

City Council Regular Meeting Transcript – 06/08/2023

Title: ATXN-1 (24hr)

Channel: 1 - ATXN-1

Recorded On: 6/8/2023 6:00:00 AM

Original Air Date: 6/8/2023

Transcript Generated by SnapStream

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[10:00:23 AM]

Good morning, everybody. Council, before we get started, Eid, as you know, can I get everybody's attention? Thank you all. Before we get started. Council already knows that every six months we rotate seats on the dais. One change that has been requested, and if there's no objection to it, we'll implement. It will be for the mayor pro tem to have a permanent seat to the left of the city attorney just to make things more efficient in the absence of the mayor. And when the mayor pro tem is presiding. So what we're going to do right now is the clerk is going to walk the dais and ask you to pull a number card. You'll read the number out loud, the number

[10:01:24 AM]

that you select, you'll read it into the record so that the information is captured. The new seating arrangements will become effective at the first meeting after this budget break. So in July of 2023, they'll run until December of 2023 in the chambers and in boards and commissions, Luz the in the chambers, the seats. Number one is on the west end of the dais near the clerk's desk. And I'll let you all count from there in the boards and commissions room seat number one is on the west side of the room , near the entrance to the room . So let's start. Councilmember Allison alter number five, councilmember Ryan alter number two, not going anywhere. Oh, yeah. Hold that thought. Councilmember Velasquez number three. Not going anywhere. Oh, my goodness. Councilmember vela , number six, councilmember qadri. Are you going to break? I'm going to be joining Ryan. I'm number one councilmember

[10:02:24 AM]

Fuentes. Number eight. All right . Councilmember Ellis. I'm sorry ? Mayor pro tem Ellis. I skipped you. Did councilmember Kelly go ? You? Seven, seven. Councilmember mayor pro tem. I just pulled one for Natasha for nine. Nine. Okay and then the mayor pro tem will sit where councilmember qadri currently sits. That will all start at. Oh, that's right. Councilmember pool is seat for she didn't go far. Yeah. She moves over one. All right, chito. Without objection, we're adjourned. Actually, I'll now call the regular meeting of the Austin city council to order. It is. 10:03 A.M. But let the record reflect the only reason we're not starting at ten is because we just did that. I want that to be clear in the record. We are meeting at Austin city hall on

[10:03:26 AM]

June 8th, 2023. Austin city hall is located at 321 west second street in Austin, Texas. Members here's the order that I was thinking we would go in. I will next read changes and corrections in the record into the record. We will then have the what normally is considered our 10 A.M. Speakers. They will be on consent and non consent items and pulled items. The consent. We then have a consent agenda and a vote as I indicated on the message board yesterday, what I will do is then call the Austin housing and finance corporation, Ann and the Austin housing and housing public facility corporation meetings to order in case there are speakers. And we don't keep them waiting. We will then go to pulled items as we will go in the order that item 75. The reason item 75 is, is pulled is

[10:04:28 AM]

it needs to be voted on after the Austin housing public facility corporation meeting and the hearing that will be conducted. Then item 45 of item 40 Kathie. Item 85. Item 84. Item 78. I will then go to non consent items. We have item. 5253 54 5758 and item 88 we'll have our 12 P.M. Typekit I'm certain on public communication and live music and then at 2:00 we will go to our zoning items. Members I will now read into the record Eid the changes and corrections for Thursday, June 8th, 2023. Item number one is withdrawn. Item 34 is postponed to July 20th 2023. Item number

[10:05:33 AM]

39 is withdrawn and replaced with addendum item number 81. Item number 50 should read. Set a public hearing to consider an ordinance amending city code chapter 25. I'm sorry. Chapter 25, dash five. Instead of 25. Dash two. Item number 85 should add council member Natasha harper-madison as one of the sponsors. Item number 89 should read to be heard with the 2 P.M. Time. Certain zoning items members also in the late backup you received a boards and commissions nominations and waiver sheet.

It indicates at the top that it's late back up. I need to read into the record that one name that was on there is no longer on there, and since it's no longer on there, you wouldn't people wouldn't know that that change had been made. So let me read that. The waiver

[10:06:35 AM]

of the filing deadline for the statement of financial information Ann for Michael Levine parentheses at 2024 charter review commission. Close parentheses was removed, moved. Those are all the items. Those are all the changes and corrections. Mayor yes, I'd like to be added as a co sponsor to item 42 and item 44 please. Councilmember Kelly will be shown as a co sponsor of items 42 and 44. Normally we do this on the consent agenda. I'll do it. However you all want, but I'm sorry, that's changes the corrections that I'm required to read into the record and if we can wait till the consent agenda at that point, I will ask, as you know, so, is there anybody else that wants to be added on any of the items. That will take us to the consent agenda.

[10:07:36 AM]

Members it's the intent of the chair to adopt the consent agenda for as on unanimous consent. It so after we've heard from speakers, I will ask if anyone wants to be added Eid anyone wants to pull an item from the consent agenda, we will go through recusals absences, abstentions and no votes. But we will start with community communication on the consent and non consent agenda. And I'll turn to the city clerk. The first I'm sorry, the first speaker is Francis Acuna speaking on five 4041, 45, 53, 78 and 88. Hi my name is Francis Acuna. I'm a climate resilience mean. I'm sorry, I'm a long time

[10:08:37 AM]

resident of dove springs and I want to thank you for the opportunity to speak. And I want to say that I'm in favor of item five, that in the tax exemptions for resident homestead of individuals 65 and older and people with disabilities are a value of 124,000. This is a very important issue and I want to thank you for putting it on the table. And I do hope that you pass it against item 40 and 41. The density bonus and affordable housing incentive programs have not proven to be effective way to create sustainable, affordable housing because Luz so far the bonuses are for newcomers for people that have city rm5 of 60% or higher of which none of these are for low income renters and homeowners of

[10:09:37 AM]

the eastern crescent. And I'm against item 45 changing the compatible requirements would work against what it's intended to do, which is to prevent displace Swint activity centers along corridors medium corridors and the use and density bonuses and incentives. Programs are not to prevent displacement. They are to duplicate what has already happened in the east Austin and now it's happening in Montopolis. I would like to move item 78 from neutral to against related data burns submittal dates for zoning and rezoning applications because cause it's just the little sentence and it has too many things behind it. Sometimes times we need to take time in order to do what is best for everyone. Not just a one

[10:10:37 AM]

sided decision. Thank you. Speaker. Your time has expired. Next speaker is bush Heathman speaking on item 38. Speaker please unmute it. We'll try him again next speaker is David Fouts speaking on item 40, Hera 41 and 45. Hello thank you. Mayor and city council members. My name is David Fouts and I'm a proud resident of district two and have the honor of serving on the zoning and planning commission, which I joined to help with our self-inflicted housing affordability crisis. My family and I are struggling to

[10:11:40 AM]

keep up with ballooning property taxes that have increased several hundred dollars a month each year. When we first became homeowners in 2020, our mortgage payment was manageable and allowed my wife to not work so that we could have a second child Eid and for me to pursue further education. Now, in spite of two additional streams of income and my tuition payments complete, what we should be doing well knell and building up our savings instead, our rising housing costs are eating up a huge portion of our additional income and leaving us living one financial disaster away from crisis. The thing is, my friends who are renters have far worse off than we do. And this is why I'm speaking in favor of items 45, 40 and 41 compatibility requirements. I wish to address in particular because they are inherently regressive. They treat lower income renters and

[10:12:42 AM]

buildings that are more affordable and sustainable as hazard Luz that we need to protect for more affluent people using up more scarce land. This is an absolutely backwards and inequitable way to address our housing and climate crisis. It explicitly places the personal preferences of fewer but more affluent people over the essential needs of more numerous but less affluent folks. So I beg you, be bold in how you lower compatibility requirements or even going shorter than 100ft. While the concept of compatible Katy is ethically questionable, I do believe that 50ft is a more than reasonable compromise

and is very consistent with norms around the country. Thank you, speaker. Your time has expired. Collective next speaker is Ana Aguirre speaking on item 45.

[10:13:46 AM]

Good morning, mayor and council members. My name is Ana Guerra. I'm a district two resident. I'm the immediate past chair of the southeast neighborhood plan contact team and the president of the Austin neighborhoods council. Thank you for the opportunity to visit with you today. I'm speaking in regards to item 45 regarding the proposed changes to the compatibility requirements. How will this propose policy or changes prevent displacement of residents in the eastern crescent? How is true affordability going to be addressed to ensure residents are not displaced? Those of us that live in east Austin are the most vulnerable and we need your support to ensure we are not displaced. Please note that communities of color are experiencing a lower opportunity or fewer opportunity to for homeownership. We need to make sure that this is not compromised and we are a community that has worked hard for what we have and what might be what might appear to be a luxury. For some. It's actually something that we have worked hard for. I live in a small

[10:14:47 AM]

property and that is for me, my castle and I hope that you will support those of us that have worked very hard in special communities of color, that have worked hard for homeownership and not be at the mercy of people that of renters, which I had to work for seven years before I was able to afford a home in Eid. So please help us and I do recognize we do need affordable knell rental options because it took me seven years to reach that opportunity. De please protect the community of the eastern crescent. Thank you . Our next speaker is David king speaking on item 58. Thank you. My name is David king. Thank you for your service and thank you for considering my comments today. Please support the safe fencing code amendment unanimously recommended by the planning commission. I'm sorry, can you speak a little louder to people? Yeah can you hear me?

[10:15:49 AM]

Yes. That's better. Please continue. Okay. Thank my name is David king. Thank you for your service. And thank you for considering my comments today. Please support the safe fencing code amendment unanimously recommended by the planning commission. It will help reduce the risk of injuries and deaths to people and animals from impalement and entrapment without decrease in security for families and businesses and without imposing new permitting requirements. The amendment prohibits prohibits new spiked fencing that creates a risk of impalement and establishes minimum spacing distances between pickets to help reduce the risk of entrapment. The amendment does not add

additional requirements for residents or businesses and does not require remediation of existing fences unless more than 50% of the fence is being replaced. Other surrounding municipalities, including bcb's, sunset city, lakeway and rollingwood, have enacted safe fencing regulations to help prevent and reduce injuries and deaths from impalement and entrapment. Your support for the

[10:16:51 AM]

amendment will help prevent and reduce injuries and deaths due to dangerous fencing. I dedicate my comments. Condolences and love to sir. We're losing you. I'm not sure if we can get a better connection with him. I'll call back in. Okay. I'll call back in. I'll have to call back in. Okay. Sounds good. And feel free to email us all your comments to. We'd like to be able to look at them. Knell may I. May I call back in and make my comments? I would say yes. I was able to hear it and we got you on closed captioning. But I think some of my colleagues weren't able to hear so I would hate to miss your testimony. Is that something we can do? Clark and have him call back in? Yes, he can call back in. Okay. Thank you. Okay. Thank next speaker is Jason Bram speaking on item 74.

[10:17:55 AM]

Jason, please unmute. Can you hear me now? Yes please proceed . Good morning. Thank you for allowing me to speak my name is Jason Bram and I'm a 24 year Austin resident in district eight. I'm speaking on item 74. I recently served 15 years on the circle C hoa board of directors and have been involved with the city and for many years. I own a small business defended police supply that specializes in apr. I am a huge supporter of apr for finding missing persons, stolen vehicles and solving crimes. I've reached out to council on APD many times since the resolution was passed to try to get an opportunity to bid on this contract. I have been ignored as a long time resident and an Austin small business, I find this unacceptable. My own city council member has fully ignored my calls and emails. I would like an opportunity to bid on this if data is an issue, our solution offers an on premises option where the data never leaves the four walls of APD or

[10:18:57 AM]

wherever the server resides. It does not have to go to a cloud server for processing as flock does. You have the option of when to purge the data analogy. Who manufactures the cameras and software has been in the apr business since the 1980s. It is a proven solution that San Antonio pd and the southwest Texas fusion center uses. I'm asking for a more open bidding process and an opportunity to work with my city and my police department. Thank you for your time. Cleric. I just want to jump in. I really appreciate your comments, Mr. Bram. My office has been able to communicate with you. I know at least another council office has been able to communicate. So we're happy to keep the conversation going.

But I feel like we've been able to do our due diligence and apologize if you feel at all that you've been ignored. But we've certainly been in communication. But thanks for your time. I want to recognize the manager council members. I've asked the purchasing officer as well as the assistant chief over this area to call him and visit with

[10:19:58 AM]

him about the requirements and where we are in terms of our purchasing process and we'll continue to have those conversations with him next speaker is Zenobia Joseph speaking on 22, 29, 37 and 84. Thank you, mayor. Council. I'm Zenobia Joseph. Mayor, can you before you start my time, at least acknowledge if 57 shows me registered in person yesterday, I'm not sure I understand the question. Why don't you please go ahead and provide your testimony and I'll check on where you what numbers you were actually registered for. But I'm not sure I understood what you just said, miss Zenobia Joseph, you are registered for 57 as well. Thank you. Clerk thank you, mayor. Council I'm Zenobia Joseph. My comments are specifically related to item 57. That is your fy 2324 action plan

[10:21:01 AM]

. I have filed a title six complaint just before this meeting started against you, mayor and council co-mingling the public hearings for the annual update to hud actually denies us an opportunity to speak on both the public hearing and also the agenda items. I've specifically asked hud to reject your 2324 action plan and to allow and to compel you to actually hold separate hearings as it relates specifically to item 84. That's the Ryan alter amendment from housing authority of Travis county. I did do a recon there yesterday, 2824 real. I don't know if it's real or real. Street which is by the mlk rail station. I just want to say that this is a good location, but my opposition is because of the lack of transparency for the other items that are in the letter from the coalition. As it relates to the canopy, I am for that and just

[10:22:03 AM]

want you to recognize that canopy is Austin public library, rey source. But African Americans documentaries that I've requested that are not available through canopy are also not available through the Austin public library because of their vendors that they've selected. So I would ask the city manager to consider at least \$1 million for black books or more. And then I would just say as it relates to the homelessness Salvation Army and the arch, I appreciate that you're going to extend those contracts, but I would ask you to recognize that west of mopac there are lots of opportunities and land, and that goes back to the hud action plan, which mentions the high opportunity areas which unfortunately, your American rescue plan act funding has yet to consider. For those are my comments. If you have any questions, I'll gladly answer them at this time. For now, we

[10:23:04 AM]

try to call Mr. King and Mr. Heathman and they're not answering. We'll continue to try, but for now, we'll go back to you. We will go to in-person speakers. The first speaker here is Melissa brown. On deck is Gus Pena. Once you approach the podium, please state your name. Thank you. Thank you. Hello, I'm Melissa brown and I am here in support of item number 45, which is on the compatibility. I work here for a developer here in Austin and we have multiple projects where we've done multiple studies. If we reduce the compatibility setback requirement, we are able to increase many homes. The amount of homes on the major corridors and in Austin and also what is

[10:24:05 AM]

important to understand is there are certain projects where you may increase as many as 50 units or 50 homes on a project or 100. And we've gone and done these studies based on what was being proposed prior to this amendment. And then also to look at how many homes and how this compatibility and how we can add these things affect more than just the homes in the city. It affects education. It affects the way our city is continuing to grow. We right now are losing. So many great teachers because to other areas and other and other counties, sorry, because of how much it costs to live here and the lack of housing that we have, we have many missing middle housing at this point in time and reducing the setback is something that will help increase on the major corridors in Austin. That's all . Thank you. Next speaker is Gus Briseno speaking on three 1829,

[10:25:05 AM]

36 and 37 on deck is Monica Guzman. Good morning. My name is Gustavo Pena. I am from 2327 east fifth street. The Renko. That's that's where my hometown is at right now. Like Cinco de Benigno. Anyway for you cops over there, they're profiling me. I'm a former IRS investigator, went to the federal law enforcement academy, Glencoe, Georgia. So stop the profiling. Don't do that with me. Because you you don't you're not going to do like what I do to y'all, okay? I don't appreciate that. Anyway, a number. I'm sorry. What was the last one? 30. 37. 37. Okay and let me see real quickly. Yeah this this is very crucial for the Austin resource center for the homeless arch. And they would appreciate I've been I've been homeless, I've been there. But please also continue to help

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out the people out there. There are a lot of people that are good people and they just don't know where to go to for information or for direct services. So thank you very much on this issue. I'll leave it at that. And I appreciate that very much. Now, I will tell you again this much. Officers don't profile me. You're profiling the wrong person. Federal law enforcement county, glencoe, Georgia. Irs investigator, thank you very much. Next speaker is Monica Guzman speaking on 540, 41, 43, 45, 47, 48, 50, 53, 78 and 88. On deck is jj Ramirez. Good morning, mayor and council . I am Monica Guzman, policy director at Garza lugo Austin. Vamos Austin. A Garza is opposed to land development code amendments, especially those lacking assurances of deeply affordable housing and failing to protect vulnerable residents from potential or actual displacement. Council member vela was correct when he said

[10:27:07 AM]

low income and working class residents rent. But there are also homeowners or want to be homeowners and should not have to stay in renter status about item 40, lines 22 to 24 are misleading since a market driven approach is not the only way to create more affordable housing. Line 30 stating quote available to households with the lowest median family incomes possible. Unquote is vague at best. You all have heard many speakers, myself included, about 60 and 80% mfi being inadequate, being too high for many communities. We urge you to state an actual income ceiling, as well as ensuring processes for the application procedures to provide access to affordable housing to those truly in need, not those who appear to be in need. We look forward to working with you on identifying barriers to and solution for reducing barriers to homeownership for historically disenfranchized communities. About item 45, how close a development is or is not to a triggering property is not

[10:28:08 AM]

a guarantee of affordability. How tall it is or isn't is not a guarantee of affordability. Council member Alison alter, thank you for speaking out on lack of affordability requirements and item 45, council has a responsibility to abstain from causing more harm to gentrifying neighborhoods to work with the community on resident led ldc amendments, including, but not limited to community benefit agreements that protect the environment, mitigation of displacement and equitable prosperity. Thank you . Next speaker is jj Ramirez speaking on items 29 and 83. On deck is Ethan Smith. Good morning. Council. My name is jj Ramirez. I'm one of the organizers of the Texas harm reduction alliance, and I'm speaking on the Salvation Army lease agreement and the urban alchemy takeover of that. We thank you guys for doing that. It's a little bit unfortunate, Wright that everybody had to be kicked out of the Sally before

[10:29:09 AM]

anything was done. Ann but opening up, opening it back up or trying to lease it is a good is a good move. Also, we recognize that it is also just for one year. So we have the ability to raise money for two shelter systems that are only going to operate for one year and we need to recognize that with this shelter system, it can't just be a low max warehouse Bartz with dormitory style, you know, buildings especially like at the marshaling center, there needs to be services that tied to this. Is there a plan for housing after this? Are there case managers going to be there? Is there going to be harm reduction Ann services? Let there like, you know, something as basic as naran? Wright so it's good that it's being passed, but it's not, it's not it's not the end all. Be all very much seems like a temporary band-aid to look good, like we're just going to open up this shelter system for one year. You know, we need comprehensive plans that extend longer than the one year, not just a place where people can go temporarily with nothing so they can just go right back out to the street.

[10:30:10 AM]

Like I said, it is good that it's that it's being open. It does serve. It does help serve the need that that was lost when the Salvation Army just exited the system without telling anybody. Additionally, to the to the analysis that's going to be ran in the city for the shelter capacity. The other line item I'm really happy that it's happening. It really needs to be comprehensive. It needs to include, you know, different identities, racial identities, gender identities. The salvation Army was the largest women ran only or not only, but the largest women shelter system in the city. And so if these these analysis aren't taking into those accounts, then we should we should really think about that. I appreciate you all. Thank you. Next speaker is Ethan Smith speaking on item 40. Good morning. I'm against I'm Ethan Smith. I'm against 40. It's kind

[10:31:10 AM]

of wonky, so I think it's kind of hard to talk about. But I just wanted to zoom out from newswest this week during the 2000 housing crash. It took Austin 43 months to fall, 8.5% peak to trough. This time around, Austin has fallen over 10% in just nine months. So when we talk about the housing crisis, the so-called housing crisis, it's really important for our political leadership to be precise in what they're talking about. I think we certainly had a crisis that was the first end of the bubble as we had this mass migration related to the pandemic. Item 40 seems to be it talks about affordable housing, but it seems to be more about density. And I really wonder if you can serve two masters there. Can you have something that's about both density and affordable housing, or is it going to be one or the other? And I think it really boils down to one or the other. And I think it's really about density and my understanding is we already have a process in place to kind of do

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a retrospective look at what has happened with the university neighborhood overlay district uno, which has been a density increase, total experiment, didn't know if it would work or not. Can we look back and say, these things worked, these things didn't work so well and find out some actual I'll just start from, you know, raw empiricism. These were how the rates changed in this neighborhood versus the other neighborhoods in Austin, Ann and I think what you would find is that in any meaningful period, the cost of living in west campus, although the cost of living in Austin has gone up everywhere in Austin, the cost of living in west campus has gone up the most of any geographic area in all of Austin. I don't know that for a fact, but I'd be willing to bet Ann and so, yeah. Are these density bonuses that kind of have this window dressing of we're going to and also they are subsidized units. They're not subsidized by the state, but they're subsidized by the rest of the development. You know, if you have a five story building and it becomes a ten story building, all the profits the

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developers are going to make on that additional height is part of that is going to pay for the subsidized units. I'm going to go back to remote. We've got David king on the line. David, please proceed. Eid me, can you hear me okay? You're still cutting out, but go ahead and try. Well, you know what? I'm just going to send my comments in, but I wanted to just if I could just I'll try again. But you heard my comments previously . I just want you to the council. I urge the council to support the safe Vincent code amendment. And I dedicate my comments and send my condolence and love to Julie, Damien and her family, whose son K died from asphyxiation on a spiked fence. I urge you to pass what I call the K Damien safe fencing ordinance. Thank you. We were able to reach Mr. Heathman and

[10:34:13 AM]

he wishes to withdraw his statement. So back to in person, Jesse Lehman, speaking on item 40 on deck is Edwin Bautista. Hi. Thank you. I'm Jessica Lemmon, senior associate state director of outreach and advocacy for aarp, Texas. Across the United States, we have seen a mismatch between the available housing stock and what the market wants and needs. The nation, including Austin, is mostly missing and needs a set of residential building types that exist in the middle of the continuum between detached, single family houses and large apartment buildings, the so-called missing middle housing is a critical part of the solution in such mid-sized, often moderately priced homes are referred to as missing because very few have been built in the us since the 1940s. The shortage is largely due to zoning constraints, the shift to car centric patterns of development and the challenges

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of financing multi-unit dwellings. And we find that to be a problem because the benefits of this largely missing housing types abound. Missing middle housing types provide size and affordability options that people of all ages, including older adults, very much need. But often can't find. Since the dwellings are house scaled. The design and size of the buildings fit comfortably among detached single family houses, and the housing types can enable family members to live with or near others while having their own space or residence, making family caregiving easier, whether it's grandparents helping with young children or grown adults caring for their aging parents, high housing cost and decades of discriminatory practices such as redlining have denied home ownership to many. And because the entry level purchase cost is less than a single family home, missing middle housing types can provide people of various incomes and experiences the opportunity to live and own quality housing and build equity while doing so. We believe that this resolution and potential future ordinance that could result from it is a positive step towards increasing this type of housing stock in Austin. And of course we hope

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that as an ordinance is developed, should this pass, an ordinance is developed from it that they take in all of the considerations from different community members that have spoken today. Thank you. Next speaker is Edwin Bautista speaking on 40 and 41. On deck is Chris Chen Ann Shope speaking on 40, 41 and 45. If your name is called, please make your way to the podium and state your name next speaker is Edgar Hendel. Chris Chen Shea P so there are three really exciting resolutions being considered today. First is a less stringent tier for affordability and locked that fills a gap that existing tiers do not. So I'm really excited for that. One second is a new affordable housing program to promote home

[10:37:15 AM]

ownership with without requiring subsidy programs that fills a gap needed to promote affordable housing for austinites instead of mcmansion. Luz. Third, are compatibility changes. So I live about a mile from camp Mabry and camp Mabry is zoned as a single family home and since camp Mabry this this army camp is zoned as a single family home. So you can't build to the maximum height across on the other side of mopac doesn't make any sense to me. And Eid this this compatibility change will go a long way to ensure that a property has to be both zoned as a single family home and then actually be a single family home in order for compatibility rules to apply. So this isn't just all about setbacks, although changing the setback requirements are important, but I think that's definitely worth stating. And I encourage you all to support the compatibility

[10:38:16 AM]

changes. Thank you. Thank you and appreciate the comments. Edwin Bautista on deck is Edgar Handel. Please state your name when you reach the podium. Sabino one moment. Hi I'm Edgar Handel. I live with my wife and two kids in east Austin. I've come here to speak in favor of items 40, 41 and 45. This is city desperately needs more housing in these density programs and compatibility reforms are a big step in the right direction. I would note that Austin has far and away some of the worst compatibility requirements in the nation. Most of our peer cities have relatively small or no compatibility requirements and still have affordable housing programs and thriving single family neighborhoods. Compatibility has done little to

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nothing to stop east Austin from being redeveloped into million dollar homes or to prevent the displacement of its residents. What it actually does is prevent Austin from properly planning for growth. It hampers density bonus programs and deepens our affordability crisis. I hope we can pass these resolutions limit compatibility to 50ft or less and improve our density bonus programs to produce more housing of all types. Thank you. Thank you. Next speaker is Eileen Virani speaking on items 40 4145 on deck is Judah rice and Luis Austin lugo. Hello my name is Alan Virani. It's a pleasure to be here. I'm grateful to get a chance to speak to council. I live in beautiful Mueller and I'm grateful for that. I'm a renter and I want to speak to you today as a renter, but I also want to speak in favor of a

[10:40:16 AM]

friend of mine who was forced to leave Austin. She was born and raised here but can no longer afford to live here, so she had to leave. And I think that's a very common story these days and quite tragic. We need to think about how we can make Austin affordable for people, and that's why I'm speaking in favor of 40, 41 and 45. You know, part of my question here is who is incompatible? Wright, my friend, should have been compatible in a lot more places as a renter. A lot of the people who we have as teachers or firefighters or artists should be found more compatible in more areas than they are today. That's really what I want to speak about today. Let's try to prevent people from leaving Austin and we can do that by supporting these great amendments. Thank you. Next speaker is Judah rice on deck? Is Luis Austin lugo and following is Peter Britton. Good

[10:41:18 AM]

morning, mayor and council. I'm here to speak in favor of items 40, 41 and 45. Oh yes. I'm Judah rice and I just you know, this city is experiencing a pretty historic housing shortage of all types for all income levels and all parts of our city. I'm a lifelong Austin resident. I've grown up in Travis heights, just south of

the river, and we've you know, that's a neighborhood where that has experiencing a particularly stark Mok affordability crisis. And that's and, you know, things like compatibility are what hamper the ability to build affordable housing in in that neighborhood. There's a project just down the street from me that was created as part of one of the density bonus programs that council recently passed the vmu two zoning Singh that did have some compatibility refer forms put into it, and that is like one of the only affordable housing

[10:42:18 AM]

developments that's been able to be built anywhere near me recently. And that's because council decided to put some small compatibility reforms into that package. Thank you. Council member vela. Also zo. It's on. In addition to the affordable Katy component, these reforms are crucial to ensuring proper implementation, proper implementation and high ridership on project connect and our project connect corridors, especially along corridors like south congress and Guadalupe compatibility as it currently stands, will prevent any sort of transit oriented development that council wants because if there's the 550 plus foot range for compatibility is going to be , you know, limiting heights along right next to our transit stops. So I'm strongly encouraging council to vote in favor of these items today. In addition to expanding affordability unlocked, which has been one of the city's most successful programs in creating affordability, affordable

[10:43:19 AM]

housing. And I'm a big fan of council member Ryan alter's proposal as well around expanding affordable home homeownership. Thank you. Next speaker is Luis osta lugo speaking on 4041 and 45 on deck is Peter Britton. Good morning everyone. I'm here to speak on Luis Otto lugo. I'm here to speak on 40, 4145. You know, many of the other folks here have talked a lot about the policy and it's good policy. People fundamentally cannot be incompatible. Affordability for homes and renters, both are incredibly important. And Eid to the people who say, oh, you know, is affordability a problem ? Must be living in a different city with different rent prices that I have personally never seen actually in person. Wright Conway ability at 100ft would still put us many multiples furthermore than any other city in the nation that has been

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facing these problems. Affordability, compatibility at 50ft would still put us way out of line with with all of what other major cities have done to fight affordability. So I fundamental Leslie don't believe in compatibility as a fundamental rule because I want people to be a part of my community. I want people to live wherever they need to live. I want to live to be part of their life. That's fundamentally something

that is just a part of what it means to live and live in a city, live in a society. I don't want people to feel excluded, headed from where we actually make our lives together and build our families and have schools and go to, you know, live together here. And you know, it. I try to keep a lot of my comments, you know, professional and public policy related, but it really infuriates me. People who speak about community when they really mean exclusion and people who basically talk about new housing like it's some sort of disease that is affecting their neighborhood. Because if they want to prioritize their their personal wealth by artificially

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choking out the housing supply, they can do so, but they're doing so outside of the community because the way that I was raised and the way that, you know, the communities of people who look like me were raised, it's about inclusion. It's about family, and it's about building a place that everyone can feel like they can belong. It's true that affordability cannot be fully solved by market solutions, but because this city has chosen to double down on car dependent sprawl, we don't have the money and the funding and the state support to do social housing. Anyway, thank you all. Next speaker is Peter Breton speaking. On 4041 and 45 on deck is Micah. Nalluri members of the council. Mayor, I hope you're having a wonderful morning on this beautiful day. I'm Peter Breton. I am currently a constituent of district nine and soon to be of district eight. I'm here in support of three items. Item 40, the density bonus program item 41, the affordability unlocked density

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program and item 45 on compatibility me as a renter, I've seen firsthand how the lack of housing affordability or availability has created an affordability crisis. I think each of these items are a great steps forward in increasing our housing supply, even if they may not solve our affordability crisis entirely. Additionally, more should absolutely be done for the eastern crescent in terms of housing options and deep affordability. Thank you. Thank you. Speaker nalluri on 40, 41 and 45 on deck is felicity Maxwell. Hello good morning. Thank you. Council my name is Shryock nalluri. I've been a I've been living in district nine for eight years. As of yesterday. I would like to speak in favor of the items that are up for debate on housing,

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specifically more density and hopefully helping more affordability. When we talk about compatibility, I believe people before me have mentioned it, but I think like the current compatibility restrictions, which it's in the name restrictions restrict build INGs , and when we say we restrict buildings, what we're also talking about is restricting more people from living here. And I do believe, you know, I haven't lived in

Austin as long as people who were born here, maybe, but I do believe in the community and the character of Austin neighborhoods. But I believe that character is formed by the people who live here, like the musicians and the majority of my friends who lived in Austin when I first came here have been forced to move out because of the housing costs. So I'd like to reiterate what other people have said. I think we should prioritize people over restricting what buildings look like, and I think we should do what almost every other city in the country has done, because as

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was mentioned, we have the highest compatibility restrictions in the country. Way over everybody else. So thank you for bringing forward these reforms and I really hope they succeed. Thank you. Felicity Maxwell speaking on items 40, 41 and 45 are on deck is Megan Meisenbach good morning, mayor. Members of the council. My name is Felicity Maxwell and I'm a 5 resident. As you all know. When you return to the dais, a city of Austin will be in budget season as we consider where and how to spend our city funds, we often hear that the city budget is a moral document, so too is our land development code. From the broad strokes of how and where we can build the smallest details of the size of a pipe or the height of a fence. We know that the land development code as it exists today in Austin, has failed a generation of our city, perpetuating inequity and long held divisions. The housing reforms proposed today are a step in the right direction to begin the much needed reform of

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this moral document. We know that Austin has a housing crisis, as in desperate need of both more affordable and market rate. Housing these reforms will increase access to affordable housing for renters and potential homeowners and most importantly, begin the process of unlocking key parts of our city growing city to additional density. Critical change for our growing climate emergency. Finally, we appreciate the efforts of our council members to ensure productive partnerships with the state and county. Another essential component of easing our overall housing crisis. The stated vision of the city is to make Austin the most livable city in the country. I'm sure we'll all agree that we haven't quite reached that goal. However we're looking closely at our moral documents like our budgets and our land development code and beginning to reform them to be more aligned with the shifting needs of our city is an important step forward. We urge your support for these housing items. Thank you. Next speaker is Megan Meisenbach on 4041 4553, 78 and 88 on deck is Pat

[10:50:30 AM]

Valdez on 42 and 46. Amber Mills. Mok Toren. Please state your name at the podium. I'm Amber Mills here to testify on item 43. I'm here testifying on behalf of Move Texas in support of item 43 move.

Texas is a grassroots, nonpartisan, nonprofit organization, building power in Texas youth communities. The climate crisis is one of the most pressing issues facing young people and potentially the greatest threat to our generation and generations to come. Every action counts and Ken domino into more. Growing up in a state like Texas, it's no secret that our health and our

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future have largely been in the hands of greedy fossil fuel executives, content to scar the land and heat the planet, and corrupt politicians who will take political donations and morally launder this harm while black and brown young Texans are battling the effects of climate change, corporations are lining their pockets and making plans to continue investing into dying. Nonrenewable power resources like our very own fayette power plant that harm Texans and communities globally . Fossil fuel corporations are set to produce 120% more emissions by 2030. This is unacceptable and will have permanent, permanent, near unfathomable consequences that younger generations will inherit and be forced to contend with it without stances everywhere possible to stop the further expansion of the fossil fuel industry, the city of Austin and cities across the world will likely not be able to meet the necessary goals that have been set to equitably reach net zero greenhouse gas emissions as a

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nonproliferation proliferation treaty. Sorry, that is not an easy word to say. Is a key first step in unabashedly committing to a sustainable, clean energy future. A future where fossil fuels are a relic of the past, that we need to take bold stances in recognition of the gravity of the climate crisis. Problem in Austin has a chance to lead the way again. I ask that you please vote yes on this item and want to thank council member Fuentes for bringing this forward. Young people are watching closely and urgently, and we want you to do the right thing. So thank you. Thank you. Next speaker is. Chito Mok Torin. Sorry next on deck is kiba white on 43. Good morning. My name is cuauhtémoc Torin. I'm an organizer with Texas campaign for the environment and I'm here to support item number 43. I want to thank councilman Fuentes for sponsoring the item. I'm one of the many organizers behind the many letters and emails that

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you all have received over the last few months over this past effort. This resolution would have Austin join 75 plus cities and governments endorsing the international fossil fuel nonproliferation treaty. Major cities that you would be joining would include Los Angeles, London, Lima, Paris, Barcelona, Amsterdam, Montreal and Toronto . Texas is a major contributor to climate pollution with the permian basin as the largest oil producer in the country, accounting for 40% of our supply. And the port of corpus Christi

leading in fossil fuel exports, fossil fuel executives greed affects us at the pump on our electric bills and our local communities that they pollute, burning more fossil fuels means the climate keeps changing. Yet that's exactly where we find ourselves. We deploy green technologies while leaders above approve new dirty energy projects. We must stop this. We need to stop new fossil fuel development if we're to invest in a clean energy economy. Unfortunately, the Paris climate agreement doesn't address fossil fuel extraction. Austin remained committed to the Paris climate agreement when the us withdrew

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under the trump administration. We think Austin city council can replicate this climate leadership by supporting a fossil fuel treaty. The Austin city council can amplify its climate leadership and inspire global engagement. We need you all to lead by example and continue legislature initiatives that foster a just transition. Therefore, we urge you to recommend our federal government begin negotiating a fossil fuel nonproliferation treaty. With this resolution. This treaty enjoys overwhelming support, as demonstrated by the many letters you all have received and by the 7334 petitions that we've collected with our allies that stand on Earth. Let Austin be the first city in this major fossil fuel producing state to endorse the global fossil fuel treaty. Thank you. Thank you. Next speaker is kiba white speaking on 43 on deck is pat Valdez. Good morning. Thank you for the opportunity to speak on behalf of public citizen's Texas office. I am supporting item 43

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the fossil fuel non prolific Asian treaty support resolution and I I'm happy that y'all are hopefully going to adopt this resolution. I see there are a good number of co-sponsors. Thank you for that support. It is very clear that the time to phase out our use of fossil fuels is well in the past and we need to engage in global action now. And this resolution is in support of that global action and that is obviously essential. We cannot solve this problem on our own. I do just want to also voice support for increasing action at the local level. We do have an ambitious climate goal in in the Austin climate equity plan and a large number of strategies is designed to meet that goal of net zero emissions and the plan recognizes that actually we need to go beyond net zero emissions and start

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fixing the problem of climate change. And we locally have experienced many negative impacts of climate change already. And for those of us who maybe have friends or family on the east coast right now, we know that these impacts come in many forms and that they are getting more severe. People that are hundreds and thousands of miles away from the boreal forest in that are burning in Canada, are struggling to breathe right now. And this is just, you know, the latest kind of most visible impact right

here in our country at the moment. This is a constant and ongoing problem. So I encourage the city council to really kind of up the engagement with staff on implementing the Austin climate equity plan and really make that a focus in the upcoming budget Burt in putting the necessary resources for staffing contracts and other needs to actually make that plan a reality and phase out our

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fossil fuel use on a local level. Thank you very much. You state your name. Yes, my name is Kiba White. Thank you. Thank you. Next speaker is Pat Valdez on 42 and 46 on deck is Shaman Perkins. Thank you, mayor and mayor pro tem and council members. My name is Pat Valdez and I have been a resident of Austin since 1985. Until last year. I was in city council district nine. Now I am in district three. I am here to speak in favor of item 42 to facilitate, to provide minimal fire safety standards for facilities that house or hold animals on a 24 hour basis. I am also here to speak in favor of item 46 to initiate an amendment

[10:58:40 AM]

regarding pet over pet microchipping. I'm so used to saying pet overpopulation. Whenever I say pet pet microchip chipping and directing the city manager to review the animal services office policies to implement citywide microchipping. Singh. I recently served on the spay neuter advisory spay neuter working group of the animal advisory commission and we recommended two items that were passed unanimously by the entire commission. I am here to also request that in addition to passing item 42 and 46 today, you consider placing another important item on a future agenda for in a in a near future agenda to take up spay neuter recommendations by the spay neuter working group that were passed by the animal advisory commission. Microchipping and spay neuter go hand in hand. They should go hand in hand and

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they are important in addressing the current capacity crisis at the animal shelter. Please pass item 42 today and item 46. But please also take up spay neuter recommendations that will help address the pet overpopulation and the shelter capacity crisis. And please do that in the near future. Thank you so much. Thank you. Next speaker is Shannon Perkins on 44. On deck is Ryan Knell speaking on 45. Hi, my name is Shannon Perkins and I'm a leader at the organizing organizing project. Thank you, mayor and city council members for the opportunity to testify today. I'm here to speak on the expansion. I've heard that part of this expansion is in the addition of case managers at DAC and I think this is really great

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because some years ago I was actually home less and I had a case worker. This case worker was very helpful. He got me off the streets. He also continued with his care as far as like taking me to medical appointments and whatnot. Basically I had cancer when I was on the street and so it was a life saving experience. But this man really, really did help me out. And that's the importance of case managers. I know that I heard that there was only two that they they have a had an addition, but I don't think this is enough. We really need to have more Shaw case workers across the city. We grants or any funding we can basically would help the list for case managers at dac are two years. We've got to change this

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and you know, it's a very important thing. It's a very, very important thing, as much as important to the 12 step program, a sponsor is the case manager is to the homeless person. Thank you very much and have a good day. Thank you, sir . Next speaker is Ryan knell. On 45 on deck is Michael Knaus, bill Mccann. Please state your name at the podium. Hello hello. My name is Ryan knell. I'm a recent district four homeowner and I live within 500ft of commercial corridors, triggering compatibility. The concept of compatibility exists to protect homes and neighborhoods as that are made up of large single family homes on large lots that are segregated from all other housing and commercial land uses. I think a good metaphor

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for this style of neighborhood is one that's akin to monoculture farming, like monocultural farming. This style of neighborhood is initially efficient to establish and profitable in the short term, but in the long run it is subject to sudden and rapid and often destructive changes caused by communicable diseases or changes in climate and environment like monocultural farming. The style of neighborhood is outdated and damaging to community and doesn't even really exist in Austin anymore. Shaw. During the pandemic, my wife and I bought our home so we could both work from home parties dating in a sudden rapid change, which removed a significant amount of the housing stock and converted these residential neighborhoods into mixed use office and residential neighborhoods. But it also meant that my neighborhood was no longer a monocultural bedroom community, but actually a neighborhood with community I saw. And when pandemic conditions lessened, actually got to meet many of my neighbors for the first time

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since all of us were around more often. So a better alternative to monocultural farming practices is to have a diversity of crops that get rotated on a regular basis. And so the better alternative for our neighborhoods is to allow a diversity of housing types and use of building stock that can adapt to the needs of its residents, rather than requiring residents to adapt to the needs of their building stock. Since it's the neighborhoods that compatibility were designed to protect, no longer have that character and that character creates an exclusive community. I don't think there's a no longer a need to protect that neighborhood character with our compatibility regulations. Thank you. Thank you. Knell next speaker is Michael Knaus on 45 on deck is bill Mccamey. Good morning, mayor. City council city manager. My name is Michael Nahas. I'm an economist. I'm vice chair of the economic prosperity commission. Today I'm

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speaking on my own behalf more housing supply will lower prices . That's economics. No surprise . I do want to speak about the benefits of density, particularly to item 45 more people within a short travel time of each other is how economists measure density. It leads to more interactions between people and more potential interactions so larger groups can get together with a common interest. So you have clubs that exist in large cities that don't exist in small cities . From the economic point of view, there are more customers to support. Support a unique business there are more people with unique skills to create unique businesses which draw people to cities like Austin Ann. Every business has a larger pool of applicants and can hire better employees. Customers have a wider selection of businesses to buy from and buy better products and most importantly, more knowledge is shared face to face. This is very important in an information business like

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technology that's fast changing, which is the basis of Austin's economy. So that face to face knowledge sharing that happens in a denser environment is important. Those are called agglomeration effects. If you want to search up the economic papers on it, obviously it's not all bed like a bed of roses. Homer Simpson's major enemy is Ned Flanders, his next door neighbor. I think we all wish our next door neighbor lived slightly farther away from us. There's also environmental and infrastructure issues that come with more density. So it is a trade off, but I think you should know that with more density becomes higher economic growth and benefits to the city . It also lowers the cost of infrastructure per unit to the city because a lot of the infrastructure is built by the developer inside the building rather than pipes laid by the city separately in the street. Police support. 45. Thank you. Next speaker is bill Mccamey on deck is Kai gray. Good morning,

[11:06:55 AM]

Mr. Mayor. Members of the council, bill mccamley with transit forward in most us cities, including Austin, far more jobs exist near fixed transit stations than homes for the workers in those jobs, only 5% of residents live near within a half mile of stations, while 48% of all jobs are within a half mile of those stations improving. This balance with more housing can reduce traffic while improving accessibility and affordability. For austinians, we at transit forward have a mission to advance the implementation of transit supportive programs and policies and fully support more housing along these corridors as it will concretely increase access to transit and the use of these systems. Providing the community with huge benefits, including increased job access, more affordability by allowing better options to live without cars, safer streets, better environmental outcomes and less congestion. A major limiting factor of housing units along these corridors is Austin's height compatibility standards, some of the most restrictive in the nation. As you've heard about policy, is suggesting

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transit friendly residences and the folks that live in those residences is are not compatible or incompatible with other types of housing, are not practical nor sustainable for our future as a city. We encourage you to pass item number 45. And Mr. Mayor, members of the council, we also encourage you to look at some of the Eckhardt policies you're considering in 57 as ways of possibly moving them up so that they can be congruent with the Austin transit partnership. S application for funding at the federal transit administration. Those folks are asking that there be at least 20 housing units per acre and the half mile around bus transit corridors and 35 units per acre and the half mile around train corridors. And we think that passing number 45 is a way to get those goals. Mr. Mayor, members of council, you all are doing a great job. Thank you for your time. Next speaker is Kai gray on deck? Is Lisa gray following is Daniel Cappleman. Hi, my name is Kai with the Austin infill coalition. I want to talk about

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compatible ability and the site plan light. So with compatibility, I wanted to specifically specifically talk about residential compatibility. So right now if you have a 50 foot wide lot, the zoned for missing middle f6 or something like that, if you have residential on both sides are it's zoned residential or it is residential, you have to have a 15 foot setback. That means your 50 foot lot becomes 20 foot wide. So what ends up happening is people are just going to build single family at that point. Wright because that's what's possible. Those houses are going to be more expensive. They're going to have less housing and more expensive housing from what I've seen of the resolution as far as residential compatibility is all that is saying is what the residents can do. You can do so if they can build two stories, five feet, you can build two stories from five feet. I don't understand the opposition to that because if someone built single family, they could build two stories five feet from the line. So it seems like people are just

concerned with it being a triplex. They're just saying a triplex needs to be farther away . Shea because triplexes are scary. I don't know. I don't get it. Like I've lived in triplexes

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I swear I'm not scary. So that just doesn't it just it's just allowing Singh the commercial property to do what the residential properties can do. That's all it's doing. I want to talk about site plan lite, which I'm very much in favor of as far as having less requirements for units and less. And what I'd also say to go a little bit beyond that is I think we should allow one single family lots. I'm going to go back a second. Okay when I first went to the city like ten years ago, this is what's breaking my brain is I go in, I have this lot and they're like, you can build a 4000 square foot house. You can build a 3000 square foot house and a 1000 square foot house. And I'm like, well, I don't want to do that. I want to build like 3 or 4 small houses. And they're like, well, that's illegal. And I was like, that doesn't make any sense. It's not like we have a shortage of 4000 square foot houses. I want to build smaller, more affordable houses. Why can't I do that? And I was thinking, this is going to be resolved probably pretty quickly. And here I am, 12 years later, it's still illegal. Knell so I think that should be allowed. I'm not talking increases in far increases,

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impervious cover. I'm not talking about any of that. Just say if you can build a 4000 square foot house, you should be able to build 3 or 4 houses and use the same floor. Thank you. Thank you. Next speaker is Lisa gray speaking on 45, 50 and 53. Following is Daniel Cappleman and Jeff Albrecht. I'm Lisa gray. I'm in support of 45 and 50 Ann and I agree with the others. I'm not as funny as him, but I agree about everything he said. And I agree that allowing more single family units to be built would make housing more affordable for item 45. Changing compatibility requirements to allow to allow for the same allowances as single family is allowed. Right now in those setbacks. This would make many lots in Austin buildable. That is not buildable right now. Austin's pretty built out and so there's not a lot of land to build on. And the land that's left is there's reasons why most of many of them are because they're narrow lots and there's compatibility setbacks that don't allow multiple units to be built. Because if you have a 50

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foot lot and you have a 25 foot setback, you really have no lot left to build on for item 50, which is requiring Singh, which is hopefully going to require not require a site plan for fewer units. This this is really important to be addressed for other items that are allowing 1 to 2 units density bonuses on sf three or whatever. It ends up getting decided if any of those pass, then this needs to pass. Two or it will not in effect happen because building three units and having to go through the site plan process is just

not feasible for builders. So we can have that code on the record that we could allow a third unit on a three or a fourth unit on sf three, but it will not happen in reality because of the site plan process is too lengthy and too costly for it to be effective. Possible for a builder to use those bonuses. If

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we have to go through the site plan process, that's it. Thank you. Thank you. Next speaker is Daniel Casselman Ann speaking on 45 and 53. Next is Jeff Albrecht and Kevin Welch. Sorry good morning mayor and council. My name is Daniel Casselman. I work for the nonprofit farming city and I'm a district three resident. I'm here to support Burt item 45, which will finally change Austin's ultra conservative compatibility regulations to be closer to those of our peer cities. The fact that Austin's compatibility regulations allow a single home to shave off units from a building that is as many as 540ft away is very bad. Compatibility regulations do not provide any public benefit, and I do not believe that the owners of a single family home are entitled to make building housing for others more difficult. It isn't right, and I believe on this item we should complete remove compatibility within a quarter mile of transit on item 53. Regarding the prioritization of code

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amendments that are already initiated, I believe that when we saw that memo from city staff, we all saw that there was a problem in the timeline. I respect the hard work of city staff on behalf of the people of Austin, but I think that it's unacceptable that in the absence of a full rewrite of our code, any changes, even minor or uncomplicated, can take years or months before implementation. And ultimately it is not. City staff who is responsible for this. It's the city council and the mayor to ameliorate this issue. I believe in work session. A couple council members expressed a desire to move things more quickly, and this is going to involve a collaborative effort to fix if it requires more money in the budget for additional staff, then let's give them that. If they need better pay to attract employees, then let's go for that. If these are being held up by overly long engagement initiative Luz, then we need to look at truncating them, especially because many of you were elected specifically to fix the land development code. I believe that the election in November was a community engagement exercise that showed

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that the people of Austin would like you to change the code and an additional thing from that is that, according to the memo, the amendments will not come back until next summer, by which point it will likely be too late to include them in project connect's application for federal funding. It is critical to find solutions to this, so that we can move as quickly as we'd like to. Thank you very much. Next is Jeff Albrecht speaking on 58 on deck. Are Kevin Welch and Addie Menchaca. Hi, I'm Jeff Albrecht. I live in

district nine. I'm here to talk about how fence finials are our friends when it comes to fence safety. These flirtilly and spear shaped fence toppers prevent children from successfully climbing fences. They deter children from even attempting to climb fences and have proven to be safe from entangling children during centuries of worldwide use. I'll talk about that a little bit later. Climbing is part of a child's every day play activity. They're actively

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encouraged to explore all manner of climbing structures at home park climbing gyms and even McDonald's, a widely cited fence safety study from Rabinovich in 1994 shows that 30% of four year Olds can quickly surmount a four foot flat topped iron fence. A quick Google video search for toddlers climbing pool fences shows a bunch of adults surprised by their toddler toddlers successfully climbing flat. Top fences that are 4 or 5 and six feet tall. Some good news for fence safety, however, was found in that same study from 1994 that showed that adding a climb deterrent to the fence top prevented 100% of four year Olds in their study from surmounting an iron fence. So finials are an effective climb barrier for sure. But equally important, they serve as a deterrent to climbing finials, communicate, climbing is forbidden here. This isn't a jungle gym. Don't sit or hang on this fence. Don't do parkour here. Preventing the number of fence climbing attempts seems a valuable method for fence safety

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strategy. But what about the risk of entanglement in my search of literature and press, I found zero examples of where proper fence top finials such as a Florida Lee were involved in the death of a child from entanglement. The tragedy that occurred in Georgetown that precipitated this important code review did not involve finials and I agree that type of fence should be banned with the protruded protruding iron pickets without finials. But lumping finial top fences with that other design is a poorly considered way to make policy and would risk throwing the baby out with the bathwater. And this leads me to many questions. These are the best parts. I'm sorry. I'm submitting the document. Thank you very much. Thank you. Next speaker is Kevin Welch speaking on 74. On deck is Addie Menchaca for following is zo Powell Conway. Please go

[11:18:06 AM]

ahead and approach. Did she call your name? I didn't Micah yeah, I think you're probably next. I speak next. Please okay. Thank you. Just identify yourself. Hello my name is. Hello. My name is Addie manchaca and I am a leader of the rey. Organize Singh project. Thank you, mayor . And thank you. City council for. For for the opportunity to testify today. Thank you. Council member Fuentes for working close with us on this. It's really important. I'm here to speak on item 79. I'm here to say we cannot delay

in getting this funding for Shaw or to the community. I am also here to say the community wants to be involved in how the money is used. We are ready to do the work and to save lives. Yes, we

[11:19:07 AM]

are ready to win the war that nobody wanted to fight in the first place. I make it a point to carry multiple doses of narcan with me and I always have it on me. Two weeks ago, zo. And lately every week I saved two of my good friends lives because of the narcan. So thank you. And yesterday another. This is sad. This is one person telling you this. You know I've lost count of the lives narcan has helped me save. See my friends or even a stranger. Overdosing is so terrifying. And I have never gotten used to it. I am apoplectic at this. The numbers have doubled and these are real numbers. People from the medical examiner's office, public informed Ann. I used for ten

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long agony Singh years and I lost every single thing I had worked so hard for in life. You know, I decided to get sober and I had buried 50 of my closest friends by that time came here we are in 2023 and I am I am apoplectic at the numbers of fentanyl related overdose overdose, death. They are doubled. Thank you, speaker. Your time has expired. I'm sorry, but your time is expired . Our next speaker is Kevin Welch. On deck is Shaw Paul Conley. Want to go ahead and Mr. Conley, go ahead. I'm not Kevin Welch. Just. Good almost. Good afternoon. But still. Good morning, mayor and council Giampaolo Connolly organized and director of ajc and co-chair of

[11:21:10 AM]

the leadership council. So I'm going to try to speak on items 29, 37 and 84 if we want an efficient and effective system, a system that is efficient and effective at housing, people who are experiencing homelessness, and we want to keep them housed and not sleeping outside, then we need a coordinated, well organized homeless response system. And we need leadership that can bring people together around a clear, long term vision and priorities. Leadership and coordination priorities is the fact that three transfer formative projects that have been in the works for over 18 months now should receive anything less than resounding support from this council and city should already raise major red flags about the direction we are headed in. I'm glad that staff finally came out with a memo in support of the three projects, but that projects in our city should be subject to this kind of uphill climb in and of itself. Should already speak volumes about where we're at

[11:22:10 AM]

today. You have not even bothered to pool from the consent agenda contracts that will award the Salvation Army \$1.2 million for a building that has been neglected to disrepair . Schiera and urban alchemy over \$4.5 million to operate a temporary shelter contract for one year. And in July you will be asked to approve another contract for over \$9.3 million to warehouse another group of 300 people for one year. Allow me to repeat over 15 million for one year of temporary shelter with no clear path or plan for what comes next. No clear housing resources connected to these contracts, no answers to the many questions raised by our homeless response system. This council is going to grant what amounts to half of the capital stack of a permanent supportive housing developer. Swint two contracts that will bring us temporary shelter for one year. I don't believe our system will ever want to hear anyone express skepticism about our ability to fund housing when we don't even flinch at the possibility of spending almost \$6 million to put people in a leaky facility

[11:23:12 AM]

for one year. Thank you. That concludes all the speakers. We do have a speaker for the ifc and kpfk. Thank you and thank you to all the speakers members . I'm sorry, miss members. Another correction or change in the back up. There was a mistake on item number 81 and I want to read that into the record. Item 81 relates to the boards and commissions resolution. Appointing the board of directors, and it includes for the Austin rosewood community development corporation, Ann, the change is for do we Smith in position for Shaw the term will expire on January 1st, 2024, as opposed to 25 2020, it should say 2024 instead of 2025 and at

[11:24:13 AM]

this point, let me ask if there is anyone that wishes to be added. Eid let me read the consent agenda items that have been pulled. Item 45 has been pulled, item 40, item 85. Item 84. Item 78. And I believe now item 83 has been pulled. Eid are there is there anyone wishing to be added as a sponsor to any of the items that remain on the consent agenda? Councilmember Kelly thank you, mayor. I would like to be added as a co sponsor to items 42 and 44. Thank you. Mayor pro tem. I thought you had your hand up. I apologize. I did not. All right, councilmember qadri. Yeah. Thank you, mayor. I like to be added to item number 44. Councilmember Ryan alter. I would like to be added to item 43, please. Anyway Ann else that wishes to be added to an item

[11:25:15 AM]

that is currently on the consent agenda. Is there anyone wishing to pull any additional items that are on the consent agenda? Is there anyone wishing to recuse themselves from a vote on the consent agenda for anyone wishing to be shown as abstaining from a vote on the consent agenda? For anyone wishing to be shown voting no? Councilmember Kelly thank you, mayor. 41 and 43, please. I'd like to be shown no. Councilmember Kelly will be shown voting no on items 41 and 43 on the consent agenda. Members as indicated. My apologies. Yeah I just want to make sure that we pull item 74 to go after item 85, please. That had not been pulled. Councilmember Ryan alter is pulling item 74.

[11:26:28 AM]

All right. Chair will recognize councilmember Kelly to speak briefly on the consent agenda. Thank you, mayor. And thank you, members. I'd like to start today by thanking councilmember vela for bringing forward an important resolution, item number 42 that will continue to keep our animals safe. I'm also happy to support this effort by being added as a co sponsor. Garza as a proud owner of my beloved pets, frank, my dog and my mischievous black cat sputnik, I deeply understand the special bond we share with our furry family members and the importance of this item is deeply rooted in the collective desire to help keep our animal friends safe. I'd also like to thank council member harper-madison for bringing forward item 44, which will bring much needed support and resources to the downtown Austin community court for those in our community experiencing homelessness, I'm thankful to support this much needed effort by being added as a co sponsor and plan to be involved in the conversation to ensure those

[11:27:28 AM]

experiencing homelessness get every piece of support they need to be lifted out of homelessness. Lastly, and on a little bit more of a personal note, I'd like to greatly thank kc Roberts in our agenda office for all the hard work she's done these past few months and for all of our city staff collectively, including our clerk's office, for keeping us organized so that we can make these challenging decisions before us today. And at every council meeting, I would like to add that it takes a lot of staff support to get these meetings to happen and to make them possible. And it doesn't go unnoticed by myself or my team. Thank you. Thank you. Councilmember chair recognizes councilmember Ryan alter to speak on the consent agenda. Thank you very much. I just want to take a quick moment to talk about item 11 and 12 related to the Mexican American cultural center. I'm just I'm very pleased that we have been able to add existing funding so that they are able to fully develop this center. I know it was

[11:28:29 AM]

potentially value engineered down based on budgetary constraints and they were able to come back and add these this additional funding to make it really what it should be for our community. So I just want to highlight that and thank staff for, for finding a way to, to make that happen. Thank you. Councilmember chair recognizes councilor member Fuentes thank you, colleagues. I wanted to chat about item 43, which establishes Austin's support for an international fossil fuel nonproliferation treaty and calls on our federal government to join. I want to take a moment to recognize the dangers of climate crisis that we're in. Considering that there are rampant wildfires right now taking place in Canada and knowing the extent of air pollution that we're seeing in New York, we are in a climate crisis. And so this resolution is in an effort to acknowledge the reality that many of our families are facing, not only in this country, but across the globe. So our entire community

[11:29:29 AM]

is being impacted by the health and safety risks associated with climate change and fossil fuel expansion. But the risk is especially great for those who face socioeconomic and health inequities. People of color, low income families, people with disabilities, and our neighbors who are experiencing homelessness. Austin has consistently been a leader in the fight against climate change by evidence of us declaring an emergency climate declaration in 2019 and adopting the climate equity plan, which is one of the few plans that centers equity as part of our effort. And for us, declaring a bold goal of equitably reaching net zero community wide greenhouse gas emissions by 2040. So aligned with our local goals, this treaty seeks to do three main things internationally. We it it looks to cease new exploration and expansion of fossil fuels. It equitably phases out existing production Ann and it increases

[11:30:31 AM]

access to renewable energy, establishing a just transition for all. With today's approval, Austin is now the second major city in this country to join a growing roster of 75 cities worldwide. In this commitment from Los Angeles to London, we've all endorsed this treaty, and I see this as our moment to come together across the globe and address climate pollution head on. I want to thank the Texas campaign for the environment, as well as members of the joint sustainability committee for their advocacy Kathie. It was incredible to receive at least 30 letters from D to residents in support of this resolution, and I saw the box earlier, so I imagine we all have constituent letters included. And I also want to thank my co sponsors, council members, vela Velazquez, qadri, pool and Ryan alter for their support. Thank you. Councilmember councilmember harper-madison. Thank you very much for the recognition. Ann

[11:31:31 AM]

colleagues. So before we pass this consent agenda today, I wanted to highlight one particular item that we are passing today that has been many years in the making. Item number 44 will expand the current boundaries of the downtown Austin community court to be city wide. That's a big deal for folks who don't know that this will ensure that a critical piece of our mental health care and public safety ecosystem are properly funded. I want to thank the advisory board of the downtown Austin advisory committee and its chair for their many years of advocacy and identifying this creative solution. Ann. Thank you to the team at the Dec. Y'all did it. I would also like to encourage other city boards and commissions, city staff and residents who navigate our often Conway plex city services to take note. We can and will continue to find ways to support you. We can reduce the barriers that austinites face as they try to improve their lives. And we

[11:32:31 AM]

want to hear from you on how to do it. So with that, the services the dac provides us, we can help our most vulnerable neighbors in profound and long lasting, effective ways. With this expansion, we will ensure that no matter where you live downtown pleasant valley, Springdale, Ramberg, or Westgate, you can gain access to the same transfer national aid that the Dec has been providing for years in downtown Austin. So I'm really proud that we're getting this done today. So thank you, colleagues, for your support. Thank you. Councilmember harper-madison anyone else? Councilmember vela thank you, mayor. I just wanted to briefly mention a couple of items on the consent agenda. Item 42, both related to animal health and welfare. Item 42 will begin the process Bartz of requiring fire safety improvements, fire suppression system sprinklers, alarms for location burns that board

[11:33:32 AM]

animals overnight. Wright. There was a horrible fire in Georgetown that killed many animals at and the we don't want that to happen. Georgetown has passed those types of improvements. Liberty hill, Round Rock and now Austin is stepping up to the plate to make sure that our furry friends are safe from fire when we have to abort them overnight. The other item item 46 is a microchip Singh resolution for animals. It would require the animals to be microchipped in Austin. No penalty, no punishment. But the idea is to strongly incentivize microchipping of our furry friends. It is very difficult to return a lost animal to their owner unless there a microchip. I was just talking to our don bland, our animal services

[11:34:32 AM]

director, and he was saying that our return rate for pets that that get to the Austin animal center is in very low and with the microchipping, we would be able to return a much higher percentage of animals to their owners. Many other jurisdictions have done this. It has proven to be effective in reducing the

pressure on our Austin animal center. And I look forward to starting this and guiding it through the process so that we can be a city where our our our kitties and puppies are well protected and taken care of. Thank you. Councilmember Allison alter. Thank you. I would like to be added as a co-sponsor for 43 on the nonproliferation Ann of fossil fuels treaties. And I just want to emphasize, as we've been talking a lot about wildfire, that that smoke that they're experiencing in northeast, it can happen right here. If on the outskirts of our city we have a wildfire, whether

[11:35:33 AM]

we get it under control or not, the smoke from wildfires matter . And, you know, one of the reasons we're working to be better prepared, like my colleague, I also want to highlight that the Mac items that are allowing us to go forward with elements of the next phase of our Mexican American cultural center. And I'm pleased that we were able to identify additional funds to move forward with those items. I also didn't want to let this agenda go by without acknowledging item number five and thanking the finance department for making sure that we move forward with a recommendation that we made during budget to increase the senior and disability homestead exemption by \$11,000 to 124,000. That's going to be helpful for folks to stay in their homes and age in place. So thank you for making that happen. As we requested, anyone else wishing

[11:36:34 AM]

to be heard on the consent agenda, let me just say that on item number 29, I want to say thank you to the Salvation Army for being flexing enough to be for us to be able to come to an agreement where we will be able to provide emergency shelter for our neighbors that are that are living homeless. I appreciate that. The fact that you have been willing to work with us on that specific quickly, because we all know that addressing the needs of those that are living homeless includes providing permanent supportive housing. And we need more permanent supportive housing. But without connective services and emergency support, we can't really appropriately address the crisis that we're in. And this council understands that we can't appropriately address the inhumane, Ann conditions of people that are living on the street, living under overpasses

[11:37:35 AM]

or living in parks that and they're doing it right now. And we can do more Shaw this council's agenda today reflects that commitment to addressing this emergency, not with an all or nothing approach, but through comprehensively identify buying opportunities to increasing our shelter capacity, addressing mental health and supporting those organizations that are already working to provide housing and working on a continuum of moving people out of emergency shelters and into housing over the long

term. But addressing their dire needs right now. And with that, I'll say again, thank you to the Salvation Army for playing the role that you play in our community and for being flexible enough for us to come to an agreement that will help those people living in those conditions right now with that, is there a motion to adopt the consent agenda? The motion is

[11:38:37 AM]

made by councilmember harper-madison, is seconded by councilmember vela without objection, the consent agenda is adopted with councilmember Kelly being shown voting no on items 41 and 43 members. Without objection, I will recess the regular meeting of the Austin city council and I will call to order the board of directors meeting of the Austin housing and finance corporation. Welcome good morning, Mandy Demayo, deputy director, housing department here representing Austin housing finance corporation. We have two items on today's agenda. The first is authorizing staff to move forward with 12 month contracts with three nonprofit organizations to administer our minor home repair program. The three nonprofits are the Austin area urban league, meals on wheels and more. And rebuilding together, the total contract amount is \$3 million and the

[11:39:38 AM]

funding will be our federal cdbg dollars. The second item is authorizing staff to move forward with the loan agreement and related documents for the Seabrook square project. At 3515, Maynard road, that is an fc partnership, the first phase includes 164 units in partnership with nhp foundation and capital housing. I should note that we have representatives from both of those organizations here. We're very excited about this development. The rental housing development assistance loan amount is a little over \$13.5 million. I should also note because, mayor, you just mentioned homelessness and our work on homelessness. Phase two of this project includes partnership with integral care and will be 60 units of permanent supportive housing for folks coming through the coordinated entry system. We're excited about this project and I offer those two items on consent and we'll also note that I believe we have a speaker. Thank

[11:40:39 AM]

you very much. Are there any questions of staff by any member of the board of directors in that case, we will go to our speakers and I believe we have at least one speaker signed up on this side on these items. So Zenobia Joseph is speaking on item two. Thank you, mayor. Council. I'm Zenobia Joseph. My comments are on item two, but maybe the mayor will just mention community development block grant for item one. And I just want to contextualize my comments by saying the fy 2324 action plan that funding comes from hud. And just for context, Candace Valdez muela the hud region six director is who I

actually contacted. Complaints office zero six at hud.gov. As it relates specifically to item two, that's the Seabrook square, item 35, 11 and 3515. Main road

[11:41:42 AM]

\$13.5 million. In general obligation bonds. I just wanted to ask, as I've asked in the past, that when these items come before you, that council receive a map overlay with the area, median income, it appears that these projects are low income without any mixed income. And so I just want to call to your attention that your smart housing program is mentioned on pages 138 and 139 of the action plan. And that safe mixed income, accessible, reliable and transit oriented. And while I certainly recognize that this particular development is on route 20 and that the metro rapid will serve this area, history matters. And I want you to recognize that the metro rapid is really just fixed. Route 37 restored. It was eliminated June 3rd, 2018, or maybe not eliminated but reduced. I just want to call to your attention as well that the reserve at Springdale is about

[11:42:44 AM]

2.4 miles from this development. That's the low income housing tax credit development through the housing authority of the city of Austin. And capital metro eliminated the rocky lane bus that was route 300, and they've refused to serve that area and pick up service actually requires people to wait on hold. 5 minutes to 60 minutes. So it is difficult to see holistic, see the good in projects. If you have any questions, I'll gladly answer them at this time. Thank you, miss Joseph. That concludes the speakers. Thank you. The president of the board intends to take up these two consent items by unanimous consent. Let me ask if there's anyone that wishes to pull one of the consent items. Is there any one or both of them? Is there anyone that wishes to abstain? Is there anyone wishing to recuse themselves? Is there anyone wishing to be shown voting no? Thank you, mayor. Please show me as voting no on item number. Two

[11:43:48 AM]

as noted, I intend to take these up by unanimous consent. Is there a motion to adopt the consent agenda? Council member Ryan alter moves to adopt. It is seconded by councilman qadri. Without objection, the consent agenda is adopted. Without objection, I adjourn the Austin housing and finance corporation meeting. It is 11:44. I will now call to order the Austin housing public facility corporation meeting June 8th, 2023 at 11:44. I recognize staff. Thank you, Mandy Demaio, deputy director, housing department here on behalf of Austin housing public facility corporation. We have one item on today's agenda, and that is to authorize staff to move forward with the issuance of multifamily mortgage

revenue bonds in an amount not to exceed \$20 million for a project. That is another partnership ship called Karen point. That is a partnership

[11:44:49 AM]

that will result in 150 units of permanent supportive housing. It is located at Cameron road and east saint Johns avenue and it is a partnership with the Vecino group and caritas of Austin. It is. I should also note it is related to item 75 on the city council agenda, which I understand will be taken up after this project. After this agenda? Yes so in fact, what we'll do is we'll take up item 75, when immediately upon reconvening the Austin city council meeting. Madam clerk, will you call on any speakers that we have? Speaker Zenobia Joseph. Thank you, mayor. Council. I'm Zenobia Joseph. My comments as they've been in the past, is in opposition to the Karen point at Cameron road project. Once again, this is a high crash zone and I want you to recognize that you mentioned saint John's. It would be instructive if you actually

[11:45:50 AM]

talked to Mike Gerber from the housing authority of the city of Austin. He's the author of the pathways director for the nonprofit that does the board packets, Austin pathways. He actually said for the 526 units, that's on saint Johns and I-35 that they cannot handle the density. So just putting individuals in these areas, high crash Zones is not a good idea. And you might want to ask someone who actually puts these items before that board as it relates to Vecino group and caritas, I do have a problem with them as it relates to these vouchers. The board packet for November 2nd, their application Ann said 50 local housing vouchers and now it's 100. They did the same bait and switch for the 1934 barrow Rutland where the community thought it would be 50 vouchers. Now it's 100. So my opposition has been to the concentration of poverty and this does not affirmatively further fair housing. And once again, the email address that I

[11:46:50 AM]

sent my title six complaint to this morning was regional administrator for Fort Worth at hud hud.gov and that is Candace Valenzuela. She was there here in Austin in April when you had your fair housing summit. So I just reminded her of who I was when I sent the information. And for context, I also include project connect and how you've eliminated access to the rail. On Cameron road, which is the same roadway. And that would have been advantageous to low income riders. But unfortunately it's not. If you have any questions, I'll gladly answer them at this time. Thank you, miss Joseph. That concludes all the speakers. Thank you. Can I also point out that we do have, since miss Joseph did mention Mike Gerber with the housing authority of the city of Austin, we are fortunate to have Mike Gerber in the audience with us. Should there be any questions about what miss Joseph did?

[11:47:51 AM]

Reference? Great. Thank you, councilmember Ryan alter. Just one quick question. As for edification purposes only, when we say mortgage revenue, note is that a loan or is that it is a non recourse loan, which is these are multifamily revenue bonds that are issued by hfc or in this case, a PFC. And they are non recourse. They are actually paid back from the revenue received from the rents at the complex that will be built and should you have more detailed questions. We are also fortunate to have mark Malveaux, our outside bond counsel in the audience, don't need more than that. Thank you. Thank you. Is there a motion to approve item number one? It's made by director harper-madison and seconded by director vela. Is there any additional discussion ? Is there any objection to the

[11:48:52 AM]

adoption of item number one? Hearing none. I object. Well, thank you. Yeah, sorry. Anyone we have. It's a board of directors. Adopts it with one. No vote by director Kelly. And I'll note for the record that director pool is off the dais performing important city business. There's no being no other business to come before the bbfc see board of directors , without objection, will adjourn in that meeting. I will now call back to order the Austin city council and it's 1149. The first item we'll take up as has been noted, is item number 75 members. Item number 75 is an item that is related to action taken by the directors of the Austin housing public facility commission. I'll entertain a motion to adopt item

[11:49:54 AM]

number 75 made by council member vela, seconded by council member harper-madison Ann. Is there any objection to the passage of item 75? Yes mayor, I object. All right. There being one objection. The item passes with one objection, that being council member Kelly and again, I'll state for the record that council member pool is off the dais performing city business. So item number 75 is adopted members. I'm going to it's 1150 and I'm going to take a little bit out of order. What I had read to you earlier in hopes that we can get one more item in before our 12:00 time certain. So I will call up now item number 85. Item number 85. And I will recognize council member Ryan alter. Thank you, mayor. This is take two on automatic

[11:50:55 AM]

license plate reader. The retention policy. I won't belabor the point. We had the discussion last week. This would move the retention policy from 30 days to seven days and there we will receive after the end of this one year pilot program data on how this is working so that we can Ann make sure that we are making informed decisions moving forward. And with that, I move adoption of item 85 councilmember Ryan alter moves adoption of item number 85. It's seconded by council member Velasquez. I'll recognize the chair recognizes councilmember Kelly. Thank you. I move to amend item 85 with Kelly amendment number one Ann members you have in front of you or have been provided Kelly amendment number one to item number 85. The amendment is to extend the have the pilot program will be extended to the end of a 12 month period from the beginning of the program implementation and deleting the words fiscal

[11:51:59 AM]

year 2023 to 2024. Councilmember Kelly moves adoption of amendment number one. Is there a second second by councilmember Ryan alter discussion on the amendment to item item number amendment one to item number 85. There being no discussion. Is there any objection to the adoption of the amendment? Hearing none. The amendment is adopted without objection that will take us back to the main motion. The main motion is to adopt item number 85 as amended . Councilmember Allison alter. I just wanted to confirm with the city manager that if you were to have evidence before we got to the end of the one year pilot that we had landed on, the wrong number of days that you would be bringing that forward to our attention earlier than the one year should it be obvious that it's not? Yes we're working to the advantage. Thank you. Any other discussion. Without

[11:53:00 AM]

objection, item number 85, as amended, is adopted. All right. That takes us it's 1153 members and I believe the next item is, well, let's go to item number 52, 74 to 74. Oh, we do need to do 74. You're right. I'll pull up item number 74 and recognize councilmember Ryan alter. Thank you for catching that. This is now now part two of part two are the actual purchase of the license plate readers subject to the policy that we just passed. And so I move adoption item 74 councilmember Ryan alter moves adoption of item number 74. It is seconded by councilmember Kelly. Is there any discussion on item number 74? Without objection, item number 74 is adopted. I'm sorry. Yes. Councilmember qadri. I will be voting against item number 74.

[11:54:02 AM]

Okay then item number 74 is adopted with councilmember qadri being shown voting no on item number 74. Councilmember Kelly. May I just say a few words? Sure thank you. And thank you. Members

and council here. I want to thank my colleagues for all the hard work and diligent effort we put in to working on the license plate reader program. Since before the initial resolution passed in September of 2022, this has been a priority of mine and I vowed seeing this through to today. There have been many conversations, discussion and debates regarding this policy, and I just want to thank everyone in the community, Katy and at APD and my colleagues here on council for being part of that conversation that this community needed to have to be where we are today. These conversations have led to a very robust and strong alpr policy in the state of Texas and members every week we have challenging decisions to make about all different kinds of things in the

[11:55:02 AM]

city and in public safety. I believe this program is going to assist our police officers, help solve crimes in our city. And for that, I'm thank you or I'm thankful. Thank you so much, everybody. Thank you. Councilmember Kelly, members, I'm going to call up item number 52, which is one of the non consent items. And councilmember Allison alter, I'll recognize you. Thank you. I move approval of item 52, which is an item related to a finance policy with respect to our pensions that we manage and it was a recommendation from the your committee. Wright yes, it was recommended by our committee seconded. The motion has been made to adopt item number 52. It is seconded by councilmember Ryan alter Shaw is there any discussion on item number 52? I just wanted. Yes. Councilmember Allison alter so this financial policy really codifies work that

[11:56:04 AM]

we did last legislative session with respect to the Austin police retirement fund. I think it's an innovative way for us to be approaching our pension burns and to do so in a way that is fiscally sound and allows the risk to be shared in the most appropriate way. It is a very important step for us to be, you know, operating in a fiscally sound way to make sure that we can provide Eid the retirements to our police officers as, as promised, and doing so in a way that balances all of the risks is very important. I want to thank our finance staff and our lobbyist staff and the folks involved with the Austin police retirement system who who were involved in this over the many years we've been working on this. Thank you. Thank you, councilmember. Any further discussion on item number 52? Without objection, item number 52 is adopted. Eid members, let's please go to item number

[11:57:05 AM]

57, which is the conduct of a public hearing, but it does not require action. Ann I'll we will without objection, I open the public hearing on item number 57 and recognize the city clerk for anyone that might be signed up to speak Mok no speakers. Mayor thank you. Without a there are no speakers on

item number 50. Yes Ken. Let me close the public. Is it okay to close the public hearing? Without objection, we close the public hearing on item number 57. I'll recognize is councilmember Fuentes. Thank you, mayor. In light of some of the testimony that we heard earlier regarding our public hearing for our our hud plan update, our action plan update, can staff speak to additional opportunities that will be provided to the community to weigh in on Ann on this plan, the housing and urban development action plan. Mandy

[11:58:10 AM]

Demayo, deputy director, housing department. I should note that we have already arranged to reach out to Ms. Joseph, who did make some comments which honestly I couldn't fully understand her comments, but I have connected with her previously and we will find out exactly what her concerns are. I should say we had multiple opportunities for public input in including through the community development commission . There will be a community development commission meeting next week as well. It is Tuesday , June 13th. And then the action plan. This is on the draft action plan. The final action plan will be presented to council prior to it being submitted to the us department of housing and urban development in August. So we did begin our outreach probably in January and have subsequently had multiple opportunities during that time period and individuals can go online and submit feedback at

[11:59:10 AM]

any moment. Absolutely through public input is the platform in which we're receiving Singh electronic input. And we've also received written responses. We've been to a variety of boards and commissions as well. And we follow up with all of that input and it all gets included every single piece of feedback, concern gets included with the full action plan that is submitted to hud. Thank you. And I just want to highlight to our community the different opportunities that are available to weigh in on this action plan. This is an important action plan that informs how we spend our community development block grant dollars. So think about housing, food access, childcare. These are all used in ways that we can utilize as the federal funds, the federal funds. And so it's important that how we use these funds are guided by what our community sees as priority

[12:00:10 PM]

his and certainly just want to daylight that there'll be another opportunity to weigh in at the community development commission next week. But also comments are accepted online. Thank you. Thank you very much. Council member. Any other discussion on item number 57? As I indicated, 57 was a public hearing. We've opened and closed the public hearing and no action is required. Mayor tirz it is now noon, so we are at our time certain for public comment. So we will now begin our public comment

portion of the meeting and I'll recognize the city clerk to begin that process. The first speaker is Adrian Macias. Good afternoon, mayor and city council members. My name is Adrian Macias. I'm here with Perez young scholars for justice . Right behind me, housing is an

[12:01:12 PM]

infrastructure of Americans racial capitalism from redlining to blockbusting to exclusionary, zoning, housing policies and lending practices have created and maintain racialized hierarchies with the city, with the city council continued to treat housing like a speculative comedy. The current construction of the mega development at market rate will further impact low income and communities of color. With gentrification. Ann the impacts of gentrification include the displacement of long term residents, which could lead to erasure of cultural and social networks as well as the loss of housing and access to essential resources like healthcare and education. You you must do work to sustain the next generation Ann of youth of color in Austin. I am concerned that the young people in my community and other communities will not be able to afford to continue to live in the east Austin or anywhere in Austin at the current standard rey of your so-called affordable units at 60% median income for a single person must be earning at least

[12:02:14 PM]

\$46,380 yearly, which means that they will have to be at least earning \$22 an hour to rent an apartment down. They would have to be earning \$61,800 yearly at the 80 median income or approximately \$29.50 an hour to qualify for home ownership, you need to work to achieve lower levels of affordability. And before I leave the stand, I want to direct everyone's attention to Orlowski Velasquez Jose Velasquez, I really appreciate you coming from yesterday. I really appreciate you taking the time to speak to our next generation to become leaders and advocate and everything like that. But Sade Velasquez. Please understand you are our voice for district three and we need you need you to recuse yourself. I know it's scary, but we're scared to. Well, hopeless without you, man. You are a leader and everything like that. Thank you guys for everything. I just wanted to. I wanted to thank these young scholars for justice, for being able to chat with them. But also yesterday we

[12:03:16 PM]

chatted about showing up and talking to your elected officials. And I was inspired to see all of them taking time out of their summer break to work on extensive program with polgar. So just thank you all so much for being here. Next speaker is chess Winfield. On deck is Michael Matthew Mccoy. Sorry mayor Watson council members and staff. Thank you for hearing from me today. My name is chess Winfield and I'm from central Austin. I'm here to voice my concerns about the exposed texts or

proposed textile expansion of I-35. And I want to address this expansion as it relates to the city of Austin's legacy in y'all's legacy as the current government. It's been roughly 50 years, half, half a century

[12:04:16 PM]

since the last major work has been done on I-35. And the decisions that were made at that time, they were in response to large changes that were happening, both in population and economic growth. And the decisions that our leaders made at that time was us to expand highways and kind of promote a certain kind of urban development, which we can note, which is called sprawl. Basically this led to the in the end, this really did not help our problems with the growth. It led to more congestion, lack of affordable housing, just because there wasn't this model wasn't able to contain enough housing for everyone. And basically a less unified city. I think today we're at a similar crossroads as you know, we're having similar amounts of population and economic growth, as happened 50 years ago. So we're also living in a changing world. Eid with new challenges of climate change and then also shifts in the

[12:05:18 PM]

economy, doing to the changes in technology and things like that with remote work and different kinds of jobs. And I think that the decisions we make right now , particularly as the city council, are going to really define what Austin's going to look like in the future, because this is a really big project, billions of dollars a massive infrastructure thing that's going to be happening in our city. And I really want you all to think carefully about what kind of legacy expanding this highway is going to leave. It's been shown time and again that highway expansions don't really solve traffic. Often they create actually more traffic Mok they also create pollution. Ann reduce housing and create more pedestrian and auto fatalities. So I don't think that expanding I-35 is the legacy that you all want to leave for our city and for my future. I'm 18 right now, so this highway will probably be around for most of the rest of

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my adult life. I think that you all have a choice right now to vocally or through proposition oppose Texas plan to expand the highway and think about what are better ways we can create the Austin of the future. I don't think that this highway is that expanding I-35 is Wright for the future of our city. I think it's repeating some of the mistakes we've made in the past, and I just urge you all to kind of reflect on what you think Austin should look like in the future and what would be best for me and my generation in the future . I would thank everyone, particularly Leslie. Next speaker is Matthew McCoy on deck? Is Colin walker. Next speaker is clover Chen. Hello

[12:07:21 PM]

after council, I hope everyone is having a good day. My name is clover and I'm a student here at UT Austin. I'm speaking here today because I want to express my concerns and opposition to the expansion of I-35, Texas dot's plan to widen I-35 will have an irreversible negative impact by widening the wound tearing through our city and affecting austinites for generations to come. This expansion will put 107 businesses and residences up for potential displacement, negatively affecting the air quality of Austin and resulting in negative health impacts for everyone living nearby. Rey. And despite all this, it will still fail to provide relief to traffic on I-35. It is evident by the Katy freeway expansion in Houston. Host evening rush hour travel time increased by 55% within three years after expanding to 26 lanes to truly reduce traffic, we must look to reduce car dependency of Austin and provide commuters with other options for methods. Transportation I haven't been

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living in Austin for long, but I have felt the effect of car dependency since I moved to the us in my little town. Getting anywhere always dependent on cars. There were no other options and my freedom was severely limited. I was very happy when I came to Austin. It has a wonderful bus system and is relatively walkable. I very much enjoy the freedom here as a pedestrian, and yet I've also walked across the I-35 bridge on mlk being brushed by oncoming vehicles. Austin is still very hostile to pedestrians in many areas, and I'm still very dependent on my car to explore a large swath of Austin, Ann and personally, I do not wish for a city to continue in this direction, especially with the expansion of I-35. In fact, I'm very lucky to have my car here with me, and that is not a privilege that can be afforded by everyone. Many students here at UT Austin do not own cars because they come from many other corners of the world and

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many other students do not have the financial capabilities to own a car. Rather than expand Singh I-35, it is more sensible for the city to divert attention and funding to providing options to those who do not have these privileges and reduce the car dependency of Austin through increased funding on busses. The light rail project and other forms of transportation. This expansion project will have an impact for generations to come, and many students of our generations want something different. We want the city to oppose this project and take a different direction, one that isn't dominated by highways and cars. Thank you for your attention and hook em. Horns next speaker is Charlotte Lemay . All right. Hello, my name is

[12:10:24 PM]

Charlie Lemay and I'm a phd student at UT Austin. I'm trying my best to live on a graduate student stipend, but it's a lot harder to do that when you have to own a car. Insurance is expensive and gas costs spike unpredictably. This begs the question why do I own a car at all? And my brother in New York does not need one. But in Austin, unlike New York, a car is hard to do without it. We have very few train lines along the routes that people want to travel, and busses are slow and infrequent. Burt. This forces many like me into car ownership, while those unable to drive cars are forced into limited mobility. The people of Austin are not happy with this situation. A survey found that 55% of Austin residents would prefer to be able to get around the city without a car. And who can blame them? Even aside from the cost, driving is dangerous and wasteful. A car crash is one of the most likely ways for an American to die. And a highway full of individual cars all

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moving the same direction. Burns many times more fuel than a bus or train moving. All those same people. A future with less driving is the future that people want, especially me, young people like me. This is why the I-35 expansion project is a step in precisely the wrong direction. What happens when you expand a highway? People's behavior changes. They start taking car trips they otherwise wouldn't. Within a few years, the whole road system becomes even more clogged and overburdened. The data is clear that this is the result of expanding highways. Look no further than the freeway and Katy, Texas. It's time to stop being surprised when expanding highways increases congestion. This is just how it works. Fool me once. Shame on you. Fool me twice. Shame on me, fool me. A few dozen times I should consider a career in the Texas department of transportation. Worst congestion makes life

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worse for all Austin residents, whether they're driving cars or not. An expanding roads simply does not solve this problem. How will we respond when the newly expanded I-35 and the whole road system connected to it is even more clogged than before? Will we expand more roads level more homes and businesses, and pour more asphalt? Will we continue to sacrifice the most valuable parts of our city? The places we live and work and exist in community with each other to continue bloating the roads which have value only insofar as they get us to those places as soon as possible or later someone is going to have to stop the cycle and build a sustainable transportation system like a denser network of trains which do the same. People moving job as a highway without people needing to own cars and in less space with less pollution. I urge you to put your support behind a transportation plan that reflects the values of Austin citizens. Thank you. Thank you. Next speaker is Cecily Montgomery.

[12:13:35 PM]

Hi there. Good afternoon. City council and mayor Watson. My name is Cecily Montgomery and I'm a resident of Austin district nine. And I'm here to talk a little bit about some of my concerns over texts proposed expansion of the I-35 freeway. As many of my fellow speakers have pointed out, the expansion of I-35 would not reduce traffic because of induced demand. But I also want to talk about the fact that even if it were to reduce traffic, it would not expand transportation options for many austinites. And this is because car dependent cities are inherently inaccessible because for many folks, driving is just not an option. In my line of work, I have witnessed how challenging it is for many folks to get around who cannot drive. I work in immigration law and many of my clients are working towards getting legal status in the us. Unfortunately this

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process often takes many years and during this process many folks are not eligible to get driver's licenses. My clients are at risk of not being able to show up to their court court dates or their appointments or not being able to hold down jobs because cause their transportation options are just so limited and irregular for so that's just one example. Also many people who are disabled or have impaired visions for them, driving also is not an option. The main bus route, for example, near my house, I'm honestly pretty lucky I live relatively close. Maybe a half mile walk away from a bus route. That's kind of a main artery of the city. That's a half mile walk up some curvy hills for me as an able bodied person, I can do that. But if you're in a wheelchair, if you are blind, that is going to be a really tough walk to get to that bus route. So the amount of money that texdot wants to pour into

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expanding I-35 could instead be used to drag vertically, increase public transportation, Ann lines. It could be used to, you know, add busses, add trains, add bike lanes, because , as you know, there's no one size fits all solution for transportation. Everybody has different transportation needs. And expanding I-35 freeway only expands options for those who are able to drive. So Austin needs options for folks who cannot drive. And I'm here to ask you all to say no to the I-35 freeway expansion and instead use those funds to provide options for austinites. Thank you so much and have a great rest of your day next speaker is Ariana Tran. Eid. Hello my name is Rhianna Tran. I am a second year student at UT Austin and calling on city council to consider speaking out against 35 expansion. I grew up on the sprawling suburbs of

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Houston and coming from Houston, Austin's urban planning seemed like a dream, but it is a dream that is still a work in progress. In 1960, the holly street power plant was built in a predominantly Latina. East is east Austin neighborhood that I visited for a class last year, which seems unrelated to I-35 until you add that the power plant caused chemical spills, increased cancer rates and noise pollution, and that local government turned a blind eye in favor of the petroleum companies supplying the plant until 2007. This is the same negligent mindset that shaped the city during the redlining and segregationist plan of 1928. And it is the same mindset that drives Texas I-35 expansion today, living a few miles further from I-35 could prevent a child from becoming asthmatic just as a few miles from I-45 could have prevented my abuela from becoming asthmatic. But there is no could have for communities of color. The children and elderly near these highways already have asthma and the damage has already been done . And it is painful to think

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that the existing damage is not enough. Additionally eight of the commercial properties to be displaced by the expansion include Spanish speaking and black owned low income medical providers. Barbershops and emerging preschools. These are businesses essential to the livelihood of the black and brown Austin communities, especially since I-35 already purposefully separates and isolates these neighborhoods from central Austin. It is saddening to see Texas petroleum over people and companies over these communities. In reality, the diverse communities of Austin are the backbone of what makes Austin the city that it is known as now, and the expansion of I-35 would mean the death of these communities and by extension, the death of Austin's spirit. Ridding it of the unique characteristics that once drew people like me towards it. And it is not lost on me that UT's billion dollar endowments from oil and gas companies are the reason that our president, Jay Hartzell, agrees to fund the I-35 expansion Ann while the school fails its working class students with lack of financial aid. I'm tired of the money. The money that should be going into my education, being weaponized against communities of color. I

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do not vote in local elections. So a transportation department can make decisions for this community. And I note that our city council today does not reflect the ideologies that shape the way Austin was built. I once again encourage you to stand with the communities of Austin in the fight against I-35 expansion value the voices of the Austin community to correct decades of injustice and provide a better future for the young dreamers that will see Austin as a place where they can grow and thrive and where local government will truly value its people. Thank you for hearing us out today. Ervin Beltran. Good afternoon, city council and mayor, and thank you for giving me this opportunity to speak on on behalf of our city. My name is Ervin Beltran, born and raised Austin resident of district four. I stand before you today in opposition to the I-35 expansion through our city. Time and time again, highway expansions have shown to be destructive waste of time, money and resources as they worsen

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congestion and further divide our cities. I've never worked for Katy freeway and has only made that city's most memorable trait become its god awful traffic. And I really do not want Austin to fall into that same pipeline. Ann congestion is a symptom of a lack of viable alternatives for commuting. For as long as I've been alive in the city. If you want to go from north Austin to south Austin, if you did not have a car, you were pretty much screwed and as a result, the driving experience has been absolutely miserable as everyone else with a simple desire to is forced to commute through the same artery on a car. It's already depressing enough with I-35's current state and this highway expansion will only worsen it and further drown our city in asphalt. You're in the midst of a housing crisis and any project that demands the destruction of communities to be vehemently opposed. Investing in our city's transit alternatives and walkability is how you truly fight congestion and make our city sustainable for us and the ones who inherit it. The demand for a more walkable city is very real. As more Austin residents have come to vote for project connect than our own mayor and seat, the Texas dot is well aware of this and has completely ignored our rejections at every community outreach they've held, which is why I stand here before

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you to urge you to use the power our voices should have had since the beginning. Thank you, mayor and council, for your time, and I sincerely hope that you act on behalf of your people and not an agency in the pocket of the oil and gas industry. Thank you for your time, Aileen McGuinness. Hi, my name is Dr. Eileen McGuinness. I'm a resident of Austin in district nine and I'm here today as an ally to the young people. We've just heard from who are opposing the I-35 expansion through Austin. I'm also the mom of an eight year old austinite who I dragged here today and his happily reading his dog man comic. So I'm asking you today, I'm asking our city leaders to keep fighting for our kids by opposing the highway expansion. Ann I'm asking you to put kids and teens at the center of our decision making on I-35. Five greater connectivity between east and west Austin

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certainly needs to be part of the future of I-35, but it's not going to address kids right to clean air and respiratory health , as well as their right to a livable climate. But too often we don't really consider kids and teens outside of certain specialized areas like education , but they are also a part of this city's fabric and they are directly impacted by the choices that we are making around transportation infrastructure and energy use. We all know, and this was mentioned before the relationship between proximity to traffic emissions and kids respiratory health. There are over 80 schools and daycares currently on along

the I-35 corridor, including ten ISD campuses. We also know that inequity plays a role in these impacts with children of color in Travis county experiencing more severe asthma, more hospitalizations for asthma at double the rate of white children in Travis county. We also know that there's a mental

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health element to this of adults not acting on climate change. 45% of young people today are experiencing climate anxiety on a daily basis and young adults are feeling betrayed by us for our failure to act with the urgency necessary of a climate crisis and doubling down on carbon infrastructure like a highway is sending the wrong message to our kids. As I understand, there are a lot of political complexities here, sir, but the future of I-35 through Austin is not just a practical or a political matter. It's an ethical one. We need to look closely at ourselves and at our own values as a city whose health and whose future are we investing in by allowing txdot to expand the highway? Are we okay with sacrificing some kids' health for a highway through the center of our city? And that's already happening. That's not even an expanded highway right now. Kids' health is being harmed by I-35 through our city. And what would it look like instead if when

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we're making decisions about our infrastructure and our urban design, we put Austin kids first? Thank you. Thank you. That concludes all the noon speakers. Mayor. Thank you. As you just heard, members, that concludes the noon public education portion of the agenda. We will now go to the live music members when we come back. After a brief recess, it's the intention of the chair to take up the items in the following order. For Fauci five 4084 Shaw sen. 7883 5354. Shaw 5888. And of course we also have the zoning items without objection on the Austin city council will be in recess until 1:00 pm.

[12:33:32 PM]

It's hard to get your set yet. I'm good. Good. Good. Yeah. All right. Ready? All right. Good afternoon, everyone. I am mayor pro tem Paige Ellis and I'm joined by mayor Watson and a handful of my colleagues on the dais, Dan Angel Fears is a singer songwriter, multi-instrumentalist and producer based in Austin, Texas. He grew up belonging to different musical worlds. The Christian and gospel music. His parents raised him on the r&b, soul and hip hop. He listened to it. Friends and family's houses and the classical music he played during his studies at the University of Texas and Yale University. Since his artistic debut in 2020, he's performed at the 2023 South by Southwest Music Festival, was nominated for best r&b at the 2023 Austin Music Awards, earned a 2022 Sonic Guild grant and opened for nationally touring acts like Mac

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Ayres and gone on an international tour with Latin grammy nominee Gina Chavez as part of the American music abroad program. The rules for Daniel fears day make a new friend or call up an old one. Visit a new place, step outside your normal routine Ann and let yourself be surprised. And with that, I get to make this proclamation. Whereas the be it known that whereas the city of Austin, Texas is blessed with many creative musician burns whose talent extends to virtually every musical genre and. Whereas, our music scene thrive Luz because Austin audience support 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, do hereby proclaim June 8th, 2023, as Daniel fierce day in Austin, Texas. Ladies and gentlemen, Daniel fierce. Something about

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you. It moves me. Something about you. Is true. Did we meet in a past life? Did we play in our youth? You became a woman. I became your man. But it's never straightforward. When you make plans, when you make plans. I've been. I've been wondering lately. Would you feel so crazy ? It's hard. Hard to relieve the pain from a million mistakes. But it's not enough to settle the when it's difficult. Don't owe no Aniya. I didn't think I'd stay in a minute. You never. You'll never know Mueller til you Rainey Vicki keep on because we need love. We keep on cause

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we need love. We keep on. We need love. So till we make up and we make up 10:00. And I mean it. Can't believe what you said . But I can't run away to too far with you sharing my bed. I'm feeling disrespected. Can I get a witness? Talk about a ring? But, baby, do we fit this? So do we fit this? Said yeah. I'm fussing and fighting, trying to figure it out. Burt thought about it and ten years with you still be around. I could run in circles. I could run in place. But I'm sitting in the present. Let it clean space to let it clear up space. Oh, I've been. I've been wondering lately. Worship him so crazy. His heart

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hard to relieve the pain from a million mistakes. But it's not enough to settle when it's difficult. Zo oh, no, no, no. Yay! I did. It. Think its day. Alimin to never. You'll never know. We'll love to you Rainey we

keep on cause we need love. We keep on cause we need love. We keep on cause we need love. So can we make up? Can we make up. Oh oh, oh, oh yeah. Oh, oh, oh, oh, yeah. Oh oh, oh,

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oh, oh. Mercy, mercy me, I. Oh oh. Things ain't what they used to be. No, no, no, wait it all the blue sky eyes go poison is a wind that blows from the north and south. Denise but oh, oh, mercy, mercy me. I. Oh oh. Things ain't what they used to be. No, no radius turn underground in in the sky. Animals and burns your evening rey a dying night. Oh mercy. Oh, mercy. Oh see things ain't what they things ain't what they used to be. Way Eid it on the blue

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sky. Eyes going spoiling it. The wind that blows from the north. Alyssa Rainey oh, mercy. Oh, mercy. Oh oh. See, things ain't what they, things ain't what they used to be. No what about this overcrowded that how much more abuse for me can she stand ? No. Pool Tapia

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. Oh oh. Na Na Na Na Na Na Na Na Na Na Na . Na Na Na Na Na Na Na Na Na Na Na Na Na Na. Na. Thank you so much. Thank you. Councilmember oh, councilmember harper-madison. You want to come in? Let's get a picture. Oh, well, first. Where are you going ? Where can we see you? I'm playing tomorrow night at Kerrville folk festival. I'm also playing at Geraldine's on June 20th. Look, a little solo gig, so. Yeah, come through. Definitely great. Yeah. And what's your social media? Oh, yeah. So my social media is fears like my last name. F E a R. S on the internet, fears on the internet. You can find that Facebook, Instagram, YouTube, all of those. So outstanding.

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Thank you so much. Zo thank you .

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1:00 and we were recessed until 1:00. I'm going to call the meeting to order momentarily. So if you want to participate, now would be the time.

[1:02:53 PM]

I'll call the Austin city council back to order. It's 1:02 P.M. The order that will go in this afternoon. Is 45, 40, 84, 78, 83, and then we'll take up the other items depending upon where we are. I'll make a judgment about whether we go to the 2:00 time certain before we take up other items. But the first item the chair calls us up is item number 45. I'll recognize the author of item number 45, councilmember vela. Members, we are going to have of a number of amendments offered Eid the order I intend to go on the amendments or as I received them, the Allison councilmember Allison alter, councilmember Velasquez councilmember Ryan alter and councilmember qadri. So with that, I'll recognize councilmember vela. Thank you, mayor. I'm excited to bring this

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item. It is a broad compatibility reform and I'll just go through it quickly. I did post on the message board describing it in in some detail. And I also we have an explainer that my staff and I want to thank Timothy bray in particular, who put that together and who did all of the heavy lifting really on on this item. It goes through each element of the of the of the item and explains it broadly speaking, it directs staff to reduce the compatibility limit. To 100ft or less as their to be informed by the study that they are currently working on right now it looks at adjusting the setbacks Wright now in particular that 25 foot setback is a big chunk of land and there

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are very strong limitations on what you can put in the setback structure is a word that you can't put in any structures and that means, you know, even a picnic table or, you know, water detention or kind of any structure whatsoever. Again, looking at what we can usefully put in there and we take a number of other measures that were included in the compatibility on corridors proposal that the council passed in December of last year. And apply them citywide. That's the basics of it. Happy to discuss it more and get into the details during this debate. I did want to say that just in general, when I speak to both nonprofit and market rate developers, everybody identifies the compatible Katy rules. Austin's compatibility rules as our number one barrier to housing. We take, you know, 300 unit project. But because of

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compatibility rules, it becomes a, you know, a 220 unit project and 100 unit project becomes a six unit project. And as we kind of just chip away at those individual developments, butts with the compatibility rules, that reduces our supply of housing and ultimately contribute to a tight housing market. This measure aims to bring us in line with other Shaw peer cities so that we have a compatibility rule that is a more reasonable and doesn't kill as much housing as it's currently doing today. Councilmember Vila moves adoption of item number 45. It's seconded by councilmember Velasquez councilmember Allison alter. I'll recognize you. I want to ask you, though, which one would you which you have two proposed amendments. Which one would you prefer to go first? I actually have some questions for staff first, but I motion sherry one was adopted into the base

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motion, so I don't need to move that one. Okay then let's open it up for questions of staff and I'll recognize you. Thank you. So first I have some questions for our housing staff regarding our strategic housing blueprint and the landscape of affordable housing law and policy so that it may require a law department as well. Thank you, Mr. Live. So first, I want to make sure that we are clear on what the landscape is for, how we can obtain income restricted, affordable housing within developments. Very often in this debate we compare our land use rules with other communities, including communities across the nation. As I understand it, across our nation, cities are able to adopt inclusionary zoning policies which allow them to require for affordable units within developments as mandates. But we can't do that in Texas. Can staff speak to that? Is it legal for us to require affordable housing within developments outside of a

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density bonus program? No it is not. State law prohibits that. Thank you. Do other cities outside of Texas have that right ? Or cities outside of Texas allowed to require affordable units as a mandate without needing to set up something like a density bonus program? That is correct. It varies. But yes, outside of Texas, you can do so. Within Texas, it is illegal for us to require affordable units within developments unless they voluntarily participate in something like a density bonus program. Typekit. Thank you. So, Rosie, our strategic housing blueprint includes density bonus programs as a recommendation, and it also lists density bonus programs within the category of what staff call strategies with highest potential impact. Can you please speak to why density bonus programs are included in our strategic housing blueprint ? We have found that density bonus programs have been a good way of getting affordable units across Austin, and it is one of the very few tools that we have available to us in the state of Texas. And they were listed as the highest potential impact. You know why they were listed as

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the highest potential? We have demonstrated success with a number of our density bonus programs. Great. Thank you so the strategic housing blueprint specifically states the revised land development code should implement a consistent density bonus program for imagine Austin activity centers and corridors and goes on to state that any increase in development capacity will be tied to an affordability requirement. Why is that? In our strategic housing blueprint, again, it's a strategy that we have found to be successful in Austin to achieve affordable units. Thank you. And then this is my final question for you. We've been reminded that staff did not recommend the compatibility reforms that council adopted last year. Did staff not recommend those reforms because of the affordability required? Butts I've not meant read any mention of that being staff's reasons in your staff report. There were a excuse me, there were a variety of reasons that we did not recommend, but we did not think that it would achieve the objectives that we were intended to, and that was overly burdensome and complicated. Addition to the land development code that is already quite complicated. Thank you so I'm

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going to just summarize and then if you can just tell me if I have this wrong. So cities and other states are allowed to simply mandate affordable housing requirements without creating voluntary programs like density bonus program, because in Texas we cannot do that. We can only enforce affordable housing requirements if someone voluntarily participates in something like a density bonus program. And in our strategic housing blueprint, staff recommended that there for corridors and centers, we should have a density bonus program where any increase in development capacity will be tied to an affordability requirement. Is that. Yes. Okay. Thank you. So, colleagues, I believe that you've all seen my amendment, which was distributed and posted yesterday. As I stated, I believe we can debate the distances and triggers of compatibility. Katy and I tried to advance that conversation when I co-sponsored with mayor Adler and others on this dais last year's compatibility reforms, which everyone on the dais who is serving then voted to adopt, I believe that item

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made affordability a key requirement of the compatibility relaxation. It recognized that we can increase market rate housing supply while also creating income restricted, affordable housing for our community, housing units that are market alone will never create insufficient supply to meet the need. I'm not someone who believes in trickle down theories which assume that simply trusting in growth and the benevolence of the free market will allow us to achieve our goals. I think our strategic housing blueprint confirms that it lists a myriad of strategies that detail why the market alone? Why increasing development entitlements alone is not enough to advance affordability. If that were true, then we wouldn't need a strategic housing blueprint. If that were true, then we wouldn't need a housing

department. We could simply upzone the entire city in stead, we adopted the city's strategic housing blueprint, our ten year plan to help align resources and facilitate community partnerships around a single strategic vision, including the goal of creating 60,000 affordable housing units for

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those making less than 80% of the median family income and ensure that there is affordable housing throughout the city. The city's strategic housing blueprint states density bonus programs are one of the few tools the city has to create income restricted, affordable units without monetary subsidy density, bonus programs contribute to the geographic dispersion of affordable housing and foster public private collaborations that yield affordable housing without the use of public subsidies. The blueprint specifically calls for the implementation of a consistent density bonus program for imagine Austin corridors and centers, a strategy with the highest potential impact for the creation of affordable housing. The blueprint states. The revised land development code should implement a consistent density bonus program for imagine Austin activities and corridors where larger buildings are deemed acceptable. These centers and corridors allow people to reside, work, shop access services and recreate without traveling far distances . Any increase in development capacity will be tied to an

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affordability requirement. The city should incentivize and provide additional opportunities for housing units with two bedrooms or more particularly in high opportunity areas. The existing density bonus programs have resulted in income restricted, affordable units in high opportunity areas along transit corridors with no subsidy by the city of Austin. And that is a quote from the strategic housing blueprint and while I appreciate my colleague indicating that he agrees, a market based approach alone is insufficient, I'm offering my amendment because I don't believe the alternative motion offered by my colleague, council member Ryan alter, will work if we immediately direct the staff to significantly increase entitlements and only after doing so, offer a bonus on a further relaxation. I think it fundamentally undermines how bonuses are intended to work. I'm unaware of any density bonus that was created in this way. First, offering more development rights without requiring anything, and then saying we will give you even more development rights, whatever for little less. We have to grant if you contribute to our affordable housing goals, when you already

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reduce compatibility to 100ft or even possibly 75 or 50ft of distance, there's very little left to give. And I have a hard time believing that after a developer has had so much given to them for free that they would take part in what would be at that point an extremely marginal additional gain in exchange for

offering income restricted, affordable units. And with that, I would like to move passage of my motion sheet. Number two members, you've heard the motion by councilmember Allison alter. It is to approve of the proposed amendment that is labeled in the upper right hand corner. The motion sheet number two. It is seconded by council member Kelly discussion council member vela can I ask housing department a couple of questions right quick . Thinking back to December of 22, which I believe that's when we passed the compatible on corridors. My understanding from conversations with and I'm

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sorry, let me step back just a second, we also passed the residential in commercial bone program density bonus program at that same time. Is that correct? I believe it was the same meeting, yes, it was my that was my amend, my motion, my item in speaking with staff, they told me that that no one has applied for the compatibility on corridors bonus program. Is that correct? As of this year, we have no applications for compatibility on corridors, correct. And what about the residential and commercial for this year? We have six colleagues. I completely understand the goal of density bonus programs where we want to provide affordable housing, subsidized housing, along with market rate developments. But ultimately, and this is a conversation that we've had on this dais many times, they have to be calibrated approach

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lately. The fact that we launched this program six months ago at the same time as residential and commercial, and that we have at this point zero applications for the program tells me that compatibility and corridors was not properly calibrated and is doing absolutely nothing to provide subsidized housing, affordable housing in Austin. So I don't think that duplicating that same approach is going to be any more effective than the than the prior attempt on the other hand, and again, compatibility is not a base zoning compatibility is separate and apart from zoning. The successful programs, affordability programs that we have, we tie to the base zoning , residential and commercial is a great example. Vmu is a great example. Affordability unlocked is a great example that we have good density bonus programs, but tying them to compatibility. First of all, I'm not aware of any community in the nation that has done that successfully. And second of all, in our first

[1:17:10 PM]

attempt at it, we have not generated any affordable housing. So again, this is not a workable approach. The staff did not recommend this approach because of its complexity and because of its minimal impact and staff was Wright. So I would urge you all to vote this amendment down. I know councilmember Ryan alter has. We are going to incorporate and we do want to incorporate a bonus program, for a

compatibility waiver. But before that we need to get to a reasonable compatibility limit and then bonus it further, further. I don't think that's just a contingent compatibility bonus program is going to work. Further discussion. Councilmember Kelly. Thank you. Actually, miss truelove, I'm sorry. So councilmember vela mentioned in one of the programs there were zebra applicants, and I think I missed how long that timeline was for that they this year, this calendar year for one year. Yeah. Both residential and commercial and compatibility on

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corridors were passed in December of last year so it's only been since they've been passed. Okay so then I guess my next question is, in your opinion or professionally, would you say that a year or timeline for a program such as this is long enough to establish whether or not it's effective? I think after I think when a program's been in effect for a year or have we have enough data that we can go back and look and see what when it was used and really when it wasn't used and try to gain some insight from that. That's how we would look at assessing our density bonus programs kind of by and large is taking. And that's what I would like to do, is to take an annual look back. And so while you had zero applicants, was there anyone who showed any interest whatsoever and maybe just didn't apply? Are you aware of that? I don't know that I could answer that question. Ann okay. Based on the data that we have. Okay. Thank you. That's all. I had an is there any further discussion ? I will recognize councilmember Allison alter to close on the amendment, but I want to make sure I don't cut anybody off so

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I just want to underscore that it has not been a year. It hasn't even been six months since it was the ordinance was published. So and we've really done nothing to promote it. Is that your close? I think I've made my case. Okay, fair enough . There being no further discussion on the motion to amend by councilmember alter, it's been moved and seconded. All those in favor indicate by raising your hand all those opposed. Raise your hand, councilmember harper-madison, you're joining us virtually. Let me record your vote. If you don't mind. Yeah, I'm opposed to this item, but I think you need me to be. You need me to be visible to make my vote. So if you wouldn't mind giving me just a moment.

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I'm going to call the motion. And there you are. Yeah. And she votes. I'm opposed to the amendment voting no. There being three yeas and seven nays, the motion to amend fails members that will take us to the next proposed amendment, and that is by council member Velasquez. I will recognize councilmember Velasquez on the motion to amend item number 45. Thank you, Mr. Mayor. I want to thank council vela for bringing this item forward. My item direct city staff to simply assess the feasibility

of creating an avenue for property owners to waive compatibility standards that normally trigger setbacks and height restrictions. Just last week, a postponed zoning case in district three was requesting was requesting down zoning to sf three that would essentially restrict the adjacent property owners ability to build a residential complex. This property owner expresses willingness to waive compatibility if the avenue

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existed and I just believe we need to explore every option. We have to make sure that compatibility isn't needlessly restricting our city's much needed housing stock. Councilmember Velasquez moves adoption of the Velasquez motion to amend it seconded by councilmember vela Driskill Ann on the proposed amendment. Councilmember vela I think it's a great amendment. You know, compatibility. Some people will want it, some people don't in particular situations where we have a single family home that really does not mind having a large building next to them or a handful of single family homes that don't mind having the large building next to them and they want to waive it. I don't see why we wouldn't allow that to happen again when everybody has agreed. Let's go ahead and let them all move forward. And I think this is a great addition. Councilmember mayor pro tem want to appreciate the sponsor bringing this amendment. I think this is just a really creative solution. We've had folks come

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and speak to us commonly saying I love my neighborhood so much. I want more people to get to enjoy it. I think we have great schools. We have great retail spaces. We really want to embrace folks who want to come live closer to us. And so I think that's a really creative solution and hope staff can can take it and run with it. Councilmember Velasquez unless some unless somebody else wants to speak, let me check. Okay councilmember Velasquez, I'll recognize you to close. That's all I had, Mr. Mayor. That's a good speech. Is there any objection to the motion to amend by Velasquez? I object. All right. Is there any other objection? Ann councilmember harper-madison? Yes the motion passes with one. No and one person. Councilmember pool off the diocese has been indicated before and so and councilmember Kelly has shown voting no. So motion to amend Eid by councilmember Velasquez is adopted that will take us to the

[1:23:28 PM]

next proposed motion to amend. The chair recognizes councilmember Ryan alter on his proposed motion to amend. Thank you very much. This amendment allows us to make an informed decision that will maximize our housing affordability goals. A compatibility dramatically impacts our ability to build housing, including both subsidized and naturally affordable housing. My amendment makes two

changes. First, rather than picking an arbitrary compatibility standard that will apply by Wright, I think it's important that we have this decision. Be informed by data. This change would instruct the manager to lower our compatibility standards to be in line with peer cities while also informing this decision based on an actual study that is informed itself by data. Secondly, to maximize our affordability goals, this amendment asks the manager to further consider a two tiered approach. Once again informed by data with the second tier being an additional

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compatible reduction for something like a new potential compatibility reduction density bonus or existing bonuses like we have with vmu. I know picking a number today feels good. It certainly fits a lot better on a tweet than we instructed the manager to go study this item and figure out what the best number is. But I think this critical decision needs to be based on detailed analysis by staff so that we can make an informed decision and choose the Wright limits. And that might be 50ft. It might be 75ft. It I view that to be very critical. And so I think by doing so and exploring this two tier approach, we are able to maximize our affordability goals . Councilmember Ryan alter moves adoption of alter proposed amendment number one to item number 45. Is there a second

[1:25:31 PM]

seconded by councilmember Vella? Discussion councilmember Vella I think it's a good amendment. Both from the, you know, the first change to just look at our peer cities. I think staff has done an excellent job on this item starting from when we had this discussion with vmu two and it came up about how much compatibility and you all had an excellent presentation with the mapping showing exactly what the effects are. The, the work that you did on the compatibility on corridors was excellent. And I'm looking forward to further study. I'm happy to put this in staff's hands. Let them take a detailed look at it and get back to us with a good number. And I think that the further, you know, saying that let's get a good buy Wright number, but let's go ahead and incentivize our density bonus programs even more Shaw by waiving or reducing compat ability for proje acts that have have density bonuses

[1:26:32 PM]

that are participating in some kind of density bonus program. I think we're essentially supercharging those projects and that will help us get more of the subsidized housing that we need. So I think this is a good amendment. I support it. Any other discussion? Yes councilmember Fuentes, thank you . And thank you, councilmember Ryan alter, for bringing this forward and to build off of councilmember vela's remarks. City manager wanted to flag for you. As part of our work session on Tuesday, we discussed the review of our density bonus programs as part of the work that is needed, and I want to thank council for

keeping my affordability unlocked. Expansion item on consent was very happy and pleased to see that move forward earlier this morning. I think councilmember, what you outlined in having us review our compatibility standards as part of the density bonus programs and having that calibration also included would be an excellent project to include with our with with

[1:27:34 PM]

outside help as well. Any further discussion? Councilmember Allison alter so I just want to appreciate that this amendment does recognize that the market alone is not going to provide the affordable housing. Any further discussion ? Ann chair recognizes councilmember Ryan alter to close on his proposed amendment . I just want to thank councilmember vela for working with me on this and I look forward to seeing what staff has to say and can't wait to revisit this when the time comes. Councilmember Micheli is voting no. That's correct. Is there any other objection to the proposed amendment? Mayor not an objection, just a point of clarification. Sure. I'm sorry, mayor pro tem, councilmember qadri had an amendment to this. If I'm understanding that we're talking, you know, your sheet so I just wanted to make sure we didn't. You are exactly right. And I really appreciate your calling that to my attention.

[1:28:35 PM]

Fair enough. Hold your objection. Councilmember Kelly. Okay. I'll give you a second shot at it. Thank you. I appreciate your consideration. Here it's really tough. The chair does recognize and I apologize. Councilmember qadri chair recognizes councilmember qadri on a motion to amend the amendment by Ryan alter Wright well, I appreciate mayor pro tem for catching that and the mayor. I don't envy your job. So it is it is okay that you might have missed that, but I have passed out our amendment to councilmember Ryan alters amendment. I appreciate the addition from councilmember alter to include a density bonuses in the conversation. I think it's important to remember that with every addition to development entitlements for additional units, affordable units are increased proportionally. We've seen this with the success of affordable Katy unlocked and if we know what works, I think we should go from there. So I offer my amendment to councilmember Ryan alters amendment members

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councilmember qadri moves to amend Eid councilmember Ryan alters amendment to item number 45. Is there a second? Second by the mayor pro tem is there any discussion on this item? Councilmember Ryan alter I want to thank councilmember qadri for this. I appreciate where it's coming from and I share the zeal and eagerness to do as much as we can on this. The one reason why I will be voting no is because, as I mentioned on my amendment, I think these decisions should be fully informed by the data

that we get from staff. I think if staff comes back and says that at 50ft, you know, 95% of these properties, whether density bonus or not, are no longer impacted by compatibility. Katy I think that that informs how we make a decision. And so by

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striking, reducing and just allowing for elimination, we're not able to properly calibrate and look at what the impacts are at different levels. So I, I fully appreciate where you're coming from. I just think we should have as much information in front of us when we ultimately make the decision and get the recommendations from staff. Councilmember Vila, I completely understand where councilmember Ryan alter is coming from. That said, are two most successful affordability programs and police staff. Correct me if I'm wrong, but affordability unlocked and the university neighborhood overlay both waive compatibility in their entirety and so I think, again, the experience of the city over these past ten years has kind of pointed us in the in the right direction. And Eid if we want to generate affordable housing, both market rate housing and affordable housing through a bonus program, I think we've got to go Wright after compatibility. I do think that there's kind of a binary choice

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there of, you know, do we want compatibility or do we want affordability? So I support the amendment. I think it's a good amendment. Any further discussion? Mayor pro tem yeah, I appreciate councilmember qadri bringing this forward and I'm comfortable with it, mostly because it says consider eliminating and I just appreciate it sets that we're open to considering the elimination of them, even though it doesn't tie staff really hard into that number. So I'll be supporting this amendment that I seconded. Is there any further discussion? Yes, I have a question for staff just to make sure that would be staff's interpretation. Should this amendment pass, that they would consider the elimination, but would also consider other we would consider the elimination Ann if it if it didn't affect and if it does affect it would it means. Okay, so it's not mandating us to do it just asking us to consider it. That's part of the study. Okay. Can did I get that right, Rosie? That

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would be what I you can correct me if I'm wrong. Please. No no. We would we would look at it and see what effect it had and make a determination. Let me. No, no. Councilmember Ryan alter so just to clarify, though, as it's originally written, the question was to have you consider eliminate or reduce the compatibility Katy that's not the whole clause. There it's to do it for projects in a new or existing density bonus program. And so if you consider the elimination and say, you know what, it really should have been a reduction, not an elimination , are you authorized to do that here by if we remove and are

explicitly telling you that a reduction is not on the table because we're scratching it out ? And the smart lawyer next to me and she's going to tell me things because it's not the consideration of the elimination. It's considered elimination for the programs tirz link with the law department. I understood councilmember qadri motion to remove or eliminating. So it

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would be just consider reducing . No opposite. It's the opposite . Okay it would read consider instead of consider. The way it currently reads is consider reduced or eliminating. He would remove reducing or so that it would read consider eliminating . So okay. It's removing this. No, it's keeping that. It's removing the reduction. So to be clear, it would read in order to maximize affordable Katy consider eliminating compatibility limits. Yes. Okay yes. That would allow staff to consider that. But would they be allowed to consider a reduction that's not an elimination. I think if they consider eliminating it, they would consider what the reduction would look like just as a natural consequence of considering elimination. Okay well, and to my colleagues, I would ask if you are comfortable with this because they are also

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able to consider reduction Ann, then why not leave that language in here, given that that's what we're asking and giving them the latitude to do? So if you're solely saying this is okay because they're going to consider that anyways and you want them to consider that anyways, then we should leave that language in and not scratch it here. But that's any further, any further discussion before I call on councilmember qadri to close on his motion to amend the amendment. Councilmember qadri, you're recognized. Yeah I appreciate it. Mayor yeah, I mean, I just want to add, you know, I think we've provided a threshold in the original resolution based on peer city data, and I really do want to keep that as much as possible. So I motion to you. I don't know. You've already we've got we've got a motion to amend the amendment. Members the vote will be on the motion made by

[1:35:41 PM]

councilmember qadri to amend and the Ryan alter amendment to item number 45. All those in favor raise your hand. Council councilmember harper-madison, are you councilmember harper-madison? Do you vote for me? I do, yes. Thank you. All those opposed Eid. The vote being 5 to 5 with one person. Ann off the dias. The motion to amend the amendment fails. Members that will take us back to the I'm sorry, councilmember qadri. If I can. Mayor would it be possible to move to divide the question and councilmember alter's amendment one Ann to take the two sections of this of his amendment separately? Would that be possible? Well I suppose it would be. Do you have anything to show anybody? No, I

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don't. I'm just. I'm bringing that forward. What would be your proposed amendment that we will that we vote on his first part, I move to amend item 45, version two by replacing that would not no, that would not be a proper motion. Now, I understand what you're asking. Okay. Yeah I'm sorry, but that would not be. We have to. We need to vote on the amendment. The vote members is on the Ryan alter proposed amendment to item number 45. All those in favor. Is there objection? And I object. Yes. Other than councilmember Kelly, is there any objection? Hearing none. The motion is adopted. The Ryan alter amendment is adopted . Members. That takes us to what I believe is the last amendment. It was just handed out to you and the chair recognizes councilmember Allison alter on what has been labeled sheet number three. Thank you. I would

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like to ask Trish some questions , if I could please. Flink so this item states that we are in a housing crisis. Can you clarify with this item? Relax compatibility, even for something that was exclusively a parking garage. Let me let me pull up the language real fast. So the way that the resolution is drafted, the direction to the manager would be to Trejo compatible. So a development has to comply with compatibility standards. If they have a non residential use. So if it's just a single residential use I'm sorry, commercial use. Let me start over. Apparently I had too much coffee this this morning. Take your time. If the development includes non residential uses, they would be subject to compatibility. So

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that would be a mixed use or a solid non. Just one use. Maybe an office building or a parking garage. That would be required to comply with compatibility. I thought it said if there was a non residential use. So if it's an office building, it would have to comply with compatibility requirements. If it is something that is not residential. So if it's just a if it was just a parking lot. Yes, it would have. If it was a vertical parking lot, then yes, it would have to comply with compatible Katy. Okay, let me just see something. But it would be subject to the relaxation of compact ability. So I'm asking if, like you relax compatibility down to 50ft, then I could build now build a parking garage 50ft from something else. Correct Wright yes. So this change would

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then mean that you could have a parking storage within the 50ft if that was the level that was landed on? Correct Wright and what about a storage facility on a transit corridor? I believe that would fall into the same. Okay. So a project that creates no housing whatsoever on a transit corridor and creates self storage or a parking garage and a corridor would have relaxed compatibility, correct? This would relax it citywide. Okay so. So colleagues, I am I'm concerned. When we did the compatibility, relaxation before, it didn't apply to commercial properties because the goal was to incentivize the housing Singh so if this is about making more market rate housing without requiring any affordable units, this doesn't even focus on that. It would allow all this relaxation. If a developer chooses to build a parking garage like the parking garage at burns road, it would allow this relaxation Ann if

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someone built a self storage building Singh on the Micah this item relaxes compatibility, even if it creates zero market rate units. So therefore I am motioning in my motion sheet. Number three, which removes line three C and amends the end of the be it resolved clause that begins on line 41 to add language that reads the amendments initiated in this resolution should not change existing compatibility standards applicable to a development that includes only commercial uses and the compatibility standards . In effect, on the day this resolution is adopted should be carried forward. Members councilmember Allison alter moves adoption of an amendment to item number 45. As indicated on her motion sheet. Number three is there a second seconded by council member Kelly? Is there discussion council member Vella one of the recurring themes and problems in Austin with our land development code

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is its complexity. Ann and I think this is another example of just we need simple, straightforward rules and not kind of these, you know, exception after exception Ann and conditional overlay after conditional overlay, which makes it very complicated and difficult to figure out exactly what is going on within the code . I would also would this apply to, for example, the relaxation burns in terms of right now civic uses trigger the compatibility. A lot of like there was one of the speakers mentioned the camp Mabry triggers compatibility are we also saying that those uses are still going to cast compatibility on commercial buildings, on hospitals, on whatever other type of building, fire stations, you know, again, whatever use that that that we decide to put in a particular location. I guess I would ask

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that of staff in other words, are we saying is this going to gut all compatibility relief including those Luz where we're identifying those kind of discreet, more discreet changes? Not necessarily the compatibility

line per se, but also the smaller, more discreet changes. So if I want to make sure I understand your question, are you asking if a civic use like a hospital or camp? Mabry would trigger compatible? Would be required to comply with compatibility or require someone else to comply with compatibility in other words, if this amendment adds, then the limits on triggering compatibility that are in the resolution would would they not apply to any other structure as well? You know what I'm saying? Like, in other words, I understand that that the kind of the line again, whatever line we

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draw, 100ft or 75ft, whatever the case may be. But in terms of, you know, a church that is zoned, sf three would still trigger a compatibility for the office across the street from it. Under this amendment. So under this amendment, the focus is, is commercial uses. So if there is a commercial use, it would be required to comply with the current compatible city standards. Okay yeah, that's what I wanted to know. In other words, yes, the camp Mabry would still trigger compatible Katy for purposes of commercial. You know, a civic use or an empty lot zoned sf three would still trigger compatibility for areas around it. That is correct, except that under your resolution you have redefined triggering property to be residential units and it has to be a single family or rey zoning

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. So you have redefined and what triggering property is. So if we want to keep triggering property the same to apply to the commercial uses, then you are correct. If triggering property is redefined across the board, we would not it would not be triggered. The Singh the church and sf two would not trigger. Thank you again. We need to simplify our code. We don't need to make it more complex. I think this adds more complex city difficulty to an already very difficult and onerous code. Now we're going to have a whole, you know, in addition to the compatibility on corridors and all that. And now we're going to have, you know, going up to what, eight, nine different versions of compatibility. You know, we need to simplify it. I would I'm going to vote against it. I think let's keep things as simple and as straightforward as possible. Knell mayor pro tem, I just had a quick question. It says on number one, to remove

[1:45:58 PM]

line three C and I didn't see a3c, so I thought maybe it was three B that talks about non residential. I just wanted to make sure that was what I was seeing. Or am I? It is. You are correct. It is three B under version two, it would be three C under version one. Gotcha okay. Thank you. Yeah so my motion may need to be updated for version. Two on that. If there was a desire we could easily amend mine to, to have the triggering properties defined in the same way for all properties because that would be easy to do and that is a conversation you and I had before when we did the other that we should revisit that and

I don't have a problem with the triggering properties redefinition Ann, but I don't know that that would satisfy you. Mr. Vila but if others would prefer that, we could certainly do that. I share that desire for that piece of it. The elements that there are elements of this

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that follow the work that we did on compatibility on corridors where we had said, we're going to try this and see how it works and see how it lands, that I would be okay with. But and we can certainly keep that definition of the triggering properties for it and just change the other portion. Councilmember Vila, I appreciate that and I would support that change. As you noted, I'm still going to vote against it, but I think that makes it a better amendment and I think a little bit clearer in its application. Councilmember Ryan alter, I have a question for Trish and I'm sorry if I'm just didn't understand what you were saying before is does this amendment have any impact on the triggering property itself or is it just what can be built once compatibility is triggered? So for instance, single family residence is the triggering property. Is this saying that that you a if it's purely commercial, it still needs to have the compatible city rules in place. But if it's some form

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of residential pl, then it doesn't. So the motion Ann councilmember Allison tirz motion would allow for would allow for the rules that are in place today that apply to a commercial use when you are required as a commercial use to comply with compatibility that would be carried forward. The motion or the amendment that councilmember alter mentioned would modify it slightly so that we would not have necessarily the exact same triggering property definition. Ann so there's the commercial use piece. Is the property that has to comply with compatibility. Fauci and that is what she is asking to have carried over. Got it. So so the end result though is that we would only have limitations on purely commercial buildings as it is, commercial uses, commercial uses right? So

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it would be the 540ft that would apply today. Got it. Further discussion. And then I'm going to ask a question here before Shaw we take an amendment to the amendment, which I think would require us to probably table this until a time certain so that we could get it drafted where people would know precisely what it is they're voting on. But I would ask is for some discussion to tell us whether or not that's going to change the outcome of the vote on this amendment, because I don't want to delay this. If the amendment still would fail. So somebody let me know if changing or amending this amendment so that the triggering is the same, would change their vote. I'll ask that as part of discussion. All right, councilmember Allison alter, are you okay not amending

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the amendment. I don't know where people's votes are at, but we can certainly change that afterwards if it were to prevail. Right. But if it's not going to change anybody's vote, it's going to happen. Whatever. So mayor pro tem does volunteer for the sake of time here. I'm inclined to support councilmember Vella on this, just given that his original article and his profession on the planning commission, I'm going to I'm going to just put that out there. Councilmember Allison alter, I'll recognize you to close on your motion to amend item number 45. You know, I guess I think we have to think about the nuance and understand the goal of simplicity here. But I think there are a lot of unintended consequences that will follow, such as the storage facilities and the parking garage changes that will be built very close to people's homes. And I just we don't want

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to be encouraging more of those. We want to be encouraging housing. And most importantly, we want to be encouraging housing on the corridor. I think that this would also help us with the residential and commercial project that we have that would encourage more use of that. With that being said, we'll call the question on. Councilmember Allison alter motion to amend item number 45. All those in favor indicate by raising your hand. Councilmember Allison alter, councilmember Ryan alter and the mayor are shown voting. I all those opposed. Raise your hand. Councilmember Kelly. Councilmember Fuentes. Councilmember qadri. Councilmember vela Velasquez and harper-madison Ann are shown voting no, so the motion to amend fails. Members this takes us back to the main motion as amended. All I'll let I'll

[1:52:13 PM]

recognize councilmember vela to close briefly move passage. That's well said. Councilmember Kelly. Thank you. I just want to say that I'm very concerned about unintended consequences that might arise out of moving forward with this resolution. I understand the intention behind it and I appreciate the sponsor bringing it forward. But there are a lot of unknowns here and as you've seen, I voted no on a lot of amendments. Yes, I will be voting no on this item. Thank you. Councilmember qadri. Yes, mayor, I would like Mok to be shown as a co sponsor for this item. Yeah. Councilmember mayor pro tem. Thanks. I appreciated the dialog that we were able to have here on on these topics. I'll reiterate what I had said in work session, which is that I'm very well aware that not every type of policy is going to work in all parts of town. And I want to make sure that as someone who represents a district that's largely west of mopac, that whatever we land on does incentivize, incentivize more housing and more affordable

[1:53:13 PM]

housing in district day. Because I think, you know, we're usually second to last on the list of aiming high on that blueprint. I don't want to make sure that the communities west of mopac are absolutely stepping up with affordable housing and doing our part to make live work play happen. Thank you. Any further discussion? All those in favor of the motion to adopt item number 45 as amended raise your hand. Councilmember Ryan alter councilmember Velasquez. Yes. Councilmember vela. Mayor councilmember qadri. Councilmember Fuentes. And the mayor pro tem. And councilmember harper-madison are shown voting. I all those opposed say no. Councilmember Kelly and councilmember Allison alter are shown voting no. The motion passes on item number 45 as amended. All right, members. What? I want to take something out of order. I said 45, 40, 84, 78 and 83. But it's come to my attention that there was a mistake in the draft ING of item

[1:54:18 PM]

number 46. And so I'll move that we being on the prevailing side of the vote on item number 46, I move that we reconsider item number 46 and it seconded by councilmember Bella. Members, you've been handed out a document that's changes lines 19 and 20 so that it would read the way it currently reads is by 19 says by implementing a comprehensive approach that includes the mandatory micro shipping all pets, thereby enhancing successful pet ownership. The change would say by implementing a comprehensive approach that includes the goal of microchipping all local pets, thereby enhancing successful pet ownership. The purpose of this is that a lot of vulnerable populations aren't able to do this, and in fact, it's felt by experts that if you made it

[1:55:19 PM]

mandatory, it actually might work. Counterintuitive tively and have less microchipping. So zo the motion to reconsider order is I've given you an explanation. Ann is there and the vote we're getting ready to take is on a motion to reconsider. Shaw is there any more discussion on on the motion to reconsider? Councilmember vela, this is was agreed to. Language was just a little a drafting error and we're fixing it. And I share again this is not to get penalties or punishment or anything like that this is with the goal of encouraging and really pushing the microchip ING of animals again so we can get the lost animals back to their homes. So the vote will be on the motion to reconsider. Is there any objection to the motion to reconsider without objection, the motion to reconsider is adopted. Now I move that we amend Eid item number 46. As

[1:56:20 PM]

I've read into the record and the sheet that's been handed out to you, it's seconded by council member Kelly. Is there any discussion on the motion to amend? Hearing none there being no objection. The motion to amend is adopted. That will take us back to item number 46 as amended, councilmember Bella moves to adopt item number 46 as amended. Is there a second second by councilmember Ryan alter? Is there any objection to the adoption of item number 46 as it's been reconsidered and amended without objection. Item number 46 is adopted as amended. Thank you. Thank you, mayor, for the schiera by that will take us now to item number Shaw. Hang on a second. Members tirz if there's no objection, it's 157. What I would suggest we do is we should have debated that

[1:57:21 PM]

microchipping thing a little longer. What I suggest we do is recess because if we start any of these other items, we're going to delay the zoning items and anybody that might be here to give testimony. So without objection, we are recessed until 2:00 pm.

[2:02:26 PM]

I'll call back to order the Austin city council. It's 2:02 P.M. We have a quorum present. Members what? We're going to do is go to our 2:00 time certain with regard to zoning and neighborhood planning, and I'll recognize staff. We've got six if you're if you're standing there counting, I've got six. But I appreciate your effort. She wasn't going to talk until she counted to six oh mayor and council joy harden with the planning department. Your zoning agenda begins with item number 60, npa 2022 0021.02. There's a staff request to your July 20th council meeting. Item 61 is C one for 2020 0143. There's an applicant postponement request to your July 20th council meeting. Item 62 is C one for 2022 0049. This item has been withdrawn by the owner and no

[2:03:28 PM]

action is required. Item 63 is C one for 2023 0002. This item is being offered for consent on all three readings. Item 60 4c1 for 2022 0156. This item is being offered for consent on all three readings. Item 65 is C one for 2022 0175. This item is being offered for consent on all three readings. Item 66 is C one for 2022 0102. There is a neighborhood postponement request to your July 20th council meeting. The applicant is opposed but will not contest that. So I am able to offer this item for a neighborhood postponement on consent for July 20th. Item 67 2c1 for 2020 0164. This item is being offered for consent on all three readings, and that is for the rezoning of ksmu. C O N P. Item 68 is a.

[2:04:31 PM]

2022 00090.01. This item is being offered for consent. Second and third readings. The related rezoning is item 60 9c1 for 2022 0149. Again offered for consent. Second and third readings. Item 70 is NPR 2022 0014.05. This will be a discussion item. The related rezonings are item 71 and 72. 71 is c1 for 2022 0148 and item 72 is c1 for 2022 0146. Again, all three of these items are related and they're offered for discussion because staff does have opposition to this request . And then moving on to your agenda items, I just want to say mayor and council all of the following items were discussed at your last council meeting and it was stated publicly that these items would be returned on for this agenda. So item number 90 is c1 for 2022 0133. There is

[2:05:33 PM]

a valid petition, more signatures were added, so the valid petition is over 65% and there are definitely a number of speakers signed in to speak to this. I am offering this for consent. Second and third readings because the discussion happened last week. But of course I'll defer to the council. Item 91 is c1 for 2022 0205 and I O this item is offered for consent. Second and third read things with this motion to read amend the draft ordinance as follows. As part for a be the maximum height of the building or structure is 230ft X accepting the 50ft parallel to the measured from east 16th street frontage where the maximum height of the building or structure is 40ft. And with that I can offer this item for consent. Second and third readings item 92 is 2022 001602. And the related rezoning

[2:06:34 PM]

is item 93 c1 for 2022 0121. And again, mayor and council, there are a number of speakers on this item. This was discussed last week. I'm offering it for consent second or third, but of course I'll defer to the council and that concludes your zoning agenda. Can you do me a favor and go back and remind which ones other than 90 or require a supermajority that would be the only one. Okay, good. Then I didn't miss anything. Members please note that on item number 90, which is being offered on consent, that requires at least nine votes. Members are there any questions of staff? What I'm going to do is have comment. You've heard what the consent agenda is. I will have comment and then I will ask for, as as I

[2:07:35 PM]

typically do, whether anybody wants to pull something else off, want or recuse or abstain or vote no on the consent agenda. Councilmember Allison alter I just wanted to flag that. I already know that I want to pull for discussion. The board in case of 92 and 93. Okay I'm sorry. Say that. So you're going to pull 92

and 92. 93. All right. Very good. We will now go to. We'll go to our speakers since. Items 70 and 71 and 72 are being offered on consent and require a public hearing without objection, we'll open the public hearing on items 70, 71 and 72. Madam clerk, I'll look to you to

[2:08:36 PM]

begin the process of calling testimony on the consent agenda . The first speaker is Anna Aguirre, speaking on 70, 71, 92, and 93. Good afternoon, mayor. I have a quick question. If I'm speaking on all of these items, how much time do I have to speak if I'm also speaking on items 92 and 93, you have two minutes. Two minutes? Yes okay, great. Thank you and good afternoon, mayor and council members. My name is Anna Aguirre and I'm a resident. I'm the immediate past chair of the southeast neighborhood plan contact team and president of the Austin neighborhoods council. I am speaking on item 70, 71 and 72. The contact team voted in support of this project and appreciated the applicant and owner agreeing to our conditions , which include a provision for much needed affordable housing and responding to our community's environmental concerns. We look forward to a

[2:09:38 PM]

continued working relationship on this project as an interested party during the site plan review process. In regards to items 9293, I'm the neighborhood groups have continued to raise environmental concerns that have not been addressed. These concerns are also public safety concerns. They are discrepancies regarding equitable treatment on the development of large projects depending on their location. East versus west Austin. The waterfront overlay protects only certain parts of the waterfront. These rules do not apply to the board contract as it was carved out under the ordinance decades ago. I ask the council to expand the waterfront overlay and protect the entire waterfront proper properties within our jurisdiction and ensure communities of color are included in afforded the same environmental protections as other communities. Additionally, properties listed by 35 have the south central waterfront vision plan and the south central waterfront advisory board. This process has allowed projects within these properties to be reviewed by the parks and recreation board, environmental

[2:10:40 PM]

commission and of course the south central waterfront advisory board to ensure improved quality of life elements. Those of us in the eastern crescent have not been provided these same equitable opportunities and we ask the council to ensure equitable environmental protections to a long, long time, a marginalized community again. Ann. There's a clear and demonstrated discrepancy on how the eastern crescent properties and communities of color are being treated, compared to west Austin. All Austin residents, including those of us in the eastern crescent, deserve to be treated better than this.

This is just so unjust. Thank you for your time and consideration and service to our community. Thank you. Next speaker is Jim trucks speaking on 71. Good afternoon and thank you for the opportunity to be part of the discussion of safety in Austin and the support of the use of Alpers before coming to the capital of Texas ten years ago, I had the opportunity to live

[2:11:41 PM]

overseas in capital cities of China, Korea and Germany. And these cities have populations 10 to 20 times that of Austin, yet they're very civil and safe places to drive and walk through the use of cameras to provide police presence without the added manpower. In the last few years, Austin has become an increasingly dangerous place. More people, less police presence, driving habits, especially, are continually becoming more aggressive. I've been driving for over 40 years now. I've never experienced so many incidents of people driving Wright through red lights. Safety needs to be the number one priority in Austin for society to function. It demands it. So I ask that Austin be in a high tech city, pursue the solution of using apr tizr in their full force to help the police watch traffic, especially here in Austin. Thank you. Dustin. Venus speaking on 89 and 90. Hi can you let me know when

[2:12:46 PM]

my slides are shown? Sure. Please begin. Okay so the first slide here, I'm just pointing out I'm speaking on ten 701 delta road outside of 90. You can see from the image we got single family homes essentially all around. You all are aware the north is single family home, but it is a zoning. It looks like it's actually a church. Next slide, please. I'm specifically here today just to speak on on our conversations with the developer and their proposed 25 foot setback off the line, which is shown in green. I feel this is terribly unreasonable. Also, I don't believe I was reading your compatibility requirements that you set forth in January. If those are still the latest. Basically they asked for an mf4 to build the maximum above 40 foot height with the mff above the MD three designation. And if I'm understanding the ordinance from January correctly by

[2:13:46 PM]

approving this for rezoning will allow for 35 foot tall or less to be built with only a 25 foot setback. But again, they were asking for an mff for to build higher than that. So I'm a little confused about how why they're asking. Additionally yeah I'm I'm really asking that if you do approve then you put a overlay in line with your ordinance. 2022 1201 056 25 2769.04 section F, item four really what I'm showing in red. I'm asking for you guys to basically approve it with that. If you do approve, but require a minimum 50 foot setback, you know, I know that we didn't really approve, you know, this conditional overlay at all or

sorry, the, the zoning areas, if you will, the medium and in high traffic areas like in west Austin at all. So really, we're just asking for you guys to I'm asking for you guys to be considerate with the fact that,

[2:14:47 PM]

you know, you're putting it in this area. Next slide, please. Thank you, sir. My last slide. Thank you. Speaker. Your time has expired. The pioneer hill. O next speaker is Michael Vicki on 89 and 90. Hello we can hear you . Oh. Oh, excellent. Very good. Well, good afternoon, Ann. I've been attending these meetings. I have not spoken because from what I can see, nobody's interested in listening. But during the last meeting, our city council member harper-madison posed a question where are they going to go? Which my response is, why are you asking me? I'm not a city planner. For 20 years I've seen an efforts of Austin to encourage people to move here. So as a citizen of Austin, I'm asking you, where are they going to go? The people you represent

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don't want this zoning change. If the city council votes for the change, then it will go through. But the least you can do is vote on behalf of your constituents. That's your job for decades that properties in zone sf2. This is the established city plan homeowners in the woodcliff neighborhood have made investment decisions based on that plan. Now this builder can make their investment decisions based on that plan. Ann a profit can be made building single family homes, but they don't like that amount of profit. The builder can move on to a different property and another builder will come along and build single family homes, establish zoning should not be changed because it helps this builder make more money. Other neighbors have done an excellent job in explaining the logistical reasons why the zoning should not be changed, and I hope the rest of the city council will take that into consider Ann and do the right

[2:16:49 PM]

thing. Vote no with council member harper-madison on his zoning change. Thank you. Catherine Horton speaking on 89 and 90. My name is Catherine Horton. Thank you for your time today. As you will hear today and have heard from many of the neighbors about their concerns about the rezoning. At 1701 dessau road, the motions and concerns you hear let you know what's important to your constituents and colors, how you interpret and interpret their communication. Ann woodcliff neighbors recognize the need for housing but want this council to uphold the principles of compatible zoning. Respect approved neighborhood plans and provide for the safety and well-being of our community. To address these concerns, we're asking for collaboration and a constructive meeting of the minds that includes height

[2:17:50 PM]

restrictions that limit to three stories for compatibility. Katy address the significant safety concerns on dessau road address the real environment concerns for flooding and creek stability along walnut creek to which this property back and provide for the essential infrastructure your constituents deserve. Whether that is increasing, first responders due to the growth in this community or really addressing the absolute lack of transfer, public transportation in this area, it said that growth is inevitable and desirable, but the destruction of community character is not. The question is not whether you're a part of the world is going to change. The question is how. And we are asking you to vote for something other than ms4 and to look for reasonable solutions that bridge the needs of current residents with those of the future of Austin, we are more than willing to work and collaborate under standing the need for housing and growth in Austin, but not at

[2:18:52 PM]

the expense of the safety, well-being and those that live in this current community. Thank you for your time today and I hope you consider our the voices and opinions of your constituents who come before you . Ross Robertson speaking on 89 and 90. Thank you for the opportunity to let my voice be heard. I'm speaking today in response to council member Harper Madison's invitation to dialog issued at last Thursday's meeting, where she asked the question, where will they all go? My response is twofold. First, I would like to say that the question has no meaningful answer. If we go forward with the project under discussion, then yes, there will be a place for some people to go. But afterward, when new apartments, when the new apartments are at capacity, the question circles back again. However many times we repeat this cycle, the question really never goes away. Life altering environmental harm is done at each phase, but the

[2:19:53 PM]

question resurfaces each time until even the most adventurous and creative minds must admit that the cup is full and nothing more can be added. Secondly, I would like to ask who are they? They are not real and do not exist in the same manner as those of us who are present in these neighborhoods and have years and decades invested. We live in an open and inclusive area and we welcome all those who come to us to be good neighbors and respect our way of life and the character of the neighborhood. In this spirit, when we met with the developer, I asked him directly how he expects this project to increase the quality of life. For those of us who are already established and invested here. The question was initially met with a blank stare and then some language was offered about growth and downstream economic

stimulus. Sidestepping all of our concerns about traffic safety, ecology, social cohesion and so on. I come here hoping to have confirmed that the spirit of representative government truly works. I ask you all to

[2:20:53 PM]

reject this reject rezone proposal. This is not a solution to the problem of affordable housing. As the developer himself characterized it as a luxury project. Please recognize this rezoning is incompatible with the guidelines of the planning commission encompassing pool with the aims of affordable housing incompatible with council member harper-madison campaign platform incompatible with the established and cherished character of the neighborhoods, and at variance with the valid petition and numerous other concerned voices in a in opposition to the plan. Thank you, speaker. Your time has expired and be represented for our Zenobia Joseph speaking on 89 and 90. Thank you, mayor. Council Zenobia Joseph speaking on 89 and 81. 89 and 90. That's the 100 and 701. Road first, let me press preface by thanking council member for Fuentes for making comments related to what

[2:21:56 PM]

I said earlier this morning as it relates to title six. Councilman I just want to call to your attention that I did testify March 23rd, 2023, on the hud item. It is relevant as it relates to this project that council member qadri said on June 1st that the pool policies that you create are supposed to help the least. Among these. I just want you to recognize that that dessau road literally at dessau and palmer, there are over 2000 units, no bus east village across from Samsung will have 2000 apartments, 450 homes. You already have pioneer crossing in this area and Harris branch. No bus. If you are committed to project connect and you want us to buy into transit , then please put bus stops. Council member Ryan alter please vote against this item. These are not bus stops in place like mlk and Alexander and council member Ellis. Mayor pro tem. I appreciate that you want to

[2:22:58 PM]

live, work and play and that you want more affordable housing. West of mopac. I do too. But if you vote for this, then please give us the bus that's running empty. 2.9 boardings an hour in your area and council member harper-madison calls this area far flung. Samsung when she spoke in 2019. But please recognize that we vote and we are your constituents. Do the right thing and vote against this item and recognize that the nearest bus stop is at graham elementary, 0.8 miles away. I thank you for allowing me to make my comments and lastly, just remind you that 58% of the jobs will be in the north corridor by 2035, according project connect 2014 plan. Thank you and have a blessed day. Gina grant speaking on 92 and 93. Mayor Watson and council members. I'm speaking on the board and plant rezoning. I live in the area last week vote was

[2:23:58 PM]

disappointing at best. Again, I implore you to press pause on the rezoning of the board and plant two words environmental study. Some of you sitting on council currently are known as environmental analysts and neighborhood protectors. So how will you proceed now? Now the Colorado river, Roig, Guerrero park and the wildlife sanctuary are Austin treasures, not just east Austin, but all of Austin. They deserve protection and Lugo valley Johnston terrace neighborhood plan is our vision for our neighborhood. Mayor Watson you were instrumental in helping us push our vision through. Please don't degrade it for the sake of big developers. Now you're going to change it from an industrial neighborhood to a premium downtown neighborhood, which effectively pushes out the current residents. This project, as it stands, is incompatible. Now we're going to chew up everything that makes Austin desirable and a wonderful place to live. Oppose the zoning change or at the very least, postpone until further studies can happen. Let's be reasonable. Thank you. Francis Acuna

[2:25:07 PM]

speaking on 92 and 93. Hi, my name is Francis Acuna. I'm against item 92 and 93 and the board and track with climate change more impervious cover will affect air quality tree canopy, our health erosion along the Colorado river and displacement to the longtime residents that still live there. It will also harm and or displace the animals at the walls. Wildlife sanctuary runoff water will go directly into the Colorado river, causing erosion as the water goes in the river. And it will cause contamination from daily contaminate. Bartz you have life threatening consequences to humans and animals. We have children swimming in the river. We have animals drinking that water and by the time children, your children are grown, there will

[2:26:08 PM]

be no more water. Chronic illnesses will be higher and survivability will be will not be sustainable. We need animals for free, for our tree preservation trees, for clean water and air quality trees can hold the ground together for mitigating erosion and the roots absorb the water for mitigating flooding. Protecting our ecosystem should be our priority . I ask that you look at your zoning decisions holistically. We think of how the development might impact the environment, the quality of life of humans in a holistic way mental health, chronic illnesses and cancer are a huge part of the issues that come from the decisions that you make. If you want a government that is sustainable and one that we can walk proud of being part of, look at the history and learn from it. You'll be surprised how much you can achieve by not making the same mistakes over and over again.

[2:27:09 PM]

Look at the books are good, but they don't have the experience that a voice of a human being can have. Thank you very much. That concludes the remote speakers. So we'll go to in-person for Matthew Comerford . For 89. 90 on deck is Burt Karpin here? And just so that you all know the way we're going to do this is, as I indicated a minute ago, but I want to reemphasize the speakers are speaking on those items that were on the consent agenda. If the item was pulled off of the consent agenda, the in-person speakers were going to try to take up at the time we take up that item. So if you if you don't hear your name called and you knew you signed up, that might be the reason. Thank you. I'm sorry to interrupt you. We're live. Oh, you're live. Okay today we have a simple request. Would you please state your name? Matthew Comerford,

[2:28:11 PM]

woodcliff neighborhood. Thank you. Today we have a simple request. Be reasonable. Knell. When compromise goes well, everybody feels like they lost something. Those aren't my words . Those are the words of councilwoman harper-madison from the December Austin monitor article. I'm also fond of another quote actions speak louder than words, specifically , we have the reasonable ask for a 40 foot height restriction on this m4 proposal that would otherwise be 60ft, which is double any nearby structure. Ideally an f3, which there are examples further north on diesel with appropriate adjacencies versus this abrupt transition from single family homes. Actions speak louder than words , and I'll use some words from a zoning committee that develop recommendations on another case ending in 014, in which, citing reasons why height restrictions should be applied. These, I assume, are typical Austin policy and are in conflict with this plan. Number one, zoning changes should promote compatibility with adjacent nearby uses. Number two, zoning

[2:29:11 PM]

should be consistent with approved and existing residential developments densities. Three zoning should promote a transition between adjacent and nearby zoning districts, land uses and development intensities. Actions speak louder than words, as these are reasonable points in an 3 or 40 foot height restriction. Ann represents a reasonable community coming far more than halfway. Actions speak louder than words. Luz to all of you here today, be reasonable. This allows for a significant expanse Ann and density as our city council, you have the power to put action to the words of when compromise goes well. Every body feels like they lost something. Please be more than a rubber stamp for developers. Be reasonable. Thank you. Thank you . Next speaker is Burt carpenter . On deck is Amy Hayes. Hi, my name is Burt carpenter. Thank you for holding this public hearing. I'm here to speak in

[2:30:12 PM]

opposition to item number 90 to rezone 100 and 701 Shaw road from single family to mf4. You've heard us speak on several prior occasions. The situation is simple. We fully support Burt housing, increasing the housing supply in Austin with the appropriate zoning. However, ms4 does not belong immediately adjacent to single family housing for the city of Austin's own zoning guide, mf4 is appropriate for moderate family density housing in centrally located areas near commercial facilities in areas adjoining downtown Austin and major institutional employment centers . None of these apply here that be a four story apartment next to single family neighborhoods. Several times I've heard the phrase the quote, the city staff and commission recommended me for I was at that commission hearing. Well considering alternatives for one of our one of the commissioners asked the applicant, quote, do you need more to build your product after the applicant replied, yes. The commissioner was satisfied. This

[2:31:12 PM]

is not a reason. Independent assessment. This is a rubber stamp on the developer's wishes. This is a farce. The affordable housing argument applied here is arbitrary. It is too general and does not address the specific case. Ms4 Shaw. Why ms4? Why not a story? Why not build eight stories anywhere? Tarrytown cat mountain? Why just build eight stories everywhere across the whole city? This is not specific . The argument doesn't hold to our district. One elected council member, Natasha harper-madison, was surprised at your comments during last week's meeting. First, your response did not address the legitimate concerns of the citizens you've been elected to represent. Secondly and more importantly, we have reached out to you. We've had over half a dozen meetings with your aide, John Lawler, and each time you've been too busy to attend. If you had attended, we might have had the dialog you desire. A final appeal to the to the entire council. We've stated our reasons. I think it's clear mf4 is not compatible with the existing single family. Thank

[2:32:13 PM]

you, sir. Amy Hayes speaking on 89 and 90 with Matt Horton on deck. Council mayor. I'm here to speak on the ten 701 road rezoning case. I understand that as public servants holding the tension between the future well-being of the city, private developer interest and the concerns and quality of life of the residents who make up the community is seemingly an impossible job. I know the struggle because I for the last five years have. It's been my job to buy land under the threat of eminent domain for another local government and balancing fiscal responsibility for the taxpayers. Just compensation for landowners and serving the public good with the projects we build most days feels like the bermuda triangle. I'm no stranger to the anger people express when faced with changes that affect the places they cherish and call home. What I've learned as I'm sure you have, too, is to see what lies beneath

[2:33:13 PM]

that anger and I found that most of the time it's fear. Fear of losing something precious, losing what we have built and what we love the most about the places that hold our lives. We do not live in a wealthy part of the city by any stretch. Many of us have scraped our way to homeownership in a fast changing Austin that often feels like it has left us behind. This area has is notoriously underserved by infrastructure, is home to an incredibly diverse population and has shouldered its fair share. And then some of multi family rental property. In the last ten years we have welcomed those tens of thousands of new residents. The developer of this site has stated that he intends to build 330 units. We are simply asking that you, as our elected representatives, hold the developer accountable to that promise and to transparency . Our ask is more than reasonable zone the site to one category lower three limiting the height to three stories in line with all surrounding apartment complexes in the area . The developer already does not intend to take advantage of the

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maximum amount of 432 units allowed under mf for sorry, mf three and much of the site is restricted by compatibility standards so that only a very small portion can be built to 60 foot height. Mf three would likely not result in a significant decrease in units built. Thank you. Thank you. Next speaker is Matt Horton speaking on items 89 and 90 on deck is two and Tran. Thank you. Members of the council. My name is Matt Horton. I live in the woodcliff neighborhood. I was here last week and speaking to you and I raised a concern, as have many of my neighbors. There was a question brought up last week as to where are they, where are they going to live? And Eid know some of my neighbors and other speakers have offered an answer to that question. Ann but the actual answer to the question is this is there going to be living in \$2,000 a month

[2:35:14 PM]

for story walk up four story walk up rentals because the elevators never work? And these things, when you take when you're when you're taking home ownership off of the table, off of wiping it off of the map in east Austin, and when you're doing it specifically in east Austin, it feels very personal, actually, to those of us that live there. I you know, a funny thing happens when you buy a home, your mortgage doesn't change year over year over year. It's the same for the 30 years that you own that that you have that property that you have, that mortgage. It's the same year after year after year. Anyone in this room or anyone that's owned or that's lived in an apartment can tell you what happens at the end of that at the end of the year or when your when your lease is up, the rent goes up. So when you when you doom the east Austin to just being an opportunity for owning or for not owning homes, but for only if the only

option available is rental, that's where they're going to have to live. That's where they whoever it is that Ms. Harper is talking about is going to have to live, is in rentals. And when you take

[2:36:16 PM]

the opportunity for home ownership off of the table, that's what we're left with. And people talk about wanting to build generation wealth and how do people do how do most people do that when we when we're not, you know, the subject of vast inheritance is as as some folks are, is we get to is we work hard. We own a home. We you know and we and we pay our taxes and then we pass that on to our children. And when you take the opportunity to own a home off of the table and particularly when you're doing an east Austin Ann, it feels very, very punitive. One last thing I'd like to say is I almost got to see my wife and children wiped off of the planet the other day when a car. Yes. Your time is expired. Yes, sir. Well, thank you for your listening. Is to our Tran speaking on 89 and 90 on deck is Susan Morgan good afternoon. Mayor and council members. My name is tuan Tran. I'm here to highlight my concern of item 90 regarding the proposal of rezoning this property on Driskill two. For this property

[2:37:16 PM]

is located right next to our single family community. Last week I have expressed my concern about safety, about excessive traffic congestion violations and accidents on. But today I will emphasize on the incompatibility compatibility of this property with respect to its surrounding areas. If approved, this developer will have four story high apartments next to the adjacent properties that are zoned for single family Ann, and it will be the first within the five mile stretch of desert between highway 183 and east Parmer lane. I would like the council members to reconsider the zoning designation for this property in order to keep in character with the existing residential area. The strike a property should be developed as mf2 or mf three at most, but not mf four. Specifically, we are asking for a 40 foot high restriction instead of the 60 foot proposal to be clear, we support Austin's goals of increasing housing availability and accessibility. What we are asking is that the

[2:38:16 PM]

development not be done without considering the impact to the existing surrounding neighborhoods from another case ending in 0104, the zoning committee has cited the following reasons as to why a height restriction should be applied. First, zoning changes should promote compatible compatible Katy with adjacent and nearby uses. Two zoning should be consistent with approved and existing residential densities and three zoning should promote a transition between adjacent and nearby zoning districts. Please oppose the zoning change and side with the existing citizens and residents and support this compromise that is very reasonable from the neighboring community to approve a 40 foot height

restriction instead of the 60 foot height monster in our backyards. Thank you very much. Thank you, ma'am. Susan Morgan speaking on item 90, followed is Mike Tolson. Good afternoon. I sent a letter

[2:39:17 PM]

earlier in the week that covers more of my concerns, but today I want to mention just one because time is so short, there should be a topographic map available for you to reference this property is located on top of a hill at 700ft elevation Ann. It is the highest point my woodcliff subdivision as well as others almost in a circle around it, are lower and sloping away. Our closest street to the property wandering way has elevations from 23 to 55ft lower than that property with the entire remainder of the neighborhood sloping downhill. Pioneer hill, Collingwood west, the north end of Windsor hills and woodcliff are all lower, with an approved zoning of four and housing at 60ft. It will be a monolith above these neighborhoods from our neighborhood, it will appear 80 to 110ft tall will overshadow the houses. There is the potential for a real loss of privacy. It's not compatible. I

[2:40:19 PM]

beg you not to do this. Please consider mf3 or mf2. And the other issues I brought to you in the letter I wrote. Thank you. Thank you. Mike Tolson. Item 91 mayor and members of the council as president of the sweet hill neighborhood association, I'm here today to tell you that we have reached an agreement with the developer that's in line to purchase this property upon rezoning this agreement allows us to support the rezoning because it contains a number of obligations on the part of the developer as well as commitment to affordable housing. And some of the restrictions and conditions that are contained in the ordinance that the staff is prepared. So we encourage Ann Eid state that we support this rezoning. Thank you. Thank you, sir. That concludes the consent zoning speaker. Thank you, madam

[2:41:23 PM]

clerk. Members without objection , we'll close the public hearing on items 70, 71 and 72 public hearing is closed on those those three items. Let me ask if there's any other item on the consent agenda that a member of the council would like to pool is there any abstention motions? Councilmember Ryan alter is you want to speak, but you're you'll be shown as abstaining on item number 91. Item number 92 and 93 have been pulled. And so we'll show councilmember Velasquez abstaining on those when we go to them. But want to be clear, is there anyone else wishing to be shown as abstaining? Councilmember Ryan alter just to make sure it's a recusal, not an abstention. Okay thank you for that clarification. Any other any other member of the council want to be shown abstaining or

[2:42:24 PM]

recusing themselves from the consent agenda? Is there anyone wishing to be shown voting no on any items on the consent agenda without objection, the consent agenda is adopted. Members that will take us to item number 89. Item number 90 needed to be passed before Shaw. Item 89 could be taken up. How'd you count? I want to make sure we have the ballot petition. Yeah, I'm staying. Did you count? Did you get them all? I got them all. I think you count the person up on the screen. Oh, of course. Yeah. So? So we did it right? We did it. Okay, good. That's a joke. Yes. Mayor, could you open the public hearing? That's what I was getting ready to do when I caught you counting. Without objection, we'll open the public hearing on item number 89. There being no objection, the public

[2:43:24 PM]

hearing is opened on 989. Miss Hardin, it's all yours. Do you want to say something? Oh yes, mayor, this is just a public hearing to consider. An ordinance. All three readings as related to the voluntary full purpose annexation of approximately 11.9 acres located at ten 701 desert road. So it's just related to the rezoning case. Thank you. Thank you, members. A number of people spoke to us with regard to number 80. Item number 89 during the comment period. But I'll turn to the city clerk and ask her if there's anyone wishing to be heard during the course of this public hearing. No, no, mayor, everyone has been called members. Without objection, we will close the public hearing on number on item number 89. Is there a motion to adopt item number 89, council member Vila moves to adopt 89. It is seconded by the mayor pro tem. Is there any discussion on item

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number 89 with that objection? Item number 89 is adopted. Members. That will take us to the. Items number 70, 71 and 7082. Yes, mayor. Mayor council. This is three items. This will probably be a very quick discussion as there's no opposition. Other than staff. And it was recommended by the commission. But I definitely want to lay this out. This is item 70, 71 and 72 on your agenda. Case number. 2022 00140.05, and that's the Bergstrom Sturup mixed use. And then we have the related rezonings, which are c-1 for 2022 0146 Bergstrom trail area infill, and that's the western

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tract and case number c1 for 2022 0148, and that's the Bergstrom trail area infield eastern tract. The neighborhood plan amendment site is located at 6364 ten Burleson road. The western tract is located at 6300 Burleson road and the eastern tract is located at 6410 Burt Ann road. The neighborhood plan

amendment request is to change the land use designation on the future land use map. Shalom from industry and transportation to mixed use to mixed use, land use and both tracts are currently zoned L, I N, P and the applicant is requesting movie map and staff does not support these requests. Eid the subject rezoning area is located at the northeast corner of Burleson road and montopolis drive. It is composed of two tracts of land separated by right of way. That's why we had to have the two separate rezoning cases. Luz. And although they are two separate zoning cases, the

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applicant is proposing a unified development and is requesting kzm in combining districts for a possible mixed use development that would include multifamily units. The western tract is approximately 2.7 acres and has a hydraulic parts shop and an auto body shop currently located on the tract. And the eastern tract is 1.2 acres and is undeveloped, so the subject tract is surrounded by industrial business park warehouses containing distribution and supply companies. Manufacturing companies, construction sales and service businesses. As outside storage uses and a fuel station and a car rental company. All are zoned. Either lie in ae np or pda, np after careful consideration and deliberation, staff is unable to recommend the applicant's rezoning request and recommends maintaining the land for the following reasons, as residential uses are not compatible since it's

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predominantly an industrial area . The property is located in an imagined Austin job center and industrial uses generally do not support residential uses. Safety issues contribute to residential industrial uses being not compatible. And then the north southeast neighbor plan supports maintaining the industrial uses and encouraging new industrial commercial uses, which will allow space for small businesses. Warehouse and manufacturing and blue collar jobs. Of course, in general, this area does not support residential uses, is mixed use and permanent residential. All are not appropriate. And finally , the existing industrial landscape indicates that this area is not transitioning to residential mixed use. And that concludes my presentation. Oh, and the applicant is here for questions as well. Members we had a public hearing. We opened and closed the public hearing already on this. Is there anyone that has any questions of the applicant? Chair will recognize

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council member Fuentes. Thank you. I move adoption of this rezoning case and I'm happy to provide some remarks on it. Thank you. Members. Councilmember Fuentes moves adoption is seconded by the mayor pro tem chair recognizes councilmember Fuentes for discussion. Yes, thank you, colleagues. As joy mentioned, this area is largely zoned industrial, but it is transitioning in the southeast. Contact team

has provided a letter of support Burt. Our community wants and prefers housing versus further industrial uses in this area. We also have Texas brand new headquarters in this vicinity, as well as Texas parks and wildlife is also headquartered in the area. So zo. So the community would rather have homes instead of industrial. Is there any further discussion on items 70, 71 and 72? The motion has been made and seconded to adopt those items is there any I'm sorry, councilmember Fuentes had one more thing I needed to

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say for the record. The southeast neighborhood contact team would like to remain an interested party as this development progresses. And it's my understanding that the applicant has committed to working with our contact team and keeping them in the loop. I see them nodding their head yes, and so I just wanted to say that for the record. Good. Is there any objection to the adoption of item 70, 71 and 72? Without objection. Ann those three items are adopted. Chair calls up items 92 and 93 members. For the record, let the record reflect that on items, number, numbers 92 and 93. Councilmember Velasquez is abstaining from those two matters, accusing. All right. All right. He's recusing himself on those two matters. Yes thank you, mayor and council again, joy harden with the planning department. Many of you heard this last week. This is item 92 on your agenda. Case number 2022 00160.02. The board

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track the request is from industry to mixed use. The site is located at 21 21.5, 41 is 71. Stratum cove and 1121, 41 and 41.5. Giuliana cove. The staff recommends the neighborhood plan amendment request to mixed use the related rezoning is item number 93 on your agenda. Case number C one for 2022 0121 born track. Also located at 2121 and one half, 41 and 71. Stratum cove and 1121, 41 and 41.5. Juliana cove. The site is over 21 acres and developed with the Borden dairy facility. The site is currently zoned ae and the applicant's request is a map the staff recommends a map combining district zoning. The pda will prohibit several uses which are outlined in the staff report and the applicant is in agreement with the staff's recommendation . Ann. The reason for support is that the rezoning would provide for a mix of uses as the area standards will add to

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residential uses which are the condominium, residential and multifamily residential Ann and it will also allow for a cocktail lounge use subject to the 15,000 square foot limitation. The proposed pda development standards modify setbacks, building heights, building coverage and far to create dense mixed use development that is consistent to growth trends. The biggest ask would be the proposed height of 120ft, which the existing zoning allows for 60ft. However the site is further away from the

existing single family is proximity to the highway and the lower and is lower in elevation makes the height and request a mixed uses appropriate at this location. The applicant's request was supported by planning commission with the 120ft in height. They did lower the impervious cover request to 75% in height and required a 60 foot wide building setback along

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the south property line. And that is the request that is moving forward for a second or second and third readings. Thank you. Thank you. Any questions? Any questions of staff? All right. We'll what we're going to do is go through the rules here. We've got a number of people that have signed up to speak. So I will first call on the applicant to make a presentation. Then we will go to those speakers in favor, Shaw and then speakers in opposition. Thank you, mayor. Members of the council, my name is Richard settle. I'm here on behalf of the applicant. We don't have much to offer today in the way of presentation other than to say we still agree with the planning commission recommendation and the staff recommendation. Some of the things that didn't get talked about the last time is because of the way the state law is and because of your inability to extract affordable housing. Unless there is a density bonus program is we took the

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initiative on this case and went to the east Austin conservancy to talk about what an investment in their group would look like. And through the discussions we came up with a an agreement that we now have a signed agreement with the conservancy that is essentially spells out several things. But the most important is we adopted the 10% affordability requirement. 10% of the units that are built here will be affordable, either to 10% at 60 or 10, at 80, or a combination thereof. We took it one step farther. In addition, Ann to the affordability requirement that we're committing to, there are also funds being invested in the conservancy for the market rate units. So for instance, if you have 100 units that go on that get built, 10% of those will either be at 60 or 80, and then the 90 units that are left over will pay or make an investment in the conservancy of either \$500 a market rate unit. If it's

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at 60% mfi or \$1,000 a unit at 80, mfi and those funds go into the conserved ac, and then the conservancy commits to use those funds for helping folks out that currently live in the neighborhood that get in a bind or need some help either with taxes or repairs or some other emergency. So our agreement with the conservancy does two fold. It provides affordable housing and it provides funds for those that already live in the neighborhood. There is an amendment that council member alter Allison alter showed to me just a few minutes ago about an additional setback. The planning commission

recognized the importance of the preserve behind us requested a 60 foot building setback, and we agreed to that. We think that's an appropriate setback. Mok but are willing to have that conversation if somebody thinks it's not appropriate. I believe

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council member pool had asked us to do dark skies design and I believe we stood up and said we would do it. I don't know that it's in the ordinance, but under the dark skies provisions of our code, I think it's mentioned in subchapter E, we are prepared to do dark skies again. This is a site that's an industrial site. It is not displacing anybody that currently lives there. It is on average more than 1000ft away from the river. Shaw it is more than 600ft from the closest single family. It's not near a neighborhood. Compatibility is not an issue. Again, I said this at planning commission. If not here, then where? And this with the community benefits that we entered into with conservancy, we hope that you'll see fit and we're asking for second and third reading today. Thank you. Any questions of the applicant? Councilmember Ryan alter, on that setback that is the buffer , as it were, with the preserve

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. Is the plan there for that to be a connection to the preserve? Is that that where that would be located or what what's the thinking there reasonable minds can differ and we don't have a position on connection to the preserve. Some people want connection, some people don't. We don't have a position on it. We did an early determination with the parks department as well as a concept site plan early on last year, and we got a comment back that the parks department would like to have access down to the preserve and if it were the access they asked for dumped into a cif, they wanted it along our rear line within this 60 foot. We are agnostic to that within that 60ft, if that's where the trail needs to be, we're fine with that. Okay. And I know we're we're playing with kind of shifting sands a little bit as we approach September and state law changing. I I, I just wanted to, to ask if and I don't know

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if this is something you can do at this stage or not. So someone could stop me if it's not. But there will come a time when y'all are discussing with pard what that connection will look like and how much land that is and there is the potential that that could result in the city having to pay you for that connection. And I just wanted to understand, and if you have the willingness to allow that connection to continue regardless of that potential. Let me jump to the assumption you're talking about the state law that passed dealing with cities ability to extract parkland from folks. We've looked at that and you've got to be a smarter person than me to understand that formula. We don't understand it. We do not agree that you should have to pay us if what you take from us is worth more, I mean, that that

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that clause is strange. And for everybody here, go read it. It'll put you to sleep. But I will tell you that from what we've seen, from what parks department has given us is what they want. If that's what they want. No matter what the calculation is, we're not going to ask for reimbursement from the city. Okay and you mentioned the second and third today. I just want to have a practical understanding of doing Singh just second or second and third where you all are in the process . Just help us understand the impacts of that when I am under a severe deadline and it's going to kill a deal, I will tell you that I need have to have second and third today. This is not one of those cases. What second and third does is it enables us to now turn loose of the design team to start designing for every month of delay of design is a month of delay of delivering housing. Do we have a contractual obligation that blows up between now and July

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20th? No would we prefer to go second third today? Yes because then we can turn design loose and we're moving time kills deals and Eid. We're just ready to go. But I don't I wish I did, but I don't have a deadline that says it has to go today. But we prefer it. Sure. And are y'all are you're still very much in preliminary design stage of things. We don't even have preliminary. We've done spatial diagrams until you get your zoning and get your contract firmed up, you generally don't start spending the millions of dollars that it takes to create a plan that's the interesting thing. And I watched y'all wrestle about compatibility and the complexity of the code, and I've been around since the code was first. Create dated was still when the Earth was still cooling. Yeah. And genesis. Yeah. Was Burt. What has happened to us is we just keep bolting stuff on to an existing code Eid and that is what has

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happened to our code. It's a Frankenstein. Every complexity that gets added on. And so when we start adding on setbacks and parkland stuff and that affects time and it affects affordability, I'm off my soapbox. Thank you, councilmember Vila. So as it stands right now, there's a 65 foot setback from the Colorado wilderness preserve, which that's the area there between your property and the river. Is that how it's laid out there? Yeah. So you have river preserve our property. And from the preserve of the planning commission wanted an additional us to set back an additional 60ft from the preserve. Okay. So that's already been incorporated into the plan that is in the ordinance currently. And then the dark skies, as you mentioned , I guess you had discussed this with council member pool, but

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that's not a problem you're anticipating Singh complying with the dark sky requirements for the project. As I recall, I think council member pool said, would that be okay? And we nodded and all the council nodded. And if that's the wish of the council, we're okay with dark sky requirements and in terms of, you know, again, I think it's a it's a good site. I think it's a good spot for, for housing. But in terms of the water quality kind of elements and all that, I know that that we're right now in the process of getting kind of that that functional green and those other kind of things. What what is the current kind of water quality elements of the project? Wright well, we start with a site that was built with no water quality. So currently there's none. We intend to comply with current code on anything we build with new water quality and environmental protections and

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any thoughts and this takes me back to the statesman pud discussion. But the bird strike concerns again. I'm way out of my element when I'm talking about birds and glazing levels of glazing, but just again, any kind of thoughts, you know, as opinions on making sure that that our our flying feathered friends aren't slamming into a to a glass my limited knowledge of the bird strike issue has to do with taller all glass buildings because of the reflectivity on a project like this with the lower density that we're talking about, you don't end up with that much glazing. You don't end up with the same issues that you do with high rise and glass buildings. So there's not a standard that we could say we'll meet this standard, but we can be, of course, cognizant of the bird strike issue as we move forward.

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We just don't have a way in a pda to stitch it in as a development standard. Thank you. Any yes. Councilmember Fuentes. Thank you, Mr. Subtle, you mentioned that the you weren't sure if the dark skies element was in the ordinance, but I don't believe it made it into the it's not in the draft ordinance, but we will do it. Okay. And if it needs to be an amendment from the dais today and dark sky required for lighting we're we're good with that. We thought it got added last time. Okay and what was the affordability levels so it's 10% of the units built will be affordable so if they're at 60% there's a \$500 fee per market rate. If it's 80, there's a \$1,000 per unit market rate per per market rate unit. So there's not a 10% at 60 or a 10% at 80,

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it can be a sliding scale. But depending on what it is, more money goes into the conservancy . Okay you know, my colleagues on this and I know we haven't heard testimony just yet, but I am a little bit uncomfortable support putting this project on both second and third reading. I think we need to at least consider this a little bit further down the line, particularly considering there's elements that still need to be added into the ordinance, but more so you know, this process of not having councilmember Velasquez being able to weigh in because of a conflict of interest has made me or has given me a lot of pause. And it's not that I don't support the project. I support that there is going to be water quality and that there's going to be housing and additional uses that are not industrial on the site and that there is the 60 foot setback from the preserve and that through the redevelopment of this parcel will have a better project for our community. We it's more of

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understanding that through this process the representative for this area is not able to weigh in to help advocate on behalf of his community. So I just wanted to flag that for conversation. In in councilmember Beutler. I completely agree with councilmember Fuentes. It just is a little strange spot where kind of the person that would normally do kind of the due diligence and Wright lead on the project has been has had to recuse himself. And honestly, I just have not put in the kind of the time and the due diligence like I said, it looks like great project. I'm prepared to vote on it on on second reading right now. And just to give it maybe one more, you know, review, just to give us a little bit of time. I know had a lot on my plate today, too. And I wasn't able to look at it in the detail. So I would agree with council member Fuentes where if we could pass this on second reading, give us a little bit of time to catch

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our breath and kind of figure out things and then take it up on on third reading, I think that's a good idea. Let me ask if there are any more questions of the applicant, because we have a process for testimony here too, and want to get to that. Councilmember Allison alter, thank you. I share the concerns of my colleagues, which is why I had put forward a motion that would only move it forward on second reading. I do have some questions for the applicant and this past last week, I was at graduation and unable to be here, and I'm still trying to catch up to exactly how we landed where we are today on certain aspects. But I'm concerned about the buffering between Ann, the preserve and the building. And I've been trying to do some research on that. I think that there may be a need for more of that. And after we have other testimony, I will ask some more of staff. But one of the issues is, is the

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building setback and a vegetative setback are not the same thing. And I believe that the analysis or the ordinance right now talks about a building setback. But not a vegetative setback. Would you be willing to work with our staff to get the appropriate language for a vegetative setback that would allow the appropriate park and trail amenities to be in it, but that would not necessarily overlap with the building setback and I can't ask part of the challenge I have is trying to get all of the little pieces Wright to understand what we need to accomplish. But I think you understand the goal. So and I don't want to put in the language that absolutely has to be today, but is that something that you think we can work forward to? And it seems like the will of the council is totally do second reading. Yes we will look at that as I understand it, you're saying building setback means that we could put things like trails, water quality, those kinds of things in that 60 foot. And we

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haven't gotten that far. We kind of counted on being able to do something in there. We know that the parks department is probably going to want a trail back there. We prefer to be able to use it for water quality. But if that is something that we need to slide out again, it's a function of the more you eat up of this site, the less units, the less affordability, less into the stuff. But but yes, the answer is we'll look at that. Okay and I think the concern is whether we have the right buffer for the scale of development that you're talking about. Relative to the critical environmental features, relative to the preserve, what is your current understanding of your obligations with respect to parkland dedication? Whatever the today Shea the current city ordinance is, is the required amount. Now, we went under the under the current city ordinance. We're allowed to go get an early determination letter, which we did, and we went and

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saw them. I think it may be in your backup. I brought a copy in just in case, but we are not in a parks deficient area. The parks department determined that we are not in a parks deficient area and they referenced 25 one 605 as the dedication Ann that they're going to look to us. Now, that is the fee. And Lou section, they've not asked us for acreage. They've asked us for access down to the preserve and fee. And, Lou, we also turned in a concept site plan where they showed where they thought that is now under our under our scenario. That's kind of what we've committed to and that's what the parks department is committed to. So one of the things that I want to better understand between now and third reading is what they actually asked you, because I read that somewhat differently. What did you hear? I read that they were requiring dedication of the trail area. Et-cetera I didn't have to be a whole separate park because there's already a park there, but that the land was required because you were

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proposing a development that normally under our rules, if it wasn't, it would require six acres of land during the you're in the urban core. So it goes down to three. But once you're required to have six before you get that cap, you have to dedicate the land. If you're in a park, sufficient area, I don't think it has to be in a park, sufficient area. So we need to get some clarity on that in terms of what it says, because if you're if you're putting in that many people, you have to serve those people is how it's designed. As I understand it, when whether or not your park deficient. But I don't have full clarity on that and I could be wrong on that. But the only clarity we have is that we followed the process for early determination. Ann and this letter on city parks letterhead spells out 25 one 605 and the concept site plan note shows us what the acreage they want and the fee. And Lou and I mean that

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that's so I have the same letter I believe and it says will require land dedication consistent with city code due to a large number of proposed units , large amount of parkland owed and location adjacent to existing parkland with opportunities for connections that seems to say you owe parkland, you skipped, you skipped city code 20 5-1 605. If you go to 25, how about we take this outside? There we go. How about we hear from the other party? And if this is going to be passed on second reading, have this discussion as we go forward. Instead of debating the law right now, that'd be good. Are y'all done with me for a while? All right. The way our procedures are supposed to work is that I now call on those who want to speak in favor of the application, and we follow the

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regular time that is given during that. And then I call on those who wish to speak in opposition and they receive the regular time. So let me ask the city clerk, do we have people that have signed up indicating they wish to speak in favor of these items? There are no speakers in favor. All right, then would you please call those who are in opposition? Sure. The first speaker there is Danielle Lyons, who is representing the group. Spencer. Good afternoon. Council members.

[3:13:56 PM]

This is very, very distasteful. I I'm here again to ask you to change your minds and support the neighborhood plan. You are turning the character of Austin neighborhoods that the world is attracted to and coming to each and every day wanting to come in here. You're turning the character of Austin's unique neighborhood, cultural and natural beauty into anywhere usa . I'm asking you to reject the and have them develop under csu under csu. This project will integrate into our neighborhoods under

LAPD. It will sit on top of our neighborhoods with with business and housing for people that do not live here. Shaw. I would hope that this council would consider the people that live here as well as those that are going to be coming because of what Mr. Suttle said last night. I spoke with Raul Alvarez

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, the head of the east Austin conservancy, and he told me they do not have a deal. And further to the idea that council member has to council councilmember Velasquez has to recuse himself is fictitious. This there is no conflict of interest. I want you to show what what is the paperwork? Why are you recusing yourself? We want to see that on the public record now, Mr. Subtle just said to you that he has a written agreement. He showed me some signature tirz. But I can tell you last night, Raul Alvarez, the head of east Austin conservancy, said they don't have any deal. Subtle came to him and he told subtle that he wouldn't deal with him until after the contract team made its negotiate burns, which last time I was here I handed you all a document that dated November. 22nd that that shows all the all the criteria that we were looking for. And it showed the list of community benefit targets that the contact team was requesting. Austin east

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Austin conserved is not on that list and they are not on that list. This is something very weird here because as you know, after the last meeting that we were here, I got several texts from people saying, you know, this is a perfect example where the developers control city council. Are they controlling you? Are they controlling the rest of you? Not one speaker in favor of this since the planning commission you've had and I know since I was here last, I've had 23 CC's of letters to you all opposing this project. You're listening. You're not listening to the people. You're listening to the 1. You're listening to the developers. So are you. The city council of the city of Austin, of everybody, or are you the city council of the developers who mayor when we had

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our neighborhood plan, city staff wanted us to rubber stamp it. We refused a year into it, we filed ethics and racism complaints against Austin LE Brock and the number two at the planning commission at the planning department. Nine months later, you contacted us. You got rid of those guys. You sent friendly staff, and we completed our plan. And our neighborhood plan was made by over 100 people from, this neighborhood over three years. Not city staff not develop tirz like I said last time. And like I'm saying to you now, our neighborhood plan is, is our vision that this used to be the edge of town with the tank farms, with holly, with burns. I think it's good that it's redeveloped. Eid do it under csmu and take us into account who live here now.

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Otherwise, I don't know why I'm going to be wasting my time coming in and talk to you all because you don't care about us. Council member. You had our youth come to you and tell you to protect us as. Leslie pool isn't here. I was flabbergasted that she motioned to approve 120ft. She is looks like she's a neighborhood protector. I guess not. I left you a message. Council member protect my neighborhood. Allison alter, I'm asking you to protect my neighborhood council member. Velasquez, I'm asking you to protect our neighborhood. We're not saying no to this development, but we want it to be in scale and in proportion. It's amazing that everybody's talking about the environmental stuff. This is what distinguishes us border is that we include human beings in the

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environmental equation. Thank you very much, mayor. Thank you for your time. Thank you, Mr. Yanez. David have happy with you guys. Next speaker is Mario Cantu. Jonathan, David Ann is on deck. Good evening. Council. I wanted to cover four things with you. As you know, the number one moneymaking in the world is drug trafficking. Arms trafficking, human trafficking and number four is I don't know if it's a new thing, but it's a big growing one. It's wildlife trafficking. Wildlife tracking, trafficking. If you take a snake , a reptile, a bird Eid, a rhino , a tusk from different parts of the world, Eid, it costs over \$2

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trillion in a year just to fix that ecosystem. We have an ecosystem that's just right over here. We have one right behind us, and there's no consideration into the ecosystem impact that we're going to have at the later time of this development and the impact that we have. Can we go back and fix it? And if we want to go back and fix it, what's the cost going to be? Well aside from that is the affordability we don't have any affordability function or or any affordability that's being given for this project. And we got to make sure that we do that. I mean, we've been going on and on about affordability and about housing in this city and this is the opportunity for everybody to do that. You know, I appreciate Vanessa, you know, at least standing up and taking a little bit over here for Joe's. And I expect some of the other council

[3:21:05 PM]

members to help her as well. And help each other in making really good decisions about this project. If this is the thing is , someone can walk up here and get you all juiced up about all kinds of things. But I

know and you know and lawyers know that if it's not in writing, it's not going to happen. Okay. Just a while ago, I just saw somebody walk up here and they had a piece of paper from the parks department, but they didn't have that paper that they were given the promises about. Thank you. Thank you, sir. Christopher brown. On deck is Noah Elias. So I'm here as a co-founder of the Colorado river conservancy and is the nearest impact Eid residential neighborhood. I guess I'm the one who's 600ft away from the site at when this project came up last summer, the contact team asked me to get involved based on my familiarity with the site and their discussions with the developer.

[3:22:06 PM]

And I just want to talk briefly about process issues, not about the substance. I talked about the substance last week and I have to say we spent many months in discussions with the developer working on a deal in good faith. We got very close with the stout package of community benefits and environmental protections. We were talking about \$750,000 to go to two different not the east Austin conservancy for affordable housing and dark skies. And everything I've heard talked about here. The talks ultimately broke down over height and density because unfortunately, unlike all of the other projects, we've been able to work out along the river corridor this is contrary to what staff said last week. The only one where the impervious cover is going to be larger than the existing land use. While code may permit 80% on the board and say the board Ann plant takes up half the land, the rest is in unofficial annex to the wildlife preserve. And that's really what's at stake here. What's going on now? So we went to our council member, as we understood we're supposed to do,

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we explained it to him. He was open and balanced about it and working with us on working out a deal. And then we show up here last week and find out about this recused all based on a purported deal. That sounds a lot like the deal we had been talking about with very different conservancies that has then been used to cause the council member Velasquez to recuse himself based on his prior service on the nonprofit board of that of that concern. We as a lawyer, I have to say, it feels a little bit like dirty tricks from from a process point of view. Maybe some of you are old enough to know what I'm talking about when I talk about dirty tricks and I think it's reasonable to ask that there be more time to attend to both the process issues and to the environmental issues you all have been talking about. Thank you. Thank you, Jonathan Davidson on deck is Noah Elias. Hi. I just wanted to respond to a couple points on this board and track one is the dark sky

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ordinance really wouldn't be that helpful considering the literally 20 lanes of toll road right next to this are shining down massive led spotlights into this. So that's that's a fake benefit in essence less access there's already access from the Riverside side and the ktma park that they built underneath there that's walkable from there, that's a fake community benefit Wright water detention. That sounds like it's something that's like so great and environmental, but really it just looks like a parking lot without cars in it fee and Lou is like indulgences from the, you know, holy Roman empire where you can buy your way out of a promise. The east Austin conservancy does a lot of great work, but they make it sound like it's maybe an environmental concern agency. It's not. It's a pro-business group like the domain on Riverside. On the other side of Guerrero park, on the other side of the river was rezoned a few years ago with

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lots of development. Singh Miller kind of thing. It's even bigger. Everyone's been evicted from those apartments. They're empty, they're derelict, they're burning out. There's now they that development, once part of Guerrero park to put a road. So it's really a given give them an inch they'll take a mile situation here and this is the this is the only wild point of the river to basically in Travis county because of all of the mineral extraction and water treatment downstream from here. This is a completely unique situation. Ann in the state of Texas and Eid, all of you are acting like Mok the state of Texas here, not the city of Austin. By by considering building something just because you can. This is not about nimby or not in my backyard. This is the only point in the city of Austin where there is wild river and limiting the development on this lot is absolutely necessary

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to maintain this treasure. Thank you. Thank you. Next speaker is Noah Elias on deck is Bobby Levinsky. Hello. Council mayor. I'm Noah Elias. I'm from montopolis. I'm here to speak against item 92. The board contract. As far as we're concerned, in this agreement, we haven't seen it. We don't have the paper. So we don't consider it done. So I'm speaking Singh on this. I'm against this item because our community deserves environmental protections for the Colorado river and for the wildlife preserve. We also are asking for community benefits such as housing for our working families, those working families that make less than \$50,000 a year. I know that the developer developer talked about Wright affordability at 60 and 80. Mfi that would not help our families that live in that community. So if you approve this development

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and our working families will not gain anything from this, imagine those workers from the board and plant that are going to be laid off in a couple of weeks when the plant closes. Will they be able to afford

something in this development? I don't think so, because they do not make them make below 50% mfi and will they and their families still be able to enjoy the Colorado river and the nature preserve around there? I don't think so. So I ask you to please support the community and support the environment and vote no on this case. Thank you. Thank you, sir. Bobby Levinsky on deck is Megan Miesenböck. Hello, mayor and council members. My name is Bobby Levinsky. I'm with the Save Our Springs Alliance and we are speaking in opposition to this case. When I was asked to look at this case, it reminded me of a 2006 case that was brought to the city council. It was an attempt to use I'm sorry the

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clicker wasn't working. PDA zoning on East Riverside. It was to modify the code regulations for a residential project. It sounds familiar. Staff at the time recommended denial based off of the criteria that's in the code. They said specifically the request is not consistent with the purpose statement of the district sought. So that is the zoning. And if you notice the second paragraph there that is referencing the PDA tool, which is describing what it's supposed to be used for, for industrial uses and commercial uses, and to incorporate the terms of a planned development agreement as associated with annexation. This is important because while the city council does have broad discretion with zoning, it does not have absolute discretion and you are confined to the zoning code that is adopted. One thing that was kind of brought up in the discussion today that I had a thought this property was removed from the waterfront overlay in 1986 that has a

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unique distinction. With that, I don't think it would happen anywhere else in town, but it happened here for an industrial facility. Now that facility is leaving. Add it back into the waterfront, overlay it has a density bonus program, salt. Then we can have enforcing. We can have enforceable provisions like affordable housing. So I want to caution the council here because I do think that you are susceptible here, and I would encourage you to talk to your attorneys. I'm not trying to give legal advice, but that's what we're going to have to do on our end. And there's several concerns here. And really, we've already had this process with CURE. We removed CURE downtown because we can't enforce private agreements. Let's get density bonuses. Thank you. Thank you. Megan Micah back on deck is Mary Engle. Good afternoon council. I'm Megan Meisenbach and thank you for listening to me and my friends. I looked at the staff

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report for the board and track and the requirements of the imagined Austin plan having to do with PUDs. This is a PUD Wright. Okay, so it should protect no, not a PUD. Not a PUD. Well the imagine Austin plan

does encourage environmental concerns be met with the proposed acts. The staff did put no answer in this, but we need to protect the Colorado river. The environmental sense, environmentally sensitive lands and protect Austin's environmental resources. And the way we could do this is to require a study of the environment in the area. It would be useful also to have a study of what is underneath the board and tracked. Maybe it's just a little spilled milk, but it might be some other things too. So I encourage you to protect the neighborhood and Austin and those downstream from this project. Thank you. Thank you. Mary Engel on deck is

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Barbara Macarthur schiera following with Roy Whaley. Good afternoon. I'm Mary Engle. I don't want to be here. I tried to donate. Time wasn't allowed. I think I'm allowed and that will come up later. I'm in solidarity with this neighborhood and this community because this project is too much. It's too much in scope and scale. I'm also concerned about the environmental issues, particularly the Colorado river and the different standards that are applying. In this particular case, it seems a little bit on the racism side. I, I do not support anything less than 100 foot setback buffer from the preserve. And I do think Bobby Lewinski is on the right track. This needs to be reconsidered

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ordered because there are density bonuses for properties within the waterfront overlay. Why was this property taken out? It's the same Colorado river. Thank you. Thank you. Barbara Macarthur following Roy Whaley. Hi I came here today to donate time to Bobby Lewinski, but there were no donations. I guess the agenda is too long and we can't speak Mok. So I wanted to read you procedures for Austin city council meetings, public hearings and appeals. As a person may donate the person speaking time on an agenda item or at a public hearing to another speaker if the person donating the time is present. When the speaker begins to address the council. I don't think you've changed that yet. You're saving that for July 20th. I want to support Bobby Lewinsky's idea to put this property back in the waterfront overlay. East Austin areas need the equity that the rest of the

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city has. Thank you. Thank you. Roy Whaley. I think I tell you that every time you break it, you pay for it. How how do y'all. My name is Roy Whaley and I'm the conservation chair for the Austin regional group of Sierra club. And of course, Sierra club is the oldest environmental organization in America. And we Sierra club supports affordable housing, but we want real, affordable housing. So we're not speaking against that aspect. We do speak in favor our of our friends at Pio dare Ann at Garza and we support their position today. And on this project going forward. When we look at this Roy Guerrero park is right

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across the river from this Ann. And while acl enjoys having the Austin skyline in the background at zilker, I don't think anyone enjoys seeing the any kind of skyline on the other side of the Colorado river. And there is a preserve nature preserve right across from this as a border. But rey Robert Corbin, crocodile Corbin, for all of his good and all of his bad, he has collected mountains of trash from this preserve. It's more like a landfill than a preserve. But even even though we tried to canoe that out of there, there is no way to get it out of there. So Richard, let's go out there and pick up some trash and make that kind of contribution to the neighborhood. If nothing else. You know, on the bird glazing, when we talked about that for the statesman, we only

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got it up to a certain height. Now the buildings are so low that birds don't bother. No, we still want that glazed Singh there. And we do want to support our friends in east Austin. My friend Danielle Yanez. Thank you. Thank you. And I'm glad this is second reading. Only it definitely needs the environmental study that wasn't done. Thank you, sir. Monica Guzman. Hear me? Good afternoon, mayor. And council. I'm Monica Guzman, policy director at Garza lugo Austin Austin Garza stands with the river bluff neighborhood association, as opposed to items 92 and 93 regarding the proposed board and track development, we invite you to share about the last time you visited this riverfront and its tributaries like country club creek share about the beauty of nature,

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about the wildlife you've seen. If you haven't visited, we invite you to do so. While the eagle and blue heron are not on the endangered species list, there are four species of eagles and 14 species of herons. Paige affected by the migratory bird treaty act of 1918, including the bald eagle. Golden eagle and blue heron. All of which are in the Colorado river wildlife sanctuary. Over the past several decades, there has been erosion on the river and its tributaries , as many fought to protect Austin's water quality as a city population increased dramatically. East Austin fought for environmental protection and led to creation of the Colorado river wildlife sanctuary, which your decision will serve to destroy. There have been other zoning cases where studies were done before being placed on the council agenda and stead of being part of the problem be part of the solution. We urge you to postpone your decision. Allow time needed for critical

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studies on environmental and traffic impact and water quality. Thank you. Thank you. That concludes all the speakers. Thank you. Mayor members, that takes us to the. We're going to need a motion with regard to items number 92 and 93. Once I have a motion on the table, what we will do is I'll recognize councilmember Allison alter on the motion to amend. That has been distributed. So I'm not actually sure I want to move this on second reading yet. I have some questions if I could ask those. Sure go ahead. I like to invite Mr. Lewinsky down and see if there was other information you wanted to share with us that you were unable to share with us. No.

[3:38:28 PM]

Councilmember, I believe you're responding to an email that said we'd be great to have more than one minute. We got more than one minute. Thank you. Okay thank you. I wanted to ask a question of Mr. Suttle. So while we were on the dais, I was checking with our staff, and it's my understanding that you were told that you needed to dedicate land for connectivity purposes. As I read the letter as saying that, were you told in meetings with pard that you were required to dedicate land for connectivity purposes? Yes. Okay so there's no confusion about the fact that you need to dedicate parkland. No confusion. Okay thank you. I'd like to ask our staff if they can explain what options we have. If it was kzmu instead of pda. I'm generally very

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uncomfortable with this use of pda and I'm curious if we can get some clarity. And I don't know if that's you. Joy or legal, but that would be me. Okay. I think the biggest difference I would say from the pda, the pda allows you to modify any site development regulations. So the pda, the biggest ask is the 120ft, which you can do under pda and under CSS. If you had csv, the highest you could go is 90ft. If you developed into the V and you would have to do affordable housing with the V. I know that's not what they said, kzmu but if you did have csp, you could do the affordable housing and go up to 90ft in height. So the biggest difference I would say would be the 90 the height Ann that's a large concern. Not the only concern from the neighborhood, but a very large concern from the neighborhood. So I would say that's the biggest difference. I the impervious cover is higher only

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because in the pda you can modify by the applicant's original request was over, I think, 95. I don't have that in front of me. But the planning commission brought that down to 75. And of course you can amend that with CSS, but the biggest difference I think would be the height and would have required

affordable Katy if you develop with the V and if you were adding the waterfront overlay to either of those, what would happen to the height? Oh my gosh, I don't know. I mean, I'd have to look at all those waterfront regulations, but I can tell you that that would be a code amendment. I'd have to put this property into the waterfront overlay. I mean, you can't just you can't staff just cannot council just cannot or staff cannot just add it, that that's a larger process. So I'd have to look into what that entails and then what those regulations would be with that. Okay thank you. Any other questions before we call for a motion on? Is

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there a motion to adopt items number 92 and 93? I'll move it. I'll move it on. Second, I'll move adoption on second reading and a second by council member Ryan Alter. Any discussion. Ann councilmember Allison Alter I would like to add to that motion the second part that was on my motion sheet with one change. So that it reflects the vegetative portion. So it would read, evaluate the need for any additional would delete building, and then we would say setbacks. And then in parentheses we would say vegetative or otherwise. That's the main change. Or increase minimum setbacks considering this redevelopments proximity to the Colorado river park wildlife sanctuary and the changes sought to the base zoning entitlement in this pda Wright turning with any proposed amendments for city council consideration on third

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reading members. Councilmember Allison Alter has moved to amend the main motion so that it will read evaluate the need for any additional setbacks. Parentheses vegetative or otherwise close parentheses or increased minimum setbacks. Considering this redevelopment's proximity to the Colorado river park wildlife sanctuary and the changes sought to the base zoning entitlement in this pda comma returning with any proposed amendments for city council consideration on third reading. Is there a second? Is there a second? Yes I'm sorry. Yes. Councilmember Fuentes moved seconds the motion Ann members. Is there discussion on? Yes. Mayor pro tem. I have a question. This is discussion on the amendment. Right. And I'm not sure if this is for the author or for staff, but were there considerations that were not taken up at planning commission? Is there something we think they missed? So I've

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been trying to make sense of a lot of different pieces, which is why it's sort of a general direction to look at it. One element that is not in there currently is a vegetative setback, which is different than a building setback. And I'd staff can probably explain the difference to you better. You know, we have our environmental officer here and she can speak to that. I think better than I can. That'd be helpful. I know

there was some discussion about about a trail potential Leslie or water quality. So I just had imagined planning commission probably discussed it. Can you talk a little bit about those aspects? Luz Katy Cohen environmental officer good afternoon. I think that from what I understand of council member alter's amendment, the idea would be that we would just clarify what types of development could occur in a setback, a building setback, and you could still have different types of infrastructure developed. There just isn't a

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lot of clarity about what might occur there from previous conversations with with the council member, I know that the desire is to have more of a buffer for environmen knell reasons between the development and the preserve. And so trying to understand what kind of low impact development would occur in a vegetative buffer versus a buffer between the building and the setback as originally proposed, I think it's just about negotiating what that would look like, what would be allowed. Eid okay. Thank you. And is the applicant okay with at least starting those discussions? What I'm trying to avoid here is that it goes all the way through a process, gets up to the dais and then we have a discussion that's already been had. Do you see what I'm getting at? Yeah so and we're unclear that the amendment was Shea Ann to us as the hearing was started . And we don't understand what it means because right now there's, there's question whether there's any setback under lie or maybe it's ten

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foot. We agreed to the 60 foot. And again, that's more than normal. So we don't see the need for the amendment. We're happy to continue the conversation burns with with Katy group, as we always do in the site plan process. But we don't we don't see the amendment can we don't understand the amendment. Let me put it that way. Okay, that's helpful. Thank you for that response for the discussion. Councilmember Vogler and my understanding is and again, I'm preface that with with I'm late to this discussion is that the 60 foot setback that the planning commission put in was when above and beyond the 50 foot setback that staff was asking for. Again, I'm a little confused on on what what the setback requirements are. So

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again I'm just not certain where I would I support it. Second, reading you that the second reading only I'm not I'm not completely understanding the setbacks and kind of the need to review this again or those kinds of things like that. I mean, just to be just to be frank. So so anyway, that just kind of where, where I'm at right now. All right. Anybody else on the motion to amend before I ask, councilmember Allison alter to close on the motion to amend. Councilmember Allison alter to close Eid so what I'm

really asking is for there to be a conversation between staff and the applicant to clarify what can be built in that setback. Mok I'm not sure that we're asking for a larger setback, but I honestly haven't had been able to have that conversation. We had one week between first reading and second reading and only just then learned that there was the recusal. So I don't think that was not enough

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time with everything else on our agenda to do the due diligence. And so I'm asking, you know, rather than my going off and doing it and whatnot, I'm asking staff to have that conversation . When I ask them about whether there were environmental things that we should be doing that would matter from an environmental perspective in that buffer space, there were some things that they felt like we might need to clarify, but we're not at a point where we know exactly what what those are and so we're simply asking them to have that conversation over what what needs to happen. And it will have to come back to us to vote on at third reading if there's something that they can agree on. And if they can't agree, our staff will have clarity on what they want and we can decide whether we want to add something different from what the applicant has said. But this is a butts Wright up to a wildlife preserve. And there's potentially very different things that are allowed in the

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setback in different areas. There's a critical environmental feature Wright at the corner of part of that and you know, there's some uncertainty there as to how this would play out. And again, I don't have the full answer. And you didn't receive it because we were still trying to figure it out with everything else going on in the very limited time that we have. And under the circumstance where the applicant chose to invest in a in an organization that forced our colleague to recuse. So I think it is more than fair to ask them to evaluate it. Otherwise, I'm not sure what we're doing. Waiting for the third reading the motion on the on the floor is the motion to amend and by councilmember Allison alter. All those in favor indicate by raising your hand. Councilmember Fuentes. Councilmember Allison alter and councilmember vela vote in favor

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. All those opposed. Raise your hand. Council mayor pro tem council member Kelly. Councilmember qadri. The mayor and councilmember harper-madison Ann. Thank you. Who are we missing? Oh, did you rey? How did you vote for Shaw? So and councilmember harper-madison. How did you vote on the against? Okay. All right. I'll apologize because councilmember both alters voted in favor. Councilmember vela voted in favor and councilmember Fuentes voted in favor. Are there any other in favor for there

being four? In favor Shaw and for opposed one recusal and one not present the motion to amend fails that takes us back to the main motion, which is to pass

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this 92 and 93 on second reading is there any objection to the motion? Ann councilmember Fuentes, I should ask for discussion. Do you want to say something? Yes, please. Well, it should have happened right then, so go ahead. You got you. Thanks, colleagues. While I support the redevelopment of the site and I support the addition of housing and change of use, I will be voting no on this reading. It is my hope that the applicant works with the neighbors on the concerns that they have raised. You know, perhaps as conversations continue, maybe even a restrictive covenant could be signed. But it sounds like there is still a lot of unknown variables that have not been worked out. It's unfortunate that gives Ann the contribution to east side conservancy. It has caused our colleague to have to be forced to recuse himself again on this. No vote is in solidarity with the neighborhood . Councilmember Allison alter. So I'd like to be shown voting

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no on this case. I was hoping we could find a way to address some of my specific concerns about the environmental issues and the buffers. But since my amendment was rejected, I want to make something else clear. Shaw this case has troubled me because there have been significant community concerns and because the applicant chose to enter into a private agreement with a third party, the council member who represents this area is recused on the case. Typically I strive to be attentive to the voice of my colleagues on land use and decisions in their district. I may not always defer, but I largely trust each of us to be stewards for the constituents we were elected to represent. Ten one was established precisely to provide for community, voice and representation Ann particularly for those who felt their voices hadn't been heard under our old system. It's very concerning to me that a zoning applicant can choose to enter into a discretionary agreement with a third party that results in representative voices being silenced at this discretionary choice by the applicant isn't one that the council can control

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. But the results are disturbing . Although I welcome the benefits that the private agreement promises, and I have respect for the third party organization, this seems to open up a door that any applicant could choose to enter into a private agreement with a third party in any part of town without any consent by the council or the district council member, and thereby lead to a recusal by one or more council members. And that's something that deeply concerns me. And I hope we don't continue to see a practice that results in that type of outcome. I also want to say that I have really deep reservations

about us continuing to allow multi use in the city stations. I don't think it gives us the leverage that we need to have the planning authority and the ability to move forward. So I will be voting no. Thank you, councilmember. Any further discussion? Ann all those in favor indicate by raising your hand. Councilmember Ryan alter councilmember Vella the mayor, councilmember qadri, councilmember Kelly and the mayor pro tem for Madison. There

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being seven in favor. All those indicating they're voting no. Please raise your hand. Councilmember Fuentes and councilmember Allison alter with one recusal and one absent the motion passes items number 92 and 93 pass to the second reading members. We will now go back. Let me double check miss harden, have we covered all your business. I was hoping that was the case. Nothing personal members, we'll go back to item number 43. I'll recognize councilmember Ryan alter for the sponsor of item number 40. And then I will recognize council member Allison alter, who pulled the item. Councilmember Ryan alter well, wouldn't you know the moment that it's my computer locks me out, so I'm well, that

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may mean something. We'll move on to another. I don't think so . All right. Here we go. I move adoption of item 40 motion's been made to adopt item number 40. Is there a second? Second by councilmember Fuentes? A discussion. Ann councilmember Allison alter you pulled. I'm sorry, councilmember Ryan alter. I was going to lay it out real quick. Please do that. So today I am incredibly excited to bring forward a plan. I have called opportunity unlocked, even though the acronym might be, oh, you. There you go. Pause okay. Pause for laughter. That's right. Good. I might have to vote against the. We'll work on it. We'll work on it. We need more affordable housing and we need it in all parts of our city. And that's exactly what this item will do. We cannot buy our way out of our affordability crisis. Opportunity unlocked creates a subsidy free program to achieve affordable Katy everywhere. This program is also unique in that it is going to be

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based on affordable bedrooms, not units. Too often we see projects with affordable housing requirements just build studios or one bedroom units. But by taking a bedroom approach, we're able to incentivize developers to satisfy their affordability requirements through multi bedroom, family friendly homes. We know density programs like this are incredibly successful, and I'm confident with this program and the new tier of affordability unlocked passed by councilmember Fuentes earlier today, we can unlock opportunities for austinities everywhere. And with that, I look forward to discussing this item.

Thank you. Broadly speaking, I do support creating a density bonus program. That's why I voted in favor of the item that councilmember Fuentes advanced related to another tier for affordability unlocked. And

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that's why I supported the original creation of affordability. Unlocked and I'm going to abstain on this item today, not because I don't look forward to what will come back, but because it truly seems to me an incoherent approach to walk back affordable housing density, bonus programs for multifamily projects on our corridors while simultaneously trying to create a single family program from scratch. Thank you. Members you've heard the motion. Is there any other discussion on the motion? All those in favor? Raise your hand. All those opposed the two in opposition. One in opposition is councilmember Kelly and one abstention. Councilmember Allison alter. The item passes. Item number 84. Chair recognizes councilmember Ryan alter I move

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adoption of item 84. Is there a second? Second by councilmember Velasquez councilmember Ryan alter. I'll recognize you for layout or comments. Thank you very much. This is the revisitation of the permanent supportive housing project as it relates to a public finance public facility corporation Ann. We have the family elder care project before us today. Shay. And what this item does is staff had the opportunity to review this week, and I want to thank staff for their hard work. I know Mandy was tirelessly poring over a lot of information, so thank you very much and was excited that we were able to arrive at a spot to be comfortable moving this item forward and bring much needed permanent supportive housing for our unhoused community and get it done as quickly as we can. So with that, I'll open up for discussion. Members, are there

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any is there any other discussion on on this item. Sure. Well, I'm sorry. Oh, okay. She does. As a matter of fact, chair recognizes councilmember Velasquez for an amendment. I apologize, councilmember. No problem, Mr. Mayor. I am really excited that we've been talking about affordability and that this that this item was brought back. We were adding. I want to thank council member Ryan alter for bringing this item forward. And thanks to councilman qadri for working and supporting us on this amendment. Colleague this amendment that I'm adding adds the frontier valley project, located in district three as an additionally approved development. I feel comfortable doing this because the amendment gives staff until June 23rd to review and make the final determination to ensure that this project meets city standards, if not approved by this agenda, it loses private money and the project dies. Closing date is late June. This

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is an approved affordability unlocked project that will help three reach its housing blueprint goals. All of the essential components for affordability unlocked. Are there tenant protections, vouchers, deep affordability? Are all included in the project and has a longer term of affordability. 75 years than the minimum required for fcs? The project includes a total of 101 units, half of which are income restricted with various mfi levels, deeply affordable units six at 30% and 21 at 50. Mfi colleagues, I ask that you join me in approving this amendment to prevent this affordable housing project from losing the funding and not coming to fruition. There is no doubt that we need to figure out a process to review these projects and I appreciate staff coming to the table to have these discussions with me and my team. I don't believe we should let a project with this significant affordability. This much of a significant affordability component, it fall by the wayside. Thank you. Councilmember Velasquez moves

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adoption of amendment number one to item number seven, not item number 84. Councilmember qadri seconds. The motion you wish to speak? Yes, sir. Chair recognizes councilmember qadri. Thank you, mayor. You know, I've been proud to co-sponsor for this resolution to ensure that the city and the counties historic investments in permanent supportive housing remain on track. And I really do thank councilmember Ryan alter for bringing this forward and the work that his staff has put into it. And I look forward to seeing a more, more collaboration between ourselves and our counterparts at Travis county in the process of this resolution. It was brought to light a clear issue with authorizing development, seeking a tax exemption from hatzi and I share the concerns that our housing department staff and my colleagues on the dais have shared. And it's my hope that as a council we are never put in this position to approve hatzi PFC projects like this again, because of my concerns, I've been uncomfortable about any other developments being added to this resolution. However,

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however, our my office has put in the work to understand the project brought forth by councilmember Velasquez, and I thank him and his staff for all their work on this and this specific amendment it and how the project meets our high standard for taxes, tax exemptions since this is the since this is an affordability and lock project, it has deep affordability and renter protections that we would require any PFC project to have and we also work to ensure that the affordability period will match the full period of the tax exemption. So for this reason, we are in support of this particular project moving forward at this time. And I want to thank Melissa Beeler from our office of kind of steering us through this this storm. Other discussion on the amendment super fast, just, if I may. Well, let's go. I'm sorry, Allison holt-rabb

first. I don't care what order I would like to hear from the city manager. Well, we're going to. Yeah he sits right here. He makes sure I know he wants to talk. Let me

[4:02:59 PM]

just say primarily because of some of the comments that were made today, I wasn't planning on saying anything. I'm going to be supportive of the amendment. I'm going to be supportive of the main motion. And I am very supportive of permanent supportive housing and I think my votes indicate I'm supportive of how affordable housing in general. But the ends don't justify the means. And just because we attach the word affordable housing to it or we attach the words permanent supportive housing to something doesn't mean we don't still have an obligation to scrutinize what we're doing. And it was even suggested today that it's impossible to imagine that we would have taken any time to scrutinize as Ann and we ought to be scrutinizing at the very same time because we only have so much money. And if we're wasting money or we're investing in something or allowing for something that costs the taxpayer money, we get less of

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what it is we say we want. So I'm going to be in favor of it. But I really do think that we've got to put a process in place before I recognize you to close, I'll councilman Velasquez, I'll turn to the city manager for well, mayor, council members. I was my notes are about the item that's on the agenda, not the amendment. But I think some of my comments will apply to this item as well. When this item was brought up last week, we had an opportunity to evaluate PFC S how they work and how they benefit the public, but also how they benefit the private developers and in general, what we've determined is that developers have a significant benefit that comes from these vehicles and sometimes times we don't have the attendant public benefit that we would want to have for that type of investment with

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respect to elder care, there has been certainly a lot of work done. There's been a one time as it's proposed, it would be a one time transfer of \$1.2 million in tax sales tax exemptions, \$300,000, annual payment in exemptions of property tax and the private developer would donate the land and there would be 60 units for permanent supportive housing. Out of 320% would be permanent supportive housing. But but because that work has been started and because it is part of a collaborative, we want to do all we can do to support these projects. But but certainly moving forward, we would want a different process than we use this time so that we could get to the analysis that the staff is paid to do. So that the council, when it enacts these items, it understands full well what it what it is approving the concerns with this. The elder

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care, this project and the manner in which it was done was that there's a again, a significant benefit that accrues to the developer. It is in today's dollars about \$100 million and it would be significant, significantly different deals in the in terms of affordability for permanent supportive housing. And we would not want the action today to set a precedent for how we want to do things in the future. So our recommendations were, as you got in the memo this morning, is that because the collaborative is a compelling, a compelling work that's been done, we would support moving forward with the real street development Burt the three, the three Travis county supportive projects that are also in the queue are very similar. The staff, however, does not believe that this type of process should be applied to the non collaborative projects, which is one of the amendment that's been put on the table

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today. While we don't recommend it, we think additional work is needed to determine exactly what the deal is. And so we understand that the amendments been made. We want want to talk about the project that's on this agenda, plus the two that which would be life works and urban league, which we think are similar to the elder care. And finally, for next steps, I think we we've learned a lesson and that we need to work a little closer with the housing authority of Travis county. The we have to have a process for review for these folks. And just as councilmember Velasquez just mentioned a minute ago, that we would want the as we do this evaluation, it's with the lens that the alignment with the strategic housing blueprint, tenant protections, assignment of ownership interest and the regulatory oversight and staff is going to be reviewing the guidelines in the future so that when these projects come forward, we have a standardized process. As the last thing I'd say is for these items that are outside of the collaborative,

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one of the things that we will be doing immediately is we'll be engaging an outside organization to do these reviews so that it's so that the council can be sure that we are taking an unbiased and unbridled view of how these work and how the public benefits from that result. Thank you. Thank you. Manager. Any questions of the manager? What are you pointing at, counselor? Oh I'm sorry. Sorry councilmember harper-madison. Thank you, mayor, for the recognition. I would actually just like to ask a question of staff. I generally speaking, I'm always, you know, my three top policy priorities are housing, economic opportunity and mobility. So I'm never in opposition to more opportunity for affordable housing. But this one, this amendment had me sort of generally concerned because I asked some questions about

what are the real costs. And I never really got a clear answer for I would just like to know, just sort of generally if staff can

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help me break down how much will this tax break cost for this additional project. Mandy Mandy tovo deputy director of the housing department. So for the item on the amendment, the 1418 frontier valley, we did learn about this project about two weeks ago. The direction we got from council was specifically related to the collaborative Travis county collaborative project. So we specifically prioritized those projects. We do not have we have not had time to dig into, frankly, what the tax benefit would be as the city manager mention Eid for the royal street project for the family elder care project, which would be 300 units in the mlk tod area in present day dollars. The tax benefit that would be accruing to the private developer in today's dollars exceeds. \$100 million. But

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again, we haven't had time to think very much to defer to my colleague and his judgment, but I have very deep concerns about the uncertainty here. I hope that there's an opportunity for us to continue to have some dialog here that have deep concerns about not knowing how much that means. Let me I think the council member this item, we learned about it earlier this week. As I understand the amendment, it is asking us to do the review to determine whether in fact it would meet the standards that we would want to establish for ourselves in terms of projects like this. It gives us a deadline of June 23rd, as I understand, and which is just a few weeks away. That's a short timeline. The direction we got last week was elder care would be the one you'd want us to look at for this week and then gave us till July the 20th when we come back from recess to look at these other projects. The reason we say that urban league and lifeworks is probably because

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it's in the same bucket as elder care and in all likelihood, we're going to arrive at the same conclusion. But that's also part of the collaborative and some of the work that we need to do with Travis county and Travis county is being a good partner in that they've put in \$50 million for permanent supportive housing, and we want to encourage them to we want to work with them because we think this is a good sign from them in terms of helping us out with this issue. With respect to this project, we just don't have the information yet, but we've been given a time frame in which to look at it. I'm confident that if council, if we determined that we're going to need longer than June 23rd, I'm sure we can send a note to the city council and say we're just not going to finish with our analysis by then. We're not sure what deadlines they're facing. The deadline that you mentioned a few minutes ago, Mr. Velasquez or

councilmember Velasquez, we don't want to be against permits for housing, but we want to make sure that when those decisions get made, we all understand what the to the nature of the commitment is that we're making. Mr. City manager. Well, just if I if I may just offer just a little bit of clarity about my

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hesitation, it really just has to do with I don't have enough clarity. I don't know what the implications are from a tax break perspective of we've been talking all day about development tax breaks and what the implications are ultimately to us as a city and to local residents. And I, I feel like if you don't know and the mayor doesn't know and staff doesn't know, then what are we voting on? If we don't have enough information to really know what we're voting on? And so that's that's what my hesitation is. Council member Velasquez you and I generally speaking, are almost always in direct alignment. My singular concern is I didn't get any real numbers and not working with real numbers is critical. If we don't know what we're talking about in terms of the numbers and the tax breaks, we have to come back and answer for that. So if it turns out that to the point of some of our speakers earlier, which they were heavily critical,

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rightfully so, I, I just want to be able to speak to this moving forward and feel proud of the decision we made. Councilmember Velasquez, again, Mr. Mayor, I just reiterate that that we did we did specifically Wright into there that that staff will have not only the time to review, but also the ability to make the final determination. Ann councilmember Ryan alter I too am going to be supporting this item. I think it's it is merits Harris. I know this kind of starts to rise to the question that we need to grapple with as a dais that the mayor and the city manager brought up about exactly where this PFC tool fits into our broader affordability goals and discussions. My question, and I don't know if it's a Mandy or rosy question, but we had a discussion at one point about affordability

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unlocked. And I asked you about the affordability unlocked being possible without a subsidy and Ann and you said that it was designed not to be. And I wanted to first of all, I want to make sure I'm not paraphrasing you that that's a fair assessment. So when affordability unlocked was created as a program, it was really designed and to enhance, to increase the entitlements to projects that were already receiving a subsidy, typically through the high-tech low income housing tax credit program and maybe with some gap financing from the rental housing development assistance program that we administer. Shaw it was not anticipated to my knowledge that that the tax break would be the actual

subsidy. Sure so this was a little bit there. There are implications, actions that we would like to chew on. If I recall correctly, I think we have 77 to date. We've had 77

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affordability unlocked applications. Are we collectively willing and able to offer everybody a tax exemption on all of those projects? It's something it's part of that larger policy conversation. Ann that we just have not had the opportunity to have. I will say with this project, it is offering that it meets the affordability unlocked requirements and it certainly offers a range Paige there is no permanent supportive housing, to be clear, but it offers a range of affordability on half of the units it meets the requirements of affordability unlocked. They also have submitted rental housing development assistance application to further subsidize the project. We need to answer internally to be able to make recommend options to you all. When these different funding sources, whether it's a tax break through, which is effectively a subsidy or direct subsidy or increased

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entitlements like we Ken is absolutely too much, too much. Absolutely. And one of the reasons why I am ultimately wanting to support this is and I think the applicant can speak to it if we want, but they do have \$1 million to application Ann in that they are not they're going to pull back. And so this will be done in subsidy free. But for the PFC, let's not I'm not going to characterize it. That's not a subsidy. It is that that is the subsidy in the game here. So I think as we discuss this policy, we have to think about those class of deals that do have tech or bond dollars or some other very heavy, heavily subsidized in in that form, or what do we get out of deals that are coming with no public dollar except for the PFC, which is a rich public dollar. I'm not trying to say otherwise. And so what what level of affordability do we

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need? I would think it's more stringent than what the state is require Singh that we should have a very rich benefit and I think you're seeing 30% units in here, which you almost you're never going to see without a subsidy, some some 50 some 60s. So I just I think that's what makes this a little bit different. And hopefully since you all have done the affordability unlocked and smart housing applications for this project, you do have a little bit of a head start, a running start. Obviously, it's not all the details of the deal you want, but but it's not the first time you've ever seen it. And so I think let me I mean, I think that's the issue on not just not to pick on this project, but it's really this the way this whole all this issue has unfolded. There is there is a the reason we have a housing staff that is kind of schooled in these

programs is my preference would have been for weeks ago, maybe even months ago, for somebody that's been

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sitting down with them and saying, hey, we have some issues here. Here's what we want to get done. Here's how the Travis county housing authority is working, here's how the collaborative's doing, here's how these that are outside the collaborative are wanting to get done. We want to use the vehicle of public facility fcs and so what it does is it puts the staff in a really difficult position right before the break to say, you know, let's let's roll with some of these. And so we've we've tried to be flexible as we can on the and that's what we try to show on this memo that went out this morning. But I really would urge all of us and we and we have an obligation as a staff to raise our hands and ask the council, can you please send us the files so we can go to work on it. And if we're not asking for that, I'll make sure that the staff does come to you. If they're coming to you, send them to us so we can start working with them. As soon as we can. And on this item, as I understand it, there's been you've given us some flexibility to the 23rd. That's just a few weeks away. That's going to be a

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real tough timeline. But if we've gotten the complete if we've got the authority to say no, then then. All right. I mean, we I just want to make sure and I'm a little uneasy about that, but but I'm okay doing that because I'm a rental. And so we can so we can proceed that way. But I really would like to kind of avoid having the staff be put kind of in this in this real in this real uncomfortable position because we want to support you guys for the policy directions that you want and not seem to be that we want to be contrary to what you're trying to get achieved. Lugo councilmember Fuentes and the mayor pro tem, I think had your hand up. Am I wrong? I think I did, but my questions have been answered so you can take me off the list. Very good. Thank you. Councilmember Fuentes. Thank you. Have a bear. I'm not sure if you can see me. I'm happy to follow councilmember Fuentes, but my hand is up. Very good. I'll call on you next. Thank you. Thank you, city manager, for your comments that this amendment would still leave the authority with staff because as we were concerned, Singh councilmember Ryan alters resolution last week . There were several developments that came up as

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part of that resolution, including one in my district and one in councilmember Leslie pool district. I heard from several housing justice advocates with a lot of concerns about our PFC process, concerns about the county authority. There's a lot there to unpack and out of consideration. Ann of where staff was at with their workload and city manager. What I have asked and I guess I want some assurance for the record

that the 7800 Burleson case would be considered for that July 20th timeframe. And this is a development that smart housing that had that is looking for a consent from the city. They have a site plan coming in August and want to break ground shortly after. So they are pretty far along in the process. And I will ask Leah Bojo here, the applicant representative here shortly to come up to answer some questions because this feels like a zoning case, but so if you wouldn't mind, so city manager for or yeah, I mean as

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long as we can get all the information. One of the things that happened on elder care and it may have been another one Walkes we got a piece of information related to our housing program, but we didn't get the full picture. For now, our application doesn't require that. It does now, that is, we're not going to go forward with anything until we understand the full magnitude of what is trying to be achieved. And so we're going to fix that process so that that's what happened. So we're looking at the soup to nuts in terms of what's happening on those developments. They would need to come in and sit down with with Rosie and her staff and just lay all the get all the information that they have. I'm not saying we're going to look at this like a loan officer, but it's got to be something close to that. So that because public investments being made Eid and so when we make those investments, does it make sense? And I think one of the questions that council has to consider is when you do have a public resources being used, is there a is there the attendant public benefit? And that's a question that's got to

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get answered. So some of these, at least as I remember, it was 25% permanent supportive housing and the balance was almost market based housing Wright, you know, I mean, one could argue that whether we're really having the attendant public benefit with this vehicle and I think but that's why we have to scrutinize it. We have to evaluate it, and we'll be as fair as we can. And thank you for that. I guess what I'm asking, because a precedent is being set with this amendment and I did not add my amendment to include review of 7800 Burleson because I thought that that could be handled administratively, but because we do have a precedent being set, I would like some assurance that the 7800 Burleson case will be considered by that July 20th time. And because I forgot submit, we are going to hire someone to do these evaluations so that it's supplemental to the staff so that we can make sure we can meet some timelines. And certainly if those come, but they have to come in and start visiting with us almost immediately and yeah, if I might add, 7800, Burleson is one of the projects that we do have currently identified that are in need of an immediate review. So

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it is one of the four that out that I know of that would be prioritized for the 20th. Okay thank you. All right. Any further discussion before we vote on the amendment? Burt? Yes, I'm sorry, mayor. You recognize me? Remember yeah, I did. And I forgot. I apologize. Please. You have the floor. No worries. Thank you. Appreciate it. Director truelove, I appreciate that. You got the red memo. I wanted to ask you know, as we continue this conversation , it brings me even greater concern. I wanted to ask, from your perspective, there's one that I think I have in mind that I know for sure was denied this gap funding in district one. Are there any other projects in district one that I need to know about that I need to advocate for in that next meeting? I'm not I'm not sure. Shaw I'm looking at Mandy. There's not one in district one that was a PFC development that's been denied to my knowledge, so I

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might need to follow up with you. Big Austin. That was not that was not a PFC deal that was denied. That was a rental housing development application. Happy to follow up. I've met with your staff on this. We didn't in fact, deny it outright . We said that we needed that. It wasn't at the right point for us to come in with our investment. We tried to we try to authorize investments on rental housing, development assistance applications at the right point for the that particular development. And after consultation and review of that particular package. It was not we're not at the point where we're ready for our dollars yet, but we look forward to working on that in the future, making reference to PFC dollars. I'm talking about any gap financing that got denied that could have benefited from tax breaks like this. I mean, this I think it opens up the conversation way wider for me. Do you have something to add? Yeah. So I think that's part of the larger policy conversation that we talked about with council member

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Ryan alter. Perhaps the housing and planning committee is the appropriate space to talk about what tool is Wright at the right time is direct subsidy right for this project is a property tax exemption. Wright for this project are increased entitlements. A lot of these incentive programs were designed to stand on their own and now are being kind of layered into a package that includes a property tax exemption that is being stewarded by a housing authority outside of the city of Austin. But the impact is being from a tax perspective is being felt by our tax payers. So for what it's worth, manager, if I may, Shea and one of our future conversations is I'd love to follow up on this if for no other reason, like I've stated previously, I find it problematic that council members

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are not required to have continued education where we are specifically being educated on these items. There are other tier cities that are doing between six and 12 hours of required learning around these kinds of items. I think because it is so tricky. And to director truelove's point and to mandate mayo's point, I think some of this stuff is so complex that if we really don't have the ability to actively, comprehensively contribute to the dialog, I think to some degree we might be offering our constituents a disservice by just not knowing more. I consistently want us to defer to staff. Those are the professionals that we hire to do the work. But but I think we should all understand exactly what the implications of our actions are. And so I'll just remind us of that. I really think there should be some additional education for council members along these lines. But then more importantly, I just want to make certain that when

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we move forward throughout the course of this conversation, Ann that and maybe it's just me, maybe I'm the only one who's raising my hand saying I need more tutelage because I don't understand what y'all are doing. So I'm moving forward. Yes thank you. Director truelove. I would love to follow up with you and your staff and just get a better idea of exactly what the implications to my district one residents are here. Clearly what this is going to require because it hit the way it hit, which which can be argued, is not the way things ought to hit us, is a lot of people. Council councilmember harper-madison are not familiar with all the details and certainly are not familiar with the details of the deals that are being offered. You might even argue that things that are offered where you don't get time to look at them or think about them are not deals we ought to be involved in. But we're going to we're going to vote on this in any event. But the your committee councilmember

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harper-madison is a good vehicle, having at some point, maybe a work session that deals with this, especially after our staff has had an opportunity to investigate the very specific deals that we're now being asked to vote on. I'm going to call for a vote. I'll recognize councilmember Fuentes and I'm going to call for a vote because we still have items. Okay can we have Leah bojo, please come to the front. My questions are understanding what exactly is at stake with this project that requires tirz a two week review to knowing that the administration for the city has committed to reviewing the other cases by July 20th. That's 45 days from now. What particular what are the dynamics of this particular project? Yes. Councilmember for the dynamics of this project, of this process are that if we are not able to get the city council approval to authorize authorization, that's before you and staff approval by the end of June, we cannot close

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on the private financing that makes the project possible. So we do have a small Rhonda application in for gap funding, which we have committed to staff and several of you that we can pull down. We do not have to have that. But the tax exemption that comes with the PFC is the subsidy for the rents. So if we don't have that assurance, we cannot the lender will not close. And the close has to happen by the end of this month. And so that is why the very first question we were asked was, can you wait until July 20th? I wish we could, because that would have made all of this much, much easier. But the reality is that in this situation, we cannot. And so that is why we are asking for you at this meeting to make this approval conditional upon staff review. Unfortunately with only just until the 23rd. So that we have time to close on the private money, which is the financing for the deal, so that this project can get built. It is has a site plan approved, it has construction permits. It is ready to move dirt. We just have to close on the land and get these last couple of pieces. It is a it's a very unfortunate

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time Singh issue, but we are trying to get this project completed. And absent this amendment proposal, what would you have done to secure the financing? I mean, the project dies. Thank you. Who's your who's providing your financing, your private financing? One minute you don't know. You don't know who's providing your financing. My client is right here and he can answer this question much better than I can. So mayor and council members, we are. Who are you? I'm sorry. My name is Chris alfinito. I'm with heartwood real estate group. I'm the developer. That would be building this project who's providing your financing? We have we have a loan from happy state bank, which is a local bank. And that's about a little over half of it. And the balance

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is from a local branch of a of a bank and happy Texas. But yeah. And the balance of that is from private equity out of a group from outside of Philadelphia. When did you first apply for the private financing with happy bank back in September. And so as far back as September did you know that you were going to need some subsidy from the city of Austin before you could close on that private financing? We weren't specifically asking for a subsidy from the city of Austin at that point. We had been working with Patsy at that point. So if I could, we have we have been working with Patsy for quite a while. I know that, you know, there's a lot I don't want to I don't want to try to determine exactly who or where things started to have problems. But we have been working for a while. Patsy has been my understanding, is meeting with city staff. I don't it doesn't sound like the particulars of projects were gotten into, but we felt when we started this process that we had the time and

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then basically the clock is running out now. And so that's why we're here. It's not that we didn't it's not that we started late or, you know, or intended to try to do this at the end. It's that we started in what seemed to be a timely manner and we're just not there yet. Members the motion is to amend item number 84. Is there any objection to the amendment? Hearing none. The amendment is adopted. I would like to abstain . Fair enough. Please show councilmember Allison alter abstain Singh and the amendment is adopted. That takes us back to the main motion as amended on item number 84. Is there a I'm sorry, may I ask the question that I want to ask? Please thank you. So there were some recent state legislation Ann trying to address abuses of these organizations. Can you explain what that legislation was about

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and what it does? Sure pfcs are public facility. Corporations have been around for quite a while. They have in recent years become very popular for because of frankly, abuses across the state of Texas where pfcs are giving away property tax exemptions for little to no. Frankly, community return. We had a professor here at the UT community law clinic did a report on pfcs that it really stirred the legislature to close this loophole and tighten the cfc legislation. The report came out, I think, two years ago, right after the last legislative session. The legislation actually passed both chambers, both the house and the senate, and it is currently sitting on the governor's desk to be signed Eid, which is one of the reasons

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we're seeing a lot of this activity around. We're learning about a lot of PFC projects that we had no idea were actually in the works. So zo, from what you know of this legislation and I know you're not a lawyer, would would these projects qualify under the legislation so zo several of the projects have changed their have assured us that they will meet the new legislation, the primary. There's multiple aspects of the new legislation, but one, as an example, the old PFC statute only said that 50% of the units needed to be affordable at or below 80. Median family income and the rest could be market rate. Well, as you all can imagine, across a chunk of the city of Austin, 80, mfi rents are effectively market rents. So we were giving away unbeknownst to us, a tax exemption for effectively a market rate developer. The new PFC legislation requires that 10% of

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the units be at 60. Mfi and I will say we were approached. Council member Fuentes there is a developer who was interested in or as far along in a development 7800. Burleson when they first approached us,

they had a standard PFC, the 50% at 80% at once. The PFC legislation passed, they adjusted their mfs and now it's 10% at 60% to conform with the new PFC legislation 40% at 80. And if they do 10, at 60, they get property tax relief on all 100. Only if because these are all through to the housing authority of Travis county. It needs authorization Ann specifically from the city of Austin and the housing authority of the city of Austin, or hakka, and I should say Mike Gerber, who's the CEO of hakka, is here, should there be any questions for hakka? But in order to proceed, they need

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that explicit authorization. And we've been put in a position because we have only recently these have come to light where it hasn't followed a process that is helpful to staff because it certainly doesn't give us the opportunity to review the details of the deal and determine whether or not this is something where the community benefit is commensurate with the property tax exemption. Wright so I hear what you're saying and it it raises a lot of questions for me and I hope city manager that we're going to get more clarity on this. I have way more questions than we can get to today. So I'm going to abstain. I do want to say that I support permanent supportive housing, but I am not in I'm not comfortable knell moving forward today. And from what I can tell, my vote doesn't matter. So I'm going to stick with that. But I there's a lot of questions that

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are being raised and as chair of audit and finance, I'm very uncomfortable voting in favor of that today without those questions. Councilmember, I'd like to ask one more question. It may end up being more than one. No, of the applicant. Do you know whether your client has a contract to sell this property ? No, my client does not know. No, no, no. Sorry. My client does not have a contract to sell. Because your contract. Has your client been talking with anybody to talk about flipping the property. That's their business model. Hello. The property currently is owned by my business partner and I Ann. And we will be transferring it to a joint venture with our equity partners and then immediately selling it to Travis county. And so we're not flipping it. We're developing it. Thank you, members. The main motion as amended, is before us

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. All those in favor raise your hand. Show councilmember Ryan alter, councilmember Velasquez councilmember vela qadri Fuentes and the mayor pro tem voting I all opposed say I'm sorry and harper-madison. Thank you. I'm here. I appreciate that. Don't know what I can do to make you see me better. Know I'm here. You're doing everything you need to do. It's my fault. I apologize. All those opposed say no. So I'll vote no. So I'm abstaining. And we have two abstention and one absent. All right. That handles

item number 84. Let's go to item number 78. I'll recognize council member qadri. Mayor, council member harper-madison also had her hand up. I didn't know if there was something she needed. Do you have something additional? Council member harper-madison yes, please. Mayor I just wanted to say that I was hesitantly making my yes vote. I still have deep concerns and I understand why some of my colleagues are abstaining from this vote, as do

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I have some very deep concerns about the uncertainty. So I just wanted to make sure to recognize that I appreciate and recognize the need for permanent supportive housing. But this particular item, it it feels like there's a lot of uncertainty. So I'm hesitantly voting yes. Thank you, councilmember qadri on item 78. Yes sir. I pulled this item just to ask a few quick questions from staff as an office received a number of concerns from planning and zoning stakeholders on this item late yesterday. So if staff could come up, I just have a few questions to ask. Great thank you. So question number one, how is the first be it resolved different or similar to what council just initiated for Flum amendments which allowed Flum amendments to be filed year round? There's been a

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concern around whether accepting zoning requests on certain days will extend the process of review. So if we could get clarity on that, sure. Veronica Briseno assistant city manager responsible for our planning department. So the first resolved, I believe, speaks to the receipt of zoning applications. One day a week or I apologize. It does not speak to that. An applicant can provide their application any day of the week. However, one day of the week we will provide an intake process where we're looking at everything that we've received and making staff assignments. It simply is a proposal that we put forward to address workload issues as we have talked many times before the dais, we have a significant staffing vacancy rate and the planning department and we have and I will lean to our director on planning to jump up and correct me if I'm wrong, but our staff are averaging about 50 zoning cases. A person that's a very heavy workload and not recommended as a the Wright workload. So our hope is, is as

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a manager, if the manager is able to look at the total number of zoning cases and divvy them up in a equitable way, that will help with staff workload and staff will know to predict that on that day of the week is when they're going to receive their assignments as opposed to receiving an assignment every day of the week. But an applicant can submit a zoning application any day of the week. Got it. Thank you for that clarification. And then we received concern from in our office about the third deadline under the pilot program regarding an application expiring. If a commission hearing has not been filed,

how will that work? You know, the last thing I would want, and I think any of us would want, is our commissioners to feel pressure to support or move on a project that is not ready or not good just because the application will expire. It is actually the opposite. It's extending that timeline. So right now our concern again, because of our short staff, there is a there's timelines in the code for items to go before the planning commission and come before council. We are not

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meeting those deadlines because we are just frankly short staffed. So what we're doing to meet so that they don't expire and the zoning case can go on, we're placing it on an agenda and then postponing it. That's not fair to the applicant. That's not fair to stakeholders, and that's not fair to staff or the governing bodies. So we want to make sure that we're allowing for enough time for the full process to go through and then we can be very up front with everybody about the timeline and what it's going to take. So we're extending the process. Got it. I appreciate that clarification. I've got two more questions then I'm, so I imagine we will receive a full presentation and detailed evaluation of the pilot program . Is that is that safe to say? Absolutely and if I could speak a little bit to that. The reason why we're proposing a pilot program is exactly so that it gives us time to staff up to do things like what we've talked about here, including hiring consultant to help us with our backlog. We have an existing backlog of zoning cases right now that need to be prioritized. Frankly so that year, pilot

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program allows us to do that and in the year absolutely will give you a full evaluation. And the decision most likely will be two to step out of that pilot program. It may not, may be, but we would do that with your with your consideration. Got it. So the evaluation and the presentation would just happen at the end of the end of the program. Yes. Got it. And then the last question, Ann will any stakeholder engagement be done during or after the pilot? Yes we can. Certainly. We have certainly heard the interest in having stakeholder input. We will do that. We can do that throughout the program and we also will do it at the end. And I, I have committed to several stakeholders that if at any point we see this as not really working towards the direction that we want, which is really to alleviate staffs not alleviate the workload, but really give them a good sense of some assistance with their workload. If that is not the objective met, then we will come back to council and ask for a reconsideration. Great. Well, I

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appreciate that. You know, I just want to make sure that we as a diocese are supportive of the work that you all do and staff does. I mean, staff doesn't get done in this building without our staff and then city staff as a whole. So I just, you know, wanted to get some clarification and I appreciate that. Thank

councilor qadri, do you have a motion? Yes, sir. I a motion to adopt item 78 councilmember qadri moves to adopt item number 78. Is there a second? Second by councilmember Vella? Any additional discussion? Is there any objection to the adoption of item number 78? I'd like I'd like to object. Item number 78 is adopted with council member Kelly being shown voting no. That'll take us to item number 83. I'll recognize councilmember qadri as the member who pulled item number 83. Yes, sir. And I will make this super quick. I just wanted to pull it and I think everyone has our version to in front of them. You know,

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colleagues, the intention of this ifc arose for many community providers and stakeholders, noting the increasing number of families being evicted and experiencing homelessness over the past year, urging for services for the lgbtqia+ community and the trend of increasing disbursement of those experiencing homelessness throughout the city. Shown by the recent point in time count data. Not only will it assess geographical regions and populations served in need of increased shelter capacity, but also look at navigation centers. This resolution is really to work in partnership with the homeless strategy officer shelter assessment report that will be released this month and get cost scenarios for the findings and recommendations from the report. As I said, version two was distributed this morning and it had two minor changes. The first was to include potential funding sources to the cost scenarios, and the second was to have a work session status briefing on July 18th. I just want to thank my co sponsors, councilmember Fuentes councilmember Velasquez

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, councilmember vela, councilmember Reinhold. And then I would also like to thank councilmember Fuentes, who brought forward a budget rider last year to initiate the shelter assessment report, Burt. And with that, I put in a motion to adopt item number 83. Councilmember qadri moves to adopt item number 83 in version two that was distributed to you. Is there a second second by the mayor pro tem? Is there any discussion? Is there any objection to the adoption of item number 83? With that objection, item number 83 is adopted. Members, we will now go to items 53 and 54. Item 58 and then item 88. Item number 53 came from the housing and planning committee. I'll recognize council member Harper Madison on item number 53. My apologies, mayor. Have almost, almost didn't unmute myself.

[4:47:58 PM]

Colleagues, I'd like to read into the record the version two of the motion sheet that my staff distributed on the dais. Hopefully you all have a copy if you don't, please let us know. We move that the city council direct the city manager to proceed with the prioritization as outlined in the June 5th memo titled update

on the timing of land development code amendments and continue to work with the housing and planning committee on priorities, housing and organizing, current and future potential land development code amendments for the greatest impact on housing. I'd also like to if I may just take a moment of personal privilege. I really just want to take the opportunity to thank our city staff for all their work with our committee. I'm excited and hopeful for the work that we will get done together. This fall and next year. Thank you, councilmember. Councilmember harper-madison moves adoption of item number 53 as set forth in

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version two, which was handed out as part of the backup is there a second? Second by councilmember Ryan alter? Is there any discussion on the item ? Is there any objection to the adoption of item number? I'm sorry, mayor pro tem. Thanks, mayor. I just wanted to confirm in work session we had talked about the more generic spreadsheet that councilmember alter had circulated being the one where going to be using this seems to reference the memo. So how are we going to balance? Obviously, they're supposed to reflect each other, but how which document are we going to be taking up in housing and planning moving forward? It was my understanding I'll let her answer, but it was my understanding that what this actually helps do is uses the memo as the starting point for where we go, okay? And so when we take this up, potentially in housing and planning, we'll be looking at that. The Gantt chart that we all learned about on Tuesday as our way of prioritizing. Councilmember harper-madison did I say that right? You did. I appreciate your articulation and I also

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appreciate very much mayor pro tem Ellis, you taking the opportunity to let our constituents know what a Gantt chart is. I think that was a very appropriate and important contribution to that dialog. But yes. Mayor, you articulated perfectly exactly what my intention is. Thank you very much. And my hope is that if, vice chair alter has a different perspective, he certainly can be recognized by the chair. But my hope is that we are in alignment. There for the record, he is shaking his head, indicating he does not have any dispute. Is there any other discussion? Councilmember Allison alter I appreciate all the work that went into this and I think it's good that we're prioritizing. I'm not sure this is there yet, but I don't have a constructive way forward to the challenge, so I'm just going to abstain on this. All right. Is there any further discussion on this on item number 53, is there any objection to the adoption of item number 53 with out

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objection? Item number 53 is adopted with councilmember Allison alter being shown abstaining. Item number 54, councilmember harper-madison. I will recognize you. I'm being I am being very 46 today and not finding my unmute button. So colleagues, I'd like to read into the record that the motion that I'm bringing forward that my staff has distributed to the dais, the motion sheet says that I move that council approve the resolution Ann and committees recommendation and backup. I am absolutely thrilled that we are finally taking this big step to provide the long promised development and services. The colony, park and lakeside neighbors have been promised and I look forward to finalizing this amendment by the end of the year, thanks to the commitment from our city manager, Ann and the strike team that he established to make it possible.

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Thank you. Councilmember harper-madison councilmember Allison alter, second to the motion to adopt item number 54 as recommended by the housing and planning committee that is located in your backup is there any discussion on this item? Is there any objection to the adoption of the motion? There being no objection? Item number 54 is adopted. Item number 58 is a public hearing and action on this item. We will without objection, I will open the public hearing Ann and I'll call on staff to make a brief presentation. Do we need a staff presentation? Thank you, sir. All right. There you go. Mr. Word. Thank you, sir. Good afternoon, mayor and council. Unless the mayor. Unless the council desires. I don't necessarily feel compelled to give you a full presentation. I'll direct you to the staff memo that was provided in the back up to explain the

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difference between the staff recommendation and the planning commission recommendation. Thank you very much. Does anybody have any questions? I appreciate that . I'll turn to the city clerk and ask if there's anyone that has signed up to speak as part of the public hearing. There are not. Mayor, thank you very much . There being no one to speak at the public hearing. Yes I just wanted to move my motion at the appropriate time. Yeah, I'm going to close the public hearing and then we're going to come to the action item. Okay? Okay there being no one to speak at the public hearing, without objection, we close the public hearing on item number 58. The mayor pro tem is recognized on item number 58. I move to approve the staff recommendation . Version two with the amendments included in what I had posted on the message board and what's been circulated. Thank you very much. Mayor pro tem has moved that we adopt item number 58 in the staff recommendation version two with

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the changes that were made on the sheet that has been circulated to the members of the council. Is there a second seconded by councilmember Allison alter? Chair recognizes councilmember Kelly for a proposed amendment number one, to item number 58. Thank you, mayor. I move that we adopt Kelly amendment one and then I can speak to it if I get a second. Members, you've been provided Kelly amendment number one and you've heard the motion . Is there a second? Is there a second? Is there a second? The motion to amend fails, for lack of a second. That takes us back to the main motion. Is there any objection to the is there any discussion? Yes. Mayor pro tem, I'll just flag that in council member pool absence, she had led on this initiative originally and has provided some content and backup for folks who wish to see more of it there. That's an

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appropriate recognition. Thank you for doing that. Is there any objection to the adoption of item number 58 as as proposed Eid you're objecting. No, sir. Go ahead. Go ahead. I would respectfully request that the housing or the historic preservation office be afforded an opportunity to speak to the amendment being considered. Oh, okay. We'll do that before we vote. Please. She said that in the original comment. Thank you. Division manager word. Just want to make a quick statement on the record. While we absolutely understand and support the safety aspect of this amendment with no question from a historic preservation perspective, the proposed revision could compromise the integrity of a small but important subset of historic properties and it will deny them the ability to comply with the historic design standards adopted by council six months ago, the staff recommendation number one,

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considers the safety of a vast majority of properties, while also allowing historic property owners to continue maintaining their properties. Historic integrity. Thank you. All right . I'll. Well, I'll. I'll not comment. Councilmember Allison alter. I was not aware of that at knell. That's why that's why I asked if there was any staff before we get into all this. That's typically, that's what we want to hear from staff, right? I think we can either go into this or we can pass it on first reading the way we have it and take it up in July if we want to. This is council member pool item that we were trying to move forward and I think she has the deepest amount of knowledge on it and she's not here so. Mayor pro tem, I appreciate that and might just offer that we could

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still move forward today knowing that this does not preclude, you know, a commission from taking up these niche conversations in it. I know the intent was just to get the safety practices as implemented. Now if it gets too convoluted, we could do first reading or postponement. But I just know that there was

an intent that if other folks needed to take up pieces of this that needed to be identified in a more meticulous manner, that that did not preclude those conversations. Councilmember Kelly yeah. Thank you very much. Council member Allison alter for that. I I would feel more comfortable having councilmember pool available since she does have that vast amount of information and we can lean into that. So I would like to motion to postpone to July 20th a substitute motion has been made and that is to postpone item number 58 until the July 20th. Is there a second to that motion

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seconded by councilmember Vella ? Is there discussion on the sub motion? Any discussion on the substitute motion? All those in favor of the substitute motion indicate by raising your hand opposed. Councilmember Harper Madison you're opposed. Show councilmember. What does that mean? I'm sorry. You're in favor. How do you vote? Councilmember harper-madison, you're muted. She did it again. I I did it again three times in one day. My kids are going to make so much fun of me. I was in favor all right? The motion, the substitute motion to postpone item number 58 to July 20th, 2023 is adopted with the mayor pro tem being shown voting no.

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Item number eight. We need to have a public hearing on this. But I want to invite Erica leek up without objection, we will open the public hearing on item 88, please. Erica leek planning department. Just very quickly, this public hearing will consider an ordinance. Well, the public hearing is about considering an ordinance amending ordinance number. 2020 21201-056. Corridor overlay district to incorporate the full extent of the roadways described in resolution number 2022 0609066. And these corrections are needed Eid to correct road segments that were not properly identified and or noticed the first time. This ordinance was considered. Thank you. Did anybody have any questions, miss leek I'll call on the city clerk to let us know whether anyone has signed up to speak at the public hearing on item 88. There

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are not any speakers, mayor. There being no speakers at the public hearing on item number 88. Without objection, we will close the public hearing on 88. The chair will entertain a motion to adopt item number 88. I'll move to adopt item number 88. It's seconded by the mayor pro tem. Is there any discussion on item 88? Is there any objection to the adoption of item number 88? Hearing none. Item number 88 is adopted. Without objection. Members I believe that covers everything that's on our agenda. Unless somebody objects. Without objection, we are adjourned. Thank you all very much. Oh, by the way, for the record, it's 5:00 exactly