> Tovo: Mayor, I've now had an opportunity to review the responses to question 11. Thank you, councilmember kitchen, for asking those and thank you to your staff for continuing to look out for those items. I'm ready to put it back on.

>> Mayor Adler: 11 goes back on consent.

>> Tovo: Since this is our last meeting, I am to implore my colleagues to continue to work on those contracts where we're outsourcing that as a policy statement this council has said we want to bring those jobs in on so we're not saving costs on the backs of employees and doing good work for the city. This one seems reasonable, but I do think that it's

[12:47:39 PM]

going to need -- it's going to need continued vigilance to make sure as a city we're still moving away from those outsourced contracts and to having those permanent city employees.

>> Mayor Adler: Okay. So the pulled items I'm seeing now are 4, 35, 58, 60, 64, 72 and 74. I appreciate everyone's help in paring that down. We'll take a vote. Those in favor of the consent agenda please raise your hand? Those opposed? It's unanimous on the dais with those notes noted. Colleagues, we're going to now listen to music and then there's going to be an award. It is 12:48 right now. I imagine it's going to be 1:00 before we finish that work. I'm going to suggest that we come back at 2:00 and take the zoning speakers.

[12:48:42 PM]

I'm sorry? We're going to do a publication first because there's only one speaker and then we'll get through. All right, do you want to call the public communication speaker?

>> Mayor, are we doing executive session today over lunch.

>> Mayor Adler: We'll do executive session, but not over lunch.

>> Tovo: Okay.

>> Mayor Adler: Let's call the public communication speaker.

>> Lory Mitchell.

>> Mayor Adler: Is Ms. Mitchell here?

>> Harper-madison: Chair? Chair Adler? Mayor? Can we encourage everybody exiting chambers to be respectful of the speaker and to keep the noise down, please.

>> Mayor Adler: Yes, people, please let the speaker speak.

>> Harper-madison: Thank you.

>> Mayor Adler: Go ahead.

>> Greetings. I thought I had 10 minutes, but they say I only have three so I will get started. September the 15th I was on the phone with my case worker.

[12:49:45 PM]

She was looking for a bed for me at a Brock springs hospital. Because I no longer wanted to be here. Legend of lake creek apartment had retaliated on me -- let me start here. I want to start by giving thanks first. Today is my 16th day of being homeless. But I am thankful for some things. I wanted to thank you guys for partnering with the Texas legal grand. I want to thank them for saving me from being fast tracked on eviction on 5-18. 5-18 was the very first time that I found out that I was being evicted and it was accelerated greatly by giving this form. It says I received it on 5-16. I onliest the house once that day and that was to

[12:50:47 PM]

hand out these flyers that the city of Austin says is supposed to have protection from. So I exercised my right to hold up these flyers because we couldn't get ahold of corporate. Asking other than residents to let's all band together and get some things fixed. Right after that here is my violation, just one of my violations for making bad faith and false allegations. Coincidentally when I looked to find out that the three-day -- the three-day notice I was supposed to get, it said may 4th. Coincidentally I was also in the office on may 4th asking about the eviction process. I had actually approached them with -- I was going to

[12:51:48 PM]

file a recoupment. The very moment I mentioned that I was going to file a recoupment because they had been in violation for at least that time about 100 days. Of course, code came out and gave them a whole 159 more days and it's still not fixed but I won't even get to code today. So after I told them I was going to file a recoupment, that's when they fast-tracked eviction and that's when all the violations came. The first violation was of course the one we're trying to exercise my rights. They immediately start to blame me for the water leak that took place back in November. And so I wrote this note down.

[Buzzer].

>> Mayor Adler: That's okay because you talked about some things and we want to get you some folks to visit with.

[12:52:49 PM]

Manager, can you have your staff visit with her and see if there's --

>> Absolutely, thank you, mayor.

>> Mayor Adler: Okay. Here's someone on staff to be able to talk directly to. Thanks for coming down and joining us. I think that's the only speaker we have signed up for today. With that then we're going to recess the meeting, subject to the music and then the dsa. So let's go ahead and do that. The time is 12:53. And we'll come back here at 2:00 to do zoning. Zoning speakers.

[12:57:37 PM]

>> Pool: I'm the councilmember for district 7, but more important than that even is I'm a massive fan of shake Russell. And so I am delighted today to bring this special guest to come and play a couple tunes for us today. Texas singer/song-writer shake Russell. I have a little bit of stuff to say. I've lined up some pretty good lies to tell. I'll just dive in. For more than three decades, Texas singer-song-write R shake Russell has written or cowritten hundreds of melodies throughout the year. Shake's songs and albums have frequented the billboard charts, with many, including deep in the west, you've got a lover, put yourselves in my shoes, one more payment, and our kind of love being recorded by such

[12:58:38 PM]

distinguished artists as Whalen Jennings, Jessie, Ricky, Clint black, and Carolyn Johnson. Shake is a two-time recipient of the bmi millionaire award for Clint black's recording of "Put yourself in my shoes" and "One more payment," both of which he cowrote with Clint, and a recipient of other awards. His song was nominated for the best new song. In 2011, shake made history by being named the tma entertainer of the year for the third time. In 2004, 20008, and 2011. He received a proclamation for 50 years of writing and playing music in Texas, as well as the cma award 2022, living legend.

[12:59:39 PM]

Mayor, thanks for joining me here today. I guess we'll step aside and let Mr. Russell play his tunes.



>> Mayor Adler: Assuming he's not going to play brand new stuff, are we allowed to sing along?

>> Please do. Thank you, Leslie. Thank you, mayor Adler. This is Anthony here with me today.

>> Thank you.

>> Yeah. All right.

>> Thank you.

>> Thank you for this honor and my own day here in Austin. I first came here in 1972 when all the songwriters -- it was a music Mecca back then for a young songwriter, the place to be. Here I am 50 years later, celebrating my 50th year and getting all these awards. It's really nice. Thank you so much, city of Austin. I'm going to do a tune I wrote for a centennial celebration last century in '86, for a TV show called the eyes of Texas, the late great Ron stone. You might remember him.

[1:00:41 PM]

[1:03:24 PM]

>> Thank y'all. Thank you. Traveling Texas. Thank you. This next song I had a request to do from Leslie, for her old friend Carol cook -- Harold cook. He played this on his piano. This is for Harold. It's called "Deep in the west."

[1:07:54 PM]

>> Thank y'all. You know, I want everybody to give a little light and a little love in this world. Show a little kindness to one another. Understanding.

>> Thank y'all very much. Thank you. God bless you all. God bless Texas. Thank you. Anthony, thank you.

[ Applause ]

>> Pool: You know, just a quick little comment. I came to Austin in 1980. I came to Texas in 1977. And music has always been a really big part of who I am.

[1:08:56 PM]

And there is nothing more welcoming or place-setting than the music of our Texas singer-songwriters. They really can -- the state that we live in and the conditions we live in and the geography and the people. And so this has been super important to happen today on the last day for four of our councilmembers and the message that's coming from shake I think is one we should carry in our hearts forward. And I thank you, shake and Anthony, for being here today to do all of this. And now I'm going to read. That's great.

[ Applause ]

>> Pool: Let's put that aside and get down to the main business, which is this proclamation. Be it known that whereas the city of Austin, Texas, is blessed with many creative musicians whose talent extends to virtually every musical genre and whereas our music scene thrives because Austin audiences

[1:09:57 PM]

support good music produced by legends, our local favorites and new comers alike, and whereas we are pleased to showcase and support our local artists, now I therefore, Leslie pool, councilmember for district 7 on behalf of Steve Adler, the mayor of Austin, and the entire city council of the live music capital do hereby proclaim December 8, 2022, as shake Russell day.

[ Cheering and applause ]

>> Thank you. There you go.

>> Well, thank you. Thank you for spearheading this for me, and thank you, mayor Adler, council, and the city of Austin for this proclamation. Like I said, you know, it's a crazy world we're living in, all this division. In my day, wake up and show a little love and light to your fellow beings and a little consideration and a little

[1:10:57 PM]

kindness, is what I ask. And also, not seriously, but free toll roads for 24 hours.

[ Laughing ]

>> That's it. Thank y'all.

[ Applause ]

[1:12:00 PM]



[1:14:03 PM]

>> All right, if I could have everyone's attention. Again, mayor and council, it is my privilege to recognize a longtime public servant and employee of the city of Austin, Jerry rusthoven. He will be --

[ cheering and applause ]

>> As you may have guessed, Jerry will be retiring early next year after 29 years of city service. You know, public service is a calling that one cannot just take lightly. And in his service to Austin, Jerry has been instrumental in collaborating with neighborhoods, developers, city departments, and community leaders to assist with development in our city with a

[1:15:03 PM]

keen eye on preserving the assets that we value as a community. And while we celebrate and honor him here today we want to share with Jerry how much we will miss working with him in these meetings and making sure that we are doing the work of city government. We collectively have relied on him to provide details on zoning cases and have enjoyed his ability to share the events that led us to these decisions. Jerry's ever-present dedication to public service and his flavorful humor cannot be replaced nor should we strive to replace him. Rather, we will honor him with acknowledgment of his dedication, character, and lasting imprint on our organization and our city. We will wish him the best in his next endeavors and provide our gratitude for his service. I'd like to introduce housing and planning director Rosie truelove to share a few words as well. Thank you very much.

[ Applause ]

[1:16:06 PM]

>> Hi, Jerry. I've known Jerry for more than 24 years. And when I first learned of his decision to retire, I think my first reflection was how much I will miss laughing with him. Aside from his extensive knowledge of zoning rules, land development code and his astute ability to explain complex land use matters in the easiest of terms, one of my favorite character traits of Jerry is his humor. I first met him when I was an executive assistant in the city manager's office and he was a council aide working for Jackie. We were at the Icra. That should date both of us. Many times we were on different sides of the equation. But what I remember the most was hanging out in the tiny bullpen in the back and having a lot of laughing fits. Fast forward 20-some odd years later and I find myself still talking with Jerry in the staff area of council meetings. We're on the same team working

[1:17:07 PM]

together in the housing and planning department. We're still laughing. I appreciate his humor more now than I did then because I know him better. I know what a strong family man he is, how devoted he is to his wife, son, and daughter. Patty is here, Justin was here, and his daughter couldn't join us because she has to take some finals. When Jerry speaks of his family, a big smile reaches across his face and he talks about their achievements with such pride and joy. He does the same when he reflects on the mission of the work we do and the impact his recommendations and those of his team have made on neighborhood plans, development, and preservation to the communities that we serve. He has been a specialist in in this field for almost three decades and has been a consistent and trusted adviser on development facing the city, even when it created healthy discussions by passionate advocates on either side. He manages those conversations with grace, listening to both

[1:18:08 PM]

sides. And he has a dedication to try and resolve critical issues while showing respect to those who share perspectives that may not always be popular. He has been an advocate, an educator, and a friend and servant to our communities. One of the great examples of tireless work. Jerry, we will miss the daily interactions, but the work you have done will live long in the community and the neighborhoods and the city of Austin. On behalf of every employee, client, stakeholder, community member, and partner of the housing and planning department, congratulations. And thank you for your unwavering commitment to continued improvement in the city of Austin. You are truly a legend in our field, and we wish you the very best in your new endeavors. I am proud to present to you a distinguished service award and invite you to make a few remarks. The distinguished service award reads, here it is. It's pretty. For his untiring service and

[1:19:09 PM]

commitment to the residents during his 29-year tenure as an employee of the city of Austin, Jerry rusthoven is deserving of public acclaim and recognition, dated today, December 8th, 2022. Jerry?

[ Cheering and applause ]

>> Thank you, everyone. I'm going to try to not be emotional, but it's going to be hard. Breath. I remember when I was a kid sitting in the backseat of my parents' station wagon and hearing my parents gripe about why they let them put a grocery store here or should put a spotlight here. I decided to become one of "They." After earning a master's in community planning from U.T., go horns, I came straight to work for the city of Austin.

[1:20:09 PM]

I had recently moved back to the Chicago area where I'm from to be with my wife who was teaching there. One day I went to the Chicago public library. They had a copy of the Austin American statesman. I found my job in the classified ad. I think some of my younger employees will have to Google the terms classified ad and station wagon, but this can they can figure it out. I was blessed to have only three bosses in my first 26 years -- George hired me and guided me through the first part of my career as a transportation planner. Mayor pro tem Jackie Goodman, who's here with us today, brought me on as an aide and introduced me to the inner workings of city hall. And Greg, whom I worked with for 26 years. These three people were not just bosses, they were my good friends, my mentors, and even my neighbor in Greg's case. I'm lucky to have worked with them for so long. I'd like to thank my parents for

[1:21:10 PM]

inspiring me to pursue city planning and paying for my education. I'd like to thank my wife, my son who had to leave for a meeting with Austin water, and my daughter Alicia. Now I get to see what you guys do on Thursday nights. I've never known.

[ Laughing ]

>> I'd like to thank the folks in the development world -- Ron, Michelle, Leah, Amanda, Amanda, the other Amanda.

[ Laughing ]

>> Michael and especially Richard subtle. While we are on different sides of this process, all these folks have worked with me in such a professional manner. While we may disagree on a case, we did it while being great friends. I'd like to thank folks who mentored me -- Alice, Betty, Steve, who taught me we need to understand the past to understand the future. Thank you, Kathie and council for your vote a couple weeks ago to rename the room at the Austin history center in their honor.

[1:22:10 PM]

Kathie, you've always been so nice to me. We go a long way back and we're both embarking upon new adventures. I hope we're able to stay in touch. I will miss so very much -- my city hall mom, Kay. Thank you, Kay, for being such a great friend for me when times have been tough and taking such good care of all of us. I feel fortunate to have had a seat at the table where decisions are made about the future of our city. I'm lucky to have been a city planner in a city as dynamic as Austin with a population that is so engaged in the work we do. I've served under five city managers who have so impressed me with their

dedication to the city and the employees of the city. I would like to thank Jesus and Toby. I'd like to thank Spencer, Rodney, Rosie, for the past several years and especially weeks, which have been difficult for me. I'd like it thank the coworkers I've had.

[1:23:11 PM]

Our job can be thankless, but we carry on because public service is our counseling. So -- is our calling. I would like to thank joy and Andrew, who are more like brother and sister to me. Sometimes we fight like brothers and sisters, but we're still family. And finally, I'd like to thank the city council. I have served under six mayors and several dozen city councilmembers. I have been coming to these meetings since 1995. And I think I've missed maybe six of them. So, hundreds of meetings. I've always been so impressed with your dedication to our city, putting in such long hours for low pay and often receiving grief for it in a public setting. Yet you do what you do because you want our city to be a better place for everyone. I'm so proud to have worked with all of you. I've tried my best to implement your vision for the city. I will always be grateful to the city of Austin for providing me the opportunity to have such a rewarding and interesting career.

[1:24:12 PM]

And thank you to everyone for being here today.

[ Applause ]

[1:57:11 PM]

[music]

[2:20:16 PM]

>> Mayor Adler: All right. We're going to reconvene the Austin city council meeting. The time is 2:20. Colleagues, we're going to start with the consent speakers. When we're done with consent speakers, we're going to try to handle the consent zoning. We're going to reconsider two items we passed on consent for clerical reasons -- one, we haven't posted the right minutes so we're going to reconsider so as to not vote on the minutes until they're ready. There was a date wrong so we're going to fix the date and we'll see what things we can handle quickly. My belief, council member kitchen, perhaps is that we're going to be able to do broedie oaks quickly.

>> Kitchen: I think so. There's an explanation, but it

[2:21:17 PM]

shouldn't take a long time.

>> Mayor Adler: Quick. If there are other kick items, we'll do those quick items and then we'll go into executive session. I think there will be two things to discuss. One is the cyber security, touching base on the things we discussed earlier. Shouldn't be too long. Then we'll discuss the manager personnel and those are the only two things we're going to pull up on the executive session. I know there were questions about negotiations. I think that dove tails with our conversations on personnel, so we can raise that but we would raise that if we wanted to in that context. Those two items on executive session and this when we come back we'll handle the balance of the agenda. We'll look at the things we think we might be able to handle quickly -- str 64 may be

[2:22:20 PM]

one of those. Let's begin with the speakers. Before we do the speakers, talk to us about what we anticipate to be postponed so the speakers know.

>> Sure. Item 87 will be indefinite postponement request by staff. 89 is postponement. 93 will be staff postponement to January 26. 94 will be staff postponement to January 26.

>> Mayor Adler: Postponements then are 87, 89, 93, 94. Is that right, Jerry.

>> Yes.

>> Mayor Adler: Great. Thank you. I'm just trying to keep you up at the dais as long as I can. All right. Let's go ahead and call the speakers. Two minute as speaker. Looks like we have between 20 and 25 speakers. Go ahead.

[2:23:24 PM]

>> First speaker is Kimberly kolwhos.

>> Hi. I'm an architect and realtor living in district 9. I'm concerned about the city council and their relationship to the pud process. You've been working hard to improve mixed density rules. More density does not equal more affordable housing. I feel like sometimes there's almost like the cool aid gets drunk. Everybody hears more affordable housing and they go for it. It seems like time and again we're getting more dense projects in Austin and not

[2:24:24 PM]

necessarily the affordable housing we want or it's fee in lieu and people have to move out of that area of Austin. So today I really just want to say that the pud process add Brodie -- I'm really feeling like that needs to be rethought. The environmental issues on this are deep. I want to ask you to prohibit pud zoning and water front overlay. Prohibit zoning within Barton spring zone. Perhaps it needs to be reapplied with limits. I feel like if you ask most people in Austin if they want a building there at that highway, I doubt many people would say that's a fantastic idea. So that's what I wanted to say.

[2:25:25 PM]

Thank you. I'd like to request that you do not pass the Brodie pud. Thanks.

>> Lydia zaidman on 86, 90, 97.

>> I want to speak briefly on the pud process in general. It's pretty apparent that you probably have made up your mind that the council is more beholden to twoper -- to developers than constituents. We all know which direction this is going in. I wanted to make it public and speak on the issue that you're

[2:26:26 PM]

very aware the constituents do not want the pud process being used. You just passed new zoning throughout the city but you're still giving special favors to developers at the cost of your constituents. It's pretty appalling.

>> David king on item 80, 96, and 97.

>> Yes. Thank you. Please support the Brodie oaks pud recommendations from save our springs, adjacent neighborhoods. Please require the pud to comply with the sos ordinance, period. The proposed impervious cover is more than 10 times

(indiscernible). Please require the offset land to be protected by easement. Please reduce the towers to the 8 to 10 story range consistent

[2:27:27 PM]



with the imagine Austin plan. Sky scrapers [indiscernible] Far more green house emissions when consider all sources. Please repeal the pud ordinance. Please require a supermajority vote by council to approve puds. If a pud is superior, a supermajority should be attainable. Over the past [indiscernible] Developers and land speculators by replacing small area neighborhoods [garbled audio]. As a result Austin has become

[indiscernible] And families of color have been involuntarily pushed out of Austin. A woeful [indiscernible] Below

[2:28:30 PM]

60 per cent median family income. Please empower neighborhoods and families by providing land development policies and tools that [indiscernible] Can access and tailor to their needs and issues, needs and issues such as public infrastructure, preservation of affording houses and community based businesses and services. Thank you for considering my comments and for your service.

>> William bunch on item 80, 96, and 97.

>> Good afternoon. Speaking in opposition to the current form of the Brodie oaks pud as inconsistent with

[2:29:33 PM]

superiority requirements and the imagine Austin comprehensive plan. The recent science of the last few years makes very clear that sky scrapers are not climate friendly and there's excessive height in this project, especially given its location. It's in direct conflict with the equity plan and with the imagine Austin comprehensive plan. The comprehensive plan contemplates a density and no one is against that. But the level of density with the sky scrapers is outside the bounds of what is provided for in our imagine Austin. This location is labeled as an activity center and

[indiscernible] Area. It is very clear that that contemplated mid rise

[2:30:35 PM]

development is climate friendly would [garbled audio] Substantially but perhaps not at the ten-fold level that is being requested. We also oppose the sos ordinance, a specific amendment without requires off-site mitigation so that this tract together with the mitigation tract to overall impervious cover was below the sos level of (indiscernible). We recognize that's not required. It's discretionary to the council but [indiscernible] Request zoning. You have the authority to require that?

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

>> Thank you.

[2:31:36 PM]

>> Loraine afterton.

>> Hello. In defiance of every guideline in the imagine Austin comprehensive plan, the Brodie pud presented today proposes to build an unplanned job center and regional center on top of the Barton springs zone. To gain support for project connect, this city council promised that the pleasant valley job center and corridor east of 35 would be Austin's first priority for infrastructure improvement. If you approve this Brodie pud you will betray that promise. The comprehensive plan

[2:32:36 PM]

represents this as activity center for reincentive for intiermenttal areas.

-- Environmental area. The plan is clear that the intent is to direct growth away from the Barton springs zone and toward growth areas to the east, such as the south Austin combined neighborhood plan already an educational and medical transportation hub that could absorb a large population if it had better infrastructure. Staff comments from at least two years ago have demonstrated that the proposed Brodie pud overwhelms the infrastructure that can be provided within the site's environmental complex and it's disrupting planning for the rest of south Austin. To avoid crippling the preferred growth in south Austin, the Brodie pud must be

[2:33:41 PM]

scaled down. Increases in demand must be prohibited on the site. Parking on the Brodie site must be limited to the current number of spaces. Car traffic and car facilities must be reduced.

>> Thank you. Your time has expired.

>> Please honor your promises to east and south Austin.

>> Next speaker is Roy wavey.

>> Howdy, y'all. First, I want to say thank you to council member tovo and council member kitchen. We're going to miss you. You've been a steady voice for the city of Austin and smart, balanced growth. Thank you. We're going to miss y'all. Next is -- you know -- pardon me. I'm not feeling very well today. In conversations with David

[2:34:46 PM]

Armbrust as we went through the process, Austin Sierra club agreed to a -- to return to more natural space. That was with the understanding that the mitigation, the water quality land would be purchased, offset. The continued overabundance of impervious cover there. In a follow-up conversation I was told it's too expensive I have. That's too bad. You either follow the rules or you don't. In that regard the Sierra club has to withdraw their support for the project until it complies with water quality. I want to thank Mr. Bunch and Ms. Afterton for their

[2:35:48 PM]

comments. I don't have to repeat what they said but we're in agreement with it. You're welcome for me not coming down and coughing and sneezing on all of you. Adios.

>> Christina buttwa.

>> Hello. I'm a homeowner in the area that area that will be affect Ed. Couple of issues I want to bring up, one of which is I think my neighborhood is generally concerned for the safety of homeowners and the new homeowners in terms of flooding issues. There are -- it's not a floodplain. I'm familiar that some places might not be on the floodplain now and might be later. It might not be floodplain but might have significant impacts

[2:36:49 PM]

from rain. I know of one resident who will next to the new development. Has tried to send in a photo and video of what happens to her lawn at her home even in light rain. I've heard stories from at least two additional neighbors about what happens when there is significant rain and how much that will (indiscernible). This is a five-acre tract they're trying to rezone. I think there's a reason you can build on only one and a half acres of it. That's because it's a creek and a buffer area. I think the impacts of the rain are not fully considered. Developers have said they won't fully consider it until their site plan is in place. Another issue is traffic and safety. I guess I make it clear there are potentially two developments. There's one part that the developer wants to

(indiscernible). We have no say. It's already zoned for what they want to do.

[2:37:51 PM]

The issue is the five acres on John wood. That's sf-2. We like our zoning. It's nice and quiet. They can have access on and off. That's fine. What they want to do is connect the property and development to that neighborhood. That's part of the concern. They can build homes here. They can build homes for austinites to buy and even potentially build denser homes with that denser designation, but that is not their plan. Their plan is to hold on to the residents and lease out for whatever they can get from the market.

>> Thank you. Your time has expired.

>> We want affordable housing. I think we want the city of Austin residents to be able to buy that, to put down roots and groet --

>> Mayor Adler: Thank you very much. Thanks for participating with us today. Thank you very much. Next speaker.

[2:38:51 PM]

>> Mariam peace on item 85 and 86.

>> I live on John wood way, along with my family since 1999. We are talking about rezoning. We do not want it to be rezoned behind our house nor any building done. Here are the reasons. Number one, it's a flood zone. My neighbor two doors down has a [indiscernible] When it rains. There's a reason for that. We have video evidence if you would like to see it. We live here. We see it and we need you to believe us. Number two, our roads are too narrow for more traffic. For life-saving -- my father-in-law needed an ambulance. He needed to get to the hospital fast, but they couldn't turn around. The builder says we need affordable housing in the area.

[2:39:51 PM]

A huge affordable housing complex is across the road. I think that covers the affordable housing. Number four, if they build this, they will have to exit off [indiscernible] -- One of the most dangerous places in Austin. Go by there and see all the crosses that have been placed there over the years. Number five, my grandson is on the autism spectrum. His solace is the backyard, to play in the backyard. I guess that's not going to happen any longer. Last, number six -- wild life. Foxes, possums, insects -- where are they going to go? They're right behind my house. It's amazing. Does anybody care? People are always preaching about nature, environment and how much we need to respect it. Our family respects it, but as

[2:40:53 PM]

far as I can see, money trumps it all. It seems the environment and nature is only important if huge profit does not get in the way. Please restore my faith in Austin and in you.

>> Thank you, speaker. Your time has expired. Next is Steve Hobson speaking on 85 and 86.

>> Hi. Good afternoon. I am a neighborhood neighbor to this property, and I would like to announce my support of this zoning request. For many years I've had use of the property and cared for it with the permission of the landowner. The acreage that's going to be protected by this proposal is a very unique part of Austin. It's a complete unknown jewel and one that I sort of hesitate discussing because it's so unknown and it's very private

[2:41:54 PM]

and there's all kinds of wild life on the property -- foxes, coyotes, otters, Bob cats and the forest you find in very few parks of Austin. Without protection this area would be fragmented. However, with this proposal with the land becoming Austin park we can better protect the land, reduce the abuse of the land by campers, and protect the land with nature trails and protect the wild life the other speakers have pointed to. Thank you very much.

>> Zenovia Joseph speaking on 93, 94, 98, 99.

[2:42:55 PM]

>> Thank you. I have some comments relating specifically to the [muffled audio], specifically this morning council member vela mentioned [indiscernible], and I just wanted to call to your attention [muffled audio]?

>> Can we let her know we can't quite hear what she's saying? She's muffled. Ms. Joseph, whatever you just did, it sounds better. You were muffled before but you did something in the last couple of words that sounded way better.

>> Okay. Thank you. I apologize for that. I just moved the phone closer. I just needed to make a comment as related to affordable

[2:43:56 PM]

homeownership, the formerly home depot site. We African-Americans will mostly be the individuals who reside on this location. I wanted to call your attention -- to the mayor in particular -- about over 300 acres were the St. John's development. Where the [indiscernible] Because the owners in the area and the property owners did not want the [indiscernible] December 17, 2020 housing authority of the city of

Austin board meeting and we will hear that comment from Mike burglar. I want you to understand segregating where African-Americans can live is codifying the 1928 plan. So I appreciate that this will

[2:44:57 PM]

not just be a vacant lot but over 500 units that are simply

[indiscernible] Is problematic. I would ask you to consider council member [indiscernible]

[Indiscernible], and I would ask before you complete your work today that you African-Americans can buy homes in Austin. Thank you for taking my comments. If you have any questions, I'll gladly answer them at this time.

>> Timothy Daniel speaking on 100.

>> Yes. Good afternoon. Thank you, council members and Mr. Mayor. I am happy to speak in support of rezoning the west gate building as a central business.

[2:46:00 PM]

We are proud to call the west gate our home. Its timeless charm drew us in immediately after having multiple towers in the downtown area. Although the units might be smaller, maybe need a little updating in comparison to some buildings, the character and charm will never fade. It is not subcontracted to a property management company. The care they take in keeping the building up and preserving its historical nature is abundant. The west gate was first -- was the first mixed-use high-rise building to be constructed in Austin. It is also somewhat responsible for the existence of the capitol-view corridor. The west gate's historical significance has already been established and appropriately

[2:47:01 PM]

secured. In 2010 it was added to the national register of historic places and in 2012 # it was designated as a recorded Texas landmark. It is only fitting that it receive the same treatment from the city. Thank you for the opportunity to speak and I hope you all have a good afternoon. .

>> That concludes all of the remote speakers. I will go to in-person. Speaking on 80, 96, 97 is George koefer. On deck is Jean Wilkins.

[2:48:03 PM]

Wilkins.

>> Thank you, mayor and council, for this opportunity to speak. I'm here today to offer my perspective on the proposed Brodie oaks development. So many of you know me as having spent 25 years with hill country conservancy. I'm still there. I'll begin by saying hill country conservancy does not take positions on projects, so I just wanted to clarify that. Hill country conservancy is, however, very pleased to be working on three things: Trail design, trail maintenance, and the ecological restoration of the land between Brodie oaks and Barton creek. Let me address each of those. Trail design. There is a good opportunity for the community to have

[2:49:06 PM]

sustainable, safe trails for all of the new residents at Brodie oaks, assuming it goes forward, and anyone in Austin to enjoy what is an extraordinarily beautiful tract of land. Hill country conservancy, working with the Austin parks foundation and trail professionals, will be giving guidance on the design. If you've not been on that tract of land, there are between five and ten miles of existing -- I'd say the worst trails in Austin, Texas, and I've seen some bad ones. Some of them are straight down the hill. Without exaggeration, one is down a five-foot erosion ditch. It's unsafe. I felt's unsustainable. We'll be working to close those trails. I mentioned ecological restoration. This is part of the canyon lands. Hill country conservancy has

[2:50:07 PM]

first-hand experience in amending the master trail plan to include a trail. So we'll be offering guidance of all those things and we're pleased to be partnering with them. I've known them for 35 years. They're good people. Thank you.

>> Jean Wilkins. On deck is Melissa hawthorn.

>> Good afternoon. I live in the bar ton view neighborhood, which is directly across west of 360. So we'll be able to see the development. I oppose the Brodie pud which will not be accessible from my neighborhood by sidewalk or bus, even though we live that close and we can see it. The traffic impact mitigation relies heavily on the 803 bus route to solve the traffic congestion in the area that this development will bring,

[2:51:09 PM]

and it's just really not realistic. There needs to be more mitigation for this amount of density that's going to come to the area. The precedent of this dense, too-tall build will lead to additional projects on 290 and Lamar, creating a canyon-like satellite of downtown. In the Barton creek -- we sent council a letter. I hope you had an opportunity to read it. We feel the electric substation should be placed on site. That's one of the recommendations that came out of the planning commission and we strongly support that. We support dark skies initiative. Our neighborhood worked through kitchen's office -- thank you, Ms. Kitchen -- and was part of

[2:52:09 PM]

the development discussions going on and that was something I brought up at every meeting. And I'm very, very pleased that's coming forward. I would like to make sure we -- the builders seem okay with this -- the reflectivity. You know what I'm talking about -- you know, to keep the reflection down. We are extremely concerned -- extremely concerned about this dense build and we don't feel that's been addressed enough. Thank you for your time and good afternoon.

>> Melissa hawthorn speaking on 80, 96 and 97. Greg Anderson is on deck.

>> Good afternoon. I'm in person. This case has been going on and it started during the pandemic, and so it's been a little

[2:53:11 PM]

clunky. I know you've heard about the statesman pud and here comes this case. It's gone quickly. It probably doesn't seem quick to them because it's been a long time through the pandemic. I believe this is a gateway case and this is very precedent setting. This is on Barton creek. It takes attractive land -- and I would like to start and say I think it should be redeveloped. I don't think it should be redeveloped like this. I think there are some good things. I just don't think that they warrant the density that's proposed. You're talking about 3.4 million square feet on top of the Barton creek green belt. You're talking about the longest map cave in Travis county, airman's cave. And there's just -- we don't get this back. You don't get a do-over for

[2:54:11 PM]

this one. It has a public restrictive covenant that limits the site at 35 feet in height for about 70 per cent. Maybe a little high -- maybe 65 per cent. Then it goes to 40 feet. Then it goes on up to 60 feet, and if you look along from Barton springs road to south Lamar, I would say the majority of your vmu projects are built on south Lamar in that stretch. And I would also say that will probably be the first vmu-2 case and you haven't heard a single complaint from the neighborhoods about that. We've taken them all, and



here you're talking about going from something that's about -- domain south on the green belt. I mean, it does have some good things, but I'm not in favor. Mr. Mayor? I would like to ask -- I have a neighbor in my neighborhood

[2:55:12 PM]

that is ill, and they wrote a letter and they asked me to read it for them. Might I ask for two minutes --

>> Mayor Adler: No. Then I would have to give two minutes to everybody. If you hand it to the clerk they'll copy it and hand it out to us all.

>> Kitchen: May I ask her to read it?

>> Mayor Adler: Yes.

>> This is from a 39 resident of my neighborhood. He's a really nice guy, and at the beginning when this came out he wrote me poetry on the merits. This is toned down and he's about to have surgery and was upset he'dn't be able to -- he wouldn't be able to be here. South Austin, the green belt, goes through and Barton hills

[2:56:12 PM]

have a great tangible asset -- that is having opening skies. I'm here to petition you to oppose the pud in Brodie oaks -- over the five-story limit and complied developers all the way around the south Lamar area. Towers are nice in downtown but incongruous in Brodie oaks. Once the towers are built that asset will be gone. It will not cover any necessity there. Tow Eric's -- towers would damage the surrounding area T. The view is of tree tops, including the present buildings constructed to the tree-top height. Building towers would exploit the preserved beauty of surroundings for the benefit of some tower dwellers, undoing

[2:57:13 PM]

for the good. The towers would remove the look and feel around the area that is and it's been -- all the while infringing on the area's five-story limit applied to every development there. It would be an enormous, irreversible loss for the many -- for the -- those towers would be there 24/7. There is no need for the development to include any towers building on it, building within the building code. It would be by itself a sizable construction and existing use of the one story development. It irreparably harmed. Placing the towers would be an expense of a delicate eco system preserved by generations

[2:58:14 PM]

of the city of Austin for all to enjoy and cherish. Please do not allow over five-story construction site. Please help preserve a wonderful legacy for all. People benefit from maintaining a unique area without towers in Brodie oaks pud. Thank you for your time. Merry Christmas.

>> Mayor Adler: Merry Christmas.

>> Next is Greg Anderson. Ingrid Morton. On deck is Marie Wilks.

>> Good afternoon, city councilmembers, and mayor Adler. My name is Ingrid Morton, a

[2:59:14 PM]

longtime resident of the Barton view neighborhood, where I will be able to see buildings from the Brody P.U.D. Right from my front yard. Thank you for allowing me to voice my concerns regarding this proposed project. Today I would like to speak to the fact that this development will sit right on top of a section of airman's cave, one of the longest caves in Texas. Sherwood forest and poetry passage, two of the larger surveyed areas, sit directly below this track of land. There are existing cracks in the ceiling which are shown in the hydrological study done. I feel that the density of this project, which includes large towers, would gravely endanger the structural integrity of airman's cave. I don't oppose development on this site, but the current project in front of you is just too large. Thank you, and have a happy holiday.

>> Mayor Adler: Thank you.

[3:00:20 PM]

>> Marie Wilkes. On deck is Bryan Evans.

>> Thank you all for hearing us out today. We're here to request that the Westgate, which is on 1122 Colorado street, is rezoned to central business district historic landmark neighborhood plan. Having grown up in Texas and seeing so much change in Austin's skyline, I probably appreciate the building's historic roots even more, because I can tell from my experience as a child and growing up here in Texas that Austin -- both Austin and Texas have so much character, much of it which is getting quickly demolished or replaced by influences of coastal states and modernization. I ask that you approve our application based on the merits of our building and all the criteria that we meet so that we can continue to preserve and treasure a piece of Austin

[3:01:21 PM]

history and keep Austin weird.

>> Bryan Evans speaking on 100. On deck is Douglas moss.

>> Thank you, councilmembers. Westgate has a rich history since its construction by renowned architect Edward, whose other works include a U.S. Embassy, a museum of modern art, and Rockefeller center and radio city music hall, to name a few. As mentioned, the Westgate was listed on the national register in 2010 and became a landmark in 2012. In years past, many influential people have visited the building. Formerly, the 24th floor was the headliners club, often visited by former president Johnson. Our unique mid-century modern structure stands in contrast to the other blue glass buildings that have replaced many older structures in downtown Austin. We are here to make a commitment to the city that we will continue to be good stewards of

[3:02:23 PM]

this historic structure. Given our many decades of preservation, we have already been involved in, our historical, cultural, and architectural significance and the support of the landmark commission and city staff, the majority of the planning commission, vote that you vote in -- ask that you vote in favor so we may continue to preserve this amazing site. Thank you all.

>> Douglas moss. On deck is Richard Lyons.

>> Good afternoon, thank you, city council. My name is Doug, I live at the Westgate in downtown Austin. As you know, historic preservation is an important issue for the city of Austin. We need to embrace our history while we are simultaneously changing and growing as a community. As a resident and owner of the Westgate, we're working very hard every year to maintain this historic property, to maintain the historic character of the exterior, of the interior and to

[3:03:26 PM]

cherish its unique place in the city's history. When I was growing up in nearby Taylor, we would drive to downtown Austin and I would look at the building. It was a super-tall tower. Today you can barely find it on the landscape, but that's a part of what makes this building so great in the history of downtown Austin. Our small community of residents work very hard every year to maintain this historic building. And as a part of this community, I am strongly encouraging each of you to please support designation as a historic district. Thank you very much.

>> Richard. On deck is William berry.

>> Thank you for allowing me to speak on this measure. Mr. Mayor, city council. I don't really have a lot to say

[3:04:26 PM]

except that the Westgate is a historic landmark for the city of Austin, for the state of Texas, and for our nation. And I encourage you to follow the recommendation of staff and approve our request for rezoning to add the historic overlay. Thank you.

>> William berry.

>> Hi, city council. My name is William, owner at Westgate towers speaking in support of historic zoning. As our building manager mentioned, we have shouldered increased cost and responsibility to take care of our building and its historical integrity. There's no other residential building downtown that meets the requirements that the Westgate does. It's important to mention the

[3:05:28 PM]

Westgate has some of the most modest, affordable units downtown, they sell for less than the median average price for a home. This is one of the reasons why I'm lucky enough to choose the Westgate as my home. Because there could be no legal cases, or logical cases with any merit that have been brought against why we shouldn't be granted historic designation, ask the council to approve the historic zoning that we're seeking. Thank you very much.

>> Mayor, that concludes all the speakers.

>> Mayor Adler: Great, thank you. Jerry, do you want to help take us through consent?

>> Jerry rusthoven, housing and planning department. Your consent agenda is item 85,

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npa20220028.02. I can offer this case for consent approval on all three readings. Item number 86 is case c1420220085. I can offer this case for consent approval on all three readings. Item 87, this is an indefinite postponement request by the staff. Item number 88, c1420220131, I can offer this for consent approval on all three readings. Item 89, npa0021.02, a postponement request by the staff to January 26th. Item 90 is case c1420220111, I can offer this case for consent approval on all three readings. Item 91, npa2022.01, I can offer this for consent approval on all three readings. Item number 92, case c1420220091, this is for consent approval on all three readings. Item 93, case npa20220029.01,

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this is a postponement request by the staff to January 26th. Item 94, case c1420220094, this is a postponement request by the staff to January 26th. Item 95, case c1420220206, I can offer this for consent approval on all three readings. Item 96 is a Brody P.U.D., that's discussion. Item number 97 is a restrictive covenant related to Brody oaks, that is a discussion. Item number 98 is npa2022, I can offer this for consent approval on second and third reading. Item 99 is case c1420220118, I can offer this case for consent approval on second and third readings. And finally, item number 100, c14h20220073, I can offer this for consent approval on second and third readings.

>> Mayor Adler: 100?

>> Yes, mayor, can we pass this

[3:08:29 PM]

just on second reading for the moment and postpone on third reading? There is no -- on the estimated annual tax abatement, there's to figure. And I'd like to see what this is going to cost the city in taxes.

>> Mayor.

>> Mayor Adler: Is there any objection to making 100 second reading approval only?

>> Yes.

>> I was going to support that.

>> Mayor Adler: I'm sorry?

>> Harper-madison: I was going to offer my support for that recommendation.

>> Mayor Adler: There is objection to that, so we're going to make that a discussion item. 100 becomes a discussion item and 96 and 97 become discussion items. The others are on the consent agenda. Just to be clear, what we're talking about on consent, we have given all speakers, they've been allowed to speak, consent means that no councilmember wants to raise an issue.

[3:09:31 PM]

So as to discuss it even further before taking a vote. Councilmembers have the opportunity to register whether they want to be for or against something, even as we take a consent vote to move forward. The consent agenda is items 85 -- zoning consent agenda is 85-100. We have pulled 96, 97, and 100. The others are to pass or be postponed as stated. Any discussion on the consent agenda? Let's take a vote, then. Those in favor of the consent agenda, please raise your hand. Those opposed. Did I not ask for a motion? Okay. That might be right. Someone move the consent agenda? Councilmember Fuentes moves

it, councilmember pool seconds it. Unless there's a desire for discussion, we're going to go ahead and take a vote.

[3:10:31 PM]

Those in favor of the consent agenda, please raise your hand. Those opposed. I see it being unanimous, items 96, 97, and 100 done. Colleagues, there's some things I think we can take up quickly here. Jerry, thank you so much for this. You'll be coming back for those items, obviously. We have item number 76, which is a central health board appointment. The item has been posted and published and handed out to council. I move passage of the amendment. Is there a second to that? Councilmember Fuentes seconds that. Any discussion?

[3:11:33 PM]

Sorry? Item number 76. I'm sorry, public health, do you want to make that motion, Kathie?

>> Tovo: Yes, I'd like to move approval of the appointment of Dr. Manuel martin to the central health board of directors. If I get a second, I'll say a few things.

>> Mayor Adler: Councilmember Fuentes seconds that, do you want to go ahead?

>> Tovo: Thank you. We interviewed -- the public health committee met earlier this week. We interviewed the finalists for this position. We had some great candidates this time. And as in past, it was a challenging decision, because each candidate really brings a different array of experience. But we felt unanimously that Dr. Martin represented the best fit at this time, and just speaking for myself, I'm really excited about his service. So thank you to all the candidates who came forward and stepped up to be considered to serve.

>> Mayor Adler: Okay. Any further discussion? Those in favor of this item, 76,

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please raise your hand. Those opposed? I'm seeing it as unanimous on the dais. We also have two eminent domain items. With respect to items 77 and 78 being nonconsent condemnation items, is there a motion to the effect that the city of Austin authorizes the use of the power of eminent domain for the properties set forth and described with the current meeting for the public uses described therein? Councilmember tovo makes that motion. Is there a second to that motion? Councilmember Ellis seconds that motion. Any discussion? Then those two items are approved unanimously. That takes -- I'm sorry?

We did vote, yes. Okay. I think I did. Is there any objection to -- those in favor of these -- to that motion on the two eminent

[3:13:35 PM]

domain items, please raise your hand. Those opposed? I'm seeing it as unanimous on the dais. It passes. 76 passes, 77, 78. 81 is a private activity bond. Is there a motion to approve item 81? And close the public hearing? Councilmember pool makes a motion. Councilmember harper-madison seconds. Any discussion? Okay. Those in favor of 81, please raise your hand. Those opposed? I see that as unanimous on the dais. 81 passes. Let's talk about two items -- I'm sorry? Okay. So, there are two items this morning on the consent agenda that we need to reconsider. Is there a motion to reconsider item number 1 so as to take no action on minutes, because they

[3:14:36 PM]

weren't properly laid out, as well as to reconsider item number 1 in order to correct the date for the naming of the part one ordinance number.

>> Mayor, it's item 1 and 5.

>> Mayor Adler: That's correct, reconsideration of item number 1 for the purpose stated and item number 5 for the purpose stated. I think I did that right. Councilmember pool makes that motion. Is there a second to that motion? Councilmember Ellis seconds that motion. Is there any discussion? Those in favor of reconsideration, please raise your hands. Any opposed? I'm seeing that as being unanimous. Okay. I move to approve -- I move to take no action on item number 1 in front of us and I further move to pass item number 5 in its corrected format with the corrected date as has been posted and handed out. Councilmember pool seconds that motion. Any discussion? Those in favor, please raise your hand.

[3:15:36 PM]

Those opposed? I see that as being unanimous. So we've now taken care of items number 1 and 5. Colleagues, I'm seeing -- let's see if we can do some things here that might be relative quick. American youth works is item number 35. Let's see if we can take that up and resolve that question. Is there a motion to approve item number 35? Mayor pro tem makes that motion. Is there a second to that motion? Councilmember Fuentes seconds that. It's been moved and seconded. I think you pulled this, councilmember Kelly. Do you want to speak to us?

>> Kelly: I did. Is staff available for questions?

>> Mayor Adler: Is parks staff here to talk to us about this item? They're in the back? Okay. Let's just wait one second. I'm next going to go to councilmember tovo to item

[3:16:38 PM]

number 64. That was pulled and there's an amendment. If we're ready to do that one, maybe we come back while we're waiting. Are you okay handling item 64 now?

>> Tovo: I was. I think I still am. I'm just trying to adjust to the new -- I was just trying to focus in on zoning, on a case -- let me just shift gears.

>> Mayor Adler: Okay.

>> Tovo: Yes, I'll move approval of it with the amendment.

>> Mayor Adler: Councilmember tovo moves approval of item number 64 with a vela amendment included. Is there a second to that motion? Councilmember vela seconds that. Is there any discussion? Councilmember tovo.

>> Tovo: I'll just say, apologies if I already said this on Tuesday, there was an array of options that constituents have asked us to consider with regard to better regulation of short-term rentals in this community and we didn't have an opportunity to move all of them forward on this timeframe, so I hope that's something that our

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council's housing committee will take up next term. There are some good suggestions that constituents have recommended that our law department has reviewed that are definitely worthy of consideration, especially if we're interested in converting some of those many hotels back to long-term housing options.

>> Mayor Adler: Okay. And further discussion? Those in favor of item 64 as amended, please raise your hand. Those opposed? I'm seeing that as being unanimously approved. Councilmember Kelly votes no, the others voting aye. I see that as a 10-1 vote and approval of item 64. Now let's do item number 35.

>> Okay. Thank you, mayor. And thank you, staff, for being here to answer questions. Colleagues, earlier in today's meeting I requested consideration of the postponement of item number 35. I have several reasons for this, including that this contract was not brought to council for approval in a timely manner and

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as such, I feel requires more time for me to understand how and why this occurred. Staff spoke earlier today and did not agree with my request to postpone. I'm hoping staff can speak to why this item did not come before council in a timely manner and explain why a postponement on this item would not be amenable.

>> Kimberly Mcneely, parks and recreation director. The contract that's before you, it is an amendment to an existing contract. It's to extend the authority for \$250,000 to allow for land management work to be completed by the parks and recreation -- for on behalf of the parks and recreation department on behalf of watershed protection, and also on behalf of Austin water utility. So this contract has multiple users. It's a single contract. This contract -- when the accc was transitioned to be a program under the purview of umbrella of

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ofsupervision for parks and recreation, they assumed this contract. But we have new folks in acting positions who were unaware of the amount of authority that all of our departments -- we were not coordinating the authority of the use of the contract as well as we could. And we came to that understanding that work had been -- has already been requested, but yet the contract doesn't have the appropriate authority. So this was to help us get through December, January, and part of February. And the parks and recreation department, in coordination and cooperation with the purchasing department, will be bringing forward a contract in February for council's consideration. So this is just a small timeframe so that work can continue, but then we will come back to council with a contract for full consideration.

>> Kelly: Thank you for explaining that. Could you tell me what staff is doing to ensure that in the future, council has adequate time to review these contracts?

[3:20:41 PM]

>> We're working directly with the purchasing department and setting our timelines and benchmarking things that need to be done in order for us to come back to you in a timely manner.

>> Kelly: Thank you very much. For those of you at home, this item intends to provide an extension of career training opportunities for 17-24-year-olds who learn and develop job readiness skills as it relates to landscaping on city managed properties. This was a pilot program approved by council at the height of the covid-19 pandemic to serve those mostly affected by the pandemic. According to the pilot program report that staff provided to my office, a ten-person crew was created by the Austin civilian conservation course. Parks and recreation assumed the responsibility and created the acting management team. There seems to be multiple complexities to the program. I believe there is a need to

further understand the program by council before we approve the funding, or by me as a councilmember at least. According to the pilot program

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report, an initial term in the amount of \$1.5 million was employed and trained ten individuals at economic risk due to pandemic. The report indicates of the ten, nine were successfully employed full-time with the tenth being part-time employed by the time they completed the program. Four are crew members and two are with American youth, one is in Seattle, and one is working at a local tree care business. From my initial review, \$1.5 million and an additional 250,000 seems to be a significant amount of tax dollars to train ten people to work in the landscaping industry. While I understand the potential value in such a program, I would want additional time to dig into the financial details of the public benefit that this program provides before being able to vote yes on the emergency bridge funding in front of us today. Additionally, we are largely if not completely moving away from the covid-19 pandemic era and

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continuing to fund a program that is intended to help individuals affected by that gives me some pause. I recognize this program may provide a benefit to the city of Austin and its residents, but I have not had the proper amount of time to fully vet the program. This morning my office just received this 363-page confidential contract to which I had to sign a nondisclosure agreement. It would make me more confident in my decision to review that contract as well as this extension to have adequate time to review the program before making a decision on this item today. Thank you very much.

>> My understanding is this is a contract with American youthworks that predates the pandemic. If you count the number of years here we're going back five years, which is well before 2020. This contract was the vehicle that was used to be able to contract with American youthworks in part for their role with the accc, but it is

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not solely focused on accc. There will be a new contract. This is a stopgap measure to address a situation where we have multiple departments who are involved with this contract. I, too, wish there would not have been this gap in funding, but this is a thing we do all the time when we add a little bit extra authorization to a contract, when we have not -- when we are anticipating that we need to exceed it and we have not gotten a contract in place. That contract will be more specifically related to these things. But all of these departments work with American youthworks above and beyond those positions that

you cited. I'm not sure -- I don't have all of those numbers in front of me, if your numbers are correct. This authorization today needs to be approved. There will be a long-term contract that we're anticipating coming in, I believe it is in

[3:24:45 PM]

February, or a vehicle that gets us to that. They are organizing across these multiple departments to be able to leverage this group, American youthworks does amazing work in training our youth in our community and getting them on paths to equitable jobs. And we have already declared that we have transition to accc from being a covid pandemic response to being an equitable jobs program in the sustainability space, which is badly and sorely needed for our community. So I appreciate your diligence in looking at the contracts, but I think there's a lot of confusion over what we are doing today that are packed up in there and in the emails that we are getting. This is just not what you have explained. And if staff would like to add anything to what I've said, I would invite you to do that, if I'm missing any other pieces that might be relevant in response.

[3:25:48 PM]

>> The contract -- the million-dollar contract -- the number that you quoted was not specifically for the accc program. It was for land management. We're contracting land management work for -- contracting land management work of the American youthworks. But it wasn't just for accc. It was work that Austin water -- unaffiliated with accc that Austin watershed needed and other work that the parks and recreation performed prior to accc being its own entity. I think what might help, councilmember, I respect whatever decision you make today, but I would love to have the opportunity to perhaps sit down with you just to provide a little bit more information about the contract, and a little bit more information about the program so you can feel comfortable in the future.

>> Kelly: Absolutely. And thank you, councilmember alter, for your comments and information. Director Mcneely, I appreciate that. Now I'm sitting here confused as to why staff would provide me a

[3:26:49 PM]

contract that's not entirely about the item when I requested the information about that. So, that's something we'll sort out later, but I do appreciate that feedback. It does not take away from my disappoint that we have overspent the funds we needed to for this and don't have an adequate amount of time to review it. I will be glad to meet with your office on that.

>> Mayor Adler: My understanding is all we're doing today is extending this until February, when you can come back to the council with --

>> Yes, sir. The parks and recreation department will be back --

>> Mayor Adler: I'm going to support this so as to be able to give time for councilmember Kelly to be able to get answers to her questions, whatever she wants, but for the program not to be put in danger, subject to council being able to fully consider February. So, I support the motion. Is there any further discussion on this?

>> Whoa. You don't support a motion to postpone. You support a motion to pass it. That was the plan all along. This is just providing

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authorization for the additional monies that we need to get through to February when they will have the fuller contract which can be reviewed --

>> Mayor Adler: You made that motion, didn't you?

>> Alter: I did. She was trying to make a different motion, so I just wanted -- it sounded the way you said it --

>> Mayor Adler: She expressed her reservation, which I heard. I was saying I hear that reservation. I think the proper remedy for that is to pass your motion.

>> Alter: Okay, sorry. I misunderstood.

>> Mayor Adler: So the program isn't put in jeopardy. We have a very limited period of time here. It's two months, 2 1/2 months, whatever it is, so that councilmember Kelly can get all the information she wants to get her questions answered so that council can get that, and the next council can more fully consider this. But in the meantime, we're preserving the status quo for that 2 1/2 month period of time. So I support your amendment.

>> Alter: Absolutely. Sorry, I misunderstood.

>> Mayor Adler: That's okay.

>> Alter: I wanted to clarify for councilmember Kelly, I absolutely appreciate your desire to dig into the

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contracts. I think that's really important. It's key to our jobs. In this case, they provided you the pull contract because the contract that -- full contract because the contract that underlies the extension of the authorization is 300 pages long because it covers all of these multiple departments. And so they were, for what you asked for they were providing you the appropriate investigation. It happens to only be a subset of that contract that applies to the parks department. But that is why you would have been

given the full contract. We have contracts often that work with multiple departments. Being able to weigh in and draw down on the authorization in part so they don't have to go through all of the process over and over again.

>> Mayor Adler: We're going to postpone this and in effect maintain it. You guys can have a significant debate in February. Those in favor of preserving the status quo for the next 2 1/2 months --

>> Alter: My motion is to pass

[3:29:51 PM]

as it was. I don't want it to be confused with your language, mayor.

>> Mayor Adler: I misunderstood what is happening.

>> Alter: The contract is the same. It is providing additional money for the authorization to get us through February so that the people can stay employed and the program can continue and the program not be in jeopardy.

>> The posting language is authorize an amendment to the contract with American youthworks to provide for continued youth environmental stewardship programming to increase the amount by \$250,000 for a total contract of 3,000,447.

>> Mayor Adler: Is the effect of what we're doing authorizing the continuation --

>> You're authorizing an additional \$250,000 so we can continue work through February and we'll come back with a new contract for consideration.

>> Mayor Adler: That's what I thought I said. Mayor pro tem?

>> Alter: I wanted to make sure you understood and it was clear there was the additional authorization amount, which is why we are doing this and it was

[3:30:53 PM]

not clear.

>> Mayor Adler: Are we approving the additional authorization today?

>> Alter: We are. The funding is already in the budget, when we passed the funding in the budget for the accc. That funding is already there. But the contract that governs the relationship does not have enough authority to pay out for the period until February. And so we are authorizing the additional money within the contract, the existing contract, to do that. And a new contract vehicle will be presented to us in February.

>> Mayor Adler: Effectively that's what I said. The action we're taking today enables the money to be paid on this contract only through February, at which time you guys will consider everything else about going forward. Yes, the money has already been shown in the budget, but it can't be spent until it gets authorized. My motion -- I think we're in violent agreement on this. Those in favor of this motion, please signify by raising your hand. Those opposed to this motion?

[3:31:55 PM]

>> Kelly: I am apprehensive no, because I understand there could be value in this program, but I don't have enough information in front of me to vote in favor of it.

>> Mayor Adler: Understood.

>> Kelly: I look forward to learning more. Thank you.

>> Mayor Adler: I understand. It passes 10-1 with councilmember Kelly voting no. Colleagues, let's see if we can handle Brody oaks and Westgate before we go back to executive session. So, let's handle those two, Jerry.

>> Jerry rusthoven, housing and planning department. Before I provide a brief summary of the case, I'd like to go over the three items related to it so everyone is clear what staff believes the best way is to handle it. So, presuming for a moment that the P.U.D. Passes on first reading, which is all we'd be ready for, staff will be asking for an approval of the P.U.D. Item, which is item number 96. We would also be requesting on

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first reading only approval of item number 80, which is an sos amendment related to the Brody oaks P.U.D., necessary for the P.U.D. To be built. That would be first reading also, just like the P.U.D. And item number 97 is a restrictive covenant amendment for the property. We'd be requesting a postponement of that item as we routinely do until we come back with second and third reading. So we'll probably set it for the 26th and see if we're ready for second and third then. If not, we'll postpone it again. 80 first reading only, 96 first reading only, and 97 a postponement, presuming that the council approves.

>> Mayor Adler: Thank you. Does anyone want to make that motion? Councilmember kitchen makes that motion. We'll get to amendments in a second. Is there a second to the motion to approve on first reading only 96 and 80 and to postpone 97? Councilmember kitchen?

>> Kitchen: Thank you, mayor. I have two amendments.

[3:33:59 PM]

Very quickly, I have passed out a packet and I would bring to everyone's attention the front page of that packet lists the key issues. The reason I wanted to do that is because on first reading it's a good opportunity for everyone to see the issues that have been resolved and those remaining. There are a number of issues that will need to be resolved on second and third reading. I'm going to run through these real quick in just a minute, but I also have two motions that are designed to move towards resolving two of those outstanding issues in the future. So I'm going to speak to those motions first, and then mayor, after that, if I could have a minute or two to just go through the list of issues for people.

>> Mayor Adler: Yes. Councilmember Kitchen has proposed two amendments that have been handed out to the dais. Is staff okay with those amendments? And is the applicant okay with

[3:35:00 PM]

those amendments?

>> I think -- I know we just received the one and the second one is parkland.

>> Kitchen: Those are the two I'm speaking to.

>> I'll defer to director Mcneely regarding the parks. And Austin energy as you're asking us to continue to negotiate.

>> Mayor Adler: Austin energy is okay with the amendment? Is the applicant okay with those two amendments?

>> My name is David Armbrust, representing the applicant. We're in agreement with the amendments.

>> Mayor Adler: Ms. Mcneely, is she here? Are you okay with the amendment?

>> Yes, sir. The parks and recreation department is fine with the amendments.

>> Mayor Adler: Okay. Council, any objection to adding those two amendments?

>> Kitchen: Let me just say briefly what they are so people understand. The first one with regard to the substation, one of the outstanding issues is the location of the Austin energy substation. It's necessary to have a

[3:36:00 PM]

substation because of the increased need for power. So, the direction is simply for the P.U.D. Applicants and Austin energy to work together to resolve the substation location in a way that doesn't impact soil water quality requirements on the site or the impervious cover parkland requirements. The concern is that the substation not be located in such a way that it's going to sit on parkland and reduce the

allocated parkland or cause greater than the proposed net site impervious cover. So that's what that first amendment does. And then the second amendment relates to another outstanding issue which has to do with paying for the trails, the trail to access Barton creek green belt. So this second one asks for the

[3:37:04 PM]

city manager in coordination with the applicants to work through the best mechanism to propose back to council for potential options for funding. And then there's, you know, parkland improvement and maintenance agreement, a pid or other strategies. And the point is to recognize the importance of funding to preserve and manage the trail and green belt assets. So, it doesn't direct a solution, it just directs some further work. So those are the two motions.

>> Mayor Adler: Is there any objection to those two amendments being added?

>> Mayor, can I just confirm that they have seen this?

>> Kitchen: Yes, they have, city manager, I worked out the language with them. Are they here?

>> Mayor Adler: Do we have them here?

>> Yes, sir, this is Lisa martin with Austin energy.

>> Mayor Adler: Are you okay with the amendment?

>> Yes, we are okay with the amendment.

>> Mayor Adler: Thank you very much. Any objection to those two amendments being added?

[3:38:05 PM]

Hearing up in -- none, they are added. Any further discussion and

>> Kitchen: Yes. Let me just say a few quick things. First off, I want to thank all of the neighbors, the folks that are here from the Barton hills area as well as the Barton view area. I recognize the impact on your neighborhoods, and I appreciate you all -- the participation. You all have been participating very closely with the applicant over a last number of months. And I appreciate the -- as each one of you says, you're not opposed to building on this site or density. You have concerns about the scope of it. So I want to flag that for my colleagues. What you hear from the folks that have spoken is the fundamental question with regard to this site. It is the first green town center from imagine Austin to come in front of council.

[3:39:07 PM]



It is also unique in the sense that it is on a project connect brt line. And it is located, you know, in a environmental sensitive area. So, this is a key issue that you all will have to consider on second and third reading. And you've heard the concerns of neighbors about the proposed level of density as represented by the height in this area. So, I just want to flag that for you. It is also there as item number 4 on the list of key issues that I made available for you. The other thing that I wanted to bring to your attention is two things that have been proposed is what I just mentioned about concerns about the proposed height. The second thing is the suggestion from the environmental commission for the purchase of mitigation land in the Barton creek watershed to bridge the gap between the sos impervious cover required and

[3:40:08 PM]

proposed. This is an area that's going to reduce the existing impervious cover. It's just a big, you know, old shopping center right now with a lot of parking. So the value of it is the reduction in impervious cover. But it's still not going to get down to, you know, the 15% which is what you would have if you were building new here. So one of the questions -- one of the issues the environmental commission raised is the potential for purchasing mitigation land elsewhere in the Barton creek watershed to help address that issue. So that's number 4. Item number 3 is environmental issues. One of my motions related to sustainable trail, paying for that. So -- both of number 3 is related to that. I also want to let you know that I know that the clean water action and other entities, the Sierra club and sos continue to

[3:41:09 PM]

work with the applicant. I have -- to the best of my ability -- listed the issues that I'm aware of now. There may be a few more that come forward. I can say the environmental commission, the parks board, the recommendations, the vast majority, have been taken by the applicant. I already talked about the energy substation. I want to touch briefly on affordable housing. I want to do this because I'm excited about what's been offered for affordable housing on this location. It equates to 10% as required by the P.U.D. Ordinance. It's a mix between dedicated affordable housing through an arrangement with foundation communities on track four and the mix -- the rest of the housing being distributed throughout the rest of the property. So, to be specific, we're talking about approximately 1.5 acres, a \$6 million value,

[3:42:11 PM]

dedicated for 100% affordable housing project. That will be a minimum of 100 units, two to three bedroom units at 30 to 60% mfi in perpetuity. The final ordinance needs to include language that states if for some reason foundation communities is not able to build that, the city will have the opportunity to build on the track. So there will need to be language in the final ordinance for the backup. The last thing I want to bring to y'all's attention on the affordable housing is that the on-site additional, projected to be 100 affordable units will be at 60% mfi for 40 years. That additional amount will depend upon the final height that's allowed, because depending on the additional bonus area, that will impact whether that's 100 units or, you know, exactly what that number

[3:43:11 PM]

of units are. So, mayor, thank you for providing some time to flag these issues. The Brody oaks P.U.D., as others have said, it is precedent-setting. It is in an area that we have not dealt with before. The question of how much density to put there is very appropriate, and an important issue for this dais to consider. And then as balanced -- not balanced, but in consideration of what superiority we're getting in terms of the improvements to the environment and the parks, as well as what I consider to be substantial affordable housing. Two other things I want to point out that you have backup that you might want to look through at one point. This is an excellent summary of what's in the P.U.D. And then finally, they have also agreed to affordable space for

[3:44:14 PM]

arts. And that's significant, as well as local retail. And there's a whole host of other benefits that are in the backup. I'm not going to go through all of that. You all when you get to second reading will have lots of discussion about it and maybe I'll be eating popcorn or maybe even testifying.

[ Laughing ] So I know that that will be coming up to you all in the spring. So, that's all my comments at this point.

>> Mayor Adler: Any further discussion on this item? Yes.

>> I want to clarify, this would be for first reading only for the planning commission recommendation. The applicant is agreeable to that. Since this is my last or second to last --

>> Kitchen: Planning commission recommendation? There were some --

>> They took out two of the environmental board recommendations related to height, but that was included in the planning commission recommendation, which was for parks and the environmental board recommendation with two conditions removed from the environmental board recommendation. The applicant is acceptable to the planning commission recommendation.

>> Kitchen: Those are still on

[3:45:16 PM]

the table. The recommendation number 2 from the planning commission was not accepted. That's not included, right?

>> Correct. It would be superseded by your amendment, councilmember, related to that item.

>> Kitchen: Okay. Great.

>> If I could add, too, since this is my last case, that includes amendment 6 from the planning commission, which is that the applicant provide poop the scoop stations in the green belt. I've always wanted to say poop in a zoning case. Now I have.

[ Laughing ]

>> Kitchen: I'm sure they put that in there just for you, Jerry.

>> So this would be for item 96 on first reading only, postpone item 97 to January 26th, and to approve item number 80 on first reading.

>> Mayor Adler: Okay. As amended. It will open back up. Those in favor, please raise your hands. Those opposed?

[3:46:16 PM]

I'm showing it as unanimous on the dais. It passes. All right. Let's do Westgate.

>> With Westgate, councilmember vela asked how much this would cost the city. I can tell you that honest answer is we don't know. There are, I believe, 101 units in the building. It would be each property owner's -- of each unit's responsibility to apply for a tax exemption every year. We don't know how many of them are homesteaded versus how many are rental properties. We don't know how many are going to go through the trouble of applying. I can tell you that among all the tax, not including Travis central health, which is pretty small in the big scheme of things, the maximum with aid's city, etc., county, is \$8,500 a unit among all the entities. The city's portion is somewhere around 2500 a unit. But again, it makes a difference whether it's commercial, a rental property, or a homestead

[3:47:21 PM]

property.

>> Vela: My understanding is that aid accepts whatever historical designations --

>> We send them a list and then they approve and send it back to us.

>> Vela: What about the common areas? A condo, you don't own the exterior. There's a commonly owned area. Is there a separate appraisal value for the commonly owned areas?

>> That's something we'd have to ask tcad. I think those are owned by the hoa, generally speaking, and I'd have to talk to tcad to see if -- how they assess those and if they would take an application for the tax exemption. We've never had that situation before.

>> Vela: Yeah.

>> Mayor Adler: Let's proceed in this process. Is there a motion on this item? Councilmember tovo, is this your district?

>> Tovo: I move approval on second and third reading for historic zoning for this important project.

>> Mayor Adler: It's been moved, seconded. Is there a second to that? Councilmember pool seconds that. Councilmember vela.

>> Vela: I would amend the

[3:48:21 PM]

motion to just approve on second reading until we can get some clarity with regard to potential cost, potential loss of property tax revenue.

>> Mayor Adler: Is there a second to the motion? Councilmember Ellis seconds that. You want discussion or amendment?

>> Vela: Again, first of all, the building is not in any danger. The reality is that it's a very nice downtown building. It's not going anywhere. I don't think there's any urgency to do this right now. We're looking at a potentially large fiscal impact not just to ourselves, but to the school district as well, and I'd like to understand that a little bit better before we go ahead and pass it. This could be on the order of half a million dollars or something like that that would be lost, so I would like to get a little more clarity on that before moving forward.

>> Mayor Adler: Further discussion? Councilmember tovo.

>> Tovo: I'm not sure what my colleague means about getting more clarity. We have the sheet from our city

[3:49:24 PM]

staff that shows if every single property was eligible, which some of them likely won't be because they won't be homesteaded, we know the total cost. There wouldn't be an opportunity to know how many

applicants -- how many homeowners will apply for the exemption. Respectfully, as you know, this is my last meeting on the dais. I've represented this district now since 2018. I would ask that we move forward with this project. The ordinance requirements have been met. The ordinance requirements do not have as a criterion that the council deliberates over what the taxing -- what the tax abatement is going to be. If a property meets the definition in our code of being historically significant -- and this property has been unanimously approved by the historic commission and our staff have said it meets the ordinance requirements. It should be allowed to proceed

[3:50:26 PM]

forward. It meets it on historic associations, it meets it on architectural significance. There is a huge body of information in our backup and has been for the last several months or as long as this has been on our agenda about it. And again, it's a good question that you're asking, but it's not part of the criteria that we're supposed to be considering when we're looking at a rezoning to historic zoning. We have multiple times had a conversation as a community about whether we wanted to continue with the tax abatement for historic properties. And the council has made several revisions to this policy, but it remains on the books and it is to help make sure that we're accounting for the additional cost that historic properties incur.

>> Mayor Adler: Okay.

>> Tovo: So I'm not sure, maybe you can help me understand exactly what information. And maybe the staff have that information and can make it available. But if we're trying to figure out how many property owners are

[3:51:26 PM]

going to apply for that exemption, there's no way to know that.

>> Vela: We just heard that we're not clear about what the property tax value is for the common areas and for the homeowners association as well, or if and how that applies. So, again, not only that, but how many are homesteaded? I think those are all absolutely answerable questions that can be investigated and answered. And again, I don't see the urgency. This is not a building that is threatened in any way. There's nothing that's going to hurt by kicking it to January.

>> Tovo: I see one of the applicants has a hand up. Perhaps they have some of the information that's been requested. I think we should all -- we're all trying really hard today to finish up as much of the work as possible. We're about to undergo a pretty big transition.

>> Mayor Adler: Kathie tovo

[3:52:28 PM]

has asked you to come up. We'll allow that.

>> Thank you. The hoa does not own any common area. Each owner is responsible for a percentage of a common area based on their ownership percentage in the building, so each owner is directly responsible for their portion of the exterior, the common areas for all historical costs. It is a direct pass-through to the owners via the hoa. The hoa is just the governing body that hires the contractors, goes through the process of inspecting and making sure the work is done to historical standards, but it is the owners who bear the cost of that.

[ Beeping ]

>> Also, it was provided to the file previously the estimated cost of the program. And as was stated by councilmember tovo, it is capped at \$8,500 for all homesteaded properties.

>> Mayor Adler: Okay. The amendment in front of us is to approve on second reading

[3:53:29 PM]

only. Further discussion? Yes, councilmember Ellis.

>> Ellis: I know I seconded the motion that councilmember vela made and I have also been thinking about this one, because I think this is a very cool property, but I think the tax impacts are important if one of us wants to be able to run down those numbers a little more clearly. I see the benefit in at least having the information to vote on and I supported this on the first reading. I'm comfortable supporting it on second. I appreciate if the councilmember has further questions they want to get through.

>> Mayor Adler: Councilmember pool.

>> Pool: How many units are we talking about? The max is 8500 per unit if it is a homesteaded property.

>> I believe there's 101 units.

>> Pool: Do we know how many, the max would be 102 times 8500.

>> If every one were homesteaded.

>> Pool: Does anyone have a sense of the percentage of the units that are homeowner occupied?

>> I don't know.

[3:54:29 PM]

Maybe the people there do.

>> Pool: Can somebody do the dais math for me, put those zeros on 8500?

>> Mayor. If I may, this information is actually in our backup. I'm not sure what other information colleagues may want, but perhaps we should table this and take a look at it. Part two has the information provided by tcad. It shows which have homestead exemptions. We can count them. Thanks for the question. That will tell us exactly how many have homesteaded. Mayor, I'm going to suggest that we lay this on the table. Are there other questions that my colleagues would like answered? Homestead exemptions, we answered the question about the common area. Councilmember vela, is there other information that would be useful?

>> Mayor Adler: Councilmember harper-madison.

>> Harper-madison: I wanted to second what councilmember Ellis said. If our colleague has additional questions, even if they aren't

[3:55:32 PM]

necessarily quantifiable in this moment, in accordance with the information that we have as backup, even if he's not able to clearly articulate those questions, if he's got additional questions, I think it's entirely appropriate for us to continue forward with the motion that he's put on the table without having to feel the pressure to, in this moment, this day, answer any additional questions from other colleagues. I think it's perfectly appropriate what he's put forward as a motion and I think we should move forward.

>> 28 of the 102 are homesteaded.

>> Mayor Adler: 28 --

>> Of the 102 total units in the building are homesteaded.

>> Mayor Adler: Okay. 28 of the units are homesteaded. We have a motion in front of us to pass this on second reading only. Does anybody want this tabled to get more information now? Then let's continue on.

[3:56:34 PM]

Any further discussion on the question of approving this on second reading only? Let's take a vote. Those in favor of approving this only second reading, please raise your hand. I have councilmember harper-madison, commissioner councilmember Renteria, councilmember Fuentes, councilmember Ellis. I will vote that way as well. And councilmember vela. That's six votes. Those opposed, please raise your

hand. It's one, two -- the remaining five people on the dais. That passes 6-5. The motion in front of us now is to approve this on second reading only. Any discussion before we vote?

>> Tovo: Mayor, just to add to it, this is a historically significant building. It has multiple historic associations. I think this is the second time that there's been an application. There's a tremendous amount of information. And the total exemption that we're talking about based on that math that Jerry gave us is

[3:57:35 PM]

\$238,000, though again, our code does not provide for that to be one of the considerations. Is

>> Mayor Adler: I urge you, between second and third reading, the council should deal with the policy question of dealing with vertical buildings versus neighborhoods. There was a question about access to units in a vertical building. For what it's worth, and it's not worth that much because I'll be eating the popcorn, I'm not sure I see a difference between units that are stacked vertically and units that are horizontally. You don't have access to the building, you don't know what's happening in those buildings, either. But when this comes back, I suggest that you try to fashion a policy statement as regards these so that you're not trying to deal with these questions on an ad hoc basis. That would be my advice to you, to try to articulate a policy, or else you're going to find

[3:58:37 PM]

yourself doing these things repeatedly. I would add for historical significance, this is the building I had my first law clerk job in while I was in law school, in case that makes any difference.

>> Vela: Thank you, mayor. I appreciate it. There's a handful of other -- I think about this in the context of the broader downtown, other buildings coming our way. As these buildings age and become eligible for historical recognition, I think it's an issue that we're going to have to confront again and again.

>> Mayor Adler: Okay. So let's take -- we took a vote. 6-5. No, we've passed the amendment 6-5, now let's take a vote on the matter as amended. Those in favor of this item as amended, please raise your hand. Those opposed? I'm seeing unanimous on the dais, this is postponed -- this is passed on second reading only.

>> That concludes your zoning agenda, mayor and council. Thank you very much.

>> Mayor

>> Mayor Adler: Thank you

[3:59:40 PM]



very much. All right. Colleagues, I'm seeing the items that are left in front of us being the -- we've taken care of all of zoning. We have executive session we're going to take up two items, then we have five pulled items. The Austin energy rate case, council, item 4, item 58, councilmember tovo's real estate matter, item number 60, the Oracle parkland item. 72, which is the personnel matter. And 74, which is the atp board matter. I think those are the five matters. I'm going to propose now we take a break, go into executive session. We'll do that in person and see how we can deal with those items, see if we can

[4:00:41 PM]

come back out and deal with these items. It would be my intent we deal with Austin energy first so we can handle that in a way that gives staff the time to draft something if they need to that corresponds to the action that we take. So without objection, the city council now goes into closed session to take up two items, government code, we're going to discuss information security issues related to item 82 and pursuant to 551.074, personnel matters related to item 84. Without objection, here at 4:01, we'll go back physically to the executive session room to talk about these. It's 4:01. Let's take four, five minutes to give people a chance to go to the restroom on the way back, but let's meet back there as quickly as we can. See how early we can end

[4:01:41 PM]

today's meeting without going into tomorrow.

[Executive session]

[6:00:45 PM]

>> Mayor Adler: The back rooms, they should come forward.

[6:02:55 PM]

>> Mayor Adler: All right, we are out of closed session, in closed session we discussed information security issues related to item 82 and real estate matters related to item 60. Actually we discussed issues with item 92 and personnel matters related to item 94. The time is 6:03. And we're back. I think that in the nature of items of personal privilege, we're going to take care of some things. We want to

allow more colleagues to come on out and join us. We'll give them a second or two, so they can be part of the picture.

[6:06:51 PM]

>> Mayor Adler: All right, we have a microphone on. Is it live? Let's go ahead and start. We're going to make a couple presentations here over the next few minutes. A little unorthodox in that each is are presentations in a way that we haven't done before. A special day, because this is the last time that the 101 council in its iteration gets together. And as we do that and we look at the city, we're really proud of where we are. We love this city. But we recognize that getting on this path has taken a lot of giants on whose shoulders we all stand. The number of people that deserve recognition for that are -- are numerous.

[6:07:51 PM]

In the thousands and thousands, I'm sure. But there are some individuals that -- that just seem to stand a little taller. Some individuals that -- that seem to be so many times in -- in the trenches. And people that we have come to rely on that so many of us individually go back to to ask for advice and for mentoring. Tonight, we're going to collectively honor one such giant in pastor parker.

[Applause] Pastor parker, obviously, has done incredible service to this community in his role as pastor. In fact, pastor parker is

[6:08:53 PM]

actually just like one word, I think, as we've gotten used to saying it. But he has ministered to a flock that goes beyond St. David's chapel. He's administered to the entire city as our collective pastor. I can't count the number of times that I have been in groups that have needed pastoral support in the community, unrelated to St. David's chapel, that we have turned to pastor parker. He has been involved in very concrete ways in setting policy in this city through advice. Has helped this city through some of its hardest to deal with moments, involving public safety issues. But has been a voice of equity

[6:09:54 PM]

and justice and fairness and access in so many rooms and so many conversations. He has been especially for me my pastor. If I'm allowed to have such a thing.

[Chuckle] In this community. And I wanted to make sure that we recognize that. I've given out a lot of proclamations and we'll continue to do that, and it's -- it's an honor every time that we get a chance to do that. Much, much less frequently I have the honor of being able to award someone a key to the city. And pastor parker, if you could come on up, I'd like to give it to you.

[6:10:55 PM]

[Applause]

>> Thank you.

>> Mayor Adler: Pastor parker of St. David's chapel, thank you so much, and pastor to this city. Thank you.

>> Thank you.

[Applause]

>> Mayor Adler: You want to say something?

>> Let me get my wife and my -- two of my daughters to come up here with me briefly. This is my youngest one. And this is my middle one. Last night at about midnight somebody was knocking on our door and she had flown in from Columbus, Ohio, to be here for this moment. And this is the mother of my children, 46 years.

[Applause] I could not -- I could not be

[6:11:57 PM]

standing here if it were not for my wife Laverne. She has supported me, sacrificed for me, as have my daughters and my oldest one is a lawyer in Boston and she's there with our three grandkids. And so it has been an honor to have the opportunities, mayor, councilmembers, to serve this city. I love this city. It's been good to me. It's been good to my family. And it's not a burden for me to give of myself. It's what I believe that I should do. One reason that I wanted Laverne to stand up here is that 40 years ago when I finished law school, the student bar association gave her a certificate, because of how she supported me through those years. And so I received this key jointly with her, with my

[6:12:58 PM]

children, and with the wonderful people, some of whom were here from David chapel that have tolerated me for 30 years, although I have been at the church 43 years. And so thank you again. Thank

you to all of my friends who serve this city as councilmembers and the mayors. And I'm honored. The only thing that I ask, I wish the chief of police who was here, because I want him to know that in case he sees me walking around the city trying to find what this opens --

[laughter]

-- That he won't arrest me. Thank you all so much.

[Applause]

[6:21:21 PM]

>> Alter: If I could have my colleagues to come down, we have some distinguished service awards. I'm going to ask that our -- our folks who are getting the awards

-- the mayor could be over here. Councilmember kitchen and councilmember tovo --

>> [Indistinct chatter]

>> Alter: You want to be up on stage?

[6:22:40 PM]

>> [Indistinct chapter] All right, this is emblematic of how we operate.

[Laughter] So we will get there. I know, I know. Okay. Are we ready now? Okay. Good evening. I'm mayor pro tem Alison alter and I represent district 10 on the city council and I want to congratulate pastor parker, one of my constituents again, on receiving the key to the city. Congratulations.

[Applause] So tonight is a very special night and hopefully it will be tonight and not tomorrow morning. As this wraps up, the last council meeting of four of our colleagues who are part of the

[6:23:43 PM]

original 10-1 council. We wanted to take a few moments to pause and to say thank you. And I appreciate councilmember pool for organizing tonight's run of show. It is important for us as a community and as a city to recognize that we've been tested again and again over the last several years, but thanks to your leadership -- this is kind of awkward -- thank -- come closer here. Thanks to your leadership, we are doing great as a city. And we owe you our gratitude. And I just want to warn you that this is going to be kind of a slow goodbye. Both from us at council, and at city hall, but I'm sure from the whole community as we make this transition together. So, each of you were part of

[6:24:44 PM]

that 10-1 council and it's really hard for us to sum up what you have accomplished, so this is going to be a celebration in installments. Today we're going to have the distinguished service awards that we're going to offer. Next week our councilmembers will have an opportunity on atxn to make remarks, and no doubt they will perhaps tonight. So on the 15th, the city manager's office together with my office and the whole council have organized a reception at 5:30 on the 15th. So if you are a close friend and supporter, and really love these four, please join us. Today though I'm honored to be joined by councilmember pool to present our four colleagues with distinguished service awards. I hope that these awards are a unique reflection of each of your legacies and one of the first ways that we are going to mark together your time on council. So, councilmember Renteria, if

[6:25:45 PM]

you could please join me up here.

[Applause] Councilmember Sabina Pio Renteria is a life long representative of his city and a beloved cyclist at city hall. I admire your work to serve our veterans and to grow the mexican-american heritage and to advance housing needs in our city. I will read your distinguished service award. For his untiring service, commitment and leadership on council, to address the complex and important issues of affordable housing ex equitable and accessible transit, international diplomacy and the preservation of our heritage and institutions, he has provided service to district 3 and its residents during his eight-year

[6:26:48 PM]

tenure. The dedicated city councilor of the city of awfton, Sabino Pio Renteria is deserving of public acclaim and recognition. This is presented in acknowledgment and appreciation today, the 8th day of December, in the year 2022. And it is signed on behalf of all of us. Congratulations.

>> Renteria: I want to really thank my colleagues and I will save my comments to next week but I want to say thank you to you and the staff. You guys are wonderful. And if it weren't for you guys, we wouldn't be where we are right now. Thank you.

[Applause]

>> Alter: And now my colleague councilmember pool will present a distinguished award to Ann kitchen.

>> Pool: My good friend, Ann

[6:27:49 PM]

kitchen, coming on down. So I want to read this distinguished service award for Ann. For her commitment to serving and providing valuable skills and collaborative leadership on council, addressing the city's challenges to homelessness, healthcare access, transit equity, as well as promotion and preservation of our local, cultural arts and iconic institutions, councilmember kitchen has provided exemplary service to district 5 and its residents during her tenure as a dedicated city councilmember of the city of Austin. Ann kitchen is deserving of public acclaim and recognition. This certificate is presented in acknowledgment and appreciation thereof, this 8th day of December in the year 2022. Signed by the entire city council of Austin, Texas.

[Applause]

[6:28:53 PM]

>> Kitchen: I will save my remarks also except that I have to say two things. First, you know, um, when I was thinking of getting on council and also just watching councils prior to me. You know, they always say that serving on council is like drinking out of a fire hose. And that is so true. And we could not do it without our staff. I have been blessed to have four wonderful staff who have been with me this entire time, and I want to say thank you to them.

[Applause] With -- you know, Donna and dorah and Jason and Ken, they're our office, we are a team. So thank you all.

[Applause]

>> Pool: Councilmember kitchen, I think that it's drinking out of a fire hydrant.

[Laughter] Well, when I came on we started saying fire hydrant.

[6:29:55 PM]

Next it is councilmember tovo, if you could come forward, councilmember tovo it has been an honor to work with you. I feel fortunate to count you as a close friend and you will forever be my mayor pro tem. It is my honor to offer this distinguished service award, which you will notice is really, really long because councilmember tovo has been on the council for 11 years. Kathie tovo is deserving of wide acclaim and recognition for her strong and lasting contributions to the city of Austin. As the longest serving councilmember on the dais, Kathie tofie spent her 11 years of service working for the public good and Austin is the better for it. She's the only councilmember to have served on both the at-large council and the current 10-1 council as the district 9 representative. From these two vantage points she gained a unique perspective

[6:30:56 PM]

and deep understanding of city-wide issues and district-wide needs. Throughout her tenure, Kathie Tovo maintained a commitment to improving the quality of life for all families, especially for working families and underserved communities. Councilmember Tovo never waived in her dedication to workers' rights, fair wages, accessible childcare, affordable housing and healthcare and the LGBTQIA community. And she did so with honest and inclusive government and working tirelessly over the years and she built a comprehensive record of leadership on a range of issues. To name just a few of Councilmember Tovo's accomplishments, she led in the creation of the sobering center to provide a safe, supportive place for people to sober up as an alternative to jail or the emergency room. She kickstarted the community process of creating Ward Forward, a hundred year plan to ensure that Austin has a reliable water drinking supply for future generations, and she

[6:31:58 PM]

led the successful effort to bring professional soccer to Austin and secured a permanent home for Austin F.C. at Q.T. Stadium in north Austin. Kathie Tovo also led with quiet fortitude -- leads, I should say with quiet fortitude and clarity of vision with valuable assistance from her fiercely loyal staff. Her institutional knowledge and keen sense of wit will be sorely missed by her close friends and colleagues at city hall. This city council commits Kathie Tovo for her commitment to the city of Austin and the distinguished service award presented on this 8th day of December in the year 2022.

[Applause]

>> Alter: Finally, I would like to ask my friend Mayor Steve Adler to come forward. Mayor Adler, it has been an honor to serve alongside you and to work together to advance our

[6:33:00 PM]

shared values of equity, sustainability and government transparency. I have especially enjoyed working with you on the Austin City Sisters program and leading a delegation most recently. I look forward to seeing where your career in public service takes you next. Now I will read Mayor Adler's distinguished service award. For his eight years of thoughtful leadership, steadfast public service and a career fighting for equity and opportunity for all of Austin, he has provided exemplary service to the city of Austin and its residents during his tenure. Steve Adler is deserving of public acclaim and recognition. This certificate is presented in acknowledgement and appreciation thereof, and you get to sign it yourself -- how does that work?

[Laughter] But we're working on signing some other things for you, but congratulations, and thank you,

[6:34:00 PM]

Steve.

[Applause] And for those of you who are here on staff, or friends of the councilmembers, probably anyone else who could make it back there, please join -- we have one more presentation but please join us for some dessert in the back. And thank you. Please do join us on the 15th. Again, there's so much to celebrate for these councilmembers that we're going to just keep doing it. We'll probably do it again later tonight. So thank you so much.

[Applaus

[6:36:04 PM]

E]

[Applause]

>> Mayor Adler: All right, everybody should stay here. One more presentation to make. Because tonight is a night of special presentations. You know, as -- as a term ends for mayor, I will tell you that I wish I had the ability to grant pardons, because that would be a lot more fun, you know, in the last month to be able to give people pardons. But what I can do that to me is really special is to -- is to give the keys to the city out, because it's one thing that is uniquely something that -- that a mayor does. And in coming to the end of my term as I was going through the list of people -- not very

[6:37:05 PM]

long -- that I wanted to make sure that got keys to the city, you know, I was trying to identify the people that really fundamentally changed the course of this city. That to the very core of their being have the interest of this community at heart. People that are true public servants. People that I know have gone so far beyond what could ever be expected of any -- any champion, or supporter. And, colleagues, as I was going through the list and adding names I kept coming back to the conclusion that if I was really giving this key to -- to people that were most deserving, I would give one to everyone that has made the 10-1 council work.

[Applause]

[6:38:06 PM]



You know, when the 10.1 council came into office, the city office was really had taken a pretty considerable gamble, more than just electing me as mayor, although that was a leap of faith. But I made a decision to introduce the 10.1 council itself. It was a calculated risk, but it was nonetheless a risk. It's a good model, but it asks a lot of people that are elected to fill that position. It assumes members that can both at the same time represent their -- their districts as well as the entire city. It requires that we find common approach on some of the hardest and most complex problems that a city can face. It obliges us to remember that

[6:39:07 PM]

even amidst our differences that we are a team. It expects a lot, but what it expects is something that our city deserves. I am happy to say that I believe that this council, and the other iterations of the 10.1 council have lived up to those expectations and that we have rewarded the city's trust. I also want to say that I'm going to miss working with you all. And -- and I'm so proud of what we were able to build and protect in this magical city. I recognize that we had differences of opinion, that sometimes it's hard to tell when we're negotiating or when we're just arguing with each other. And I think that's fine. Because we were elected to advocate for people and to represent them and to make sure that all of the conversations occurring at kitchen tables

[6:40:08 PM]

around the city also happen at this dais. That's what the 10.1 council was all about. I don't think that we ever forget that it is a privilege and an honor to work together on the behalf of the city that we love. I know that we did not take for granted our obligation to this city or to its people. In our hearts I believe that we are grateful to just have had the chance to make a difference. But in doing that, the 10.1 council and its iterations are a group of people that have worked 24/7 for so many years. I think that it's impossible to -- for people to understand the extent of the selfless act that it is to serve on this council in this way. So, if you would bring forward, Barbara, I would like to present to each of my colleagues on the

[6:41:11 PM]

city council a key to the city as well. And --

[applause] And I hope that on Thursday to be able to give the key to the city to our other colleagues that have served with us that are not with us tonight. And if they can't make it on Thursday we'll get a key to them otherwise. But --

>> Oops.

>> It's dangerous.

[Laughter]

[6:42:17 PM]

>> Mayor Adler: I tell people that we try to avoid controversy, we're just not very good at it.

>> Thank you.

>> Oh, my gosh. Wow. That's incredible.

>> Mayor Adler: Is there another one, Barbara?

>> It is incredible.

>> Mayor Adler: I have an extra key.

[Laughter] I love this, you know, as mayor you can have as many keys as you want.

[Laughter] But this is a special key that -- that almost goes to kind of like the auxiliary member of the council. Somebody that was with us all of the time that we have served in office. Somebody that -- that in a very real sense has been mother to us all.

[6:43:17 PM]

Someone that has served this city for a really long period of time. And I don't know anybody that is as supportive of us unconditionally as Kay --

[cheers and applause]

>> I don't have a lot of words. Which is very unusual.

[6:44:34 PM]

>> Yay, Kay!

[Applause]

>> Thank you. Thank you for letting me serve the city.

[Laughter]

[Indiscernible] To serve this city alongside you.

>> We love you, Kay.

>> Mayor Adler: Let's get a picture with Kay.

[Applause]

>> Come on.

[Laughter]

>> I don't like pictures.

>> I know.

>> So good.

[6:45:46 PM]

>> [Indistinct chatter]

>> You ready?

>> Yeah.

[Applause]

>> Mayor Adler: We're going to talk about energy really fast -- [indiscernible].

[Laughter]

[6:47:31 PM]

[Recess]

>> Mayor Adler: Colleagues, it's 6:47 and I will call up item number 4, Austin energy. We have staff with us?

>> They're coming around the corner.

>> Mayor Adler: Okay, cool. Thank you. So we're going to take a dinner break and a dessert break here I think in just a second. But before we did that, I just wanted to figure out where we were on Austin energy to see,

[6:48:34 PM]

um, whether there was -- a critical mass to move forward to gauge how much time the majority of the council wanted to move forward on how wide ranging a review that we wanted to have. In case if there was more direction to give to Austin energy staff. So could Austin energy staff come forward. Just trying to gauge kind of where we are. Hmm? I understand that -- that obviously there are a lot of variables in this. And a lot of discussions that we could have for a really long period of time on -- on what is the revenue requirement. A long period of time on what is the customer charge.

[6:49:37 PM]

Also the -- the tiers and the gaps associated with that. In the work that chair pool and I were doing after listening to the discussion with council and with you and with Thomas and the advisors, there were two things

-- options that made sense to us. And I'm just trying to gauge if people would be comfortable with these options or if there are enough people that want to spend time digging in. There are two options. One is a revenue level at 31.3. That supports a \$13 customer charge for all three years. Doing the tiers as were laid out

[6:50:37 PM]

in 4b. And with that allocation. The adjustments made as shown in that to the higher tiers so as to get the -- where we need to be without city folks and to have some amount of money being able to go to setting up the system for greater cap participation. But that would be 31.3 million dollars revenue, and \$13 flat. The other option that seemed to surface from people's conversations were to go to revenue cap -- revenue -- total revenue of 29.5, and with revenue -- with a customer charge of \$13.14 and 15 in the three successive years. And after running those models, is that something -- are those two options something that Austin energy could support?

[6:51:40 PM]

>> Jackie sergeant, Austin energy general manager. As you know, we have been working a long time through this process and we felt that the option that had come forward with \$31.3 million, and the graduated increase in the customer charge of \$13, \$14, \$15 was an option that met most of -- gave something to everyone. It helped the utility in terms of financial stability. And also helped us as we look to the long term for bill stability for our customers and mitigating rate shock. We think that it's really important to look at the rate structure that we have and where it's been set and getting the customer

charge to a higher level is significantly important in establishing the path forward for this council. And the long-term health of the

[6:52:40 PM]

utility. So between those two options, the more favored one would be revenue requirement of \$29.5 million, and customer charge graduating \$13, \$14 and \$15 --

>> Mayor Adler: Okay, and I'll get to your preferred option in a second. My question was, can you support 31 with a \$13 flat or 29.5 at \$13, \$14 and \$15? My understanding is that you could support those but you have a preference between the two. My first question is -- can you support both of those?

>> That's challenging -- that's a challenging question, mayor. And when I'm trying to balance what is best for the utility in the long run I have to state that my preference would be the option with the graduated increase in the customer charge.

[6:53:40 PM]

>> Mayor Adler: And I understand that. I was going to ask you which one you preferred in a second and to explain why. But my understanding was that also that the 31, at \$13 was also something that you could make work as well?

>> We will do our best to manage that.

>> Mayor Adler: You mean that you think that you can work? I mean, if it's not, say no.

>> I think that is something that we can work through and manage.

>> Mayor Adler: Okay. So of those two options that you can work through and manage, your preferred is the -- is the 29.5 and 13, 14, and 15. You want to explain to the council why that is your preferred option of the two?

>> That is the preferred option because when we look at where customers are coming on to our system and how they're using energy, they're staying within the lower two tiers. And it's important that we get them close to or closer to the costs that it actually -- that we incur to serve them, because it becomes more and more

[6:54:41 PM]

difficult as the growth in the customer base happens in those tiers and not in the higher tiers. And we don't want people in the higher tiers, because we want them conserving energy. And that helps us to

better manage the needs of the system and to achieve the goals that we have worked on together with our community stakeholders. And to better be positioned to achieve those goals.

>> Mayor Adler: Okay, so the question that I have, a question on the dais, the question that chair pool and I have is -- I'd like to see if there are people on the dais that would support one or the other of those two options. Such that they're ready to focus on those two options and pick one. I think that gauges kind of how much time we need to spend on other action. So, people that would be in support of one or the other, or both of those options, would you raise your hand.

[6:55:45 PM]

The two options are, 31 --

>> Kitchen: I understand now.

>> Mayor Adler: I'm asking if people are comfortable with those two options. If you are, please raise your hand. One or the other, or both of those options. One, two, three, four, five, six, seven people on the dais. So my thought is that it's going to be one of those two options, because my guess is that seven people would support that. Thank you. I know that there are a lot of other options to do, lots of other things and different rate schedules. I think that's where the council is at this point, the majority of council on that. Does anybody here support one or the other of those to the exclusion of the other? Councilmember pool.

>> Pool: I would move my proposal which is the 31.3, and

[6:56:45 PM]

I prefer the graduated numbers from 13 up to 15. The proposal that general manager sergeant said with the graduated is the 29.5. I do think that both of them will work. And so --

>> Mayor Adler: So councilmember pool is recommending the preferred option from Austin energy which is 29.5 and 13, 14, 15. Okay? Which is the graduated deal, uses the tiers as in 4b and the like. How many people support that option? Raise your hand if you support that option.

>> Harper-madison: If I could take it a step further, in addition to supporting I would have taken it a step further.

>> Mayor Adler: I want to see the votes for the people that support that option. I have harper-madison, pool, Renteria, Ellis, did I see your

[6:57:45 PM]

-- your support on that? That's something that I would support. Vela supports, Kelly supports. That's seven people supporting that option. So, I just give that direction back to -- to council. I don't want to cut off debate, but there are seven people that would support 29.5 and 13, 14, and 15. Councilmember kitchen?

>> Kitchen: When you finish that I have a different question.

>> Mayor Adler: Okay.

>> Kitchen: I have a question. I don't know if I need to spend much time on it or not but I want to make sure I understand how we're handling the solar issue -- the value of solar issue. We haven't really -- we've had a lot of time focused on other

[6:58:45 PM]

things and we haven't talked about that.

>> If I could jump in --

>> Kitchen: Sure.

>> We have an agreement on that will sheet and --

>> Mayor Adler: If we were to vote -- come on up -- there are other elements we would need to make part of the record that you think there is settlement on.

>> Yes. Outside counsel. As you indicated and as council member kitchen raised, your discussion of course is focused on some of the more important issues in the case but there have been a number of other issues out there that the parties have been discussing, many of which are not required to be in an ordinance and more things that have been requested of Austin energy and we've had

[6:59:46 PM]

some dialogue about that. I'm pleased to report we have had some agreement on the issues. A document circulated amongst the parties. We made one small change and I got feedback from the parties. I'm able to represent that -- Sierra club, H erf, Austin energy and others are in sum port of the language -- in support of the language. Included is some language with rment to solar and -- with respect to solar and how it would be treated. No parties opposed. I haven't heard from a couple of the parties.

>> Kitchen: Can you tell us who you haven't heard from.

>> Have martin ez, who we've not heard from throughout the proceeding but did intervene. I may be leaving someone out

[7:00:46 PM]

but those are the only two who come to mind. Give me one second. Energy storage interest. I've not heard from them. However, I can tell you that with respect to their specific issue, we have reached agreement on that language. I have no reason to think that they are not in favor, and I actually have reason to think they would be but I've not gotten official confirmation on that. So we do have those additional issues. Again --

>> Mayor Adler: So to frame our conversation, chairman pool makes the motion to approve 29-1/2, the graduated 13 shgs 14, 15 with the additional direction to cover the items that you went through using the allocations of 4 B and the tiers and the -- treating the outside folks as we have talked

[7:01:47 PM]

about in 4b with the allocation to cap lower than the range that had been suggested but what is possible and available. That's the motion. Is there a second to that motion? Council member Renteria seconds that motion. Appreciate that. Is there other discussion or items we need to make part of this, council member kitchen?

>> Kitchen: I just want to say I appreciate all the effort and -- because I think we've gotten to a much better spot. I won't be voting for it but it's simply because I'm not in favor of the graduated 13, 14, 15. I think it's really important to stay at the 13, but I appreciate and am thankful for getting to the 13 at least to start.

>> Mayor Adler: Okay. Mayor pro tem?

>> Alter: So I would like to see the numbers out. I haven't seen the numbers for

[7:02:49 PM]

this one.

>> Mayor Adler: Okay.

>> Alter: But I want to add an amendment to whatever is the motion that ultimately is moving forward. This is respect to the general fund transfer. I don't know if this would be the right time. As part of the future processes the city manager is directed to ensure any revenue that exceeds the established revenue requirements and costs shall first be allocate today the general fund to fulfill the general fund transfer 12 per cent policy.



>> Mayor Adler: Okay.

>> I see that as friendly.

>> Mayor Adler: Anybody object to that amendment going into that motion? Hearing none, that is included. Council member Kelly?

>> Kelly: This has been really tough, so, colleagues and community, there has been an enormous effort to get the energy rates responsible for Austin's energy operational needs and the community. Base rates for the people -- line workers, power plant

[7:03:52 PM]

operators, engineers, customer service representatives, along with infrastructure, power, pool, wire, distribution. I'm thankful that we can move forward in a way that we can keep the utility service provider healthy. Although in the beginning of the discussion I was reluctant to support these changes, after working through this with counsel colleagues and city staff, I can see this is a solid plan that will benefit the most and keep our infrastructure intact. If we don't vote for this Austin energy would be in dire trouble financially and that is not something I take lightly. I plan to support this measure.

>> Mayor Adler: Do you have the runs for 29-1/2, 13, 14, and 15.

>> We can get out.

>> Mayor Adler: I'm going to

[7:04:53 PM]

table this until we get back from dinner and dessert. First thing we'll do is bring it back for a vote. If you'll get the run so everyone can see it, I think that's an appropriate request.

>> Yes, sir. We'll do that now.

>> Mayor Adler: Anything else from us you need to put this to bed.

>> No.

>> Mayor Adler: Without objection, I want to apologize for not announcing we came out from closed session. I read that. So at 7:05 we're going to take a break. How quickly do you want to come back? Do you want to come back at 7:30?

>> Kitchen: How many more do we have?

>> Mayor Adler: 7:45.

>> How many more do we have?

>> Mayor Adler: Hopefully we'll take a quick vote on the Austin

[7:05:53 PM]

energy rate case. After that we have council member tovo's real estate item. We have the Oracle parkland item. We have to read into the record the manager item 72 and we have item 74, which is the atp board question. Those are the things we have left. I think we can get through all those things fairly quickly. Is 7:30 too fast, or do we want to do 7:45?

>> Alter: I would prefer 7:45.

>> Mayor Adler: Let's come back at 7:45. See you guys then.

[8:03:55 PM]

>> Mayor Adler: Where is councilmember harper-madison? Councilmember harper-madison is on the screen, I will pull that up so I can see her. Councilmember harper-madison, are you with us?

>> Harper-madison: Can you hear me?

>> Mayor Adler: Yep. If you're with us, I think that we'll start with Austin energy and we have 11 people here and let's do this while we have 11. So we're going to call --

>> Harper-madison: Turn my video

--

>> Mayor Adler: I'm sorry?

>> [Indiscernible].

>> Mayor Adler: Okay. We'll need you on video for the vote. Do we have councilmember harper-madison, does she have video capability?

>> [Indiscernible].

[8:04:55 PM]

>> Mayor Adler: In just a minute she would. We ready to start? We ready to start? Our staff says yes. All right, colleagues, we are back after recess. It is 8:05. We're going to go through the remaining items that we have. Number 4, Austin energy. 58, real estate. 60 is lakeshore. 72 is the manager, 74 is atp. I'm going to recognize chairman pool for a motion on 74. I'm sorry, 4. Thank you. On 4, Austin energy.

>> Pool: So I -- I move to approve -- and I don't have the language right in front of me. Let's see... Sorry.

[8:05:57 PM]

The draft ordinance which is 4b with the changes that we've discussed today with the revenue requirement at \$29.5 million. The graduated fixed rate costs at \$13, \$14 and \$125. \$15. We had an amendment from the mayor pro tem that would be included in this as well. And if you wanted to reiterate your amendment from the other day.

>> Earlier this evening, I think we already included the language in.

>> Mayor Adler: Just to rity wait that, go ahead.

>> Pool: Great. And we will reiterate that.

>> Mayor Adler: And you have a motion sheet with additional direction that I think that has bee >> Mitchell:.

[8:06:58 PM]

>> Pool: So Austin energy, I provide the following direction as a part of the adoption of the 202 base rates for Austin energy. City manager is directed to comply with the terms of the agreement entitled joint recommendation on other Austin energy issues. And it is attached to this sheet and you will see a front and back of the other Austin energy issues that the parties have all agreed to.

>> Mayor Adler: Chairman pool makes the motion to adopt the ordinance draft that's been handed out as 29.5 is the revenue. Has the charge -- charge -- consumer charge at 13, 14, 15, contains the tiers and the rate structure was in 4b. But it's as has been handed out and it deals with the upper tiers and the out-of-city people as per 4b. And also with the amendment that's been added from the mayor

[8:07:58 PM]

pro tem about the fund transfer, and also the direction sheet. Is there a second to this motion? Councilmember harper-madison seconds that. Is there any discussion? Then let's take a vote. Okay.

>> Thank you. First, I want to thank all of the advocates and the interveners who testified throughout this process. You all were incredible. I just want to appreciate all of the time that y'all spent in providing recommendations and coming together and offering a joint proposal. And I just want to take a moment to acknowledge your efforts, because without you, we wouldn't have gone from a \$25 proposal for the base rate -- for the customer charge base rate to what is now before us of \$15 charge after three years.

[8:09:00 PM]

I will not be voting in support of this proposal. I want to make clear that there were different scenarios, there were different options for council to consider what is before us, would raise the rate from \$10 to \$15 over a number of years. It would have -- what has been confirmed as a rate shock to some of our most vulnerable customers. So knowing that there is a rate shock that would happen to austinites -- any austinite that would be of concern, but we know that for our most vulnerable they would experience a rate shock, knowing how challenging it is to live in our ever increasingly more unaffordable Austin with rents on the rise, with inflation, with grocery prices going up, all of those factors are compounding and making it more challenging for our working families.

[8:10:00 PM]

And that to me is what is top of mind. It is why I don't think that this proposal is the best possible solution for austinites. I want to make clear again that there were options, but I personally do not believe that this is the best one. I understand that we need to maintain the stability of our utility, but it should not disproportionately burden our low-income families.

>> Mayor Adler: Further discussion. Councilmember pool?

>> Pool: I would like to -- I wanted to give a round of appreciation and thanks to everyone who has labored so hard on these issues for so long. First, Austin energy and all of the staff, for all of the hard work on this issue. It hasn't been easy, and you know that better than I do. I don't think we can fully appreciate how much time and effort it takes to see a rate case through to a vote.

[8:11:01 PM]

Staff has been working for over a year without side consultants to get us to where we are now. And I want to acknowledge this as a major achievement. I want to acknowledge and to thank all of the participants and the consumer advocates who have also worked tirelessly on this issue. Many on their own time and without pay. It's through these efforts that we have gotten to a solution that is less impactful to low-income customers. And I want to thank them for that. I thank the mayor and my colleagues on this dais who have dug into this extremely complex and technical issue and helped us to get to a very good outcome. And as I've said before, on this topic, and on many, there is never a perfect solution. But I feel, mayor, that this proposal gets us really close. So I thank you all for all of

[8:12:03 PM]

your efforts.

>> Mayor Adler: Thank you. Councilmember Tovo.

>> Tovo: Thank you. I also want to extend my thanks to Austin energy for your work. I know that this takes a lot of time and energy and extra -- extra effort. And I want to thank especially to echo the thanks of councilmember Fuentes gave to those community members. So many of those who are intervenors in this case are volunteers participating, and it has been a long process and a challenging process, and at the end of the day we're not taking a lot of your most -- your most significant suggestions. I also want to really thank our independent consumer advocate. I think that this role brings enormous value to this process and you too pointed -- pointed a path that -- that I believe would have had a much less significant impact in terms of a rate increase. So I also will not be supporting

[8:13:03 PM]

the rate case today. In my years on the dais, I tried to never shy away from hard votes, even when I knew that my vote wouldn't make a difference on whether or not it would pass, but I simply can't get there to this. And I saw a way to mitigate this impact on Austin families and other Austin energy customers, and, you know, I can't be satisfied with where we are today.

>> Mayor Adler: Councilmember Kelly.

>> Kelly: Thank you, but I would like to reiterate some of what I have said and then add on to it. Base rates pay for the people. Those line workers, power plant operators, engineers, and customer service representatives along with infrastructures, such as power poles, wire distribution, substations and transformers and other facilities. These important infrastructure components keep our lights on and keeping energy flowing to every home and business in our city. Being as though Austin energy has not raised base rates in 10 years we have to diligently work as we have to ensure that our

[8:14:04 PM]

vital infrastructure continues to be operational. I am thankful that with these changes that I can stand behind them, because Austin energy bills will remain some of the most affordable bills across our state. We'll provide for the expansion of the customer assistance program for our low-income customers. And it strikes a balance between the financial stability for the utility, and affordable prices for our customers. I want to reiterate now that in making this decision I did not take it lightly to support the changes. If as councilmembers we don't vote for this item, we've been told that Austin energy would be in dire trouble financially. We cannot afford to let that happen. This is, again, not a decision that I take lightly. And I will be voting in favor of the item.

>> Mayor Adler: Anyone else want to speak? Councilmember Renteria.

>> Renteria: Yes, mayor, and this is really a hard decision, you know, coming from my district, which is a low-income

[8:15:07 PM]

district. You know, and I know that the pain and the suffering that we have gone through having to make -- make up some of these -- make these payments. But I really want to emphasize that, you know, we're going to extend the cap program to help people. If you're in -- if you qualify for the cap program, in which we're going to increase it, double the size, please, contact my office, or Austin energy and ask if you qualify for that. Because the cap program is to help people that are having problems meeting their bills. And by calling, this will not affect you at all. And we're here to help out. We are not here to, you know, to make you go and have to decide between buying food or paying your utility costs.

[8:16:10 PM]

So, please, call our office if you are having problems making your payment, or there's people there at Austin energy. Call and find out what we can do for you. And, please, don't -- please call us and contact us. But this is in the long run going to be better for the city and for the ratepayers. And I believe that. I want to be out there paying the bills myself when I leave this council. And I will be in your condition when I leave here. So I just hope that you do reach out for assistance if you need it.

>> Mayor Adler: Council member Ellis?

>> Ellis: I want to echo the sentiment of my colleagues. When we were first offered this proposal, I was concerned about the high rate of recapture that we were trying to aim for and the impacts that \$25 as a customer charge during the month

[8:17:10 PM]

would affect people and then shrinking the tiers down to three from what was formerly five tiers. So I appreciate that we were able to make good headway on this issue. I think that having the fourth tier really balances that conservation of energy that we're trying to incentivize while making sure that the monthly charges on folk's bills doesn't have too much magnitude of impact on family budgets the way that it would have been if we had stuck with \$25. So I would not have been able to support that in its original form but through all of the work through Austin energy, my colleagues, their staffs, my staff, and the intervenors and people advocating on behalf of ratepayers, I think that we've reached a workable deal. I think that this is something that can help to ensure the fiscal responsibility of the utility and still be able to incentivize conservation for the people who are the ratepayers. So I'm appreciative of all of the work that's gone into this and I'll be supporting this measure today.

>> Mayor Adler: Okay.

[8:18:12 PM]

Mayor pro tem.

>> Alter: So I want to start by echoing my colleagues and thanking the Austin energy staff for their work on this proposal, as well as the many community members who met with us to share their views throughout this process. I spent hours working with Austin energy staff and pored over the rates and the tiers and various scenarios to look at the rate on ratepayers. We have made significant improvements, however, tonight we are voting on a proposal unveiled this evening. We know that it is complex and we have various and competing issues, state politics and climate crisis mitigation. Tonight at this point, I cannot vote to inflict these increased rates on our community if I don't have full assurances that it will fully fix our utilities' financial challenges. But I stand ready to continue working with Austin energy on future initiatives to curb energy consumption, to provide

[8:19:12 PM]

relief to our ratepayers and to improve the utilities' financial sustainability. Thank you.

>> Mayor Adler: Okay. I want to support this proposition. Thank you, chair pool for bringing it. And the reasons are numerous. I was real concerned at the initial proposal that came out where we were asking for a \$15 increase in the customer charge. Through the process, and through the advocacy of many people in the community, including people on this dais, that \$15 increase has been brought down to an average \$4 increase over the next three years. That's an \$11 increase, which is pretty substantial. By decreasing the revenue requirement, the original ask, 36, 37, in that range, maybe you even higher and it's now below \$30 million at \$29.5, and that

[8:20:14 PM]

decreases the payments that everybody would be making for their -- for the other component of the bill. Because in addition to the fixed charge, they also pay a variable rate which brought that number down as well. I think that the most important thing that we can do to really help the people in need is to increase the fact that only one of four people that are eligible for cap are getting it. So I concur with councilmember Renteria in urging everybody who feels that they need help with ae bill, the Austin electric bill, to reach out. Because there are three of four people entitled to cap, the assistance, that are not getting it. And this city wants those parts of our community to -- to be able to -- to get it. I appreciate the advocacy coming from -- from lots of people. This is trying to thread a needle.

[8:21:15 PM]

And as people advocate for their positions, I hope and expect that no one advocate expects things to end up as they would want it to be, because there are lots of advocates pulling lots of different ways, and every advocate can't get what they would suggest. And I think that the position we're in is something that is fair and reasonable. I also think as I look back over the last eight years, one of the things that I'm most proud of in being a member of this council is that we've been able to ensure the continuance of Austin energy as a department in the city of Austin. If we -- if we lose that, the ramifications would be far reaching on so many levels. We're able to get so much done from policy and values in this community, because of our standing as Austin energy. And I think that's something

[8:22:15 PM]

that we have to fight to protect. It is not easy to protect. I will tell you that most every session that I've been involved in, I -- and that at the legislature with people that want to end that. And it's a fight every time to contain that. And to preserve for our community what is most important. I am most taken by the fact that when I run the models at these numbers, there is some variation, but between so many of them there is -- there's variation that is not great. That does not come down to changes of \$15 a month as we saw in the presentation, as it was originally posed it would, but what we're proposing now just doesn't have that same kind of variability. But what it does do is it comes up with a structure that still maintains considerable subsidy for our residential users, from our commercial users, and our retail users, and our industrial users, subsidy for residential.

[8:23:17 PM]

To a level that, quite frankly, Austin energy has told us that they are uncomfortable with. But, nonetheless, that's our value, this plan does that, and it does it in a way that I think that will enable our city to -- and should be able to get through another session holding on to our most valued asset. Does anyone else want to say anything else? Let's take a vote. Councilmember harper-madison, we need to be able to see you for the vote. Just make sure --

>> Harper-madison: Can you see me now?

>> Mayor Adler: Those in favor of the pool amendment, please raise your hand.

>> Harper-madison: Chair, I would like to share a few points before we take the vote. Thank you, and I will be very brief because what I would have said my colleagues have already said. I just want to reiterate all of the appreciation for all of the



[8:24:18 PM]

time and effort that everyone has put into the process. I recognize how difficult it has been, and I was here and so I have recognized how difficult it has been. But I did want to say that I -- our publicly owned utilities are too large, and underappreciated keys to our local quality of life here in Austin. I love that we have accountability over our providers of our water and our electricity. When things go right for us here, we reap the benefits through hundreds of millions of dollars that go to really key and critical city services. That get paid through our general fund. When things go wrong, and they do, we're human and fallible and associated with this system, when things go wrong we get to get together as a community. We get to come together and work to fix it. So to reiterate the point made initially by councilwoman

[8:25:19 PM]

Fuentes and then reiterated by some of my other colleagues, it got better, and it got better because of the process. And so I appreciate us having had the opportunity to go through it. That doesn't make it any less a difficult decision, you know, I'm having the same conversations that y'all are having. Just in terms of considerations around the true impact -- I have said it before, and I will say it again, just in case that anybody forgot -- I literally don't have a family member in this city that doesn't qualify for income restriction somewhere for something -- all of my family members qualify for the cap program. And I don't know that anybody else on this dais can say that. So I just want to make sure that we all understand that when I say it's a difficult decision, I'm also saying, you know, within this professional context personally, I -- I understand

[8:26:19 PM]

the difficulty here. I'm gonna support the proposal before us though. I think that including the \$31 million revenue requirement, some of my concerns have been alleviated. And taken together this is a thoroughly vetted plan. It supports our conservation goals. And it also expands our customer assistance program to help my family and my constituents. And our community. Austin residents. Many of whom are our most marginalized residents. We have an obligation to ensure that Austin energy remains financially stable in the coming years. And I think that this proposal gets that work done. I appreciate all of the hard work, again, all of our stakeholders, my colleagues, and, mayor Adler, I appreciate that here at your last meeting

[8:27:20 PM]

on the way out -- the last vote -- the last thing that you do is to try your best to get us towards consensus. And I think that might be the most appropriate parting expression on your part. And I think that you did your best. So thank you for that. And I'm fully prepared to keep my camera on long enough to vote. Thank you all for your patience with me with the technology.

>> Mayor Adler: Thank you. Let's take the vote. Those in favor of the pool motion as amended with direction, please raise your hand. The chair pool, Renteria, Ellis, harper-madison, Kelly, vela, and me is seven. Those opposed, please raise your hand. The other four on the dais, Austin energy passes 7-4. Congratulations, everyone. Thank you everybody for the time that they spent on this. All right, so that is that. The next item I think that we have is lakeshore.

[8:28:21 PM]

It is item -- I'm sorry?

>> [Indiscernible].

>> Mayor Adler: Oh, no let's do real estate, number 58.

>> Mayor, you have proposed an amendment, some of which are friendly and some I would like to replace with mine. And I think that the easiest way -- I have gone through and labeled yours with letters and I can either do this up on the screen and show it or we can try to figure out together what -- I think that it would be easier if I go over there and point to them. Is that fine with you?

>> Mayor Adler: That's okay.

>> Tovo: Or do you need to move approval?

>> Mayor Adler: What I want to test first -- I heard that there are six people that just want -- potentially six people that just want to vote no. I want to see if that group exists. If that group exists, then we don't have to go further. If there are not six votes to vote no, then let's go through it piece-by-piece and see the process. Does that sound reasonable to

>> What version?

[8:29:23 PM]

>> Kitchen: So, mayor, is councilmember tovo making a motion?

>> Tovo: I just moved approval of my amendment -- of my item.

>> Mayor Adler: She is.

>> Kitchen: If you want to vote on her amendment, that's fine.

>> Mayor Adler: Someone want to make a substitute motion or amendment to this item. Councilmember has moved approval of her item, 58. All right.

>> Tovo: Yes. Moirp.

>> Mayor Adler: Already, you have made a motion. Councilmember kitchen seconds that motion. We'll go into discussion. Did someone else want to make another motion on that? Okay. Yes, councilmember Ellis?

>> Ellis: What would a substitute motion look like?

>> Mayor Adler: You can amend it by saying that you want to vote no to the motion.

>> Ellis: I will move to disapprove --

>> Mayor Adler: That we strike the motion. Okay, that's been moved.

>> Kitchen: Mayor, that's not --

>> Tovo: With all due respect --

>> Mayor Adler: There are people that don't want to spend the next 30 minutes going through this and if the majority of people don't want to do that,

[8:30:24 PM]

then we shouldn't do that.

>> Kitchen: Well, we just voted.

>> Mayor Adler: Let's see where people are.

>> Kitchen: Just voted. Just vote it. Why does it have to be a substitute motion -- just vote it.

>> Mayor Adler: Okay. Then --

>> Are we going to call the question?

>> Tovo: May I speak to my motion?

>> Mayor Adler: Speak to your motion.

>> Tovo: Let me say in the time that we've been together on the dais I have never seen this kind of action where someone would bring a substitute motion to try to defeat somebody's resolution instead of just simply voting no. I have over the last couple months tried to pass this. Mayor, at our last meeting you said if you had to vote -- you hadn't had a chance to read it -- if you had to vote on it you would vote no. I postponed it again. There are very simple items in here. It is about, one, notifying the city council when there are opportunities to purchase land. This is existing city policy for state land. This would extend it to others. We lost an extraordinarily

[8:31:24 PM]

valuable piece of property because the council was not notified in time. Two, it instructs the manager to exercise due diligence, like have a land planner involved in land-use decisions, because this council came within 30 seconds of approving the purchase of a piece of property that was in the airport overlay that we could not have built on because there was not a review by land planners. It provides for some action with regard to coming back and making sure that the council is aware of vacant land. Councilmember harper-madison you mentioned this as something in the course of our conversation recently, this would make sure on a semiannual basis that the manager is making the council aware of any vacant land. Initiate a process to take a look at best practices with regard to public spaces and alleys. Mayor, you were concerned about me providing particular direction, and I have walked back the language on most of these to make it very clear that these are conversations that the council is going to have, but

[8:32:25 PM]

the -- but the manager is going to tee those up. Councilmember kitchen, you had an item in here on suggesting options for smaller tracts. And it's another direction to have -- to come up with a consistent policy for how we value tracts that are being transferred from department to department. You will see an amendment that makes it clear that it is not stating a policy, it's simply saying that the manager should. We have two examples -- one, 2205 grove, where -- where the property was transferred, the value of the purchase price plus the carrying costs. We have the town lake center which is a completely different valuation and that may be totally rational, but I think that this next council should have a conversation about how those tracts are valued. Because I was part of the council during the final when Ryan drive was under discussion for redevelopment and part of why that took -- why that was delayed in the beginning is because -- because the costs were going to be so high.

[8:33:26 PM]

There was no consistent valuation, no consistent way that we talked about how we would -- how much things would cost if they're transferring from department to department. And that is all this does. But what it does is significant. It addresses some of the issues that came up again and again. This dais on multiple occasions expressed an interest on having a work group to work on public land. Again, the way that we chose to handle it was to do it as part of a resolution. So those are the things that it does. Notify the council, exercise due diligence, allow the council to review approvals. Most of your amendments, mayor, that you distributed I'm accepting with a few -- with a few exceptions. But I think that we should -- we should use our land, our public land, usefully. We should make sure that we're aware of vacant

land and put active uses in there when that's a possibility. And when I moved approval, I moved it with the amendments and also some of the merits that I

[8:34:28 PM]

would be glad to discuss.

>> Mayor Adler: So we know what is before you us. We have a draft revised version v2 handed out on December 8th. Which is today, I guess. Is that the motion that you're making?

>> Tovo: Yes, mayor, this is exactly what has been posted now for weeks. It has some different language that was intended to address the concerns that you raised to me yesterday. So I have adjusted the language yet again to try to -- to try to address your concerns. You handed out a motion sheet today indicating that the resolutions I came to trying to address the concerns that you raised to me yesterday weren't sufficient. So I have gone back yet again and made additional amendments that I have passed out again today here to respond to your amendments. So, I mean, I think that this could be pretty fast. It's the version on the dais. Plus the language that I passed out. And then, you know, probably 75%

[8:35:29 PM]

of the edits that you have distributed here today and I could probably do this in 4 minutes on screen.

>> Mayor Adler: Okay.

>> Mayor, with all due respect I think that I heard councilmember Kelly call the question, so I'm not sure how much time we want to spend or if we just want to take a vote.

>> Kelly: I did call the question.

>> Mayor Adler: She was talking. So there's been a motion and a second. There's been -- previous questions, which requires two-thirds vote. So two-thirds vote of the council in order to end debate requires eight votes to -- to end debate. Motion for the question is not a debatable motion. Is there a second to the motion for previous question? Councilmember pool seconds that motion. Let's take a vote. Those if favor of ending debate at this point, please raise your hand. I have councilmember Kelly,

[8:36:33 PM]

pool, Renteria and Ellis, and vela. And councilmember harper-madison. That's six people. We're not going to get to eight votes to end debate. So we're going to continue on. Councilmember tovo, help me to understand what it is that you're trying to present?

>> [Indiscernible].

>> Mayor Adler: Okay.

[8:37:38 PM]

>> Tovo: Okay, thank you very much. So, mayor, you have proposed language throughout and, again, a lot of it is acceptable that says whether and under what -- I have distributed language -- that would place my preface with this language here, which basically says the manager should -- the manager should return to council with recommendations and descriptions of the situations under which these goals should apply. Then you have proposed a series of language changes throughout. One is just about notifying, again, this is existing policy for state properties. I think that it should just happen. Number two, is fine with me. Number three, we've already talked about, due diligence. I think that there should be a land planner involved. I think that is pretty minor.

>> Mayor Adler: I'm confused, are you accepting the amendments near number one?

>> Tovo: I'm accepting the amendment on number two. Can we quickly vote them up or down? Or do you want me to go through

[8:38:39 PM]

and say -- why don't I go through and say --

>> Mayor Adler: I don't understand what you said.

>> Tovo: Okay, so there's the amendment that I showed you and I'm sorry -- could you help me to make this a little bit smaller so that everybody can see the -- councilmember harper-madison, what I did is that I went through and I labeled each of the mayor's amendments, a through whatever the final letter is. So this one -- number B -- or letter B -- refers to sales, I'm accepting that amendment.

>> Mayor Adler: Okay. We can't see what is B.

>> Tovo: Is there chance that you could -- B is prior to beginning a solicitation process to sell or lease or ground lease, etc., etc., you proposed language and I'm fine with it.

>> Mayor Adler: Councilmember tovo, I'm not sure where you are in this document.

>> Tovo: Okay. Yeah, there's -- is there any way to zoom it out? Yeah, that's perfect. Yeah.

[8:39:39 PM]

This one is fine. Well, let me do this. Mayor, I will -- in the interest of time, let me just accept your amendments and see if we can get it passed that way.

>> Mayor Adler: Okay.

>> Tovo: I would still urge -- I would still urge my amendments, it just clarifies the language around -- and just codifies what I was talking about that -- the two different property valuations.

>> Mayor Adler: Let's go through these three things in order. Councilmember tovo is okay with amendments on v2, any objection to those being included? Hearing none, the amendments of the motion sheet number one, v2, that I have handed out are accepted. And the next one that we go with is the top of councilmember tovo's page, she is replacing lines 30 and 31, which is the city manager is directed to develop policies and practices related to the city real estate, and replacing it with the

[8:40:40 PM]

language that you see. She's underlined the additional language that she has added.

>> Tovo: Which at this point --

>> Mayor Adler: Does anyone have any objection to that language? I'm not sure that it exactly translates because I'm not sure that the way that it reads now that it's stated positively.

>> Tovo: It makes no sense at this point, so just take it out.

>> Mayor Adler: Okay.

>> Tovo: Yeah, let's just leave in the first sentence and take out the second because now that we have used your language throughout there are no statements.

>> Mayor Adler: Okay. And that gets us then to the last amendment. Are you still urging that one?

>> Tovo: Mayor, do you have any concerns with is this? I think that it still captures what you are saying. It simply to establish consistent policies and offers as an example one of the policies used for 2201 grove as

[8:41:42 PM]

an example.

>> Mayor Adler: I'm fine with the language that you have in that one. Any objection to that language being included? Hearing none, that's included. Councilmember tovo's motion stands in front of us as amended with motion sheet 1v2, and with the transfer language in that section amended as she has shown. Let's take a vote. Those in favor of the tovo motion, please raise your hand. Those opposed? I'm

showing pool, Renteria, Ellis, vela and Kelly opposed. And harper-madison opposed. That's six no votes. So on a 5-6 vote, the motion does not pass. Okay. That takes us then to lakeshore,

[8:42:42 PM]

which is item number 60. Councilmember Renteria you want to make a motion?

>> Renteria: Yes, mayor. I want to make a motion on central maintenance complex. I have to say that I'm bringing forth -- and if I get a second I will explain why.

>> Mayor Adler: Seconded by councilmember Ellis.

>> Renteria: Yes, mayor, the intent of this item is simply to affirm the council's commitment to following through with the sale, lease or exchange of the central maintenance complex located in my district. Plot B was approved by over 73% of voters about a year ago. In this initiated -- this initiative has been very important to me, which is why I have brought this item for consideration today. It was discussed on Tuesday's work session. This ifc does not direct staff

[8:43:42 PM]

to do more than what they are already doing. It ensures that the staff continue to negotiate with the proposal to get the best deal for our residents. I understand the concern that are related to valuation of the land, but this item does not provide any direction on that matter. Again, it's simply reaffirming the council's support of following through with what the voters have asked.

>> Mayor Adler: Okay, we have a motion that has been moved and seconded. Is there any discussion? Mayor pro tem.

>> Alter: Thank you. Councilmember Renteria, I appreciate the emphasis on following through on what the voters ask for, and I just want to assure you that the questions that I asked on Tuesday and the questions that I asked in q&a are in that vein. And I think that there's a couple of steps that we could take this evening that are in some motion sheets that are on the table that I think that councilmember tovo drafted that

[8:44:43 PM]

would help us be assured that we would get to -- get to exactly the place where we all agree that we want to get to. I think that we all understand the value of the property, properties in question, and the opportunity to get our central maintenance facility paid for. Councilmember tovo, would you like me to make the motion or would you like to?



>> Tovo: I'm happy to make the motion, thank you.

>> Mayor Adler: I recognize councilmember tovo for further discussion.

>> Tovo: I just had my very first resolution go down. Yes, I'd like to make the following amendments and I'll take them up one by one. The first one ensures that the proposed transaction represents a fair deal for Austin's taxpayers, striving to achieve both the highest financial value as well as taking into account - into account the community benefits. The second talks about getting an appraiser to get a current valuation of 2525, that includes

[8:45:44 PM]

the assumption that the property could be zoned as court or mixed use under the corridor regulating plan. As we heard on Tuesday, this property has been considered outside of as -- and Mr. Gates can talk about it and I did ask a question in the q&a and got additional information but it's not valued as the surrounding tracts and the adjacent tracts part of the corridor regulating plan. And the last one ensures that if it takes -- if the transaction is delayed or otherwise prolonged, the manager will update any appraisals with the property considered as part of the exchange. We had more specific language, that we were working out with staff, but I think that this captures the general points.

>> Mayor Adler: Is there a second to the tovo amendments? Mayor pro tem seconds them. Let's consider them in order in turn as councilmember tovo suggests. With respect to first one, is there any discussion on that?

[8:46:46 PM]

>> Renteria: Mayor, I really don't have -- you know, right now they're going through the appraisal and the discussion. And this has my resolution has nothing to do with that. I mean, if we go around and -- I mean, one of the pieces of land that I was interested in along the lake is a high opportunity zone. It's a very valuable piece of land for developers. And I do not want to see that fall into developers' hands. They only have to pay taxes on whatever they develop there for the first year, and they get it for tax free for the next nine years. And if you put all of that value into starting to put value into the land and you'll get into the hundreds of millions of dollars on both ends. And once we get into those kind of discussions, we don't know where to -- where it's going to stop. Right now it's just a simple thing to have them to go through

[8:47:47 PM]

this appraisal, come back, present it to the council that's coming onboard here in the future and to let them to make a decision on how they want to proceed with this item. I just want to make a commitment that we are not going to forget about this and we're still going to continue on -- on this path of giving -- getting our city parks department a new maintenance yard that is on a piece of land that they have outgrown and they cannot expand there anymore. They're having a very difficult time getting out to other parks in this city, because of the traffic that they have to deal with. And by building a brand-new center, they're off of 183, would be a big help for our parks employees on helping them to get to their job and the other parks in this city. And that's all -- that's my personal view. I don't want to put this into

[8:48:49 PM]

the ifc, I'm just saying for the city to continue their negotiation, their appraisal, and it's going to come back to the city council and they will make the decision. That's it.

>> Mayor Adler: Councilmember Renteria I'm going to support you in this. When I first read your resolution it seemed to be rather innocuous, almost, you leaving the dais saying that this is always been real important to me and this is something that you have worked on for almost eight years. It was not easy for you I know to get it past council to put it on the ballot, because there were a lot of discussions. And we -- we argued through or negotiated through a lot of those kinds of issues. We were not in agreement. But we reached a majority and it moved forward. That since has gone to the voters and the voters have approved it and I read your resolution to just say, please, go ahead and just finalize this. And it's going to require it to

[8:49:50 PM]

come back to the next council and I think that it needs to come back to the council in that context. Specifically, I disagree with this first amendment because I think that achieving the highest financial value is not what has motivated this and the support of the community at any step in the process. I think that we've been motivated by the intrinsic value associated with getting this particular piece of land for this particular park purpose to be able to continue the trails in that area. And -- and we're not going to be able to maximize financial value and also maximize community benefits offered. And I think of those two, the more important one is the community benefits offered, because I think that's what the voters were asked to vote on. And I think that this first amendment kind of gets it backwards by suggesting that as I read it that the higher priority is financial, highest financial value. So I think that we set this, we already argued this, we took it to the voters. The voters voted. And I think that something as

[8:50:51 PM]

simple as saying do as what is passed by the majority and approved by and voted on by the city council is the right way to go.

>> Tovo: Mayor?

>> Mayor Adler: Go ahead, and then we'll go to the mayor pro tem.

>> Tovo: So the point that I'm trying to convey here is that it is important to get the highest value in both of those areas. And this is a direct response to the directive here that it be done as expediently as possible. The language in the existing resolution councilmember Renteria talks the last -- the last point -- talks about coming back with the agreement as expediently. The manager is directed to work expeditiously to facilitate administrative transactions and I want to make it clear that we're not asking -- we're not directing the manager to come back quickly at the expense of getting a full value for the city of Austin. And it's intended to be a combination of that value is

[8:51:52 PM]

intended to be both part financial and community benefit. So if you would like to suggest wording, mayor, that makes it sound like it's both -- I'm happy to consider that. But I think that it is important if we state that we need the in other to come back as soon as possible, I think that it is important to make sure that we're acknowledging that it needs to be a good -- it needs to be a fair exchange for the city.

>> Mayor Adler: Mayor pro tem.

>> Alter: Thank you. Thank you. I have passed out the proposition B fact sheet which is what the voters voted on. And it says things like that we are supposed to get appraised fair market value of the cmc. And I want to point out that the -- what the second be it resolved is saying is to do just that. The property was not appraised at the east Riverside regulating

[8:52:55 PM]

plan entitlements. It was appraised at four stories. And --

>> Mayor Adler: Can we get to the second amendment in a second?

>> Alter: Right. But I think that the intent of the first one is to be communicating these things. But if you will entertain the second one, but not the first one, fine. But I want to just explain that I don't actually think that there's a disagreement over what we're trying to get in the end, but in looking over the materials, I think that we have some questions about where we're at the this process. And we want to make sure that we have clear sense of where we're going, so that we can fulfill the intent of the voters. And I would like to walk through with you some of the reasons why I'm not sure that we're there, and I had asked questions, got answers, and I need to continue with that. But if you want to take each amendment, I'll bring them up when we get to the particular amendment.

>> Mayor Adler: Let's do that and we'll do as councilmember tovo suggested. Any further discussion on the first amendment? Councilmember kitchen, hang on a

[8:53:55 PM]

second and let councilmember kitchen speak too.

>> Kitchen: Yes --

>> Mayor Adler: Turn that on.

>> Kitchen: I am not going to support these amendments. I -- I hear what councilmember Renteria is saying, and I am comfortable that his resolution does just what he intends it to do and it is not intended to do any further. And I also trust that our -- that our staff will carry out what's directed to them in -- by the vote. And so I don't feel the need to add anything further. And so I won't be supporting any of these motions.

>> Mayor Adler: Any further discussion on the first amendment? Councilmember pool?

>> Pool: I'm in the same place with councilmember kitchen in regard to councilmember Renteria.

>> Mayor Adler: Any further discussion?

>> I'll also support councilmember Renteria.

>> Mayor Adler: What is in front of us is the tovo amendment. Further discussion? Those in favor of the tovo

[8:54:56 PM]

amendment, please raise your hand. The mayor pro tem, and councilmember Fuentes and those opposed, raise your hand. Harper-madison and the rest of the dais, that amendment does not pass. That gets us to the next amendment. Okay, I was going to give councilmember tovo the first chance to talk about it since it's her amendment.

>> Tovo: Thank you. Well, you know, if we can't pass an amendment that says we want to get a transaction that represents a fair deal, I'm not sure that we'll be able to pass one that asks for an appraisal. But, I do think that it is important that we get an appraisal that represents as councilmember - as mayor pro tem was pointing out, that represents the fair value of this, based on the adjoining properties. And let me leave it there.

[8:55:58 PM]

>> Alter: I want to speak to the appraisal situation. So there's multiple properties here that are being appraised and I think that it is really important that we understand the disparity that's happening across these two properties. And in terms of how they're being appraised. And this can happen, even if nobody -- nobody is doing anything wrong. It's just the assumptions that are being made, but they have really big implications for achieving what we promised the voters. So in the q&a, I guess that this is a question for Mr. Gates if he's around -- um, in the answers to my questions in the q&a it appears that twice the city's independent third-party appraisal of the property we are being offered, that is the driveway Austin property, has been less the value that they wanted us to accept for it. And they have found the property to be worth less, but now we are trying for a third time to see if somehow we can determine that the property Oracle wants us to

[8:57:00 PM]

accept for value for is higher. Is that accurate?

>> Good evening, mayor and council. Michael Gates, real estate officer, and financial services department. That is correct.

>> Alter: Okay. So twice we have appraised the dragway Austin.

>> We are currently reappraising it.

>> Alter: Okay, we are currently reappraising it and we are -- so this is the third appraisal of the property at least -- not from us, but overall?

>> So, Oracle has appraised their property. We have appraised it. Oracle is re-appraising it under a different set of assumptions and we have two appraisers, also reappraising it under a mutually agreed but different set of assumptions. Ou there's some other things I could say on there. There's other things if we were to go into executive session I

[8:58:00 PM]

would share. How often do we attempt to reappraise it to match the value that they are trying to get us to accept when we do ap appraisals.

>> There's not a definitive value to that. This is our compelled transaction. So I guess theoretically there's no limit but I think we can either meet some happy medium or we'll need to part ways.

>> Alter: And it is accurate that the current appraisal for the current -- nearby there's the east corridor which allows for greater entitlements and has not be appraised by the city for what it would be for the entitlements yet it would only take a zoning change from the city to change that.

>> Correct.

[8:59:01 PM]

>> Alter: This might be a question for Ms. Mckneelly. I asked for how much it would cost for a new cmc. The answer included this line -- the -- we heard the costs between 13 and 40 million. Should I understand this to mean the department expects the minimum project cost would exceed 40 million.

>> Kimberly mckneelly -- it could, possibly. Yes.

>> Alter: How much has been offered to cover the cost to build out the central maintenance center.

>> We have not had those major negotiation discussions at this time.

>> Alter: You're still negotiating so I'm assuming

[9:00:03 PM]

they haven't offered enough to meet that minimum cost but that's going to be my assumption until we've seen that. So my concern is not about whether we -- I'm all for this happy slop but it has to deliver on all the things we promised O the voters. We promised we would built a central maintenance center. That is going to cost a lot of money. San Antonio built one more fewer people and it was, like, 44 million dollars. We have land. I don't -- so the fact that we value the property -- the lake-front property that is the central maintenance center -- I mean -- the central maintenance property, we don't value that at its real property value to the folks means we're going to get low-balled on the central maintenance center. We wanted to take care of fiesta gardens and I don't think we wanted to take care of

[9:01:07 PM]

fiesta gardens on the cheap. What we're trying to do is to say we know when they come in they're going to get this new zoning. We're trying to make this new deal that they valued so highly we went to the voters. I will be on the next council. I will watch this like a hawk. I will make you go to executive session. I would like you to make the right decision so we can negotiate the highest and best deal for the community. This is what we promised the voters. We also promised the voters water-front property. We can go into that. There is zero technically water-front property involved in driveway Austin. There's city owned land between the water and the property. So if we're going to really make this work for the

[9:02:10 PM]

community -- again, I'm not saying we can't make this work in a positive way. But we have to operate that -- this is a point by council member Renteria. It was voted on by the community and we have a responsibility to deliver it but we have a responsibility to the voters to deliver it to them. What we promised not to lead pard once again holding the bag once again. I don't know how to proceed with these amendments but I will be on council and will keep asking for it so I would like you to go ahead and do that appraisal because I don't think it's going to prove to the voters like a sound deal unless we do that. It's just how do we deliver all these things? They've already brought the property at driveway Austin.

>> Mayor Adler: I welcome hearing that you're going to watchdog this as it goes to the next council, and I think

[9:03:12 PM]

that's the appropriate place to do that. My concern -- and the reason I'll vote no on number two is because you can't give an appraiser an instruction as to assumptions they should make in an appraisal. We can't tell an appraiser how to do their job. In cases I was in I wish I had an appraiser on the stand taking instructions from their employer. So it's just factual matter -- it's not something you can do. The standard stated in the other one is contrary to law. There are rules in appraisal about how you appraise property not zoned to its best and highest use. Decades and decades of court decisions lay out how that's supposed to happen. If there's support for this item number two, then I think we need to go into executive

[9:04:12 PM]

session to discuss it. If there's not six people to support it, then we can move on past it but before we would vote to approve it we would need an executive session on it.

>> Tovo: It does say "Report" for just that reason. An appraisal -- and if an appraisal is not a possibility, then a report. It's very clear as mayor pro tem alter said, it's clear this would be a shoe-in for a rezoning. That's what's happening with health south and what we approved earlier today.

>> Renteria: Mayor?

>> Tovo: It is our own land and we have the discretion to rebuild it. You could rezone it in H January and have it appraised afterward. It is extremely clear that it's -- would be a shoe-in for a rezoning so a report would give you that information of how much additional value would be realized were it to be

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rezoned.

>> Mayor Adler: There is no law that says the property is to be appraised as it's zoned. That's not the law. Yes, council member Renteria?

>> Renteria: You know, mayor, all I'm asking is for that to come back -- I mean, for this council to go ahead -- and when they come back -- you know, high-tech gold zoning will probably delay it for two months. Do you want it to come sooner or do you want to delay it? Because, I mean, I understand what y'all saying. I mean, we went through this whole process before we passed it to take it to the voters. Y'all were dead-set against it. Y'all fought it all the way through and I can understand why you would keep fighting it right now. That's the same argument you have been using over and over again. Why don't we just wait for the

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appraisal and then you can really make your redigs on how -- make your decision on how -- whether it's a good deal or not.

>> Mayor Adler: Are there six people interested in voting yes? If there are, let's go to executive session. Are there people that support at this point number two? Council member Fuentes, mayor pro tem, council member tovo. Any other support for this one? Okay. Then this one does not pass. Let's go to the next one. Council member tovo?

>> Tovo: This ensures if the transaction is delayed or prolonged that the manager would update any appraisals O so at the time there would be clear decision as to whether the city is getting appropriate

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value.

>> Mayor Adler: Okay. Any discussion on this one? Let's take a vote. Those in favor of this one, raise your hand. Council member tovo. Council member Fuentes. Those opposed, please raise your hand. Those abstaining, please raise your hand. Mayor pro tem?

>> Alter: I was voting for. Sorry.

>> Mayor Adler: Another vote for. Council member harper-madison, do you vote no as well? Okay. There were, I think -- what? Three or four votes in three votes in favor. Others voting no. That amendment does not pass. That leaves us with council member Renteria's motion as offered. Those in favor, please raise your hand. Those opposed? It's the mayor pro tem and council member tovo and council member Fuentes. The others voting aye, this passes eight to three



>> Tovo: If I may since we didn't have a chance to speak before the vote. I think it's going to be incumbent on the next council

[9:08:18 PM]

to make sure they're getting a fair value even though we didn't pass the amendment that ensured we'll get a fair value. I trust staff will continue negotiating and make sure we get the right nfrgs to make sure this is a deal amroep yatly valued. The alternative is that we would engage in a gift of pub lick property.

-- Public property. I know that wasn't anyone's intent. Mayor pro tem, I'm glad you're going to continue watching it. This is one of the city's most valuable tracts and it could be a wonderful deal alt the end but it's going to take continued individual lent.

>> Alter: If I can make one last comment, if I might. The issue is the appraisal on the cmc is what gets you to build the new cmc. In and of itself it's not the key. It's one of the other path. The other path is what they

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promised. The leverage for pieces of doing that is the appraisal and understanding those dynamics of what's being offered in the negotiation.

>> Mayor Adler: I understand that issue and what you're trying to get at. You need a different tool than instructin appraiser how to do an appraisal. Next item is 72. The ordinance setting city manager's salary compensation. That's in front of us. Part one, I make the motion to include a base salary. Council member pool seconds the motion. Anybody want to speak to this motion? Mayor pro tem?

>> Alter: Thank you. Good evening, everyone. I've had deep concerns with the

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manager's performance for over two years and until now I've tried to work behind the scenes and out of the public eye. I believe our city workers are doing important and valuable work and it is the responsibility of the city manager to support them. In our form of government the role of city imaginer - - manager is to maintain and grow the work force. Its council's job to evaluate the manager's performance. Our 9-1-1 call center continues to operate at a crisis level of staffing. Management has taken the steps to atresz the issue but the problem remains unresolved. Vacancies plague multiple departments. We have experienced multiple acting and interim directors and long delays in filling the roles. I have deep concerns about our community's trust in our

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manager's stewardship. In 2020 council voted that we lost faith and confidence in our prior police chief and the manager chose to keep him. This council has had to approve millions in settlements. In reviewing our listening in the work force survey results I find E numerable responses from staff that point to low morale and dissatisfaction and tell the story of why we fill to vacancies. You don't have to go that far into the weeds. You can open the Austin chronicle and read about the conditions of city workers who recently quit who say it's like hell in there. The article goes on to articulate insufficient concern for safety and a culture of retaliation against those who complain. I think you understand my point. I am dissatisfied with the

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manager's performance and I can no longer save it for behind closed doors. I need to make one more thing clear. Yesterday in the course of trying to do my job in evaluating request for a pay increase I requested documentations -- a reasonable request. Shortly after this person accidentally called me and I heard them refer to me using a derogatory expletive, a word that is offensive against women. This is troubltroubling. The fact the employee felt comfortable speaking these words to a subordinate troubles me. My experience is emblematic of a culture that has been fostered under the manager's leadership -- a culture not based on foundation of clear and respectful collaboration with the council. A culture too many feels toxic,

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unsupported and unaccountable. I can't support the manager's request for a merit-based pay raise. It does not merit a pay raise in my view. For the sake of the sfi I hope in the future it does. As for a cost of living adjustment, I believe that should be not linked to performance but because this is a multiyear retroactive adjustment, I am abstaining on the item. I know the city as an organization can be better. I know the city of Austin as a work place can be better. Ir hope in the future our manager can address staffing challenges and foster a work culture we can be proud of. Thank you.

>> Mayor Adler: Further discussion on this item? Council member kitchen?

>> Kitchen: I'll be very brief. I'll say I appreciate the work

[9:14:31 PM]

of the city manager and I want to say thank you. You have been someone who has worked closely with myself and my office on a whole range of difficult issues. And so I just want to say that.

>> Mayor Adler: Council member Kelly?

>> Kelly: I just want to say thank you also, city manager. I look back to when I just got elected on council and how I didn't really know how the city worked and how you invested time in ensuring that I had the keys -- not really the keys. I just got a key from the mayor but the skills I needed and the knowledge base to be an effective council member. I appreciate our regular one-on-ones where I can speak freely about the things I see happening in our city. You have addressed my concerns, not only in a timely manner but in what I would see fit as an effective manner and I continue to believe that the work you're doing on behalf of the city and

[9:15:32 PM]

the employees here is some of the best work that we could have being done. And I look forward to continuing working with you and strengthening our relationship through the end of my term. Thank you.

>> Mayor Adler: Council member Renteria.

>> Renteria: Yes, mayor. I agreed with my colleague, Kelly -- council member Kelly. I have nothing but praise for Spencer. He's always been very honest with me when he comes into my office. We have frank discussions and, you know, I -- I -- he makes me feel very comfortable in what I ask him for. He's very truthful whether he thinks I'm going to be able to get that or not. And if there's funding available for that. So, you know, I -- when we

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first hired Spencer he wasn't the first one on my list, and the only reason why is I thought because he didn't -- he came from a strong mayor situation that he was going to be able to catch up and grab, you know, our situation here with -- as a strong mayor -- I mean manager. But he turned out and he proved me wrong. He became an accident manager and I'm really proud of what he has done for us. We went through a very disastrous time, not only through covid but also with the freeze. And we were able to come back stronger because of what he did for Austin. I'm really proud of that. I just -- going to really miss working with you, but I know you're -- in your heart, you will always be looking out for my city -- our city, Austin, Texas.

>> Mayor Adler: Council member

[9:17:34 PM]

pool?

>> Pool: Job of the city manager is not an easy one. And I have to say that I think Spencer has [indiscernible] With a high level of professionalism and I have confidence in his ability to lead our workforce, which is growing by the day. The people that you have assembled in your management teams all the way down through the directors and through our line staff have a real sense that you support them. And that the work that they do is valued by you in the same ways that we value it as well. Spencer, you have my confidence. And also a real sense of the realities of the job that you're in and so I just thank you for continuing to have a

[9:18:36 PM]

smile on your face and to be upright and ethical and answer questions truthfully because we don't have time to beat around the bush, and so being blunt and straightforward is most helpful to me. And I thank you for that and I look forward to continuing to work with you on this dais. Thank you.

>> Mayor Adler: Colleagues, I'm going to support this item. Quite frankly, I think that the relationship of the manager belongs to the next council. And that's going to be forged. My vote today is in support of what I have seen, believe to be majority of the sentiment of the council members that are returning. And I count my vote in their support. Anything else before we vote?

[9:19:36 PM]

Okay. Those in favor of the resolution, please raise your hand. I'm seeing pool, Renteria, Fuentes, myself, Kelly, kitchen, and vela and harper-madison. Those opposed to the resolution? Those abstaining in the resolution are the mayor pro tem and council member tovo and council member Ellis. So 8-0-3 abstention vote. This item passes. Manager.

>> It's certainly an honor and privilege to serve as your manager. As you have noted we have an incredible work force that I am here to support. When we do the work of ensuring we provide the services that our community expects I take that responsibility seriously. It's been an honor serving alongside all of you and I really am appreciative of the leadership of you, mayor, and council member tovo, council member kitchen, council member

[9:20:38 PM]

Renteria for the time I have served alongside you. You're part of the group that brought me in and I couldn't be more proud to work with you. I'll pass up time for the next council but thank you for all the things you have done over the years. Appreciate it.

>> Mayor Adler: Colleagues? Last item we have is atp, item number 74. Council member kitchen?

>> Kitchen: Yes. I move passage of item 74. You have in front of you what's called version three, so, mayor, can I can get a second I'll explain it.

>> Mayor Adler: Is there a second to item 74? Council member pool seconds it. Council member kitchen?

>> Kitchen: Okay. What you have in front of you is version three. The reason it's version three is because we spent some time during the day responding to some concerns that we had heard directly from atp staff, and so we worked with our staff and

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legal to create the underlying be it further resolved that you see on page three. The effect of this -- this doesn't change the content. It just recognizes that -- the concern atp had, that they would like to see -- if over the next year there's more than one change to the -- you know, to the bylaws that they just be bundled together and done at one time. So -- which is not an issue. We know what the -- what this resolution does today, and I want to go through that. It does two things. It makes a change that -- actually, I shouldn't say bylaws. I meant "Articles." It makes a change to the articles to recognize the importance of transparency in the application and appointment

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process, so it puts some basic transparency requirements in place. That's one thing that it does. That's an actual change to the articles. The other thing that it does is it changes the articles to recognize two new -- or two additional directors. That is all it does. The rest of it is direction to the city manager to work with various stakeholders, including the cac, tfa, the chamber, atp, cap metro and mobility at atk and any other stakeholders that are appropriate -- to address and consider eligibility criteria for new directors, appoint process for new directors, application process. That would include any kind of template for new directors.

[9:23:39 PM]

It also specifies that there will not be any new directors until such time as that process is completed and brought back and adopted by both the council and cap metro and just as a reminder, the things that we're doing today cannot take effect unless the cap metro board also agrees with them. So just as a reminder, the atp articles require joint -- any change to -- requires approval by council and cap metro. I think it's very important for us to move forward with the transparency provisions to build trust in our community. That is something that is coming from requests from members in the community. And I think it's just timely for us to go ahead and get that done, and then the other item

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only moves forward with what we have consensus around, which is the two additional board members. And it kicks all the other questions about how that would be done to a process. So I'm happy to answer any questions anyone might have. Or -- I'd also like to invite my co-sponsors if they would to speak to this -- council member pool, council member Fuentes, council member vela, mayor. I think I saw council member Fuentes raise her hand. Could I ask her to go ahead --

>> Mayor Adler: I'll recognize people.

>> Kitchen: Would you recognize my co-sponsors, please.

>> Mayor Adler: Not necessarily first but everybody will get a chance to speak who raises their hand and wishes to talk. Anyone want to talk now? Council member Fuentes.

>> Fuentes: Thank you for bringing this forward. I support this item and I want to acknowledge the tremendous amount of work that you and

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your team have done to build consensus around this proposal. We have heard from our community to ensure we have board members on atp who have lived experience, who are active transit riders. That's a valuable perspective we need on this board as we go through this decade of change, so I support this item. Thank you.

>> Mayor Adler: Further discussion? Council member vela?

>> Vela: I'll say I do appreciate the transparency in the nomination process for the board members as well. I was surprised honestly with our last process where, you know, we probably had about maybe 12 hours' notice or something to that effect before we were voting on a candidate and that is not the best way to do things. So I do appreciate the time lines, the fact that all the other nominees will be

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revealed -- or all the applicants are revealed and there will be enough time to vet the selected -- the nominated candidate. I think those are good and substantive improvements.

>> Mayor Adler: Further discussion? Council member Ellis?

>> Ellis: I know one of our speakers with transit forward earlier talked about the time line, so I'm a little concerned that -- we've got a number of folks on the dais in transitions. I want to make sure we have a stream-lined process for how we do amendments for the articles of incorporation so we're not just chipping away at them and creating confusion to the state or federal entities that need to understand those. In that light I wouldn't mind postponing, even if it's just the make up och the board member portion, I think the

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nominating committee is something that's fine with me and shouldn't cause any longer-term domino-effect reactions by one party adopting decisions in the board make-up. I don't know if the other is on board with them just because we haven't had time to vet with them some of those angles as co-board members.

>> Mayor Adler: I have concerns and I've expressed them to you, council member kitchen, only because -- and you have been such an incredible champion for transportation. I'm sure the transportation committee originally was the only one in that kind of leadership role and on cap metro and on the metropolitan po organization. And you have -- you just have been the champion on this and I understand the push that you put on this, being such an

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incredible advocate and such an important part of getting atp passed. When we were originally -- we originally got a set of bylaw changes last year, as you'll recall, from the cap metro people folks that they thought wanted to do. And at that point they were saying we should add two people and another should be a city council person, the other should be a cap metro board person. The basis and reasoning was they thought if the city -- the cap metro person couldn't attend there should always be someone there participating. We looked at that and said these might be good ideas but this is the way to do that, and you led that and I appreciated the work you did in saying, hey, go away, staff, and come back with something that's -- after you talked to a lot of people.

[9:29:48 PM]

I think you've done a good job of talking to the cac people. There were others who helped in getting this passed and I don't know if they feel that they have been as involved in the conversations. I really like the process that you started where you said, hey, go away and bring us back something when you can say that the cap metro board will also approve it. Our staff responded to that in August by saying, hey, we're going to do that process but let's wait until we have more people that are going to be there for a longer period of time. And that's how their memo stood since August, and I still think that's the better approach. I touched base with commissioner Travillion, who I think is also supportive of having two people new coming to

[9:30:48 PM]

the board as you proposed. And there might be consensus around that. Two people is certainly something I support. I don't know how broad that is outside of the cac and the people we hear from. But I do know that council member Travillion still has a different idea about who those two people should be. He doesn't want it to be a community representative and still takes the position that he takes. I also share the view with respect to the transparency. I was troubled with the process that had someone come back -- it's clear we have to approve transparency but I don't know -- we have improved transparency. I don't know we have a transparent process. I think we learned a lot of lessons and think about that differently than I did before.

[9:31:49 PM]

But council member Travillion also asks that they be involved in the discussion and creation of the final transparency language before it is adopted. I agree with the intent of what you're doing and I share the need to move it forward. But I think that the better thing for us to do today would be to table this or postpone this until there can be a conversation. There are five things -- at least four things that are involved in this. Do we add more people and if we do, is it two? If we add two, who are they? Where do they come from? I know there's not consensus on that second question. If we do transparency, how do we do transparency and at what level are we making things public or not making things public? I'm not sure there's agreement on that yet. The last one I also support because I think it's consistent

[9:32:51 PM]

with the language taken in terms of asking for consensus on coming back on what the eligibility requirements would be for those folks.

>> Kitchen: So, mayor --

>> Mayor Adler: So for me, I'm going to be a no-vote on this. I would support postponement or tabling.



>> Kitchen: Mayor --

>> Mayor Adler: We're going to let everybody get a chance.

>> Kitchen: I should be able to respond. You just laid out a whole list of things and you made some assumptions.

>> Mayor Adler: You don't get to talk --

>> Kitchen: You said who I talked to and who I hadn't. I think I have chance to respond to that. I am vice chair of the capitol metro board. I did not talk to only cac. I have talked to chair Travillion. You have three city council members here citying on the cap metro board. We have all had these conversations with cap metro, so I do not appreciate you

[9:33:52 PM]

representing to my colleagues what cap metro thinks. As I said before, I'm the vice chair of the cap metro board. I'm bringing back to you -- I've been very careful about bringing back only where there is consensus. I have talked to folks from the chamber. I have talked to other people. I am only bringing back things where there's consensus. The consensus you said you agreed to is two more board members. This says nothing about the eligibility criteria for them, the process of appointing them, their terms or any of those things. So please do not represent that you have any question about whether or not I have tried to build consensus since what I brought last summer. The second thing is transparency -- we heard people

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talking earlier today. Transparency -- we could talk forever about transparency but there is no need to spend a lot of time and a committee effort to go back and forth on what transparency is. This is very simple. It says people -- the public have the right to know who is applying for these public positions. The public has the right to know who is being interviewed. The public has the right to know at least two weeks before the bodies vote on who's being proposed. That is all it does from a transparency perspective. I don't think that needs a long conversation, so I appreciate everybody's -- everybody's entitled to disagree. And that's fine if you want to vote no. Let's just vote it.

>> Mayor Adler: Okay. And I didn't mean to represent who it was that you talked or

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didn't talk to. My statements with respect to commissioner Travillion -- he texted me those at 7:40. I could read his texts but I accurately summed up what he texted me and said that I was able to read it on the dais if it was important. And I'm happy to do that but it's as I represented.

>> Kitchen: Mayor, could we hear from the other folks on the cap metro board, please? I know that council member pool is --

>> Mayor Adler: We can hear from everybody who wants a chance to talk. Council member harper-madison?

>> Harper-madison: Thank you. I appreciate that. I just -- mayor, thank you for recognizing me and at least a part of what I'm going to say is I want to be very careful in appreciating the space that is required to properly thank some

[9:36:58 PM]

of my colleagues for what we have all throughout the course of the day been able to recognize is a difficult, challenging, extraordinarily challenging (indiscernible). Council member Kelly, you and I had a conversation this evening that will resonate with me than I think you recognize about having to eat crow about what we thought the job would look like and then what happens to you and you want to apologize to your predecessor about anything you said. I just -- and being recognized. What I was going to say -- my face is falling off. I'm sneezing like crazy. I don't want to get off while

[9:38:00 PM]

making decisions, most especially the night that so many are taking their leave -- you know, optically. But it's 9:38. We've decided as a body -- this it ration of this body that we don't go past 10:00. So I'm raising my hand to say my Claritin wore off. We could keep doing this and I think it does a disservice to some of my colleagues if we don't get the opportunity to truly hear them out, but at the same time, I think it's fair to say that I would like very much to encourage us as a body right now in this moment to recognize some degree of propriety around getting to the decision we have to make here before 10:00 P.M. It's 9:38. I'll be honest with you, aside

[9:39:01 PM]

from turning my camera off because I can't stop sneezer. My antihistamine wore off. Aside from that, I want to be here for this vote. I want to make sure to close out for so many of my colleagues what has been such a long, hard effort. But if we don't get to the vote part, truthfully, I may not make it. And honestly, I just want to make certain that we're leaving the space and the room to delineate what needs

to be said right now and what does not. That was all I was asking to have the opportunity to say. Thank you. I appreciate it. I'm going to spare you guys the video footage of me sneezing, but it's 9:39.

>> Mayor Adler: Thank you. Let's go ahead and close up. Council member Renteria and

[9:40:03 PM]

then the mayor pro tem.

>> Renteria: Thank you, mayor. And, you know, this is a really hard vote for me. I agree on the transparency part, but we have to realize the voters designated the route where these rail lines are going. Our responsibility is to get it built and to get it on built on time and hopefully under budget. Inflation is going up. With the supply chain -- we're not able to get the supply. Metro is having a problem getting air condition compressors for their buses. We had a third off line because we could not get the parts to repair our buses. What I want to see if someone does come on board is for them to focus on getting the supplies in, getting everything

[9:41:05 PM]

ready so that we can complete this project. It's going to be a long project. I mean, I cannot believe what we're going to be facing. I mean, you got 345k lines all along north Lamar. In order to move or bury them underground it's going to cost a million dollars apiece. You know, and that's just the beginning. You know, if we have to require to tunnel the bus on -- that's going to cost another \$2 million and to put a tunnel underneath the river. We're talking billions, not millions. So whoever gets appointed, I hope they spend all their energy getting this thing done. You know, I have worked on getting rail here from since the red line -- me and my friend that just passed away last year ran a campaign in the

[9:42:07 PM]

east side. It was because of our work we did that we have the red line. And it -- everybody criticized that line because it was a freight line. There was nothing there. All it was lined up was warehouses and junk yards. And if we can see what has happened because of what the red line -- we have a beautiful section there. Great development. We got lake line now going on line. If we need to focus back on getting this thing done and just not fight over, you know, the small issue when we're wasting time, which is -- time is money when it comes to building our new rail system here in Austin.

>> Mayor Adler: Thank you. Mayor pro tem?

>> Alter: Thank you. Mayor, I wanted to ask if you could read the text from Mr.

[9:43:08 PM]

Travillion, who's the chair of cap metro.

>> Mayor Adler: He said the reason for the recommended expansion is a cap metro member -- each of the entities would have representation if member was unavailable. Two members would make sure the primary funders and operators were always present. I would appreciate if we were involved in the discussion concerning transparency. There are competing ideas about the concept of transparency, couple more political than operationally informed.

>> Alter: Thank you. I would like to offer a motion to table item 74 and move forward with kitchen's motion and instructions from -- in the summer that have a process and if I have a second, I'll speak to the motion.

>> Mayor Adler: Motion to

[9:44:08 PM]

second the --

>> Alter: Thank you. I think it's pretty clear we need to increase the number of people on the atp board. I do not believe that this council and the cap metro board as bodies or in conjunction with understanding from our staff or even with the atp board have had the conversation about whether that should be two or four, whether they should be community members, advocates, council members or cap metro members. We have two bodies that are searching for their new chairs. We have a chair of one of the bodies that has asked for us to do more deliberative process. There is no doubt in my mind that we will have more transparency when we do the next nominations. I don't believe that has to be resolved before we know what kind of people or positions we're looking for to nominate because there are different

[9:45:10 PM]

sets of processes, depending on who -- what we're setting out for those board positions. I appreciate the intention. I appreciate the work that went into it and the work that has gone into making atp a success. But I think that the more prudent motion at this point in time would be to table this and to continue the work that council member kitchen initiated in May. I understand the frustration that must be felt that that's not moved forward but I think that our boards -- our staff leadership that would have run it have been working on a lot of other issues.

>> Mayor Adler: Council member kitchen?

>> Kitchen: I would like -- council member pool hasn't had a chance to talk and others first. And then if you would come back to me.

>> Mayor Adler: Council member pool, why don't you go first. Then council member Fuentes.

>> Pool: I support the item, 74.

[9:46:10 PM]

We have had conversations at cap metro. The idea was that there would be two individual resolutions, one at the cap metro board and one at the city of Austin for us here at the council and that they would be the same or as close to same as possible. So there was no intent at all to leave cap metro out of the equation. I think we all understand that at the board at cap metro. So I do support council member kitchen's initiative here.

>> Fuentes: Thank you for pointing that out. Colleagues, I'm a little taken aback here on this conversation and the commentary. We know council member kitchen is the leader in transit, leader in transparency. She would not bring something forward if it wasn't fully vetted. It's about putting more perspectives at the table. If there's a process outlined

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at cap metro we can also move forward with our recommendation for that process. There is flexibility built into this process. Quite frankly, this is council member kitchen's last item before the dais and the level of respect here is a little lacking.

>> Mayor Adler: Council member kitchen?

>> Kitchen: Yes. I want to return to the transparency for just a moment. And just reiterate that what we were talking about from a transparency perspective is something that we heard testimony about earlier and it's something that came from the community. It is not -- you know, I don't understand why we wouldn't want to move forward with transparency. I don't think that needs to be postponed. We are -- what's really important for us and one reason

[9:48:11 PM]

I'm bringing this is because we need the trust of the community. For project connect we need the trust of the community. We don't have that now in a lot of ways, and being clear and making that statement

today, not in February, which is by the time something else could come up. But making that statement today that transparency is a value for us is something we need to move forward with. These are public positions. These positions on the atp board are responsible for being stewards of our tax dollars and carrying out the contract with the voters. Transparency is the minimum that we can do. This is a very reasonable proposal. We're not even asking that these folks be vetted in public. Nor are we even asking that the

[9:49:13 PM]

public have any say in who these folks are. All we're asking is that we tell the public who they are. That's it. And I think that that's the bare minimum we should do on transparency, and I would like a vote tonight on transparency perspective -- on transparency. Not a vote on whether we're going to postpone but a vote on transparency. People can vote differently. I want to vote on the transparency tonight. If it's appropriate to -- you know, I'm not quite sure how to do that. I'm thinking about how to do that but that's the vote I want to take tonight. And I think we owe that to the public.

>> Mayor Adler: Okay. Motion in front of us. Motion on the table. Council member Ellis?

>> Ellis: I wanted to test the waters on if there's interest in dividing the question.

>> Kitchen: I would be fine if you want to divide the

[9:50:14 PM]

question.

>> Ellis: If others are okay with that I'm okay with dividing the question. I'm not sure if anyone is opposed to that.

>> Mayor Adler: Council member vela?

>> Vela: I would be supportive of that. I'm supportive of the item. That said, if there's disagreement with capital metro -- I would be supportive of voting on transparency. I see no reason whatsoever to not add additional transparency to what by my point of view was not a good process last time.

>> Mayor Adler: I think what I would support in council member kitchen's here would be supportive of adding two people and support for the transparency section and the study to reach consensus on who those two people were, what they're called, where they come

[9:51:15 PM]

from.

>> Kitchen: That's in it now.

>> Mayor Adler: There's a name for them in there now.

>> Kitchen: Oh. Okay.

>> Mayor Adler: Lead people to a direction. So if we could make it so that it's just the council state doing the cap metro board because they have to concur that we support adding two people.

>> Kitchen: Okay.

>> Mayor Adler: That we support the transparency provisions laid out in council member kitchen's item so that there can be that further conversation. The other issues we're asking for staff to lead us through a process that would be who those people are, the two new people, where they come from, who they are as well as I guess the eligibility requirements.

>> Kitchen: I'm not wedded to what we name them. I'm happy to say two new directors. We don't have to call them the names in there. I'm happy with that.

>> Mayor Adler: Okay.

[9:52:16 PM]

I think that gets us passed deciding the question that may not be decided at this point. So if we could say shall be vested in board members -- two shall be new directors.

>> Kitchen: Mayor, I think that you can just do it -- yeah. You can take -- you can strike community at large and say -- or you could say at large directors if you want.

>> Mayor Adler: Two new directors.

>> Kitchen: That's fine.

>> Mayor Adler: Not characterize them at all. Nominating process and criteria -- are those two next paragraphs -- they seem to be repetitive to me.

>> Kitchen: Well; you're talking about on page --

>> Mayor Adler: 204.

>> Kitchen: Page 2?

>> Mayor Adler: Uh-huh.

>> Kitchen: Let's see. They're in the -- let me see if I -- they're referenced in two parts. So the first paragraph -- oh, I

[9:53:17 PM]

can explain it. The reason there's two paragraphs is the first paragraph that starts on line 26 --

>> Mayor Adler: Yes?

>> Kitchen: -- That relates to the existing three expert directors and the line that starts on number 39 refers to the two new directors. It could probably be written better, but that's the reason that it's -- that you see it repetitive, because of the two groups that it applies to.

>> Mayor Adler: Okay. Is there a reason that the nominating committee is seeking feedback only from the community advisory community? Shouldn't they be seeking input from other advisory community and other appropriate stakeholders?

>> Kitchen: We can say other appropriate stakeholders there. You're talking about on line

[9:54:18 PM]

29?

>> Mayor Adler: Yes.

>> Kitchen: That would be work. And you would also put it on line 42.

>> Mayor Adler: You'd make it new in 39.

>> Kitchen: That's right.

>> Mayor Adler: And other appropriate stakeholders because there are so many -- actually not a lot but some real significant stakeholder groups that are responsible --

>> Kitchen: That's recognized in other places. We just didn't get it recognized in this language but that intent tracks with the thinking.

>> Mayor Adler: Okay. And then on page 49 I guess that next sentence is directed to consent with the community advisory committee and other appropriate stakeholders.

>> Kitchen: Yeah.

[9:55:18 PM]

It's also -- if you also look at line 53 we name other stakeholders. Transit forward, chamber of commerce, atx mobility coalition, cap metro, atp and other community stakeholders. I'm happy to mention others if you think there's others we're missing.



>> Mayor Adler: They're making recommendations. I think it's better to say -- cac and other appropriate stakeholders to establish eligibility requirements --

>> Kitchen: The intent is the same. We just ended up wording it in two sentences, but the intent is the same.

>> Mayor Adler: Let's put it all in one sentence so people don't think they have different roles or responsibilities.

>> Kitchen: Okay. So what you could do then is just say --

>> Mayor Adler: I'm going to add other appropriate stakeholders in both places -- on 50 and on 52.

[9:56:19 PM]

>> Kitchen: Okay.

>> Mayor Adler: Application process for the new directors. With cac, comma --

>> Kitchen: What line?

>> Mayor Adler: 55.

>> Kitchen: Okay.

>> Mayor Adler: City manager shall also collaborate with the cac, comma, transit forward, capital metro and other -- so I took out the words "To consult with" so that everybody is all in the same line.  
Application for the new directors

>> Mayor Adler: I'm just reading the language in there. The board to not be solicited or

[9:57:21 PM]

considered without the capmetro board directors. I'm concerned about putting in eligibility criteria when we're asking eligibility criteria to be developed.

>> Kitchen: Mayor, I think that it's appropriate to list these. They're such as and not required. They're pretty basic. They're talking about experience with transit. And transit equity. And I think that from a trust perspective with the community, just mentioning them, it doesn't require them. It's a "Such as."

>> Mayor Adler: But it's a "Such as" but my concern is that people will think that the such as means that it need to be and in tune with people actively working with transit, and riders at the time of their

[9:58:21 PM]

application, I'm not sure that is the right thing to do. I'm not sure that it's the right thing to do for both of them. That's going to limit the number of people that can apply.

>> Kitchen: How about if we say -- including but not limited to -- it is consider, including but not limited to.

>> Mayor Adler: We're on 60.

>> Kitchen: We're on 60.

>> Mayor Adler: The cac and other appropriate stakeholders --

>> Kitchen: Appropriate stakeholders -- shall consider eligibility criteria, including but not limited to the following.

>> Mayor Adler: Including but not necessarily --

>> Kitchen: Including but not limited to the following. Mayor, I hear what you're saying.

>> Mayor Adler: But if I don't say -- not necessarily, we'll come up with something that people think that both new people need to have that characteristic.

>> Kitchen: Mayor, I hear what you are saying. It says "Shall consider." I think that people can understand that "Consider" doesn't mean that it is required

[9:59:22 PM]

if you want to say "May considered" if that is more appropriate.

>> Mayor Adler: Okay "May consider" eligibility to require such as the following. Without limitation, or inclusion. Is that okay?

>> Kitchen: Yes.

>> Mayor Adler: Okay, without limit or required inclusion, when making recommendations. And then we have your issues. Yes, it -- you don't have to have those things.

>> Kitchen: Yeah, the point -- the intent --

>> Mayor Adler: Such as, but not necessarily required.

>> Kitchen: Oh, it looks like Natasha --

>> Mayor Adler: Councilmember harper-madison.

>> Harper-madison: It is 10:00.

>> Mayor Adler: Okay, I think we're done.

>> Harper-madison: We clearly are not done. You guys are still talking.

>> Mayor Adler: I think that we just got to the end of the docket.

>> Harper-madison: My point is that if it is 10:00, do we need to continue to have this

[10:00:23 PM]

discussion?

>> Mayor Adler: Because I think we can take the vote just in a meeting. Any objection to those amendments being included in item 74. Hearing none, those amendments are included. Are you ready to take a vote on 74. Those in favor of 74 please raise your hand and those opposed to 74, please raise your hand. Councilmember Kelly is against. Any abstentions? Mayor pro tem abstains.

>> Alter: I'm abstaining for transparency and I don't know what I'm voting on and CM I'm abstaining.

>> Mayor Adler: Okay. I understand. Councilmember harper-madison, how did you vote?

>> Harper-madison: I think I am very much in alignment with mayor pro tem alter. I have some things that we didn't get the opportunity to discuss, because it would have required further deliberation. And - but I have all of the background, you guys with your last meeting -- you know, while I can appreciate that ceremonially and in theory, we're supposed to stop talking

[10:01:23 PM]

at 10:00 so I'm conflicted currently and I'm going to also abstain.

>> Mayor Adler: Okay. Councilmember Ellis.

>> Ellis: I will abstain and I would have voted on the transparency measures on their own but I am feeling out of the loop around the two board members and what their role will be and so I'll save that discovery for another month.

>> Mayor Adler: And we didn't decide other than there will two new members. You voting in favor of being amended. Seven for, and two abstentions and passes 7-2-1-3. And that is saving us from councilmember harper-madison's amendment to go past 10:00 and for the final time this last group of 10.1 councilmembers adjourn this meeting. It's been an honor serving with you guys.

[10:02:24 PM]