

# City Council Regular Meeting Transcript – 5/18/2023

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[10:00:32 AM]

good morning, everybody. I will call to order the this regular meeting of the Austin city council. It is Thursday, may 18th, 2023, and it is 10:00 in the morning. We are meeting in the city council chambers located in the Austin city hall. Members let me walk through what the order of the meeting will be for today so that you and the public will know in a moment we'll hear the consent and non-consent agenda speakers, both virtual and in person. We will then go to the consent vote with brief comments from members . We will then take non consent public hearing items. Those items will I'll call them up in the order that they're in the agenda packet. We will close the public hearings and we'll take immediate action. Ann I would like to clarify at this time for anybody that's listening and wants to speak, anyone registered to speak on an item referred from a council committee, eminent domain and or public hearing will be heard

[10:01:34 AM]

during the consent speakers and not when the actual item is heard. Because we're going to try to take them back to back and that will be more efficient at that point in time. If time allows, we will recess the regular meeting and call the Austin housing finance corporation board of directors meeting to order. We'll hear any speakers, we'll act and adjourn the corporation meeting at that point depends upon where we are. We will hear noon public comment at that point. We'll have our live music and then we will go to zoning at 2:00 pm. Let me read into the record the change and corrections for Thursday, may 18th, 2023. A see item number five should read conduct a public hearing regarding remove a second so it reads regarding an amendment to the funding loan agreement and ask item number six approve a resolution authoring again delete a second so that it reads authorized Singh an amendment to

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the funding loan agreement and item number 1st may eighth should read may 8th, 2023 recommended by the electric utility commission on a 7 to 0 vote with commissioners Blackburn, Bowen and Hopkins is absent and one vacancy items number two. Number three and number seven Ann. Number ten Ann. Number 19, may should read may 10th, 2023 recommended by the water and wastewater commission on a 6 to 0 vote with zero absent and five vacancies. Luz item number 15 authorize negotiation and execution of a contract for vehicle rental services with enterprise holdings inc, dba a Ann services LLC for a term of five years in an amount not to exceed delete the number that's there and replace it. With \$2,610,000. Item number 22 should read may 15th, 2023 recommended by the

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public safety commission on a 7 to 0 vote with one absent, one abstention and two vacancies is item number 23 is withdrawn, item 25 withdrawn and replaced with addendum. Item number 88. Item 27 withdrawn and replaced with agenda item 89 an item. 41 ad council member Jose Velasquez as a sponsor. Item number 43 ad mayor pro tem Paige Ellis as an author, item number four, a sponsor item number 46. Ad council member. Leslie pool. As an author. As a sponsor for item number 54 postponed to July 20th, 2023. Item 59 should read may 9th, 2023 planning commission approved staff's recommendation to amend the Austin independent school district interlocal agreement on commissioner Connelly's motion. Commissioner woods, second and a

[10:04:36 AM]

vote of 12 to 0 with one vacancy member items pulled off the consent agenda agenda. I'll just read this at this point in time. Item number 26 pool by mayor pro tem Ellis and item number 20, which is pool pulled by council member Allison alter. We're going to go to consent speakers, although I'm going to recognize councilmember Allison alter for a second. Before we do that. Thank you, mayor. I want to exercise a point of personal privilege and invite a special guest for wildfire awareness month to just join us down in the well, smoke. Could you come on down, please. So smokey bear and it is not smokey the bear. It's smokey bear, we've learned. Can't speak. So I'm going to just say a couple of words here

[10:05:37 AM]

on his behalf. It is wildfire awareness month and here in Austin, we are at high risk of wildfire schiera and want to make sure that everyone who's in this room understands their role in our wildfire fight. It's not just AFD's role. It's not just smokey's role. And smokey, if you want to point to everyone, who is it?

It's you. You have to play a part. So colleagues, as I have passed out the wildfire action guide ready, set, go. We have them available for folks who are leaving the chambers as well. I would ask each of my colleagues to make sure that you share this information with your constituents. A key part of our wildfire prevention and mitigation efforts is preparedness. And folks being ready. So so, as smokey advises us, please do your part and thank you. And thank you to mayor Watson for indulging us to

[10:06:38 AM]

have smokey there. I don't know that we can get a picture with all of us, with smokey, but thank you for being here for smokey. Thank you, smokey. I hope he went through security. Mayor yes. Mayor pro tem. Way down over here. I just wanted to flag appendix a for the item that I pulled. Number 26 has been handed out. I'm happy to have it be back on consent just wanted to flag the dates that have changed. Are the meeting being August 31st changing the September meeting to the 14th and then they have added a work session on July 19th at 9 A.M. That is part of that line item around the budget discussion. So I just wanted to flag that it's been handed out and I can put it

[10:07:38 AM]

back on consent. Thank you very much. We'll make we'll make a note of that. Thank you for calling out to our attention. We will now go to our first group of speakers, Luz, that will have an opportunity to testify on both the consent and non consent agenda items. And the speakers that are signed up on zoning agenda items. They'll be called upon at 2:00. Each speaker will have two minutes. And let me just let folks know that we had four Shaw for who signed up or registered to speak remotely with obviously false names meant to be crude and create embarrassment and frankly, demean the public communication process. And therefore, they violate the rules of decorum. And the chair has ruled them out of order. So they will not be called with that, I'll turn to the city clerk. First up, we have bill bunch on items two, three, 44 and 52. Butts. Thank

[10:08:39 AM]

you, mayor and council members. Bill bunch with save our springs alliance on the service extension request two and three. We are concerned about service extension, an exact exacerbating and increasing development that's still claiming grandfathering. We recognize that the council cannot condition extensions based on compliance with current regs. But nevertheless you can ask the applicants to pledge that and be clear and have that on the record. And we ask that you do that. On the trail ordinance amendments. We're concerned that that's just too broad and sweeping. We of course support efforts to maintain Ann and improve the town lake trail, but there shouldn't be a blanket exemption grant Eid without any sort of understanding of what that entails. There should be

[10:09:39 AM]

more transparency and should be tailored to address any specific concerns that would facilitate the enhancement of the trail. Rey and I think that's the all that I have O on slaughter lane item 52. The transportation folks should be required to by mitigation land and set a strong precedent, especially as rey is now looking to resurrect its south mopac plan. We want other road builders to buy mitigation and keep their impervious cover levels low, down to impervious cover limits, or at least approaching it. And this is a great opportunity for the city to set that example and have our roads comply by, to the extent possible with mitigation land, as we add impervious cover to slaughter lane over the recharge and contributing Zones. Thank you for your consideration.

[10:10:44 AM]

Bobby lavinsky on items 44 and 58. Thank you, mayor and council. I don't want to repeat this. Bobby Lipinski saber springs alliance. I don't want to repeat any points that bill made with regard to the items that he raised. However, item 44, I want to thank mayor pro tem Ellis for reaching out to us , and offering us an opportunity to provide input on the item and for the trail foundation to really move forward with, improvements to the trail that could help mitigate the ongoing erosion problems that they're that they've been having that said, we do want to make sure that the conversation is not just focused on code amendments that provide exemptions. Our watershed protection staff is highly qualified to review environmental concerns. And I think the broader concern that we have is, is if we remove

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their ability to Roig review the unique circumstances that could happen along the trail, we might miss some concerns for the environment that would Eid go away with just an exemption. So we hope that the process considers things other than just code amendments. Maybe there's some other recommendations that staff could recommend that could make sure that the trail foundation has the flexibility they need to improve the trail and improve accessibility while still respecting the environmental concerns that that may or may not exist depending on the solution that's offered. Eid and then secondarily to that , on the service extension request, we want to make sure that at the process ice considers that the applicant may change the project, the service extensions request is not tied to any particular project. So if the applicant comes and changes

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the project like they've done two times before, that's always raises a concern. So getting the applicant to state on record what they're doing is really important. So we encourage the council to, deny this request until the applicant, you know, gives some assurance to the city that the environmental regulations that they're saying, are you. Speaker that concludes your time. Thank you. Tracy Witt on item 58. Mayor and council. Item 58 Sturup the entire section of code to allow the combination of commercial highway zoning with the planned development area tool, no matter how small the site, how high the impervious cover, how high the maximum height or how intense the impact of the low to the local context of humans, structures, roadways and trees. This is supposed to give applicants an option other than limited industrial pdr for doing all that because limited industrial zoning is a bad look in 2023 or any other year, especially in east Austin,

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where a slew of cases are racking up hundreds of millions for joint ventures and next to nothing for the communities they are transforming. So will this move is a bad look. So is pdr, which, unlike the pd tool, has zero requirements for community benefit and zero mechanisms for enforcement of the promises that applicants make to induce rezoning approval. You can't use vmu with pdr and has a maximum height of 120ft versus Lee with 60ft. So the promise is about affordable housing that no one can enforce anyway. Will be predicated on moving from one 22ft. Instead of 62ft. The affordability impact statement for this code change recognize these limitations and suggest you consider superiority requirements for pdr. That would take some thoughtful process. Unlike the path set for this code amendment. And maybe worst of all, item 58 expands the a la carte menu for sites and communities along I-35 183 to 90 and 71, but not along 600 2360 or mopac south of 183 because H is only allowed on certain highways and not along those lovely places where the

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expectation is pud zoning for towers. How many small small sites along all the eastern highways will now be eligible for pdr? This code amendment may be well intentioned, but its impact will be inequitable. Please press pause on all the pdr cases and please ensure that utilization of quality planning tools and outcomes are the expectations from applicants across the entire city. Thank you. That that concludes all the remote speakers we have at this time. We'll move into in person . Thank you. First we have Kevin Welch on item 22 with Wallace Lundgren on deck. You might want to go to the podium. Yeah that's all right. I bet. No problem at all. Ladies and gentlemen, the council. Thank you for your time. My name is Kevin Welch. I'm the current president of the board at F

[10:15:47 AM]

Austin local digital civil liberties organization. Some of you know my face. I usually pop up when you're voting on apr issues. I'm here today to basically encourage a postponement on item 22, I have concerns that the language in the draft policy resolution is not in alignment with the language that was approved in resolution 56 by the council last fall for one thing, resolution 56 makes it quite clear alpr cars may only be used to prosecute a very specific list of crimes, while as the current draft policy basically says, it can't be used for certain crimes. But it then you could use it for anything else. Resolution 56 is far stronger and it also explicitly says that that council is not just to be notified of data sharing occurs. Council is to give an up or down vote if data sharing occurs. Also data sharing is defined as only a copy of the data will be provided. No other law enforcement agency will be given direct access to the database. So I encourage you to postpone so we can get the language in alignment. It will be a waste of

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all of our time if potentially a lawsuit comes later from a case, because the policy was not in alignment with what council explicitly voted on. So I urge you to take a little more time to get the language as it needs to be. Thank you for your time. Thank you. Wallace Lundgren on item 24, Gus pinion deck. Good morning. First, I'd like to congratulate Mr. Qadri on his passage of the oversight proposal. Ann. I hope he has the same success that we've had with our proposition on the camping ban. Secondly, item 24 passage is not necessary at this time. To hundred and \$65,000 for a marketing program is premature and at some point in the future we need it. We don't have to go to El Paso to get it. There are lots of advertising agencies here in town. Thank you. Thank you, Mr. Lundgren. Gus Pena,

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items 24, 35 and 49 with Heidi Anderson on deck. Heidi Anderson Ann on item 44 with Andy Austin on deck. Good morning, mayor Watson. Mayor pro tem Ellis and council members. I'm Heidi Anderson Ann, CEO of the trail conservancy. And I want to express on behalf of our board, our volunteers and 5 million trail users annually, our thanks for bringing forward item 44. Today, the code amendment is an absolutely vital step for the sustainability of the Ann and Roy butler hike and bike trail. This beloved space was begun back in 1971 by lady bird Johnson and the beautification committee for town lake, one of which still with us today, I know emailed you all yesterday in support of this item when the code was changed in 2017. It automatically made 85% of the butler trail non-compliant. This

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created a perhaps unexpected consequence to incentivize us in part to not do any of the much needed improvements to the trail path itself as those improvements would trigger this code and create the requirement for the trail to be moved 50 away, 50ft away from the shoreline. As a nonprofit investing over \$6 million annually into this space, it is imperative that we have the surety needed from the city to be able to raise these funds and implement the necessary projects on the trail that will not only sustain the environment, but keep our 5 million trail users safe. This item helps achieve that goal, and I appreciate your support. I'm here for questions. Thank you. Thank you. Andy Austin on item 44 with griffin Davis on deck. Good morning, mayor Watson mayor pro tem Ellis and council members. I'm here. I'm Andy Austin. I'm the board chair this year of the trail conservancy. But I'm really here

[10:19:51 AM]

more as an individual. All 41 year resident of Austin Ann and for almost all of those 41 years, a daily user of the trail . This item I think is straightforward. And we appreciate it being brought forward. And I think the opposition to it, or at least concerns that have been expressed, are perhaps not keeping in mind the don't overthink it adage that is very applicable here. The code amendments that are focused of this item were adopted Eid in 2017 without true community engagement and a lot of deep study of what impact this was going to have. And that's why we're here is the unintended consequences that have occurred specifically, the concern is that somehow the trail needs to be 50ft away from the lake to protect the environment of both the lake and the trail, to know that this is not the case. All you need to do is to have done what I've done, which is use the trail every day for the last 41 years. Lady bird lake and the trail is much healthier today

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than it was 41 years ago or 50 years ago when that trail was first created. The trail has not degraded the biological health of the lake, nor has it hurt the park around the trail. If anything, the trail's proximity to the lake has enhanced it. The environment, it's it has brought our community close to the lake every day, 5 million people get to see the lake up close and personal. That's 5 million people who volunteer to clean up trash from the lake. That's 5 million people who are passionate about the quality of the environment on the trail. And that's 5 million people who give money to organizations like the trail conservancy and other 501. C three seconds to help support the environment around the lake. So we urge the adoption of item 44. And please , one thing I want to make clear, don't get us wrong. We are very much stewards of the environment at the trail conservancy and we intend to do that. Thank you. Thank you.

[10:21:53 AM]

Griffin Davis on item 44 with Michael Morehouse on deck. Good morning, y'all. Good morning, y'all. First of all, I think it's very unfair that I have to follow an articulate federal judge, but I'll do my best here. I'm in support of this resolution and I want to let you all know that the trail conservancy, we care deeply about the environment and environmental issues around around the trail. This resolution that was adopted back in 2017, Ann, I mean, the ordinance back in 2017, it wasn't done with a lot of input from other city departments or from the public. If we had had that chance, we might not have to be here today. But I think we do have to be here today. If this the current ordinance stands, there's about 85% of the trail where we can't do the types of improvements that we have laid out in the safety and mobility study and our urban forestry guidelines that we

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worked on in conjunction with the city. I think it will have a negative impact on the trail and the for this asset that every citizen in Austin gets to enjoy. I'd urge you to pass this and thank you very much for being here and considering it. Thank you. Thank you. Michael Morehouse on item 44 with Muna Michel on deck. Thank you council and mayor. My name is Michael Morehouse. I'm a professional landscape architect here in Austin, a resident of district nine. I've been working with the city of Austin and the trail conservancy since 2015 to make various improvements on the butler hike and bike trail around the lake. Thank you for bringing item 44 forward today. I'm here to support the vote to approve a code amendment. This is an important code amendment to ensure that the Ann and Roy butler hike and bike trail is able to remain in its current location. Ann. And the iconic

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feature that it is in our city currently I serve on the ecological restoration committee for the trail conservancy alongside city representatives from parks and recreation, watershed protection department and urban forestry. We work diligently to implement trail conservancy's urban forestry management guidelines and other ecological restoration projects around the trail and one of the most important aspects of the trail is its proximity to the lake to experience the deep shade it provides the cool breezes off the water views of the city and our beautiful natural areas downtown. The ordinance passed in 2017 Ann to move the trail outside of the 50 foot critical water zone. Buffer has made it difficult to complete trail and park improvements that will actually improve ecological function and water quality along the lake adjacent to the trail, some of these measures include rain gardens and green stormwater

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infrastructure that I've personally worked to help design and implement. And I ask that you support the item 44 and allow the butler trail to remain in its current location and allow us to continue with all the important work that we've been doing for the last ten years on the trail. Thank you very much. Thank you. Muna Michelle, on item 44 with Charlotte Tanzer, you're on deck . Good morning. My name is Muna Mitchell. I'm on the board of directors for the trail conservancy, ac I'm also the chair for the projects committee on the trail conservancy. I've been using the trail avidly for over two decades now. I've also been a civil and structural engineer for longer than that, for over 27 years now. Seven of those years were working for the lower Colorado river authority, where part of my job as the owner's engineer, Garza was enforcement and application Ann of the highland Lakes watershed ordinance, which was

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deliberately to protect the water quality of the Colorado river and prevent erosion which is part of the concern for this 50 foot setback rule. I encourage you to pass item 44 to release us from having to abide by rather arbitrary solution to a very real problem. Instead of looking at a 50 or 50 foot setback for the trail, which would have many unintended consequences, as Andy referred to earlier, it prevents us from addressing the issues that are active on the trail right now in ways that provide creative solutions better solutions, pushing the trail away from the edge of the river not only prevents users from experiencing the access to the water, but also has the exact opposite effect of encouraging. Improvements in areas that are currently not improve Eid and

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would like to keep wild and also prevents us from using other, more creative measures to prevent erosion on the projects committee, we address every single project that comes to the trail and a big part of what we look at is the materials that are being used. I understand the decomposed granite washing into the river is a is a big concern . It's also a concern for the trail now that we have maintenance of the trail as well as projects on the trail. We're also we're also concerned about that. Thank you. Thank you, shalom. Tanzer on item 44 with Alexander stringer on deck. Good morning, all. Thank you for giving me the chance to speak. I'm Charlotte Tanzer. I'm the executive projects director with the trail concern and I'm

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speaking to you in support of item 44. So you know, the residential and employment density in the vicinity of the trail has doubled in the past ten years, and it's projected to double again by 2040 by regional growth models. And so this has and will continue to play demand on the trail, use particularly

on all parts of the trail. So a key charge of the safety mobility study, which I led for the trail conservancy, is to ensure safety for all trail users and preserve the restorative experience of the trail, which is the reason everybody goes down to there. Invite new users and balance equitable investments across different sections of the trail. It's also important to know that the butler trail is located in the center of a developing network of multi use urban trails, serving as a hub for trail connections that extend across Austin throughout the study, we did a detailed analysis of the trail and key connections combined with community conversations and surveys and identified top issue, the number number one concern was trail width and the

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trail design. We use that to determine what our trail widths would be for the survey, and those were combined with study also from the trail design best practices of the American association of state highway and transport officials. As chito you might know that better as a standard reference for trail width guidance. So without the support of these capacity building solutions for the butler trail where it exists now, the trail could become less safe, less comfortable and higher stress, especially as the area around the downtown trail will continue to grow over time. So I ask you to please support item number 44. Thank you. Thank you. Alexander stringer on item 46 with Megan mason back on deck . Good morning. Council. I'm speaking in support of item 46 and the need to create safe spaces for the lgbtq community. Katy because I am a member of

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the lgbtq community. Yes, that's right. My name is Alexander stringer and I am a member of qanon. Now, if you'll excuse me, I would like to share some of the conspiracy theories that I believe in. So you can see firsthand that I am a member of the lgbtq qanon community. I believe that the covid vaccine is safe and effective. I believe that the only reason that Donald Trump became president in 2016 is because Russia hacked the election. I believe that the greatest threat to our country is white supremacy and that there is no greater embodiment of white supremacy than Vladimir Putin. I believe that allowing five year old kids to have bottom surgery and mastectomies is the greatest pressing issue of our generation. I believe that January 6th was the worst act of terror that occurred not only in this country, but on this planet. And yes, this means

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nine over 11, and it also includes the holocaust. I believe that there is no greater threat to planet Earth than climate change. And if we don't get to net zero emissions by 2030, then we are all going to die. I also believe that the 2020 election was the safest and most secure election in American history. As you

can see, I am clearly a member of qanon and I just wanted to say thank you guys for giving me the safe space that I deserve to fully express myself. So thank you. Megan meisenbach on item 58 with Greg Anderson on deck. Greg Anderson. Dave king on item 58.

[10:32:08 AM]

That concludes our in-person. We did have someone call in to the remote and so I'll call them at this time. I'm Monica Guzman on items 26, 29 and 58. Good morning, mayor and council. I'm Monica Guzman, policy director at Garza Austin. Vamos Austin Garza opposes item 58. Your approval is a carte Blanche for development and eliminating residents. The opportunity to negotiate community benefits. We remind you you answer to the community, your constituents who expect you to make decisions in their best interest to protect them and to protect the community. Garza urges your approval of item 29. Approval of this item will fund together for children's workforce development training for child care workers, including Texas rising star, licensed home based program programs. Many of our city's young children from working

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families in Austin's eastern crescent are cared for in homes . Registered, licensed home based providers, some of whom have provided care for more than 25 years, have often been left out of professional development. Opportunity Denise making this one especially important since they would be eligible to participate. We hope to see such opportunities to continue to expand, to include friend, family, neighbor, home based providers in the future as well . Thank you for continuing to invest in child care, the workforce is behind the workforce investment in early childhood education and development means better futures for children and more productive working adults. Child care makes all work possible. Thank you to council member Allison alter for your support of response to garbo's emailed statement. Thank you. That concludes all 10 A.M. Speakers. Thank you very much. Members that will take us to the consent agenda. As typical, the

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chair intends to take up the consent consent agenda subject to the pool items and recusals abstentions and no votes based upon unanimous consent. Let me remind everyone that item number 26 has been put back on the consent agenda by the mayor pro tem. Unless there's objection to that, let me ask if there's any other items that are on the consent agenda that members would like to remove from the consent agenda. Councilmember Ryan alter I would like to pull item 22 off the consent agenda, please. Item number 22 has been moved and removed from the consent agenda. Are there any other items that anyone wants to remove from the consent agenda? Are there any recusals that someone would like to

be shown on the consent agenda? Any abstentions? Is mayor. I'd like to abstain from 41, please. All right. Are there any no votes

[10:35:16 AM]

that you wish to? Yes, councilmember, I'd like to vote no on item 24, please. Mayor. Okay okay. Councilmember qadri, you look like you were getting ready. Yeah. Okay. All right. With that, I will call on members that wish to make brief remarks before we take the vote . I'll recognize councilmember Velasquez to speak on item number 46. Thank you, Mr. Mayor. We brought this item forward for a number of reasons. First and foremost, every person in Austin is deserving of a community that makes them feel safe, supported and respected for exactly who they are. Unfortunately, Texas, as it is demonstrated at the capitol these past few months, has gone out of their way to make the lgbtq plus community feel unsafe and put a target on their back to them. I say rey. I unapologetically stand in the gap. The bills that we have seen from conservative lawmakers

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demonstrate a clear commitment to restrict people's rights by infringing infringing on bodily autonomy, autonomy, hindering self-expression, Ann and emboldened hatred towards the community. Our Austin is better than that. In the past, this council has made tremendous strides, strides towards becoming a city that will always commit to condemning and prosecute hate crimes. Unfortunately although we know that these hate crimes happen all the time, community members do not feel safe enough to talk about, let alone report them. With this item, I want to push the needle further to address the clear need to continue educating and empowering our community by building an environment where we have discussions on important, sensitive topics and encourage safe reporting to ensure that our city remains committed to condemning and persecuting and prosecuting hate. I want to thank my team for all this work on their item. I want to thank my co sponsors, council member Ryan alter, council member Vanessa Fuentes, council member. Zo qadri council member. Chito vela. I also want to recognize

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who a gentleman who is in the back Chris Chen Mendoza safe place initiative coordinator for all of his hard work. Austin is a safer community because of you . Thank you. Thank you. Council member chair recognizes council member Kelly to speak on the consent agenda. Thank you, mayor. Today is an important day in our city for a few reasons. I plan to outline briefly. First, I'd like to thank mayor Watson council member Allison alter and council member Jose Velasquez for their support on item 42, which is a fee waiver for the Texas peace officers memorial procession. I attend this event every year and it's important because it honors our fallen peace officers. I posted a message on the message board

regarding this item and invited other members to co-sponsor and I want to thank council member qadri and council member vela for indicating to me that you plan on co-sponsoring this item as well. Second district six is getting some much needed infrastructure updates on this agenda with item 38, which is the highway safety improvement

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program lighting projects specifically. These are on Mcneil drive from us 183 to Parmer lane. These will increase safety during dark parts of the day. And when there's extreme weather. And lastly, I'd like to thank council member Jose Velasquez for bringing item 46 to us today for consideration. Ann as one of the first members of council to take the safe place training in my office and display the safe place stickers on my office doors. This training has a special place in my life and that of my staff. I believe that the community at large has also gotten a lot out of this program. I want to thank Chris Chen Mendoza, who's in the back of the room also today, for bringing this to my attention and just recognize that this is a very, very important program. And I'm glad to see it expanded. I'd also like to thank council member Allison alter for all the work she's done to combat hate crimes across the city. And I just want people to know that there is no place for hate crimes in the city of Austin, and we deserve a safe environment for those that wish

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to see their lives as they see fit. So I'd like to be added as a co sponsor on that item. Thank you very much, mayor. Thank you . Councilmember qadri. I'll tell you what, I'm going in the order of people that told me they wanted to speak before the meeting and I'll come to you after we do that. Mayor pro tem Ellis. Thank you, mayor, for the recognition on item number 44, I really want to appreciate my co sponsors. Leslie pool Ryan alter, zo qadri and Jose Velasquez. As this item initiates code amendments that will come back to council for adoption. Ann. And while this item is focused specific on code amendments, it does not exclude future conversations around ecology restoration of the trail , and I welcome that discussion in the future. I brought this item forward because there were conflicts occurring when one of our local nonprofits tried to maintain and enhance parts of the trail to ensure that trail Goers were safe and that there was adequate mobility and access on all parts of the trail. I also know that our city staff works diligently every day to achieve these same goals, and I

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look forward to us being able to see the proposed amendments later this year and continuing the discussion. Item 19 is southwest parkway transmission main and elevated reservoir Shaw. For those of you who were with us in February of 2021, southwest Austin residents were the first to Luz water Shaw

and the last to get it back on. And this capital improvement project is going to be really important for southwest Austin to make sure that we have access to clean and safe drinking water as climate change continues to have impacts on our utilities. Item 20, we pulled that one. I will skip my comments on that comment item number 39 is about transportation alternatives, so I'm really excited to see the city seeking \$20 million in tex-dot funding and also glad that our atx walk bike roll program will inform the project selection. Ann. I very much hope that this project can be funded all over town. We want to make sure that we are being able to deliver projects. No matter which district people live in, and we have numerous tex-dot

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highways in district eight and I know I've had folks down in the meridian neighborhood reaching out for probably about a year or more trying to advocate for a shared use path in their part so that they can connect to the violet crown trail and other shared use paths to make sure people can get around southwest Austin safely. And item number 59 is the aid interlocal agreement. I'm happy to approve this telecom tower amendment to the current interlocal agreement with aid and I know there's also conversations burns happening right now around new negotiations for a comprehensive interlocal agreement. Aisd recently passed Wright a \$2.4 billion bond program in November of 2022 under modern land development standards and the existing Ila is based on our outdated code and needs to be fully refreshed to reflect modern thinking around the issues that we care about, such as parking. We certainly want to be good partners with ISD and make sure we're not getting in the way of the billions of dollars that voters have approved for the school

[10:42:25 AM]

district. So I look forward to seeing the new interlocal agreement and happy to continue moving forward with our partnership with aid. Thank you, mayor pro tem councilmember Allison alter. Thank you, mayor. First, let me say that I am excited that we are moving forward with the process to update and enhance our Asian American resource center. That's item 18. I want to speak, though, more detail to items 11, 13 and 29 that are on our agenda today. Colleagues, each of you received a memo from Eid detailing how these investments align with the budget rider that I authored last year, which I think everyone who is on the council who who stayed supported during the budget process, these are funds that are going to be used to support our workforce training programs along with related child care investments. Item 11 grows our capacity to train austinites for high demand living wage jobs in local health

[10:43:25 AM]

care include Singh funding for additional program slots in capital ideas nursing program, which trains austinites to earn a bachelor of science in nursing degree. Part of it's part of a pilot that we're doing that is going to allow students to complete their bsn at concordia university, which is in district ten, item 13 allocates an additional \$1 million to provide early child care education employees with wage stipends to improve retention care quality and stabilize classrooms. And these stipends will be focused on child care workers who work in programs that serve children receiving child care scholarships, ships. Item 29 is another important investment in the professional development of Austin's child care workers. By providing workforce development training for child care workers in our community, child care workers are predominantly women. We also know that the majority of essential and frontline workers in Austin are also women , many of whom require child care to do their jobs. There is no functioning or productive economy in Austin without our child care staff. I'm excited by

[10:44:26 AM]

this investment and that we are poised, poised. We're poised in child care workers for success and in turn, that we are increasing the retention and recruitment of this critical workforce, which keeps our childcare facilities open. Ann to meet our family's needs. Last Monday, many of you may recall Texan advocates, providers and child care workers recently organized and observed the nationwide Eid day without child care rally at the capitol to demand that the state step up and invest in child care businesses and child care workers to solve our child care crisis. We simply cannot afford not to. In 2022, the us chamber of commerce estimated that the lack of affordable child care in Texas cost Texans employers up to \$7.59 billion per year. As we wait to see what the state will do, I really look forward to continuing to build out and fund our early childhood ecosystem at the local level even further, and I'm excited to be working with many of my colleagues on that. Thank you. Thank you. Councilmember alter councilmember vela, you had

[10:45:26 AM]

indicated you wanted to be heard on item 22, but since that's been pulled, can we wait and recognize you then? That's fine . Mayor. Thank you very much. Good thank you. Councilmember qadri. Great. And then I think councilmember Fuentes is raising her hand. Do remember, you can let me know before we start. Yeah. Just wanted to make sure she was seen. Okay. Well, I want to thank councilmember Kelly again on item 42. And as she has already alluded to, I'd like to be added as a as a sponsor for the Texas peace officers memorial procession and then relating to item 46. I just want to thank councilmember Velasquez again, his staff's work and just to kind of echo the words that he's already already outlined, there's a lot of bad stuff happening. You know, in this state. And it's important for Austin to protect austinites. So thank you for allowing our office to co-sponsor this. Thank you. Councilmember qadri council member harper-madison, then councilmember Fuentes, your your

[10:46:30 AM]

your microphone is off or you're on mute. Natasha actually, I'm on mute. There you and I'm also remote, so I really appreciate the recognition. I recognize that it's difficult for you all to see and hear me, but I just want to say good morning, colleagues. I wanted to make some brief remarks on item number 45, councilmember Fuentes, is resolution establishing a mental health as a first aid program? Mental health is an essential component of overall health and well-being because it directly influences our physical health. Today we are recognizing that mental health is an integral part of whole body health. They are interconnected. Priority Singh mental health promotes early intervention and prevention strategies which can lead to better outcomes for our community members who are experiencing mental health challenges. We have seen how neglected mental health can have detrimental effects on our

[10:47:31 AM]

community's well-being. This holistic approach to well-being emphasizes the importance of self-care. Schiera self-compassion and destigmatizes and can put more emphasis on the destigmatization of mental health care. So Singh professional support when it's needed. I am proud of this work that our body has taken to support mental health and to support our first responders and the continued work that we are taking to resolutions like item number 45. I'd also like to be added as a co sponsor for councilmember Kelly's item, if that's an opportunity that she will allow me. Ken councilmember for the record, I intended earlier to say out loud that councilmember Whalen, councilmember qadri had asked to be co sponsors of that item, and that's also add councilmember harper-madison. Thank you. Thank you. I appreciate it. Thank you,

[10:48:32 AM]

mayor. Thank you. Can I pile on there? Sure why not. Councilmember Fuentes, please. Thank you. And thank you, councilmember harper-madison for your remarks. I really appreciate your co sponsorship of the mental health first aid initiative and also want to share my appreciation to councilmember Velasquez, councilmember vela and councilman Ryan alter for your co sponsorship on this item. What we know is that 1 in 5 Americans experience poor mental health and this crisis has worsened throughout the pandemic. In fact, especially amongst our youth here in Austin. We know that 1 in 6 experienced poor mental health and so we have taken action Ann as a public health committee to recommend this initiative, as well as it's being brought forth with the community advancement network, which is an incredible knell board that has many organizations involved, including our school districts, our hospital systems and our universities. And we've launched this goal to train 1000 Austin ites on mental health first aid.



[10:49:33 AM]

And it's incredible way for us to destigmatize mental health disorders. It's an incredible way to provide new tools and skills to austinite so that we're able to understand and recognize the signs and symptoms of a mental health crisis and understand how we can respond and have supportive behaviors to our neighbors, to our friends, to our loved ones. So it's incredible to elevate the conversation around mental health and I'm pleased to share that since we've launched this initiative and because of Austin public health support and city manager, your support, we already have over 200 austinites registered to get trained up. So we are well on our way to reach that that challenge of training 1000. And I invite everyone else if you're interested. This resolution sets out a pathway for all city of Austin employees who are interested to participate in the training and to get certified in mental health. First aid. So I'm

[10:50:34 AM]

excited to have this council support in that effort. And then lastly, I did want to talk about the child care items. We know how hard it is to find high quality, affordable child care in the city and this council yet again is showing our support and doing all that we can and in ensuring that we have accessible, affordable, high quality child care in every corner of this city. And I'm particularly excited that we are also expanding our investment in pre-k. Three so the first time we're going to work with Austin independent school district Delvalle and Leander and providing pre-k three classrooms and helping supplement their their efforts and so it's an incredible opportunity for us tonight. And I'm excited to see that move forward. Well said. Thank you all. Councilmember Allison alter does actually help the meeting go smoother. I got my question answered for item 20, so if we can include that on consent and I would like to make a brief remark on that. Is there any objection to putting the item 20 back on consent? It had

[10:51:36 AM]

been pulled by councilmember alter. Any objection? All right. I'll recognize you. Thank you. And the reason I had had pulled it originally was to make sure that some of the charging infrastructure incentives were structured in the contract so that if we were eligible for incentives, they would go to the city and not the contractor. So there's some uncertainty at this point as to where those incentives are available. And that will depend on where the charging locations are are. So I'm really glad to see item 20 on our agenda, which contributes to our goal to electrify and decarbonize the city's fleet transportation is currently the largest contributor of greenhouse gas emissions in the city of Austin. This item is going to permit the construction of charging infrastructure for the city's electric vehicles at various municipal buildings and facilities. It's an important step in our broader goals as we take this important action today . I do want to amplify another important strategic step, which is to advance ev ready building codes in an upcoming building code. Update this was a component of my 2019 resolution

[10:52:37 AM]

Ann about the electrification of transportation, and it is a stated strategy in the climate equity plan. City manager I want to ask that we continue to move forward on that work so we can construct our community Luz buildings for the future with the technology we need to enhance our sustainability and resilience as a community. So I would ask that Burt and then in process of reviewing item 20, I would love to have some further conversations with staff about how we are engaging with the federal grants that are available. There are some cities that have dedicated people whose only job is to help them bring down this grant money. There's a lot, a lot of money that is available to support this infrastructure. I want to make sure that we are marshaling our resources so that we can really leverage that. And there are some groups in town who have a lot of that background, a lot of that information, who would love to help us to do that

[10:53:37 AM]

successfully. So I'd like to continue those conversations. Thank you and thank you to Ms. Walls and Mr. Good for helping to answer my question. Thank you. Council member is there anyone else wishing to be. Mayor pro tem thank you for the recognition. Mayor. I had a couple of comments on item 20 and I'm happy that it's going to be back on consent. We had asked some questions just about whether the facilities that would be installed would be accessible to only city fleet or public vehicles versus the general public. And so I know that this one is generally focused on city fleet services, but just wanted to daylight and share that. I hope we can find a way to work toward more publicly accessible electric vehicle charging stations. We had asked about some locations in district eight, like the Hampton branch library or Dick Nichols park, and so I'm happy to further that conversation down the road and glad that this item will get approved today. Thank you. Mayor pro tem. Anyone else wishing to be heard on the consent agenda as read with item number 20 going back on the consent agenda. All right. As indicated, the

[10:54:39 AM]

chair intends to take up the consent agenda subject to pulled items, which is item number. 232 and abstention by councilmember Kelly on 41 Ann and the no vote by councilmember Kelly on item number 24. Is there any objection to the adoption of the consent agenda? As indicated, hearing none. The consent agenda is adopted members without objection. Ann. I will recess the meeting of the Austin city council so that we may take up the board of directors meeting of the Austin housing finance corporation.

[11:02:56 AM]

I will call back to order for the meeting of the regular meeting of the Austin city council members. We will take up now the one pool item we have and that is item number 22. It was pulled Eid by. It was put. It was pulled. It was off the agenda, put back on the agenda. It's been pulled during the course of the meeting. And so I'll recognize councilmember Ryan alter. Thank you, mayor. I know there have been a lot of discussions and questions

[11:03:57 AM]

related to the apr item, and I would like to make a motion to postpone to our June 1st meeting just so that it can flesh out some of those Luz questions and concerns. The motion that has been made is to postpone the item item number 22 until the June 1st meeting is there a second? Second by councilmember? Yes, by councilmember qadri. I'll recognize the manager. Council members and mayor staff has spent a considerable amount of time on this item. We have met frequently with with individuals that have interest on this item. We've tried to answer all the questions on this item and really we thought we had it all solved. The commission last this week voted for it to recommend it, and I really would urge us to get whatever questions remain to get

[11:04:57 AM]

them on the table early in the week or early as early as you can. So we can get these answered so we can move on whether we're going to do this or not. Is there any discussion ? Ann on item number 22, councilmember Kelly, then I'll recognize councilmember vela. Thank you. Ann harper-madison and perhaps this is a question for the interim city manager. Are there any contract issues with postponing outside of what's been identified with the postponed that we previously had related to this item that this technology would not be able to be utilized by the officers, which would decrease some of the public safety that it provides to the public. I think from a contractual standpoint, I'm not sure that there's any concerns. What I'm really concerned about is that we've really have worked hard to try to answer all the questions. We've been diligent about it. We've had executives working on this. It seems like every time we answer a question , there's another question to be answered. I just want to make sure that those the final questions, whatever those are, are put on the table so we can

[11:05:57 AM]

either answer them and we've answered them satisfactorily. And if not, then we can pull this item and not have this up for a vote. Thank you. Mayor. Could I and maybe interim city manager, is it all right if I ask? Assistant chief Greenwalt that same question? Just to clarify if there are any contractual issues that the APD might be aware of before we move forward, I'm not sure he's going to have a different answer than me, but he's got a uniform contract. Okay thank you. Well, mayor, I'd like to make a substitute motion to adopt the item today before I recognize anybody on on any substitute motions. I would like to recognize the people that wanted to speak on the main motion. And then I'll. I'll. But I will recognize you for a substitute motion. Councilmember Vella. Then councilmember harper-madison. Thank you, mayor . We've first and foremost, I want to thank assistant chief Greenwalt Alex ramshaw. This is

[11:06:58 AM]

the city manager, Bruce mills. We had initially pulled the item we wanted to make sure that the general orders aligned with the resolution that council passed, that the last council passed. And we've worked with them pretty furiously, honestly, over the last few days to get there. And it does align Ann with the with the goals and the policy recommends burns the policy guidance that that council gave APD with regard to the alps. Honestly, I think we have a national model policy in the works here for the alps, with the one exception of the 30 day retention policy versus the three day retention policy we had, we discussed that with over with the last council. You know, I lost that vote 6 to 5. And that's the one area I will be voting no on the item just

[11:07:59 AM]

because of the retention policy. I understand the alps are and can be an effective tool, particularly when we're looking at emergency situations, particularly with folks on the hot list. But, you know, given the potential kind of civil liberties concerns with retention Ann of the data for those 30 days and also given the contract that that we had with regard to the new cameras that are going to be capable of apr recognition, and I think they're going to be on virtually every Austin police cruiser. I think those concerns are accentuate Eid I will say, I think this contract, though, is just for the fixed apr readers, not for the vehicle mounted apr readers. I just want to. Is that is that correct? Yes, it is. Okay. So again, less of a concern. But again, that 30 day retention period is still I'm

[11:09:01 AM]

uncomfortable with it. And I just wanted to note that. But I did. Regardless, though, I did again, want to thank the APD for and honestly, the office of police oversight also, they had a really good memo where they reviewed everything and we all got on the same page. And the policy that we're going to adopt , we're not adopting it on a vote, but the policy that the APD put together does reflect what that council

passed the last council pass. Thank you, councilmember. Councilmember harper-madison. Thank you, mayor . I appreciate the recognition. I just wanted to second and third and fourth with the proposal for postponement. I just wanted to actively register my vote. Thank you very much, councilmember. Thank you, councilmember Fuentes. Thank you. I just want to pick up councilmember Vella, your last comment that the distinction is that this item before us is regarding the contract on the

[11:10:03 AM]

license plate reader for the for the stationary lpr there's about 40 stationary lpr throughout the city that would have this type of software or capabilities. But the distinction is once we adopt this contract and move forward with this technology, the dashboard cameras and all of Austin police fleet, all of the patrol cars will be able to turn on those dashboard cameras utilizing the license plate reader. So the intention is that all patrol vehicles throughout the next five years will have lprs that Burt have this type of surveillance capability. So I did just want to put that out there. It's part of the conversations I've had with staff and I also believe it's been part of the public safety committee conversation as well. I you know, I do stand ready to take a vote on this item, but I understand councilmember Ryan alters, you know, preference to postpone Ann. So I will defer to

[11:11:04 AM]

his his request. All right. Councilmember Kelly, I promised I'd come back to you. Yes given the thoughtful feedback from our colleagues today, I will withdraw my motion to take the vote today. There is not a substitute motion on the table. The motion on. On the table. The motion to be considered is the motion Ann to postpone item number 22 until the June 1st meeting. All those in favor say I'm sorry. Councilmember Allison alter. I just wanted to ask and make sure that we did discuss this at the work session because there's, I think, some of us who thought certain things were moving forward are not as informed as other people on some aspects of concerns here. And I think that this would benefit from discussion at the work session if we're not going to

[11:12:05 AM]

discuss it today. Yes, councilmember pool. Yeah, I agree. I didn't realize that this item was going to be pulled and postponed again and I am prepared to vote on this item. And I. I would not like to see us delay it any further or if we're delaying it to June 1st, I think that needs to be the end point of our consideration and discussion. Thank you one last time, councilmember. I'm sorry, I would be remiss if I didn't mention that there was a lot of great information shared in the community sessions regarding this item from the community on APD, I think did a great job of answering questions from the community, and our own public safety commissioners voted 7 to 0 with one abstention in favor of passing this item.

So I just want to remind my colleagues of that. Thank you. All right. The motion is to postpone to June 1st. All those in favor say aye . Aye. Opposed say no. So the motion passes with councilmember

[11:13:08 AM]

Kelly and mayor Watson being shown voting no. That will now take us to the non consent items as the first item we will take up will be item number 54 Shaw members. The way we will do this is item number 54. We will take it up. Item number 55 will be taken up along with the related item number 62 and 63 during the zoning matters at 2:00. Item number 56 will be taken up. Now item number 58 will be taken up. Now now. And item number 59 will be taken up. Now, I just don't want anybody to think wonder about 5555 will be taken up when we take up the Brodie oaks matter for later today. Item number 54 Shaw. Mayor and council Eric leek planning

[11:14:08 AM]

department item 54 is postponed to July 20th on the changes and correction Luz. Very good. Thank you. Went very well. Council item number 56. Item number 56 is for us to conduct a public hearing and take action on that item without objection, I'll open the public hearing on item number 56. There being no objection, the public hearing is open. Do we have anybody signed up to speak on item number 56? No we do not, mayor. There being no one to speak. Without objection, we'll close the public hearing on item number 56. I'll entertain a motion to adopt item number 56. Motion is made by councilmember pool. Is there a second to the motion? Mayor pro tem seconds the motion. Is there any objection to the adoption of item number 56? Hearing none. Item number 56 is adopted. Item number 58 is to conduct a public hearing. This

[11:15:08 AM]

item has to be taken up prior to a zoning matter. And so that's why we're taking it up at this point. Without objection, we'll open the public hearing on item number 58, the public hearing is open. Is there anyone signed up to speak on item number 58? No we do not. There's no one signed up to speak on item number 58. Without objection, we will close the public hearing on item 58. The public hearing is closed. The chair recognizes council member pool mayor. I'd make the motion to pass item 58 on first reading and I. I think. I think that's right. And then I have some comments to make. Motion is made to adopt item number 58 on first reading only. Is there a second second by councilmember Allison alter and I'll recognize councilmember pool. And could I get staff to confirm for me or is this is this a three readings

[11:16:08 AM]

or. It is and it's all three readings. Okay mayor, I'll make the motion then for all three. Councilmember pool moves to amend her motion, please, so that this will be on all three. Pass on all three readings is there a second to the motion to amend? I'll second the motion to amend the. The vote will be on the motion to amend the main motion to all three to make it for all three readings. Is there any objection? Ann to the motion to amend. Hearing none, the motion to amend is adopted. That takes us back to the main motion . Ann do you wish to be heard on the main motion? Yeah. Thanks, mayor, and I apologize for the error there. That's all right. I just wanted to let everyone know that I carried this code amendment to ensure that the benefits of planned development areas, also known as pdas, could be realized in the commercial highway zoning districts and also allow the correct zoning to be applied where it's appropriate. I'd like to take

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this opportunity to touch on something that I will bring up at the may 23rd housing and planning committee meeting when we work to prioritize code amendments, it's because we've had a number of pda cases. It seems clear that we need to be looking at community benefits when pda is attached to a base zoning district, and that is not the case at this time. So for now I want to thank staff for your work to get us up to speed . Eid it's been really helpful and to my colleagues for supporting this amendment. I look forward to having additional discussion around this item at the next housing and planning committee meeting on may 23rd. Thank you, mayor. Thank you, councilmember. Is there anyone else wishing to be heard on item number 58? That being the case, the motion has been to adopt item number 58 as amended, so it will be passed on all three readings. Is there any objection to the adoption of the motion hearing? None. Item

[11:18:10 AM]

number 58 is adopted and it passes unanimously. So it's passed on all three readings. Item number 59 is to conduct a public hearing and take action. Without objection, we will open the public hearing on item number 59. There being no objection, the public hearing is open. Is there anyone signed up to speak on item number 59? No, there is not. Mayor there being no one signed up to speak on item number 59. If there is no objection, then we will close the public hearing on item number 59. There being no objection, the public hearing is closed. Eid. I'll entertain a motion to adopt item number 59 councilmember Allison alter moves to adopt it, seconded by the mayor pro tem. Is there any discussion on on item number 59? Hearing none. Is there any objection to the adoption of the motion? Seeing none, the there being no objection. Item number 59 is adopted. Mayor tirz the next item on our agenda is our

[11:19:10 AM]

12:00 time. Certain public communication and then we'll have live music following that. But without objection, the city council of Austin, Texas, is in recess until 12:00 noon.

[12:00:14 PM]

It's 12:00. I'll call back to order the Austin city council for this regularly scheduled meeting of the Austin city council. We are at our 12:00 pm time. Time. Certain which is for public communication and live music. And I'll ask the city clerk to help us with the public communication part at this time, none of our remote speakers are in the queue, so we'll start with in person. Lily Gordy. Pinaki Ghosh. Hi my name is pinaki Ghosh. I provide housing for people who

[12:01:16 PM]

do not get housing inside the city limits. I'm going to talk about a connectivity between Elon road and Rochester avenue in Dell valley, which has become very urgent. Sorry. This there is a small subdivision called Rochester subdivision. And what says avenue here, that's actually Rochester avenue. It comes out straight from 71. And that avenue, that street is actually very dangerous. And the little area that you see marked in yellow, that's actually a right of way. This subdivision was platted in 1946. And the right of way is there from 1946. It was never developed. So the real challenge is when you get inside this street, you cannot get out. And that has happened to us many times. And I will show a couple of examples here. The location and the amenities

[12:02:16 PM]

in the area. It's gateway to the city. The closest grocery is seven miles and the closest jail is one mile. And there is great access to drugs. You can get any drug you want. The subdivision was platted in 1946. City incorporates Eid in 2000. In the last 20 years, about 60% of the houses in the neighborhood has been destroyed. They have been burned down. The right of way to connect Rochester avenue from Elon road exists from 1946, but was never developed. As you can see, the little area marked in blue, I mean, circled in blue. That's the area I'm requesting for development in the fire design. Also, it has been shown as a road, as a escape route, but it was never developed. This is my house which was burned down in 2019 because I refused to go along with a meth lab. So



[12:03:17 PM]

the house was burned down. This is the new house I have put in. We are trying to put in a couple of mobile homes. And this was this was the warning to me. All the windows were blown off with slug shots, challenges. It's a social challenge. So you may say, why don't I call police? First of all, if I call police, I will not be going back there tomorrow. But it's a social problem because all these people do not have any means of earning other than selling drugs or breaking down old cars. But the lack of proper escape route makes this neighborhood a perfect place for all crimes because even nobody lives there . Nobody can go in because if they go in, they cannot come out . And when I say there is no escape route means even city employees are afraid to go there. You can ask any city employee, you can ask a code compliance officer, even the because if they are not attacked with guns, they may be attacked with a pit bull, which is as

[12:04:18 PM]

dangerous. So when we go in there ourselves, we really risk our lives anytime we go in there . So my request is very simple. This little area which is marked in yellow, can I have 30 more seconds? Okay, if you can kindly develop that. Thank you very much. We will go to our remote. You see the fellow sitting right there? Oh yeah. Okay. Thank you . Mayor and council members. Richard Mendoza, interim director, transportation and public works. We will be following up with this resident and look at all of our transportation connectivity alternatives. Great. Thank you very much. Thank you. We will move to a remote speaker, James

[12:05:18 PM]

Rogers is. James Rogers. Please unmute Sade. Sorry. Am I on now? This is James Rogers. Yes okay. Watershed protection is responsible for maintaining the drainage easement of little walnut creek watershed protection has inspector and arborists whose knowledge should be sufficient to identify the unstable and dead trees and branches which are a threat to clogging culverts during thunderstorms. Austin citizens have been reporting to 311 clogged culverts on little walnut creek after every thunderstorm for several years. Watershed protection has the data to prioritize which culverts need additional clearing. Thunderstorms are common and can cause more than

[12:06:20 PM]

three inches of rain in one hour. Prevention is the only possible solution to flooding the flooding at little walnut creek onto quail valley and burns meadow was caused by a dead hackberry 12ft from the culvert falling during a rainstorm and blocking the culvert water shed. Protection had an opportunity to prevent this disaster for ten days before the flood. When they cleaned the dead branches from the culvert at 10,200 quail valley boulevard, currently watershed field operations will only remove debris directly in front of the drainage culvert. The watershed inspector should identify dead standing trees and dead branches near a culvert or removal. Most property owners along the creek do not have the knowledge to identify when dead trees and branches in trees should be removed to prevent blocking the culvert. The flooding at 1313 marks meadow was caused by a blocked culvert

[12:07:21 PM]

with dead dead tree branches and accumulated sediment. Watershed protection was informed of the accumulated sediment in may of 2021 Ann after a thunderstorm watershed did not clear the sediment until April of 2023. Thank you very much. Returning to in-person Ann, we have Ryan Albright. Hello, members of the council. I'm here today to serve as a reminder to you of over the over 100 victims of the April 20th burns meadow flooding event. I'm here to serve a reminder of your obligation as a custodians of our city, as the trust bestowed on you as our elected representative is to come to us in our time of need. And I'm here to give you insight into the financial burden that

[12:08:21 PM]

has been imparted on us as the victims of this entirely preventable and manmade disaster for scale. I'm only one of over 60 homes that were impacted, and the estimated cost for remediation or repair of my home is over \$100,000. I'll let you do the math to find the financial burden now levied on our neighborhood as a whole to the blow to our livelihoods, to the impact on bettering our families and the undue financial punishment that we are now facing as a result of the actions and inactions of our city and maintaining our basic infrastructure. We understand the behemoth that the city is, the slow pace that it can have. But I'm here to remind you that it has been one month since our neighborhood was the victim of an entirely preventable disaster, and to date, the only tangible aid we have received from our city is three dumpsters to dispose of the parts of our homes. Our former prized possessions. We were washing dishes and bathtubs because our kitchens have been ripped out. We are sleeping on bare foundations because we have no floors. We don't even have walls inside our homes. We are

[12:09:21 PM]

essentially squatters in homes that most would not consider or consider habitable. I have no expectation for today, but I want to be clear. Every passing day is another day that we live in broken

homes. Another cost that we add to the list and another reminder that we are still waiting, still hoping for the city to aid our neighborhood . Eid and rectifying the financial torture that it has imparted on us for not maintaining the basic infrastructure in our neighborhood. Thank you. Thank you. Next, we have Diane proctor . Good afternoon. I'm Diana proctor and I'm discussing the zilker park vision plan. I have spent over 100 hours analyzing mobility in the park. I learned that zilker park enjoys about 270 days a year of non-peak use. I counted cars, I interviewed

[12:10:21 PM]

people, I wrote a report for you with an alternative vision plan. My findings can be read online at zilker park. Mobility study.com du park users want parking garages. Do they want Luz Neff road ripped out? Do they want surface lots adjacent to picnic tables ripped out? Here's what they told me. No some don't like the incentives of walking hundreds of steps with their picnic supplies or small children. Some don't like removing asphalt roadways where they use their recreational skateboard boards or rented bikes or scooters. Some just hate the idea of more cement inside the park. They said it in their own words. We don't want a parking garage in zilker park. Our car capacity is not what matters. It's car congestion. Designing a future of the park around peak use capacity will only create worsening congestion and congestion makes mass transit do not work. What I am recommending is cost effective,

[12:11:22 PM]

scalable, equitable, Ada compliant preserves historic areas and activities and actually reduces the number of cars on peak use days. Car congestion is guaranteed by the zilker park vision plan. It concentrates peak capacity cars into three small areas, all adjacent to one lane streets. They didn't do a mobility study, Claire Hemphill said. That would take more time and money. I recommend that you only approve the zilker park vision plan after a proper mobility study is performed with new goals to reduce traffic congestion inside zilker park by using mass transit. Multimodal networks during peak use days. What will you say to the families with small children, baby gear and grandparents? What will you say to aid? Bus drivers who cannot park a bus in a parking garage to church picnickers to the riders of rented bikes and scooters who are required to

[12:12:23 PM]

park along legal roads to car drivers in bumper to bumper traffic, trying to exit a parking garage. After a performance in the park. Parking garages are finite. Mass transit is scalable. Green days in zilker park will be a new and exciting reason to come visit zilker on a summer weekend. I hope that you will contact me with your questions. Thank you. Thank you. Next we have Dustin grant followed by cy kareithi grant. Okay hi. I believe we've we've

[12:13:23 PM]

we're here at the beginning of the month on on the fourth. My name is Dustin grant. We're tagging on to what Ryan and James before us. We're talking about I'm going to skip what happened. We talked about at the beginning of the month and I don't think we need to reiterate anymore. We have quotes, we have video. We have lots of admission from from government entities saying that we know who did this, what caused it, how it happened, etcetera. Along with the watershed admitting, you know, acts of or around, we could have done better. So what I do want to talk about is an impacted citizen, just to give you kind of a insight into the people that are affected that can't be here. This is colonel Paul Ryder. Paul Ryder is 84 years old. He lives on the north side of burns meadow, one of the first houses on the block that that was flooded. Paul Ryder served 24 years in the air force . He's done two tours of Vietnam . As you can see in this picture

[12:14:24 PM]

here, he was awarded the purple heart. He is not in the flood plain. He does not carry flood insurance because he doesn't need it, because he's not in the flood plain. Paul's house was flooded equally as everyone else's. The 60 homes that we referred to earlier, the estimated payout that Paul is looking at in damages, he's currently about \$20,000 under and he's looking at between probably about 60 to \$80,000 in damages. Paul, did his civic duty. Paul has done 301 service requests and I want to be very clear as to how the city is responding to the request that Paul puts in here. We have one that says no work planned future project. It was closed specifically asking for the drainage issues to be cleared. Another closed work order has been created, but it was still scheduled as future work, often citing that a future project is

[12:15:26 PM]

in the work. My assumption being the cip project to go under burns meadow to tag on to what Ryan was saying, what it's like to live sleeping on concrete air mattresses. Et cetera. I want you guys to know this is what the flood on April 20th looked like last time we were here, we played the video showing water pouring into people's homes. This again, all caused because the city did not maintain the creeks. What does it look like for us this month with our kitchens are gone, our floors are gone. People have come into our homes and ripped apart everything that we've loved and called home. I recently remodeled six months ago. It's all gone that quickly. Sorry. So I'm going to throw it over to cy here. Thank you. Please, please start the clock for the next speaker. Hi, I'm cy grant. Thank you for hearing us today. I wanted to touch on so you've seen what, the last month for us

[12:16:26 PM]

has looked like. So I'd like to touch on the help we've received so far. We've gotten three dumpsters on the street. We got that one red cross bucket. And worst of all, we got the potential of a low interest loan. Imagine you're driving your car, someone hits your car and says all offer you money to replace the car, but pay me back with interest. Is that acceptable? It's not acceptable to me. What else is unacceptable ? This is what our streets look like. My husband used to have a sports car and he couldn't keep it anymore because it would get ruined by these streets. And when he sold his boxer, it was undervalued because of the damage our homes are 4% undervalued now due to the flooding. That was not a natural flooding, but due to negligence . The car was undervalued. So our so what we're asking for are for next steps is nothing more than the bare minimum. Please

[12:17:26 PM]

Luz maintain our creeks. Please maintain our streets. It doesn't matter what special projects we have going on, we need regular maintenance and we need reimbursed for the damages. We can't be out of pocket for something we didn't cause. That wasn't caused by natural causes . Thank you for your time. Thank you both. Next we have Jordan price. Next we have Glen moorman. That concludes all Noone speakers. Thank you very much. Members that concludes our 12:00 time. Certain for the public and

[12:18:28 PM]

members. We're going to go into our live music presentation now. We don't have anything else on the agenda until a 2:00 time. Certain Ann which would be zoning and neighborhood planning items. So if there's no objection, then we will recess until 2:00. Although we will start setting up and almost immediately have our live music . Mok councilmember Fuentes did you punch? Okay, sorry. Is there any objection to the recess hearing? None. The city council is recessed until 2:00 pm.

[12:28:01 PM]

We've got a real treat today. We're going to hear from and by the way, everybody just saw me reach for that microphone after I tell people, don't reach for the microphone. Let's forget it. That's our little secret. But those that got it on camera take care of that. We have a real treat today. I'm very excited. We get to have tinted vision here with us today. Tinted vision is a blues and funk influenced indie rock trio from south Austin, Ann they utilize their drums, bass, guitar line up to go from bare bones, minimal, minimal ism to psychedelia. They're very proud of their songs that you can find on Spotify, apple music, Pandora and other places. But they're they they feel strongly about their music and they are changing

their sound as they have different influences. And those change, they're very passionate about passionate instrumentalists and yet their songcraft and energetic performance is an ultimate goal. Ladies and gentlemen, tinted

[12:29:01 PM]

vision. Thank you all so much for coming out today. Running circles in my heart since study hall in my hometown town Wright in the lines of millions times. But I must ever be because everyone loves you when nobody else is down but pick up my street signs my world is crumbling now I may not seem to be afraid, but they don't see I fall to pieces when I'm turning round. There world. Oh I

[12:30:05 PM]

made out. I seem to be afraid but they don't see I fall to pieces when I'm turning round their world. Pack your things it's I'm for this stone to roll away to return home and bite my tongue my soul constrain and everyone's waiting for a song to turn the clock back and put Mr. Jones to feel alone. Just to man. It's cold. Wright so pack Mr. Jones inside out of your suitcase. Yeah take his her clothes off

[12:31:06 PM]

and wear them to the Sunday ball . All have yourself a time. I'm with the life you soul. You see the way she looks at me in my soul pool all I'm in out of seem to be afraid but they don't see I fall to pieces when I'm turning round. They're world I'm in out of seem to be afraid but the mask they see is forced to be rs when I'm turning round opening round the world.

[12:32:23 PM]

Tinted vision Ann council members. The council members are here. Come, come down real quick. Want to. We're going to proclaim something special for you guys. You want to come up? Mayor pro tem. I wanted the council members to join me as we make this proclamation. Ann 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 support good music produced by legends, our local favorites and newcomers alike and. Whereas, we are pleased to showcase and support our local artists now, therefore, I, Kirk Watson, mayor of the live music capital of the world, do hereby proclaim may 18th, 2023, as tinted vision day in Austin, Texas. Tell us tell

[12:33:24 PM]

us where we can find you on social media and things like that. Well, we are at tinted vision on Instagram as well as Facebook and on all streaming services. Find us at tinted vision. And if we want to hear you live, where can we go next time? We have a gig tonight at rockhouse bar and trailer park. Oh, that's great. Great. Let's get a picture. Let's get it going, y'all.

[1:55:53 PM]

Ann Ann of all because I found it once, then I fell so hard I fight off my heart with some kind of blatant disregard. Now that part of me is missing and I think it's missing. You. Hey. Yeah, yeah. So why can't I do a one Ken? I Luz. One by one, we fall all all for one Ann and all one by one, we fall all all for one Ann and.

[2:01:14 PM]

The regular meeting of the city council is may 18th, 2023. And it's. 2:01 P.M. We're meeting. We're still meeting in the council chambers. Members were at our time certain items zo zoning and neighborhood planning . I'll recognize miss Hardin. Thank you, mayor and council. Joey Hardin with the planning department. Your zoning agenda begins with item number 62 c-1 for r81033 rca. This will be a discussion item. The related rezoning zoning item is number 60 381 for 2021 0099a. This will be a discussion item. Second reading only. Item 64, c-1 can I apologize as I was listening to something else, please start with 62, because I think I have a different note than did you? Yes, ma'am. You probably do have a different note. This item is related to the Brodie pud and

[2:02:16 PM]

rca only has one reading. So we will discuss it with the item. But then at the end we will postpone this item and then bring it back for third reading. When we take up third reading of the item. Okay a different note and we'll handle it that way. Thank you. Huh. All right. Thank you. So we'll have 62 as a discussion and then later postpone Eid. Then the related rezoning and zoning zoning item is number 60 381 for 2021 0099. This will be a discussion item. Second reading only. Item 64 c1 for 2022 0142. This will be a discussion item first reading only. Item 65 is c1 for 2022 0159. This item is offered for consent on all three readings with the following amendments to the condition overlay at maxim. Building coverage is 8.82. Modify maxim impervious cover is 36.6% and with that amendment

[2:03:18 PM]

again we can offer item number 65 for consent on all three readings. Item 60 6c1 for 2022 0205. This is a staff postponement request to your June first council meeting. Item 67 is c1 for H 2023 0024. This item is being offered for consent on all three readings. Item 68 is NPR 2022 00100.01. This item is being offered for consent on all three readings. The related rezoning is item number 69. That's c1 for 2022 0112. This item is being offered for consent on all three readings and the rezoning for this request to move C O np and again that's being offered for consent on all three readings. Item 70 is NPR 2022 001 for 0.03. This will be a discussion item. Item 71 is c1 for 2022 0133. This item is being offered

[2:04:19 PM]

for neighborhood postponement to your June first council meeting . Item 72 is c1 for 2022 0157. This item is being offered for consent on on first reading only. Excuse me consent first reading only. Item 73 is c1 for 2023 0011. This item is being offered for consent on all three readings. Item 74 is c1 for H 2020 201 76. This is broken spoke. This item is being offered for consent on all three readings. Luz. This item was approved unanimously by the planning commission and historic landmark commission and of course supported by staff. But it does have owner opposition, so it will require a supermajor vote and that's where 74 item 75 is 2022 0009.01. This is being offered for consent first reading only the related rezoning is item 76 c1 for 2022

[2:05:19 PM]

0149. This item is being offered for consent first reading only item 77 is c1 for 2022 0040. This item is being offered for consent on all three readings. Item. 78 is. For 2022 0015.03. This item is being offered for consent on all three readings. The related rezoning is item 79 c1 for 2022 0105. This item is being offered for consent on all three readings. Item 80 is NPR 2022 0015.04. This item is being offered for consent on all three readings. The related rezoning is item 81 c1 for 2022 0106 items being offered for consent on all three readings. Item 82 is c1. For 2023 0009. This item is being offered for consent on all three readings. Item 83 is c1 for 2022 0143. This item is being offered for consent on all three readings and that is just and that is with the zoning and

[2:06:20 PM]



planning recommendation item 84 c1 for 2022 0027. This item is being offered for consent. Second and third reading item 85 is c1 for 2022 0028 is being offered for consent second and third reading item 86 is c1 for 2022 0029. This item is being offered for consent. Second and third reading and the last rezoning is 87 c1 for 2022 0030. And this item is being offered for consent. Second and third reading. And I just want to ask mayor, we had item 57 as a public hearing, and it's an owner initiated annexation. And since 71 is being it's related to the death case and that's being postponed. I wanted to see if we could postpone as well. Item 57, the owner initiated annexation as well. Mayor if I may. Yes. Did you say 77 or 71? Just to be clear. Good question . I don't know what I said, but

[2:07:22 PM]

let me say the Wright let me say the Wright number 70 dessau is 71. So I probably said the wrong one, right? So the owner initiated annexation is related to 71. Both those items are postponed. The annexation would be a staff postponement to 61 your next meeting and Eid the rezoning is a neighborhood postponement to 61. Thank you. A quick clarifying question. Yes. Mayor pro tem on 65, can you repeat the maximum impervious cover percentage? Yes. The 6065, the maximum impervious cover for this would be 31.6. Okay wanted to make sure I heard that correctly. Thank you. Thank you . So, members, I'm going to just make sure I have it the right way and we have the consent agenda item. Number 62 is pulled for discussion and at the end of

[2:08:25 PM]

the discussion there will be a motion to postpone. 63 is pulled for discussion along with a related item. Item number 55. Item 64 is pulled for discussion on first reading. 65 is a consent item as amended, and the mayor pro tem. Just ask about that amendment and it was reiterated. So thank you for doing that. 66 is postpone postponement 67 is consent on all three readings is 68 consent on all three readings is 69 consent on all three readings with it being kzmu comp number 70 is a pulled item number 71 Ann. Neighborhood Wright. I'm

[2:09:27 PM]

just making sure I don't miss something here. Was originally pulled. It is now being postponed at a neighborhood request. Burt. So that would be on the consent agenda? Yes. 72 consent on first reading. 73. Consent on third reading. 74. Consent on third reading 75. Consent on first 76. Consent on first 77. Consent on third. 78. Consent on third 79. Consent on third 80. Consent on third. 81. Consent on third. 82. Consent on third 83. Consent on third 84. Consent on second and third. 85. Consent on second and third. 86. Consent on second and third. 87. Consent on second and third and item number 57, which is related to item 71. Ann will also be postponed. Mayor the amendment

[2:10:32 PM]

that I have passed out for 65 should be what she read. Butts mayor pro tem asked for the number I okay, fair enough. And it's on consent with the amendment that miss Hardin read and you have it in front of you that's been circulated by council member Allison alter. Okay, members, it's the intent of the chair to take up the consent items by unanimous consent. Let me ask, is there anyone that wishes to be shown, anyone that wishes to be shown recusing themselves from any of the consent items. I I'm sorry, mayor. I don't mean to interject, but do we listen to consent speakers? First, we can do it however you want to do it. Thank you. Okay let's listen to consent speakers. We have Angela Garza on item 78, 79, 80 and 81

[2:11:37 PM]

. Angela, please unmute. We will try her again. Ann we have Zenobia Joseph on. 57 781, 75 and 76. Thank you, mayor. Council. I actually went in person and signed up for the red leaf items as well, so the computer should show me as being opposed. To the red leaf projects which is the highland. Village 84 to 87. I'll just speak to that first. Specifically, I want to ask you to ask the developer, what is the return on investment Burt for the taxpayers? You will

[2:12:39 PM]

remember that I mentioned this is the 80% area median income at this project. It's the only affordable units in the highland area. This is highland village. It was a public facility corporation item. It's the south congress, PFC, and there are income level. Is \$61,000. Your reports shows that African Americans earn \$42,422. So you are codifying race discrimination against African Americans where on page six of the report, it shows Wilhelmina Delco and Jacob Fontaine. So the area is actually named for black people because of the orphanage . But the rate is higher than African Americans earn as it relates to items 75 and 76. That's the plaza Pio item that's on first reading only. I would ask you here as well for the developer endeavor wants 90ft. What is the return on investment

[2:13:40 PM]

for the taxpayers? I want you to recognize that on March 2nd, 2017, I oppose this item and I capital metro actually owns this land and they did not want to put more units for families. And so it's deeply disturbing because on the rail lines, you're not allowing African American to live there. The first project

that I mentioned, the developer wants maximum entitlements of 120ft. And I just would say to council member Alison alter, it is true there's lots of federal money, but you must comply. Title typekit of the civil rights act of 1964. Thank you. Which prohibits discrimination. Thank you. You're not welcome today. Yeah you're not. The first one today has told me that. Okay. Have a good day. I want you to recognize that I'm working second 2017. Next we have Angela

[2:14:42 PM]

Garza on items 78, 79, 80 and 81 . Ann Angela Garza. Please unmute. That's all we have for remote at this time. I'll go to consent in person. Burton carpenter on item 57, speaking on the postponement of item 57. Thank you. My name is Burt carpenter. I'm a 35 year resident of Austin and a 20 year inhabitant of the woodcliff neighborhood of dessau. I'll speak to both 57 and 5171, if I if I may. First, the postponement. I think I heard the mayor's suggest that the

[2:15:43 PM]

postponement was requested by the neighborhood. Actually, I believe that's not the case. I don't know who requested it. Perhaps the developer did. Anyway the woodcliff neighborhood is a primary stakeholder in this zoning proposal. Why? Because we are adjacent to this 12 acre tract, sharing a long border. 29 of our properties are within 200ft of it, and nearly 1000ft are. Nearly all are within 1000ft. I furthermore, we received direct runoff from the subject track and require proximate access to the same arterial arterial road , namely dessau road. To be clear, we fully acknowledge that the housing Austin's housing crisis and we fully support the city's effort to increase housing. However, development must be done responsibly and sustainably and address the needs of all the stakeholders so this specific case, the C. 40 (200) !A220-1332. Change is to rezone 17 010701 dessau from sb2 to mf four has three specific issues that don't meet this

[2:16:44 PM]

criteria and will necessitate postponing the vote to further study first. First, the building is proposed sf four is four story in the middle of all single family. So this would be, I believe, unpressed to put such a high building structure among all of single family. Basically up to two story housing. It's out of character existing development and it would be an eyesore to the nearby homes. I would ask each of the council members to think about what would what would look like in your district if you suggested putting a four story apartment in the middle of single family houses. How your constituent would react to that. So therefore, I think it must be postponed to further to assess what should be the correct zoning for this. Thank you. Matthew Comerford, speaking on the merits of postponement of item 57 with Catherine Sibley on

[2:17:45 PM]

deck. Hi there. Thank you for the opportunity to speak to you today. I'm going to allow others to address some of the other troubling issues around safety and traffic and focus in on the nature of this tract and the 60 foot tall building that will tower over our neighborhood in a neighborhood where there are typically 15 foot single story homes. It'll be double the size of the two story homes in the neighborhood. In the review sheet, we can confirm that northeast, south and west, there are no buildings greater than sf three density and height. I'll note in the recommendation Ann from a different case ending in 0104 on the Berkman residential . This parcel was adjacent to an three 45 foot tall building with a request to move from a single family six to a multi-family five. The committee recommendation was the change to a multifamily three in the basis for that recommendation was the following three points. The zoning changes should promote

[2:18:45 PM]

compatibility with adjacent nearby uses. Number two, zoning should be consistent with approved and existing residential densities. And three, zoning should promote a transition between adjacent and nearby zoning districts. Land uses and development intensities . The council denied the recommendation. Ann and the developer is now free to build a structure 15ft higher than the adjacent structure and two levels denser than adjacent nearby structures. The proposal will build structures in my neighborhood will build structures 30ft higher, which is double the adjacent structures with all the associated associated traffic congestion, congestion Ann. I humbly ask that we limit to at least a 45 foot height restriction as a meaningful concession, which is four levels denser than any nearby structure. The developer would be free to build a structure 15ft higher than any adjacent structure and greater than two levels denser than adjacent nearby structures very similar to how much it changed for the previous case that I mentioned. I actions speak louder than words and I would

[2:19:48 PM]

like you to really consider these and consider being on the record with those three points. Thank you. Thank you. Catherine Sibley speaking on the merits of postponement of items 57 and 71. Mayor mayor pro tem and council members. My name is Kate Horton or Catherine Sibley by my maiden name. We actually requested not just this postponement, but really to be able to come to you to ask for three main things on this to study the road safety analysis on dessau road just within the mile of this propose rezoning over 100 accidents per year, with a third greater than 50mph occur. And this is on a blind curve going uphill at more than 50 miles an hour. We also are requesting that you look at an impact

environmental impact analysis. This this is a high flood zone with creek instability as a very concern as well as densely populated heritage trees and a very historic and vulnerable part of

[2:20:48 PM]

walnut creek watershed. We also are requesting that there's a geotech or geophysical analysis . This part of the creek on the walnut creek itself, we're really concerned about the stability both of this property as if it were to be developed with mf4, both on the creek but also on the neighboring sites, both to the north, south and east. We recognize that Austin needs housing. We want to be respected and how we can proactively develop Austin, but do in a respectful and safe way . We're really concerned about being able to meet a vision zero that Austin has. But this part of dessau, this specific piece of property where it's located, will not allow us to reach that . And imagine Austin corridor Shaw is incredibly important to the development of this city, but it cannot be at the expense of our children, of our families, of our community, Fauci and of the nature that surrounds Austin. That helps bring together the kind of economy that we want. We're respectfully asking that you require these studies to be done so that way you can proactively

[2:21:49 PM]

address these concerns prior to any rezoning. We are more than willing to meet with any office to help discuss our concerns. We recognize that this piece of property will be developed 12 acres of property in this part of Austin for sure will be developed. How can we do it in the best way that respects our community? Thank you. Thank you . Donna Marie Miller. Item 74 with ginny white on deck. Would you please? I have a slideshow so that I'd like to show and it has sound with James, the late James white singing his song the broken spoke as you read the slides, I hope that you will listen to what he had to say at the 40th anniversary when he recorded this song the broken spoke. It's not playing.

[2:22:56 PM]

Should I just go ahead and do the slideshow? Whatever yes, please . We dedicated a historic marker on April 12th, and I really think that that is not enough to protect the broken spoke. We also need the historical zoning lady Cecilia Abbott was there to help dedicate the marker. And this is what she had to say about the broken spoke. We must remember the importance of our legendary Texas dance halls and the culture, history and traditions that they keep alive. And she said she was honored to help dedicate the marker to Willie Nelson began performing at the broken spoke in 1968 when he was clean shaven with short hair. And this is what he had to say in my book. In 2017. Been my friends James and Anita white have one of the best honky tonks in the world called the broken spoke. The spoke has supported hundreds of musicians like myself by providing a fun place

[2:23:57 PM]

for the pickers to pick, and the dancers to come out and dance. I dance country at the broken spoke is in just a bumper sticker. It's a way of life. A way of life that I hope sticks around for generations to come. George Strait added a photo of the broken, spoke to the cover of his album because he started playing there in 1975 and played until 1981. And this is what he had to say. It's the classic low ceiling, big dance floor tables on the sides with long necks being sold by the dozens. It also gave us some great experience that we used throughout the years when things started to get big. I really appreciate the fact that Mr. White is was dedicated to keeping the tradition alive. Thank you very much. Thank you very much. Appreciate your being here. Jenny White item 74. Hello. Hello. We really just

[2:24:58 PM]

wanted to come up. Is it on? You might need to press the button. Okay we really just wanted to come up here and thank y'all. It's quite the honor to be here in front of y'all and we just. We want to honor my dad. And the. The best way to do that is to keep the broken spoke open. You know, he used to say he was just an old south Austin boy. He grew up right over here on west Mary in the 1940s, Ann Eid. He never dreamed that he would have built this dance hall that became so legendary all over the world. And it is the best dance hall in Texas. Luz and so we thank you and I don't know if she wants to say anything, but that's I normally don't speak, as you know, I'm not the face of the broken spoke, but I was with James over 60 years and I look I always say, okay, James, give me a sign Ann well, today's George

[2:25:58 PM]

Strait's birthday and I figured that's a pretty good sign for us to come up here and do get this matter finished. I don't know that y'all know this, but his great grandfather was mayor of Austin in 1900. He was also a county judge. There were five generations burns of Texas rangers and then James's generation had none. And he he decided to open a honky tonk. But we want to thank you and thank Austin for being here, because I was raised here also. So thank you. We're glad you're here. Thank you very much. That concludes all consent speakers. Great. Thank you very much. Paige members indicated the chair intends to take up the consent agenda by unanimous consent. Is there any item on the consent agenda that a member would like to pull from the consent agenda? Is there any item that a member would like to be shown as recusing themselves

[2:26:59 PM]

from voting on? Is there anyone wishing to abstain from one of the items on the consent agenda? Is there anyone wishing to be shown voting no on any of the items on the consent agenda? In that case, without objection, the I'm sorry, did you want to say something? All right. Yes. Councilmember Allison alter. I have three zoning cases in my district on the consent agenda, and I just wanted to thank my chief of staff, Kurt Katrina Mitchell, for all his hard work on these items and to thank the neighbors who worked with us on those and the applicants. Thank you. Thank you, councilmember. Councilmember vela, I just wanted to note in response to the caller earlier that items 84, 85, 86 and 87 will have a private restrictive covenant. Guaranteeing 10% of the units will be affordable. So I just wanted to clarify that it's not in the backup, but it is part of a private restrictive covenant

[2:28:00 PM]

agreement that the developer signed, Eid. And so whatever goes up there, 10% of the units will be affordable and available to the public on on a lowered rent basis. Thank you. Thank you. Councilmember councilmember Ryan alter. I just wanted to say a few things about the broken spoke. I was fortunate enough to be there for the dedication of the building Singh and that was a great event. But you know, this is an item that brings forward the formal dedication of a landmark that I think too many of us is already a landmark in our minds. The broken spoke is a historical treasure that represents so much of Austin's and Texas's music culture, where many of us have many fond memories. As it's already been stated. You know, the spoke helped launch the careers of Willie Nelson, Jerry Jeff walker , George strait, ray Benson, Dale Watson and the list just goes on and on. And while the

[2:29:01 PM]

broken spokes charismatic founder James white passed away in 2021, his legacy remains. And the white family carries on these living traditions. What many people might not realize is, is that when Mr. White first leased some of the land on then old fredericksburg road, it wasn't even part of the city of Austin. I think about that for a second. That is now considered Eid almost the heart Ann and what has had has transpired there over the many decades is the broken spoke has been embraced and folded into the fabric of Austin. And so if we want to keep legacy business like these, we need to continue to take actions like we're doing today. And so this designation is going to help the white family contend, view our shared traditions long into the future so that my young children can

[2:30:03 PM]

one day pass through the same doors as the best country music dancers in the world. And enjoy that for generations to come. So I'm appreciate you all being here and glad to support this item. Thank you. Councilmember councilmember harper-madison. Thank you, mayor, for the recognition. I'd just like to

speaking on the merits of the postponement for item number 71, please. So I'd like to just like to say, colleagues, I've asked staff to postpone item number 71 on behalf of the neighbors of the development so that we can ensure the certain conditions of the rezoning are properly secured. But before I move on, I want to make two important points. First, I want to thank the neighbors. As I see out here. I got to shake a couple of y'all's hands. One of you gave me a hug. Thank you. Which, by the way, I'm highly inspired by hugs. We got to talk to the neighbors about this development and thank them for spending their time, their valuable time

[2:31:04 PM]

to advocate for a more appropriate development. I am very thankful that we have all been able to create what I believe is an appropriate cap on the number of units and create water detention and the neighbors are reaching separate agreements regarding fencing. Thank you. I know this is not not always easy to understand. All of the regulations burn and that sometimes can be discouraging. I recognize that fully. I want you all to know that I see you. But your time and your comments have been well spent and resulted in these conditions. Number two, I would like to say to my neighbors, I hear you, it is not fair or equitable that east Austin continues to be the ones to do the right thing and provide more housing, even every time. It's not just a feeling, it's a fact. I sit here on this dais every

[2:32:04 PM]

month, and I am proud to note that more men Rainey affordable units were built in district one. We literally lead the city and building affordable homes for working class. Austinites I am proud, but I am also actively disappointed. I am proud that we lead, but I'm disappointed that there continue to be parts of Austin that have nearly no new housing types that are affordable or for workforce folks fire fighters, nurses, child care workers, teachers. They deserve to live in all parts of Austin. And if we are going to accomplish this goal, it will take each of our districts and colleagues. I'm actively looking at Alyssa. I mean, I'm not casting blame. I'm saying, Yo, we're going to have to do this together. It will take all of our districts not just the residents of the corridor. Shaw the easy thing for me to do today would be to

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say no, no new apartments on desktop, no new zoning, no. No more. But if we're going to fix the problems we have, which we have actively created for ourselves as a council, whether conscious or not, whether we were here or not, we will have to take hard votes as we did not start the fire. But we cannot stand by and debate the merits or methods of putting it out. Any longer and I hope that all of us together can support each other as we take bold and immediate action that is 100% necessary right now. So again, I am asking that we respect to postponement on this case. So that the neighbors and



applicants can be certain of the conditions they have discussed are properly recorded and secured. I also want to make the intention clear. I do not cannot

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in good faith, support any additional postponement after June 1st and will ultimately be supportive of more housing. Period. I commit my team, our resources. We are small but mighty. Our resources to help address this very real Sade concern and the very real risk on this corridor. Shaw. My staff has already begun to work with our transportation department to identify the most immediate improvements for both current and future residents. S I'm going to go off script just a little bit and say one of my girlfriends lives off of Childress. There's a big giant tree right there off of Addison Childress. My now former ex-husband, worked at station 23 right there off of Ramberg. Do you know how many wrecks they made? Because people are flying down dessau and crashing into that tree. I think I want you all to know that I acted Leslie

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appreciate your concerns. It's very real to me. And totally and personally. So thank you for presenting your concerns and I hope that my colleagues and I can help to address them and moving forward, I also hope that we were all actively provide more housing for more people in all parts of Austin. Thank you, mayor. Thank you, councilmember. Anyone else wish to be heard on the consent agenda as read? Is there any objection to the consent agenda as read hearing none. No objection. The consent agenda is adopted. Eid members that will take us to item number. Yes congratulations. And thank you. Well, this may not be a dance hall. It's okay for y'all to dance out of here. Thank you very much. Thank you. All we love you, Kurt Watson. Bless your heart. You better run while you got the chance. You're saying that. All right, we'll go

[2:36:09 PM]

to item number 62, which is an item that has been pulled for discussion. Miss harden would you like us to open the public hearing on this and not close the public hearing and just leave it open until the next time it comes back? Or do you just want it to be a discussion item so I would know 62, 63 and 55, I'd like the public hearings to be open to for us to discuss all of them together. Sure. Okay. Fair enough. And then I was going to do that for 55 and 63. In 62, please. Are we going to close the public hearing on 62 as we postpone it? That's really. Yes absolutely correct. Then is there any objection, Ann to the opening of the public hearings on items 55, 62 and 63, there being no objection, the public hearings are open. And we'll go to item number 62. First, and I'll call on

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councilmember Ryan alter. I just have a quick question to make sure. I know originally it was posted as postponing to June the first, but my understanding is that that is moving later to coincide with third reading, which is going to take a little longer than June the 1st. Is that correct? Yes. Council member I'm hearing from staff we will need to come back July 20th. And being that that is going to move zoning to 1 P.M, we will have to note that in the record July 20th time certain of 1 P.M. Okay thank you. Thank you. Is there anyone signed up to speak on item number 62? Yes okay. So I. I was just going to lay it out, if you don't mind. Fair enough, mayor. And then the applicant I know will want to speak. We have numerous speakers on the item and then I'm sure so zo. And I'm speaking of 62. Okay

[2:38:12 PM]

okay. Well, Walkes we so as laying it out, I have. This is the Brodie Paige. It's really all them together. And the speakers are speaking altogether . So the Brodie then we'll do it. Your way. Okay. Sorry. So so. So this is the Brodie oaks. Redevelop pud zoning and rezoning item, which is number 63. You also have this sos amendment, which is number 55, and then the restrictive covenant amendment, which is item number 62. And they are all related items, as we've just discussed it, on December 8th, 2022, the city council supported both the sos amendment and the rezoning request on an 11 zero vote for first reading. And I know we've just said this, but I'll just repeat it again since the restrictive covenant only has one reading the item was postponed. Then and we'll request a postponement today for the restrictive covenant only and then bring all three items back on what's looking like July

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20th at 1 P.M. For the third and final reading. So on first reading, the council approved the rezoning with two conditions. One of the conditions was the substation, which incorporated, which is incorporated in the ordinance. And then the other condition was direction to the applicant to establish funding for offsite trails within the balcones canyonlands preserve. And this requirement is outside of the boundaries. And so it just couldn't be incorporated in the ordinance in that way. Just to note, you do have version two of the ordinance in your backup. The this is the ordinance which passed on first reading. And the difference in the versions are noted at the top of version two, and it just includes minor changes to Austin water and updates to Austin energy, the Austin energy section, and again, the version two ordinance is what passed on first reading and now we're here for second reading. Timber only. We don't go a lot into the merits of the case because we've done that on first reading. But many of you weren't here on first reading,

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so I'll just give some really brief highlights. And again, like I mentioned, the applicant is going to do a presentation. And we also have speakers to the item. So the Brodie Oaks redevelopment is located at the northwest corner of the Loop 360 and South Lamar boulevard. The property contains a vacated section of text right of way and zoned and the Brodie Oaks shopping center, which was developed in 1981 and serves the South Austin area with retail restaurants and a grocery store, medical office and a fitness gym. The site is located in an urban area that also includes portions of the Edwards aquifer recharge zone and the contributing zone, and thus is environmentally sensitive. The Brodie Oaks redevelopment is proposed for a mixed use development that would consist of residential units, office, hotel, retail and restaurant uses. The proposed density is approximately 54 units per acre, which meets a benchmark for transit supported density. The maximum height proposed is 275ft at the south. Lamar and Loop 360

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intersection with three other lesser height limits on the remainder of the south. Lamar Loop 360 frontage and still lower interior portions of the property as outlined in your backup. The proposed Brodie Oaks redevelopment meets all of 12 of the applicable tier one items and offer some elements of superiority in several of the 13 tier two categories and sub categories. Again, I won't go through them all because they're in their backup, but I just want to outline some key community benefits of the Brodie project. I'll start with water quality. The current shopping center was built prior to ordinance and allows water to run directly from surface parking lots to the greenbelt. Untreated. And Brodie will greatly improve water quality adjacent to the greenbelt by reducing impervious cover by 36% to a maximum of 56% on the site and fully complying with the non degradation standards of SOS ordinance as it relates to affordable housing. Brodie will provide approximately 200 units of

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affordable housing on site, including a standard loan foundation community development, with 100 to 130 units as transportation. Brodie will improve and activate the adjacent metro rapid, rapid 803 stop on South Lamar and extend the South Lamar corridor. Improvements through the site. Brodie will employ a robust TDM program to reduce trips by 25% as it relates to public facilities. Brodie will incorporate a new fire station into the site. And for those that were here back in December, I have to pay tribute to Jerry Rusthoven. He loves saying "scoop the poop" as a superiority item, so so they will provide those stations throughout the PUD. So two other things to note the course spending traffic impact analysis memo provides a suite of transportation improvements needed to accommodate additional density. The related restricted covenant amendment, which again

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is the item 62, is to terminate the maximum height limits 35 and 40ft as it pertains to track 5 to 5 tracks in order to allow for taller, denser, mixed use project proposed by the pud. And lastly, the pud case was reviewed and recommended by the parks, parks and recreation board in September of 2022. Rey amended by environmental commission and planning commission in November 2022. And again first reading by council December 8th, 2022, Ann and the applicant is here to present their case and we also have staff from numerous discipline plans. If you have any questions . Thank you, members. We'll hear from the applicant. Unless you. Good afternoon. I'm Rebecca Leonard with lionheart, representing the landowners.

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Barshop Ralls on this project. Imagine. I imagine that we've all been looking at this site that should be up on your screen wondering what it could be wondering. Imagining a site where water quality issues are resolved to the standard of the sos ordinance, a place where transit supportive density helps support, project connect and all the investments in transit. We've made up and down this corridor, a place that closes the gaps in sidewalks and bike lanes from the 2016 mobility bond and a place that contributes to the vision of the strategic housing blueprint, a place that captures and reuses water as described in the water forward and climate equity plans , a place where local businesses and artists can have affordable retail gallery performance and maker space as recommended in the create Austin cultural master plan. And finally, a live work place gathering place for the south Austin community as described in imagine Austin Ann. Next slide. Oh, I can turn this.

[2:45:17 PM]

Okay. Whoops there we go. The conditions on the ground tell a vastly different story. However, nearly 90% of the of the site is impervious cover. It's isolated single use, auto oriented, nearly vacant shopping center, a place so close to the heart of our city. But a million miles from the vision that all of our policy documents describe. Wahab. When the team began the overall plan, the goals came from these decades of community conversations and policy documents that have evolved since the shopping center was originally built in 1981. The goals are about creating a vibrant place where the community can live a healthy lifestyle, connecting our cities best natural assets to the urban, vibrant scene that we have in Austin central to all of these goals was meeting the highest environmental and ecological standards. We attribute the support so far for this project to a laser focus on these goals from the beginning. So we're thrilled to be able to meet sos water quality standards, reduce impervious

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cover by over a third, and capture and reuse all the rooftop rainwater for our approximately 200 units of affordable housing that will be built on site will help district five hit its housing targets. Foundation communities will be a partner in delivering half of these units, which will allow us to serve families with a lower median income. We're building, operating and maintaining over 11 acres of parkland and programming for residents and visitors through careful collaboration with the city's transportation experts, we have developed a travel demand management program that results in 35% reduction in parking and a 25% reduction in trips and dedicated space for local business and commitment to art and artists on site will ensure that Brodie continues to reflect the culture of south Austin. A pivot of this substantial takes time. We began master planning in 2019 and submitted our development assessment in 2020. We have met with 20 plus organized burns attended working groups hosted by the former

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council member. Kitchens met on site with numerous stakeholders, including during the crane exhibit last spring, and we look forward to wrapping up our zoning so that we can get moving on the design of phase one, which will put us on track for opening phase one, but which includes a lot of parks in 2027 or 2028. I just want to leave you with a few images of what the future could include. The little image on the top left here indicates what would what we'd be leaving behind for what you see in the renderings, the central green is the core of the Brodie oaks redevelopment. Surrounded by restaurants and activated with recreational program Singh central green is anticipated to be the center of Brodie vitality. The first intentional trailhead to the Barton creek greenbelt starts here with accessible parking and restrooms. Luz recreation and programming, such as an outdoor music pavilion, playground, social games, interpretive signage and art and shady groves for outdoor picnics, help activate the space and provide amenities for the residents, employees and visitors. All public spaces are designed for

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human comfort to ensure the desired vitality is realized. Eid a double layer of street trees helps provide deep pockets of shade on our main street for pedestrian and outdoor retail and dining sidewalks, dedicated cycle tracks and a shared use path. Traverse the site and connect to surrounding pathways and transit stops and neighborhoods. Buildings are varied in height setbacks and materials to reflect the eclectic architectural styles found in southwest Austin. Pedestrian bicycle improvements along south Lamar will fill the gap left by the 2016 mobility bond improvements that stop at panther trail special treatments such as false facades, vertical art or green walls will help ensure that the facades along south Lamar Ann 360 are still activated. And finally, this is a view. Finally, this is a view of the greenbelt back from the development in the foreground, you can see that the Barton creek greenbelt has been extended into the site, the wall and over 13 acres of impervious cover have been removed. And the

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woodland Savannah and prairie restored park improvements have been made. The trailhead for the Barton creek is planned for this this central area and an inner core of residential development faces the streets. We appreciate your time tonight and look forward to answering your questions. Thank you very much. Paige members, we'll now go to speakers on the matter according to our rules. We'll go to those speakers who have signed up in favor. Then those speakers that are in opposition Ann starting with in favor, we have George coffer. I've always known a George coffer, but I don't see him out here either. Greg Anderson Ann. Hey, mayor. Mayor pro tem,

[2:50:19 PM]

council members, I think we're getting a power point started here. So it's almost there. I think we just have to open it up. Yeah. So we all know this terrace pool terrible parking lot in southwest Austin. No water quality, no water detention. It's just sitting there being terrible. And we know Denise. I am here speaking on behalf of the hundreds and hundreds of families that will call these developments homes home in years to come. This is typically the way it works with zoning. Wright they're not here today because they don't know they're going to live here. You might hear from from some folks who would rather not have a lot of homes here. This data came out today from the us census. Three of the four fastest growing cities in America Garza are on our doorsteps. This is an embarrassment. This is a gigantic policy failure and all of us are to blame. But we've got to make it better. Let's make housing so much easier to build this is today bottom left versus tomorrow. While I have your attention, I want to talk about one other thing. So the developer had originally proposed 20 foot wide, two lane, two way streets. The international fire code ifc requires 20 foot clear. Austin does a local amendment that

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increases that to 25 foot clear with gigantic consequences, namely making our streets less, less safe. In Austin, 2 to 4 people die annually in structural fires. Roughly 100 die in traffic deaths. You don't just put up a speed limit sign and get people to magically go to that speed. You have to design what you want. And we're not allowed to in Austin, Texas, there is endless research that shows wider lanes encourage higher vehicular speeds and speed is the number one factor in whether or not a person is seriously injured or dies. Every single study shows this wider lanes, more speed, more speed, more deaths. Austin, Texas we love our wide roads. By law. It's nuts. Austin is one of the only cities in America and in Texas that requires this piercing Denise do it better. This is in front of my building. I've almost got mowed over here. The state of Texas just built this. They don't have to listen to our silly rules. They went 20ft wide. We can do better. Let's do better. Thank you all for voting on this. Thank you, sir. That concludes those in favor. We do have a neutral

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speaker on 55, 62 and 63, Roy Whaley. Howdy, y'all. Hello. My name is Roy Whaley. I'm the conservation chair for the Austin regional group of the Sierra club. Ann and we've been involved in this project for a while. We I was speaking with David Armbrust on it and the understand Singh that we had was, as Sierra club signed off on this because as was just shown, we've got an a sea of asphalt out there and we're glad to see that go away. We're very happy about that. What we were told and what I was told at the time is that it doesn't completely make up all the mitigation required to be a

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variance of the ordinance which applies here. And that the rest of the mitigation would be purchased or or a conservation easement and that they were actively working on that at the time. We went ahead and signed off on it. Glad we did. But but talking to David later, I found out that while it didn't work out and they weren't pursuing it anymore, Shaw we would ask that we have the full mitigation Ann for water quality for this site. Otherwise guys, there's a lot going for it. I've got members that I am answerable to in the area that are objecting to the additional height that they're asking for, and there was the exercise size of running the balloons up so that you could go down to the greenbelt Burt and see what the height of the buildings would be. Well, that exercise has not been repeated

[2:54:25 PM]

Eid since that request. So neighbors are upset with it. I suspect that greenbelt users are going to be upset with it. I don't know what to ask you for on that except for the project was approved without this variance, let's get the rest of the mitigation land. Let's take care of the caves underneath. Thank you. Let's do the right thing one more time. Finish up. Thank you. The next group is against 55. 62 and 63, starting with David king, with bill bunch on deck. Bill bunch. Thank you, mayor. Council members bill bunch with save our springs alliance. We very much

[2:55:26 PM]

appreciated that the applicant's representatives met with us and the neighborhood's very early on and reached out. We were hoping that we would reach some agreement Burt, but we didn't. We have a couple of very big objections to the end product. Ann and a couple of technical issues and concerns. So we'd like to start with those technical issues. This is not second reading. There was no ordinance at first

reading. So this is really first reading. We should correct your process. There. Second issue is the proposed amendment from Mr. Alter calls for 60 days of closing. What's supposed to be public parkland, Eid by the developer there. That's not okay . That's 20% of the year. I really don't understand that. The public notice mentions fee waivers or reductions. It's not clear what those are. If they're gone, that would be fabulous. Please have that question

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answered. So we know exactly what fees are being reduced or waived. Our big objections is, as Mr. Whaley was speaking to, there should be off site mitigation. Ann we're very happy that there reducing impervious cover and they're going to be treating the runoff. We absolutely agree that that's better than current conditions with higher impervious cover and no controls. Basically but it's not an all or nothing proposition. Ann there's only 360,000ft <sup>2</sup> of old school development on the site. That's, you know, basically out of date . They're proposing three point 2,000,000ft <sup>2</sup>. That's what's on the table. And that's what they started with. And they didn't reduce it. A single square foot and they didn't reduce their height, a single square foot during all those years. Skyscrapers are not affordable. They're not climate friendly.

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They're not required for public transit. They need to be reduced. Thank you. Thank you. Gene Wilkins. Against 55, 62 and 63 with Megan Ann miesenböck on deck. Thank you for having me here today. My name is gene Wilkins and I live in the Barton view neighborhood south of the development, and I oppose the pud as planned. I don't wholesale oppose it, just as planned. Obviously you know, it is asphalt and it's nasty and it needs to go. But but we could do something better. Really we are all about the affordable housing piece, but there's a gigantic hotel, there's a lot of retail, and we could scale it back and make it more realistic without minimize Singh the housing piece as it is planned, it is not supported by adequate infrastructure in the area and will be a detriment to the surrounding neighborhood because of the impact the traffic

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mitigation plan relies almost solely on the 803 rapid bus route, which cannot support the 900% density increase in the use in the environmental sensitive corner that it is placed at transit line should support centers of development to utilize ridership. The mayor has brought that to the attention of us very often and we're putting these pieces in place. We it needs to support the transit and the transit needs to support, you know, people living there and working and, you know, and all of that. But it can't rely totally on the 803 rapid bus route and it doesn't really look like there's a lot of other mitigation other



than that for the traffic. The site itself is very pedestrian friendly. But from my neighborhood, which is just a mile south, there's no sidewalks to Westgate boulevard and there's no safe way across 360. So we can't get to it. Our busses don't actually get there either. I think Kelly suggested increasing the route of 803 to Oak Hill or somebody did, moving

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803 farther out to Oak Hill. That would be a great help to us. The language from the environmental commission addressing their concerns of a build over Airmen's Cave has been ignored and backup documentation and discussions. They were concerned. I'm sorry. Thank you. Megan Meisenbach speaking against 55, 62 and 63. That concludes the speakers for this discussion item. Thank you. If there's no objection, we will close the public hearing on these three items. Is there any objection? Hearing none. Without objection, the public hearing is now closed. The chair recognizes and the way I would intend to take this up unless Ms. Harden or or and I'm going to call on councilmember Ryan Alter in a second, disagree. I would take them up in the order of 55, 62

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and 63. And I would take separate votes on each one because each one has slightly different requirements. With that, I'll recognize councilmember Ryan Alter. I just wanted to see if we could get staff up here to address a couple of the comments, questions that were raised. So sure. The first is on the fee waiver question, who? Who is that a joy question? Walkes which is slightly different than a question of joy. That's right. Are there fee waivers? No, I am not aware of any fee waivers. What I think that is referenced to that is standard language in case there is a problem, maybe we have well, previous problems have fee waivers. We have some coming forward that will have fee waivers. That's just our standard language that we put in. In case there is I am not aware of any. I will look for those just to be absolutely certain. But I'm not aware of any fee waivers. Thank you so

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much. And next question is for someone at parks, whoever is here, whether it's. So kind of teasing this up, comment was made about closing that space for up to 60 days and if I don't know if we can pull up the diagram to show which area we're talking about, but it's that that kind of internal park that is that is surrounded by commercial space and since it is not being publicly dedicated in terms of a, you know, a standard dedication of parkland, correct me if I'm wrong, but they're not getting full park credit for it, right? They don't get 100% in the dedication calculation, is that right? That is correct. And that was kind of how we were trying to balance this, thinking that if we were going to make

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something publicly dedicated park space, then Ken, there are limits. Burns in terms of usage of that space. And so the balance was that they're getting less credit and potentially there by having a greater the fee in lieu on that. So you so we're not giving them full credit for space. That's not going to be fully open. But I also think it's important for us to remember this space which is the center of that commercial area, for they want people to be there. Right? There's an incentive for people to be there . And so it is going to be space that will be generally open and usable for the public as a open park space. So I just want to note that as we talk about the parks and that was kind of one of those issues we've been working on back and forth with

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staff to get that issue resolved . And then the last question and I don't know who this a water quality question do we? I don't know if this would be for the applicant or for our staff. If. I see someone has stood up. So. Good afternoon. Liz Johnston. Watershed protection deputy environmental officer thank you. Thank you so much for being here. As we think about about general water quality requirements, but also particular water quality, we are focused on ensuring that water doesn't run off site, that that is treated fully on site. That's the goal of the ordinance. Is that correct? Correct the ordinance sets a very high standard for water quality, non

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degradation standard. And so no pollutants shall migrate off of the site and one way or typically how you do that is through a small amount of impervious cover. You so that all that can be can be treated on site. But if you have a site, there is an option to through the sos ordinance that you can have greater impervious cover. But as we've had the discussion about mitigation land, so you really you're allowed to do essentially I mean I hate to say it, but buy your way around that that requirement is that a fair characterization or correct me if I'm wrong? Well, it's I think you're referring to the redeveloped exception that if a project or a site is non comply Singh with sos and chooses to redevelop, then there are are certain required butts under that ordinance to provide less

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water quality, keep the same amount of impervious cover and then purchase mitigation on land or pay into the mitigation fund so that the city can purchase mitigation land. In this particular case, because the code actually says the mitigation is required if non degradation water quality is not proposed. So if there is a standard pond proposed, that is when the mitigation land is required under the redevelopment exception. So this is providing non degradation water quality. Even with that high impervious cover. And so if the redevelopment exception were applicable, it would not trigger mitigation land. So when we look at what we're trying to accomplish and that is to achieve 100% non degradation, have the water not run off in an untreated manner that is being achieved here as proposed. Correct. Okay and then I guess

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this is a question for law Shaw this this is my final question. I know I said last one was my final question, but this truly is you got somebody right here. Oh, I guess. Yes so I saw the comment about not having an ordinance was an ordinance passed at first reading what what council passed on. First reading was the planning commission recommendation, along with the staff recommendation that is consistent with all of our zoning cases. So today you had some items that went on first reading only council cannot pass an ordinance on third reading without an ordinance and back up. Got it. That's the newbie here. Want to make sure. All right. That's all my questions. Thank you, councilmember qadri and then councilmember pool. My comment will be super quick. I just wanted to thank councilmember Ryan alter for adding language on the better builder pledge. So thank you, Ryan. Thank you.

[3:07:47 PM]

Councilmember councilmember pool . Thanks. I wanted to just get a look see at the slide that I think miss Leonard had in her presentation. Rebecca, are you still here? I can't see. There you are. Could you come down and pull up the slide that shows the park there are essentially two different if you will, park spaces. One that is fully open to the public at all times. And then other park space, which is how councilmember Ryan alter was describing it, that is more internal or interior for that may be programed up to a certain number of days. Could you point it out to us, the edge piece where the public. Sure. Thanks. I'm not sure I know how to how to point do I point on this machine or no? Okay. So at the top where all of the open space is connected to the greenbelt, that is what we call the overlook park. And that is all publicly dedicated lands and

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will be, you know, operated and maintained by the developer and landowner. But but will be, you know, public park land, a portion of the interior parks which we have to the one in the middle. We call the

central green and the one on the right side we call the neighborhood park. Those is a portion of those will be privately held and operated and maintained. Still as park space publicly accessible park space that central green is really important because it's surrounded by our retail and there will be lots of events happening in that space. The neighborhood park, at a minimum of an acre of it, will be publicly dedicate Eid and will be open like like the overlook and trail head park will be in programed and maintained again by the client and could could you specify again a little bit more on who is maintaining the portions of the park that will

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have private access only during certain days of the year? Yes. So the landowner and my client and the landowner here, the applicant will be maintaining all the parks, public and private, and entering into agreements appropriately with the city on that the private parks will have a public access easement associated with them. And then the publicly dedicated parks will have a operations and maintenance agreement with the city and we can't see it from this slide. But those of us who've had the presentations from Armbrust and miss Leslie Eid and folks with the developer know where it is, it's on the western edge and it's like a sort of crescent. How many acres is that park that is approximate eight acres that the overlook park, which is adjoining the greenbelt. And then the pieces that we can see here, what is the total acreage in addition to

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the eight acres in the overlook park, the pieces that we can see here on this slide, total acreage of park land is about 11.6 acres. Okay. All right, mayor, that that was pretty much what I wanted to just get a little bit more information out for the public to understand how the public and the private parks will be the responsibility for management, the access to them and where they're located. Eid thank you, councilmember. Thank you. I'm going to go to councilmember Ryan alter now to start having a few motions on the table, unless somebody wishes to be recognized. All right, councilmember Ryan alter, I'm calling back up item number 55. I will go 55, 62, and then 63, and I'll recognize you for a motion on item number 55. So zo, I move that we pass item 55 of I guess it's on second and third reading. Just Wright. We're doing the third reading on July

[3:11:51 PM]

20th. So just on second reading the motion as I understand the motion, the motion is to pass item number 55 on second reading. So it will when it's if it passes, it will pass to third reading. But it will only be passed on second reading. Is there a second of the motion? Mayor pro tem seconds the motion . Is there any objection to the motion? Ann to adopt item number 55 on second reading, only hearing none.

The motion is adopted. That will take us to item number 62 councilmember Ryan alter. I'll recognize you for a motion to postpone. So I move. To postpone item 62 to July the 20th. Is it July 20th or 21st 20th? July 20 at 1:00 pm. The motion is that item number 62 be postponed to July 20th at 1:00 pm is seconded by the mayor pro tem councilmember Allison alter. So I just have a question about the 1 P.M. Part. I don't know if this is the appropriate time, but well,

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let's ask it. We normally meet at two and we're switching to one, and I would just like to know the background on that and the rationale and I don't know if that'd be more appropriate for our work session discussion, but you're setting a hearing for 1 P.M. And it's normally setting hearing at the request of staff. We're doing it the request of staff. You indicated 1:00 when you laid out the matter. So instead of me having to answer a question, you get. To I only said 1 P.M. Because I'm heard from numerous staff above me that zoning would be changing to 1 P.M. Start time beginning July 20th. And so if we postpone I have heard from staff above my level that that that was not a decision I made. Council we did direct staff to start posting zoning items at one to allow for flow of your meeting. We've had

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a couple of gaps these past couple of weeks, so you'll get to continue on and hopefully end the day earlier. But it does take that time in order to go through the notification process and bring it back at 1 P.M. So that will be in July. So I understand that we've had a certain flow with our meeting that has been productive. So I'm not sure whether that will continue to and I'm comfortable trying that, but I am I would reserve the ability to move back since we haven't had any discussion about that. I think some of us use that time wisely and is helpful for of our day. Let's have this motion and if we need to, we'll figure out a we'll figure that out. Do we have to specify the time and the motion or can we just put the date for now? Well I think two things with that. If we do do the 1 P.M, that just means

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zoning can't start before before 1 P.M. So we can still start after 1 P.M, I guess my question is whether we don't have to have the 1 P.M. In motion and how about we do that later? I'll accept a motion to amend Eid so that this matter is on July 20th at 2:00 P M that way, if we decide to go to one, we can bring this back up at two and we'll just it'll be there. And if we decide that we don't want to do it at one and it stays at 2:00, it'll be the first item we bring up. Councilmember Ryan alter moves to amend his motion Ann so that it is a motion to postpone to July 20th at 2:00 P M its seconded by the mayor pro

tem is there any objection to the amendment to the motion? Hearing none. The motion is amended that takes us back to the main motion, which is now a postponement of item number 62

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to July 20th at 2:00 P M. Is there any objection to the motion hearing? None. The motion is adopted. An item number 62 is postponed until July 20th at 2:00 pm. Item number 63. I'll recognize councilmember Ryan alter. I move passage of item 63 on second reading the motion is to do I need I need to amend afterwards. Wright. Yeah, I'm going to come back to you on that. But the I just want to make sure that I still my notes were right. Councilmember Ryan alter moves adoption of item number 63 on second reading. It is seconded by the mayor pro tem. Is there any discussion? Councilmember Ryan alter all recognize you for a motion on an amendment. So I would like to move to adopt the amendment that we share Eid that we laid out at in work session. But this is surrounding the park. Question Ann and making sure that we

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include those changes into to the pud. We also do have the better builder piece. We did add the aspect to make sure that the fees are applicable as they stand today and with that I move adoption of my amendment, amendment one councilmember Ryan alter move to amend the amendment is in your backup. It is also what he laid out at the work session. The motion to amend is seconded by the mayor. Pro tem is there any discussion on the motion to amend? Is there any objection on the motion to amend? Hearing none. Without objection, the motion to amend is adopted. That takes us back to the main motion, which is the adoption of item number 63 as amended. Eid on second reading, is there any discussion on that motion? Is there any objection to the motion? There being no

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objection. Item number 63 is passed to third reading. It passes on second reading and passed to third reading as amended. Thank you very much. Thank you all that were here that will take us to item number 64. Item 64 on your agenda is case number C one for 2022 01422. Located at 12 604 blackfoot trail. The site is a 15,100 square foot lot developed with a single family house fronting blackfoot trail. The owner is requesting rezoning from sf one to gr mu to develop undetermined uses on the site. The property is adjacent to single family residences sf one zoning to the north and east and a daycare

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facility zoned rr to the west. Hang on a second, miss harden folks, it becomes harder for us to hear so if you would take your conversations outside the chambers, we would appreciate it . Thank you so in the zoning case, C one for 2017 0040, the city council approved a public restrict covenant that prohibits access to blackfoot trail for the gr muco zone property to the south. The only access to the property at 12 602 blackfoot trail is to Mcneil drive. The staff recommends limited office mixed use, combining district zoning to provide a transit mission and intensity of permitted usage from the site. From gr Mueller co zoning to the northwest intersection of Mcneil drive and blackfoot trail to the single family residential uses neighborhood neighborhood sf one zoning to the north and east. The requested zoning is a commercial knell mixed use

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category that permits more intensive uses that are not compatible with a residential setting along a residential street. The lot under consideration does not meet the intent of the gr district as it is located mid-block and takes access to a level one neighborhood collector's street instead of a major traffic way. The applicant does not agree with the staff's recommended action of ae zoning and the commission's recommendation of sf two. So the applicant is requesting gr staff recommended low and the zoning and planning commission recommended sf2 zoning for the neighborhood. There is neighborhood opposition and there is a valid petition in opposition and that valid petition currently stands at 30.91. So anything other than the property is zoned sf one. But the valid petition is for sf two so anything other than sf2

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would require nine votes. Thank you. Thank you. Any questions of miss harden without objection, we will open a public hearing on item number 64 and we'll hear first from the applicant. Honorable mayor Shaw honorable mayor pro tem. Honorable members of this council. Madam manager, for the record, my name is frank Fuentes and I am a good friend of the applicant. And I when he first showed me this case and I looked at if you can show me the show the first, the second slide, please. When he showed me the project, I figured, well, what an easy case. It's a it's a case where it's a subdivision of four lots. All three lots. Three of the, of the four lots are commercial use and his is the

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only one that's residential. And if a picture paints a thousand words, this certainly does, because all the red is commercial and his is that little tiny red Eid. And I figured what an easy case this would be. But as you just heard, the case manager or the staff, if there's tremendous opposition to it, similar to just about

everything we do in Austin and that mayor personally, I don't think this is an unreasonable request. Again, I want to thank my good friend, council member Mckenzie Kelly, because she did have a meeting where our my good friend and the neighborhood Eid so that we could find somewhere some kind of compromise. And if I recall, council member Shaw, you started the meeting by saying Ann something about field Singh something about consistency. We and when I heard those words, I felt, well, okay, you have of three lots in a four lot subdivision Ann that are commercial then doesn't that

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then it certainly feels right for it to also be commercial knell but I think what they meant was that it feels awkward as it goes into the neighborhood. Residents and as I heard the residents say, well, we want a buffer and that didn't make any sense to me because this is just such a small little lot that doesn't buffer the neighborhood from the commercial activity of Mcneil. So nothing really ever made sense to me other than let's just move forward, make the request first, and hope that the wisdom of this wonderful council gives us the appropriate answer to this case . If you can, if you don't mind going to the second slide, this slide shows within 1000ft of the property. Again, you see nothing but red, which is a commercial, and you see that tiny little red spot which is our request. Next slide, please, to the left of me

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or to the left of the screen, you see the 500 radius. And again, you see a tremendous amount of red, which is a commercial. And to the right you see the 200 radios for the property. And again, you see a tremendous amount of red. Again, commercial with very little yellow, which is residential. Next slide, please. This slide basically gives us the request, and that is we would like to see you a mixed use gr mixed use because you'd like to keep his residents there as well. It's a very small lot. He'd like to keep the bottom floor commercial and the second floor residence because he would like to continue to live there. Next slide please. As we can actually skip the slide seven. So this property, when it was subdivided , it didn't belong to the city of Austin. It was in the county. The county annexed it. And as

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you can see on the right hand side, it reads in yellow and I'm sure you can see it, but it says the undersigned agrees that the restoring actions on the property is no longer restoring it to use for residential purposes only and may be used for any other law purposes. When this amendment, when he purchased the property, this is what he saw. This is what he felt he could do. Unfortunately, the city annexed it and now, of course, we have to come back and try to fight for those entitlements. And we could go. To slide nine, please. And slide nine in in an effort to find compromise, what he would like to



do is offer if you see the 100ft below, you have track one and track two. He would like to split the zoning so that there

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could be a little bit of mitigating buffer zone and keep track. Two residential and maybe track one and offer it as gr mu so that he could at the very least utilize his property that's adjacent to Mcneil and doesn't and wouldn't have those restrictions that would normally be. I understand there. I understand. But I think I got most of my message out. Thank you very much. We'll now go to public testimony. Under our rules. We will first hear from those in favor of the application and then we'll hear from those that are opposed. So first, we have Andrea Breen with elohim and. Hello mayor and

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distinguished council members. My name is Andrea Breen. I'm an executive for stepping stone school and I've been with them for 20 years, which is located right next to Mr. Bogan's property on Mcneil road. I'm also a very good friend of Mr. Bourghani and I have been helping him through his case of trying to get his property rezoned for the past ten years. I've attended neighborhood meetings with the Indian oaks neighborhood association. Iona and that was back in 2014. And I don't think I've ever seen a situation where people were so verbally hostile towards somebody without even considering what he had to offer or what he was wanting to do. And during the city of Austin, zoning and planning commission hearing on February 21st, Mr. Bogan did not get a chance to respond to the statements that were made by the Iona members,

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partly because he is hearing disabled so going back through the recording of that meeting, it was found that all of the statements made by the Iona association Ann were false and inaccurate. And I would like to just explain Ann and point out some of those things which resulted in a poor recommendation by the Austin zoning and planning commission. The first one is, let me see if I can do I get control of that for the next slide. A bit of time, real quick, down one more. They made an incorrect statement saying that he wants his property zoned for a height of 60ft and that is not the case. The zoning that he is seeking only allows up to 35ft, which is consistent with all of the other houses in the neighborhood. So that was a false statement. And it's just simply not possible. They also said that they he

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wants his property to extend 370ft. I'm sorry, but thank you . Elam torkashvand with with faramarz Yousef on deck. All Elton. For firmage Yousef. Yeah, I'm. Good afternoon. Good afternoon. My name is faramarz Yousef and I live in district six. I'm an

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engineer and I have some property in that district. I develop commercial Ralls residential and I never had this problem. I never seen this type of the problem. And basically can you go to the 15, please. 15. Yeah since annexation by the city of Austin in December 31, 1997, approximately 13 applicants have filed for rezoning their property within 200ft of the Indiana oaks neighborhood association. And next, these are the following

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are some of the many properties surrounding this neighborhood, this neighborhood that have been rezoned by commercial use is if you look at it, you know, there is a multifamily home. There is a office for office use and the only the two property is that that was was completely opposite with the inr was the tirz 60 zero two black foot trail and the 6516 Mcneil drive, the case number is see 1499, 21, 25. It we don't know what was the reason that they did have opposite to this rezoning for that one on the next 118 I'm sorry. Thank you. Thank you mana

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bourghani with Mehdi zo on deck . I push a button to speak. No, I think you can just speak into the microphone. Hi. My name is mana bourghani and Abraham is my father. I've been looking some of these slides here and I don't understand why there are so many properties that are currently listed as commercial in that area and there's such a complaint against my, my, my father. I think the previous speaker has spoken. There's like two properties that were having some difficulties with the iona and my father happens to be one of the properties that they were having with. So I don't I don't see any reason why such a small little property would be causing so much complaint against the neighborhood when he as a previous person, had also spoken . There seems to be a lot of hostility going towards my

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father for whatever reason, so I am in support of my father and I hope that you guys agree with the rezoning and allow my father to continue to get the American dream and be able to do what he wants to do with his own property. Thank you. Thank you. Mary Zaki, with Abraham Bergen, nandack. This is Mary Zaki. I'm living at 12 623 blackfoot trail across the street from Mr. Bygones property and we've been through a lot of hassle. I lived there,

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by the way, 20 years. Ann and because of the issue that I had with the neighborhood that I had to move out eventually. So I support Mr. Ghani's application . Ann for the commercial and I don't see any reason in that neighborhood since a lot of the houses has been changed to commercial and a lot of properties along the Mcneil drive has been changed to commercial. I fully support Mr. Briseno application. Thank you. Thank you, sir. Thank you. Next we have Abraham Bergen. Honorable mayor, our distinguished council members. I'm Abraham Bergen. I live at 12

[3:35:15 PM]

604 blackfoot. Could you please go to next pages. This property is extended 700ft in a neighborhood association, Ann and is supported by neighborhood. Please next one. This is an entrance to the neighborhood is a two. One is a blackfoot. The other one is a Dakota. This is an intersect of a Dakota to the neighborhood. There is a 6500 Mcneil or 12 707 20 is in a Dakota. The bottom part is rezoning and zo 12,719 on on the other side of Dakota is 6410. It was a house. It is still his house as the reason for gr the bottom is gr see zo is 6702 next please. Next building you can see mf3 with

[3:36:16 PM]

the four story building. And at the bottom you also notice that I mentioned before a please is the gas station on there please? Next page. Same same stuff. Next page please. This is a clear case of discrimination by Indian American Indian oaks neighborhood association. There is no valid reason why these properties being extreme and aggressively opposed by Indian oaks. The only reason must be discrimination. 11 out of 13 applicant which is filed since this since December 31st of annexation Ann 11 has been support by by them. The only thing rejected and extremely oppose was me and the gentleman on the far right side made his Archie. Even after we compromise in many ways to everybody is still there. I'm sorry, this is not going to be the case. How can I I'm sorry. Our rules are

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set. Okay I hope you be able to read the rest. Thank you very much. That concludes those in favor. We will move on to those against item 64, starting with Debbie wheeler with Bob king on deck. Mister king, if you'd make your way down to the front row so we can move efficiently. I know some of them have picked tirz and things they can show you which dispute some of what mister Bergen said. First, I want to very wholeheartedly say this has nothing to do with his race. Yeah, you see a lot of caucasian Ann. I live on a street next to. I've been living there for 30 years. I have three adopted children through the state that are all of hispanic descent. It's like a united nations in my house. So that's ridiculous. That's the only reason I have never opposed to

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any of the other businesses. I was never told about them to come oppose them. What I'm opposed to is this is the entrance into my neighborhood, Eid, and it's been houses. It's always been houses very quiet neighborhood. I don't you know, we put a lot of effort in choosing where our house was purchased and where we were. And one of those was the entrance. It was a nice entrance. It wasn't the business streets that they were showing those are very business related streets. There's either a huge apartment complex with businesses across the street. The entrance to those streets is our entrance to our street or holy homes, he he my, my opposition to him is he does not clearly state what he wants to do with that building. I have been through several meetings opposing him, not through any hatred, but from what he wanted to do with it. He has the two houses, one on the corner and the second one and

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the other gentleman is the house right behind them, off of south sioux trail. The house on the end is built. He built a business, the square rectangular business. It looks like a convenience store. It's a vape shop next to the stepping stone. The lady mentioned. And it's an eyesore. But we're like, can't do anything about that. That got zoned for that. But now we're trying to cut down that traffic into onto blackfoot. Wright thank you, ma'am. Thank you. Bob king with Francine Vandegrift on deck. Thank you for your time today. The home that's in discussion has been a residents since the subdivision Ann was developed. The subdivision is probably the oldest residential area that makes contact with

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Mcneil. A lot of the examples used that I saw just a moment ago as a neighborhood association Ann we're we I'm not aware of us even having an opportunity to support some of those things that were indicated . If you really look at the history, see mister bourghani bought the house that he wants to

change the zoning on while he was trying to change zoning again on the front property that he modified many years back. I think having moved into the neighborhood, if there's frustration that you hear, it is . It begins with the history of it and we don't have time, but there is a history and it's over. How it was developed, used without regard to what the city's ordinance are. But in this case, he bought the

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property while he knew and while he was trying to change the zoning on the front corner, he bought it for his daughter to have a place to live. And the worst problem we have is if this zoning was to move to emu or other uses, it will get tied in with the corner and the corner. Property has poor access to Mcneil. Its driveway cut is too close to the intersection. Ann. And it was discussed but transferred to site plan review later. So thank you. Thank you, Francine vande-griffe with Glenn McGuire on deck. Good afternoon, mayor Watson and members of the city council. My name is Francine Vandergriff and I'm president of the Indian oaks

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neighborhood association. I'm here to support my neighbors and to voice our opposition to the applicant's request for rezoning. From sf one to rmu. Although we would like to see this house remain as sf one, the neighborhood has been willing to compromise as to sf two zoning every home that faces blackfoot trail is obviously a single family home. You will see pictures of the street and homes from a neighbor's upcoming presentation. And I think the actual pictures will really give you an idea of what the neighborhood looks like. For those of you that have come out to see the property, know that this is without a doubt a residential street. The applicant's sf one property faces, another sf one home and is adjacent to several other sf one homes. If you've driven down the street, you will see the home is clearly inside of the neighborhood and thus needs to remain a residence as even the applicant recognizes this in his previous rezoning application from 2017, when he stated an even highlighted that his home at 12604 blackfoot trail would be used as a buffer between his commercial property that fronts Mcneil and the neighborhood, and

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the fact that Mr. Bergan acknowledges that his house is a home and there needs to be a barrier is still significant in true in 2023. And I've heard Mr. Fuentes say that it's a small property Fauci and the zoning commission has said that rmu is too dense for that property. Commercial or commercial zoning is inappropriate on blackfoot trail. It's intrusive and it's incompatible with the existing residential setting. The neighborhood and the zoning and planning commission agree that this property should remain residential. Thank you. Thank you, Glenn Maguire with James Mickler on deck. Good afternoon,

everybody. Thanks for your time. My name is Glenn Maguire and I live across the street and over a couple of doors down. So I'm a close really close to the subject property. And again, like like Francine has said that a large majority, the vast majority of the neighborhood,

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does oppose the rezoning to rmu. However we do fully support the Zapp's recommendation to rezone it to sf Ann. And when I say the vast majority, if you look at the 12 house houses in closest proximity to Mr. Bergens residence, ten of those 12 do oppose the rmu, but do support the sf2 Ann the reason we support the sf2, there are several. One, we believe it offers the sf two offers real compatibility with the adjacent home and the surrounding Singh single family residences. We also believe the sf2 provides a smooth transition into the neighborhood from commercial there on Mcneill drive. This will be sf two and then the sf one is the next property a grew next to a an sf one. That's not a transition at all. One thing Mr. Fuentes said was he doesn't understand why we need a buffer,

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why Mr. Bergen's residence should serve as a buffer like he indicated six years ago. Well, that's because Mr. Fuentes does not live there. We do. And everyone that you will hear speaking before me and after me opposing this, we are residents of this neighborhood. We all live right there, right close by . And again, I've heard a lot of speakers today. Nobody is I've heard a lot of speakers today saying how we need more housing in Austin. I haven't heard many speakers today say we need to turn houses into commercial property. So you know, why we oppose it. Rmu is not consistent with the residential character of our neighborhood. It does have a distinct residential character to the neighborhood. We oppose further commercial encroachment of commercial property into our neighborhood. Thank you very much. Thank you. James Mickler with Kristen Meckler on deck. Hello, everybody. I'm James Mickler.  
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moved into this neighborhood about a year and a half ago and my wife will show you some pictures in a bit. You know, you can see where Pagani's property is compared to mine's across the street. And I've gotten to known. I call them Cyrus because that's how he introduced himself to me. That's I've gotten a known Cyrus and I've gotten to know the rest of the people in the neighborhood pretty well because I'm always out front working on my house. So I don't know the history of what's gone on here, but I know that the reason I oppose this is because I bought this house. Assuming I would be in a neighborhood right across from me is Harris house and the other house that he owns is. I never expected Eid to buy

this house and now have a commercial property right across from me where I'm looking out my window every day as I'm working at home. Like a lot of people do now. You know, like I said, I've

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gotten to know these people because I'm always out working my yard because I care about my home and I care about my neighborhood. Eid and I care about the feel of it and how it looks and I like Cyrus. And we've talked about this, and it's nothing personal at all. We just happen to be on opposite sides on this particular issue. I know like people have mentioned, we have plenty of commercial property already in Austin. We don't need more offices. There are cities that are now turning offices into residences as there's even one where they've turned an old bed, bath and beyond to pickleball courts. So we don't need to get rid of housing. We need to increase housing. And our neighbor does agree with sf2 because at least it would give us a little more housing instead of taking away two houses. Thank you. Thank you, Kristin Mickler with Scott Ferrand, deck. Hi, my

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name is Kristin Mickler and I live directly across Ann diagonal from the property that we're talking about today. I hope you've all been able to go out and view the property in today's petition. As you turn from Mcneil onto blackfoot trail, you're immediately in a quiet neighborhood and are surrounded by single family houses. On this slide, you'll see to the left when you turn on blackfoot trail, attached by a wall where you see the red line are the vape shop facing Mcneil that Mr. Rainey owns and a single family house facing blackfoot across the street is another single family house. Next slide, please. Next door to the conjoined vape shop and house is the property in today's petition on which is a single family home. And directly across the street is another single family home. The pattern continues down this way, down blackfoot trail with single family homes on both sides, the presence of commercial buildings on Mcneil is not in question, nor is it of relevance here. Next slide, please. There's nothing commercial in view once you're on blackfoot trail. This

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is the view on the left of blackfoot trail facing the intersection at Mcneil. You see that there are houses on both sides. On the right is the view from my front yard of the bourghani property in this petition. Next slide, please. The petition claims that there is commercial property that encroaches further off of Mcneil in other areas north and south of blackfoot trail. However for the lot in this petition is inside the neighborhood. And unlike other areas off Mcneil, the neighborhood starts immediately with homes on both sides of the street. As soon as you turn onto blackfoot trail, rezoning of this lot would be inappropriate opiate intrusion into a residential neighborhood . Eid the emergency gate that the

petitioner has used as evidence of nearby commercial property does not have public access. As you can see, it's located on a dead end street off of blackfoot trail, and it has a chained and padlocked fence with clear signage that it is not used for access. Next slide, please. The lot in today's petition was part of the los indios neighborhood when it was built and was zoned as sf one

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when Mr. Bergan purchased it. Thank you. Sorry. Thank you. Scott fair. Hello, I'm Scott fair. I'm a resident of the owner subdivision. My property. I own a prop property that is immediately adjacent. Went to Mr. Bergamese property. I share a 91ft fence line with this property and I am certainly not. There's some been some mention of prejudice. That's absolutely wrong. Mr. Mr. Pagan. I have cooperated on several issues, including building a fence, doing he's done neighborly things for me. I try to do what I can and this has nothing to do

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with prejudice. This is about not wanting the residential character of our neighborhood. I've lived there 30 years and this is about not wanting the residential character of our neighborhood to be completely overturned by intrusion into our one zo owning properties. He's he's got a commercial property up at the corner that he owns. He's put a vape shop right next to stepping stone school to the horror of most of us. But that's there's nothing we can do about that. But the property will not support the congestion that that commercial development will allow commercial is only more commercial zoning laws than appropriate. This is a strongly Fauci residential neighborhood that we worked hard to develop. All of us together here just

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because is the use of a piece of land is legal, doesn't mean it's appropriate. So this issue about the restrictions being removed off the deed is really not relevant. Thank you. Thank you. That concludes all speakers for item 64. Thank you. The applicant is entitled to a two minute rebuttal. Could you bring back slide two, please. When I said I didn't understand when. Pardon me? When I said I didn't understand the buffer issue or what I meant was the lot is 100 by 150ft. It will not buffer that subdivision. There are there there community from the commercial activity at Mcneil. So what I meant really was the

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property that we're asking the rezoning for sits butts in a subdivision of its own that has four lots. Each of the four lots, three lots are commercial . So when we ask for a commercial use, we don't feel it's unreasonable knell because it would make the entire subdivision commercial all the traffic that they're concerned about would be not existent because we would not. He would not take traffic through blackfoot trail. He would take traffic through Wright off of Mcneil through his commercial property that's adjacent to the property. So again, we hope that you look at the facts, the facts are it's a subdivision of the zone. It would be consistent with the subdivision and I hope that all the feelings that have occurred over the years doesn't take precedence over what we're asking. Again thank you very much. Thank you. Members is

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there any objection to the closing of the public hearing? Without objection, the public hearing on item number 64 is closed and before I accept a motion, I want to make sure if anybody has any questions of staff or anyone else. Councilmember Fuentes. Thank you. I have a question for the applicant. If they could share a little bit about what is the intent did use for the site? What he would like to have. It's only a 2500 foot print. He's not going to increase the footprint in itself. What he would like to have is commercial on the bottom and he would like to live on top at another story to the top traffic would come off of Mcneil and not through blackfoot trail. So commercial on the bottom and Eid residential. On the second story. Hence crémieu. Okay thank you. Councilmember qadri. Oh, sir, I have a follow up question that what type of commercial on

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the bottom would the applicant like to have? Well right now what he's asking is you are because it would be whatever the market would dictate. I know that staff has asked for a recommended light office, I believe, but I think we all know that there's a tremendous amount of office space right now. It would be difficult for him to lease it out. He just wants to create a little bit of revenue. He's in his 80s and he wants to live that quality of life through the generation of the revenue. Okay. Thank you. I'll recognize councilmember Kelly. Thank you, mayor. I'll make the motion and then I will speak to the item once I get a second. I move sf2 for first reading with direction to staff to come back on June 1st. For the second and third reading members. You've heard the motion by council member Kelly. It is to adopt a sf2 is that the zoning and planning commission recommendation of sf2 on first

[3:56:43 PM]

reading only is there a second seconded by council member pool ? I'll ask for any discussion. Ann yes. Councilmember Kelly, go ahead and speak to this. You know, with most zoning issues lately that have

come to my office, they've been very difficult and our approach is to work diligently with the community and with the applicant to come to a reasonable conclusion. I'm very familiar with blackfoot trail as my daughter attended stepping stone , which is the nearby preschool from age two to age 13. And on the day she turned 13, she aged out of the program. But we would often take the back roads, which is blackfoot trail, to get there to avoid traffic in the neighborhood. I had a really difficult time with this, but as we've heard from the neighbors about the opposition, I believe that the best pathway forward is to zone this sf2. So thank you, colleagues, for listening to my statement. Members is there anyone else that would like to

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have any discussion on this item? Members the motion is to adopt the recommendation of sf2 to on first reading. Is there any objection to the motion? Mayor pro tem? I don't know if this is an objection or more of a soliloquy, but I have a really hard time when I see families who own a particular piece of land in our city and they come to a rezoning to make sure that that land is going to work, whether they want to run a business or whether they want it to be the type of housing that they want to use. And then we end up somewhere down the line where we've got a zoning that maybe they don't want or doesn't actually serve the purposes of why they even went down this pathway. Rey so I may have to vote no today. I appreciate council member Kelly doing her due diligence and trying to find a workable solution for both. I also sympathize with people in the neighborhood Eid the house that I grew up in, the front lots were not developed, but they were commercially zoned. And then throughout the years,

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you know, as I go home now, I'm entering a place that is more commercialized on the front, even though the neighborhood is still in existence. And so I sympathize with the neighbors wanting to, you know, turn down that street when they're coming home and see it the way they've always seen it and the way that they imagined when they bought their property. But I also think that we need to find ways to be more flexible knell in our community, to have more live work and play together. And so I sympathize with the applicant Bartz in where they are today. So I'm going to vote no on this, but appreciate that we can revisit the conversation when it comes back. Thank you. Mayor pro tem councilmember Fuentes. Okay. Councilmember qadri. Okay mayor. Yes councilmember vela, just a quick question. What's the difference between sf1 and sf2 zoning on this property. The main difference is just the

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lot. Size one requires a 10,000 foot lot size Ann and sf2 5750. Lot size. And how big is the current lot of 15,100? So you could subdivide Eid and do more units in sf1 you would not be able to subdivide it. So it's currently zoned sf one. Thank you. Other discussion. Other questions. All those in favor raise your hand. There being seven eyes and three nos and one absent. Make sure or off the dais. The motion passes on first reading only. Thank you all. We'll now go to item number 70. Item. Number 70. I'll call on staff to give us a rundown.

[4:00:49 PM]

Hello, I'm Erica leek with the planning department. This is item 70, case 2000 Eid 2-001403. Chapman 71 located at 5010 Burleson road. 3503 3503 and one half 3505. 3000 507 3533 Chapman lane and. 49 05500150055005 and a half and 51 and nine east Ben white boulevard service road eastbound. It is a standalone case. The request is to change the land use designation from industrial to commercial land, use the staff recommendation Ann is to deny commercial land use because of the need to maintain industrial properties in the city. The planning commission recommendation is to grant commercial land use. The applicant is here to speak regarding their request. Members is there any objection to opening a public hearing on item

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number 70? Hearing no objection, it is the public hearing is open. We'll first hear from the applicant. Micah Whalen on behalf of the applicant, we've met numerous times with the contact team. I know council member Fuentes and her staff were also involved and have contact team support for this change. From industrial to mixed use, and I don't know if there's anything else really to add at this point. We're available to answer any questions. We've worked hard. Also with Austin fire department about this change. There's a hazardous material permit out at a semi semiconductor plant that has been an issue for others and will also be an issue here. We won't be able to do residence at this site, but we would like an ability to expand a little bit about what we what we can do there. And that's kind of part

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of the agreement. When we come back with zoning, obviously we'll meet again with the contact team. Anybody signed up on this matter either for or against? We have no speakers on item 70. Mayor all right. I normally offer Mr. Whalen an opportunity to rebut himself, but I won't. Yes. Councilmember Fuentes I motion to grant commercial land use. One second. Is there any objection to closing the public hearing? There being no objection. The public hearing is closed and I'll recognize councilmember Fuentes as a motion to grant commercial land use. Members the motion by councilmember Fuentes is to grant commercial land use . It's second by councilmember qadri. Is there any discussion?

Councilmember Fuentes. Thank you, colleagues. As mister Whalen shared, the southeast contact team does support the change from industrial to

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commercial land use. The letter is in the backup. This area is heavily industrial and so by adding commercial it'll help bring some much needed amenities and restaurants into southeast Austin. It's also next to the Bergstrom spur trail. So a lot of potential with this change. Eid thank you, councilmember. Any other discussion? Members you've heard the motion and the motion is to grant commercial land use. Is there any objection to the motion? Hearing none. The motion is granted. Without objection, members tirz unless somebody cries out real fast. I don't believe there's any other business to come before the Austin city council at this regular meeting of the city council. So without objection, we are adjourned at 4:04 P.M.