

City Council Work Session Transcript – 10/31/2023

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This is atxn the City of Austin's Government Access Channel 9:00 am on October 31st, 2023.

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9:00 am on October 31st, 2023. We are meeting in the city council chambers, which are located in city hall, which is at 301 west second street in Austin, Texas. Members, this is a work session and my intention is the chair would be to first go to items that council has pre-selected and pulled Eid so that we can discuss them at the before the council meeting on Thursday. And then we will go into an executive session and at the end of the executive session , I'll come back in and announce when we are recessed, we have a quorum present. So I will first go to the pre-selected agenda items that are pulled and that's item number 29. And I'll recognize councilmember vela. >> Thank you, mayor. I was looking at the item and pulled it just to get some basic information regarding the new

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information regarding the new legislatively mandated approach that we're going to be taking with regard to parkland dedication. And I spoke to the park staff yesterday, and I believe they have just a short, you know, some some information to kind of tell us where we are and where we're going. >> Very good. Thank you. >> So good morning, council members and mayor kymberley Mcneely, serving as the parks and recreation director. Everything that council member vela just said is true. I have our staff here. We wanted to check that first to I have our staff here from the parks and recreation department, the planning division, and our parkland dedication team who will have a map to show you and we'll be able to provide some basic information and then answer questions. So Randy Scott, Tom Rollinson and I guess it's Tom Rollinson. We'll be here just to provide you that map and answer questions.

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map and answer questions. >> Great. Thank you very much. >> Good morning, everyone. Thank you so much for having me. Tom Rollinson with the parks and recreation department. So yes, the item that's before you or the map for you is to comply with the house bill. 1526. So this is the staff proposed map. This is one of the few items within the house bill that gives the city discretion in making choices about how the state bill will be implemented. For parkland dedication at the city level. So there's three designations. The CBD, urban and suburban, and each one has an associated density factor, which is kind of a discount rate associated with the requirement. And then also an average land value that the appraisal districts provide. So what staff is proposing is really to use boundaries for those three areas that are consistent with what's in the imagined Austin comprehensive plan. So the CBD is the boundaries represented by the downtown Austin plan from

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the downtown Austin plan from 2011. The urban area represents the current urban core that's used in the 2016 parkland dedication ordinance and it was part of the council resolution for the urban parks initiative back in 2009. And the remaining area is the suburban, which includes everything outside of those two first areas within the full and limited purposes. One thing to note about the three different areas is that the urban and suburban area or I'm sorry, the CBD and urban areas do have a quote unquote lower level of service because the density factors are higher that discount rate I mentioned at the beginning will be higher in those areas. So it will be more difficult for the city to acquire parkland or to have parkland dedicated on site due to the discount rates associated in those two areas. So there's a discount factor of four. So the requirements are really divided by four within the urban area. And then divided by 40 within

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And then divided by 40 within the CBD. Thank you, councilmember Vila. >> The discount factor, could you walk us through that? >> What exactly that that means? Yes >> So and in the bill, it's called a density factor. So I just want to clarify the nomenclature here. But essentially the you apply the formula that's mentioned in the state bill, which is you multiply 0.005 acres of parkland per dwelling unit times the average land value for that area. So whether urban, suburban or CBD. And then you divide that by the density factor for that region. So if it's in an urban area, you take the formula 0.005 acres per average land value per unit and then divide it by four or and would given the and just to clarify, these values are much lower than the parkland

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much lower than the parkland dedication requirements that the city had in place prior to the legislature. Well that's that's something that will need to confirm because right now these areas haven't been established and it's the appraisal districts that provide the average land value. So it's true that in the CBD and the urban areas, the average land values may be higher, but we anticipate that they'll because those density factors are applied, it will lower the values. But whether they'll necessarily higher or lower than the fees in effect for parkland dedication today, we're anticipating that that for urban and suburban they they may go down. But not until we've finalized that with the appraisal districts. It's hard to confirm. >> Got it. And I think Mr. Scott , council member, councilmember, the land requirement is much lower than what is existing today.

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today. >> Currently, we require 9.4 acres per 1000 in the CBD. It will be less than a 10th of an acre per 1000 population in the urban core, it will be 0.75 acres per 1000. And in the suburban area will be just under three acres per 1000. >> And given that calculation, then would you expect it? Because and again, please correct me if I'm misunderstanding anything, but they can either give land or they can give money in lieu of the land. Given the kind of current calculations, how do you see that playing out in terms of would we be getting land or would we be getting money for future parkland under the bill, the parks and recreation department will be increasingly taking fee in lieu of and requiring land, especially in the urban core and the CBD. >> You may, if the is on, it's still difficult to hear you. >> We heard yourself spoken. But

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>> We heard yourself spoken. But I'm sorry. There you go. Better, I believe now I can hear myself in the CBD and in the urban core . The parks and recreation department will be requiring land. I mean fee in lieu of the majority of the time that the thinking being that this parcel that we would get would be so small as to not really be useful from a parks perspective. >> Is that would that be correct? >> That's correct. And the. If we were to require land, especially in the CBD and urban core, the majority of the time would be paying for that land with with other fees, either bond funding or other fee in lieu of. All right. >> And then I guess my last kind of question really would be just I guess to a certain extent, I don't know what the limits are in terms of defining land, but just based on the calculations to a certain extent, the suburban land is going to be

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suburban land is going to be getting the most land per acre. Is there any kind of incentive to, you know, to try to, you know, designee get more land suburban than urban? You know, how how, how do you all see that . >> So yeah, the park level of service and I'm sorry, I don't mean to interrupt you, but if you could just state your name. I'm so sorry. My name is robin Hammons. I'm a principal planner with the parks and recreation department. Thank you so in the suburban area, you'll have a level of service of three acres per 1000, which is, again well below our current 9.4 acres per 1000 urban area. You're going to go down to just the that 10th of an acre or 0.75 of an acre. So yes, you'll be your park level of service will go down quite significantly in this urban and CBD areas. And that is based on the author of the bill sort of stated the intent of it reflects

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stated the intent of it reflects the diminishing expectation of park areas as your urban density increases. So that's just based on the this idea that the bill author presented that people expect less parkland as an area gets more dense which is not how Shaw Austin has operated until now. So this these geographic areas the suburban area expanding it would increase the level of service ice up to the limit of the bill throughout the city and would there be any restrictions on, you know, for example, could we just designate CBD again, I'm just thinking out loud here. >> But you know, could we designate a larger area as suburban, even though that conceptually we don't really think of it as suburban, let's say, you know, the area there highlighted in pink, but just in terms of being able to get, you know, additional parkland, are there any kind of guidelines or restrictions in the bill that

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restrictions in the bill that that would prevent us from like designating larger areas as suburban as far as we interpret the bill, there is no restriction on how the city chooses, how the municipality chooses to designate these areas . >> I would say, if I might I would say, though, that this bill was in part based upon Austin and there will be scrutiny about how Austin reacts to this bill in the next legislative session. So while there may not be written restrictions, I think we ought to be able to defend whatever it is that we do. >> Got it. >> Well, thank you. And thanks to park staff, that's really all I had. I just wanted to kind of highlight that for, you know, for the council. >> Councilmember Allison alter, thank you. >> First of all, happy Halloween. And it's interesting that we're starting with a truly scary item. I think we have to be very, very clear here.

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be very, very clear here. Parkland dedication gets into the weeds super, super quickly. Let's make no mistake that what the legislators did at the capitol is gut our ability to provide access to parkland in our city. They got it. Our parkland dedication fee process has worked since 1985. It with the changes that we made, we were actually making a dent in providing access. This bill guts it and it guts it because developers went to people in east Texas and said they didn't like it and people who don't represent Austin changed the rules and made it hard for us to do this. So let's make no mistake. This is not just a minor change. This is absolute gutting it. And city manager, I understand that they were asked to provide a presentation on this particular item, which is simply setting the boundaries and they have chosen to do that

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and they have chosen to do that based on the boundaries that we already had, because we already had these categories. But we need a presentation next week that really fully demonstrates the full impact of this. I've heard numbers like in and I may get the years wrong, you know, fiscal year. 22 we had something like 20 plus million dollars that we were getting from parkland dedication and parkland fees in 23, we were getting something like 17 million and maybe it's 23 and 24. We were getting 17 million. And next year we're going down to 1 million. And that is a huge difference and that's just on the fees and really parkland dedication. The most important part of it is the land and the situation that we have here is they have set up a situation where we will not be able to require land in the central business district or in the urban area, because we will have to pay the developers for the land. Like let's just

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the land. Like let's just reflect for a moment how twisted that is as this whole process is about providing access to parkland, to the people who need parkland, who are moving into the areas where we're developing, and now we're saying that they get to build their development. And if we want to have parkland, we have to pay them for that. It's just twisted. They have set up a situation Ann, where they have so severed the relationship between the cost of land and the fees that it is impossible for us to require land and it is that land that was providing the pocket parks. It was that land that when you had a pud like the grove that you even got the little bit of parkland that you got, or with Brodie oaks. Without that, our pud requirements for parkland are bunk. I mean, it is I mean, this is going to devastate our parks and we don't have \$27 million just lying around just for the fee part, let alone the land part. There were numbers that if

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part. There were numbers that if we were trying to make up the land from, I think fiscal year 21, 22, where we had something like 55 acres, we would be paying \$65 million to get the same amount of land. So this is devastating. And when you ask why we're skeptical, some of us of the developers and what they want, this is, you know, exhibit a of that our community loves their parks. Our community wants access to parks. We have a commitment and a strategy to do this. And this just devastates it. So, city manager, we need to have a very, very clear presentation Ann before we vote on the other pieces of this that goes through what we expect is going to happen to our fees and what's going to happen to our ability to acquire land and comparing it back there because our community has to know that the state legislature and folks from east Texas decide decided that they could determine how we meet the needs of our community. With respect to parkland, we

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With respect to parkland, we have 9.4 acres per 1000 is the goal, which is already taking out huge swaths of parkland and now we're going down to 0.075 acres per 1000 residents for our level of service, it is just gutsy. We're happy to do that and we'll be happy to do it before and after. >> Councilman Ryan alter, one question first, piggybacking on what councilman Ravelo was talking about in the incentive or disincentive of how you draw your boundaries, I'm I'm wondering, given that part of the fee calculate is based on the average land value within that geography, if there isn't the county incentive, as it were, to not not make a essentially make the whole city be suburban because now that changes that average land value in the calculation, right?

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in the calculation, right? >> So the CBD has a very large divisor there, right? We divide by 40, but at the top number is much larger because it's a your average land value downtown is much higher than your average land value. Let's say you know, in onion creek. So I'm just wondering, is there that am I thinking about that properly in terms of how y'all are drawing the lines and where the incentives are of as it relates to the fee? I'm sorry if I didn't ask that very clearly, but like councilmember alter said, it's very complicated. Very quickly. >> We did not take any of that into account in drawing the lines for the CBD was identified in the in an existing plan in the urban area was identified by council and approved by council and the suburban area as existing. So two of the three were already existing. And the third all we did was add the CBD. We did not take property values or any of that into account and trying to determine the boundaries. Okay we have

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the boundaries. Okay we have heard from park advocates and I imagine they want the suburban area. Increased in size in the urban and the CBD shrunk. And I would imagine the development community would want the CBD in the urban area expanded. Okay so hang on, councilmember Fuentes, did you wish to be recognized? >> Oh, I'm sorry. >> I'm sorry. Just one more comment. >> I'll come back. >> Pardon me. Yeah, just to expand on that, I think there's also an issue with how land is required because the way that the calculation is where essentially any land that's dedicated is valued according to the average land value in the area. But that discount factor is not applied to the land value. So that gets into the situation that councilmember Allison alter had mentioned, where the city could possibly be paying the developer for the value of park land that exceeds

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value of park land that exceeds the fees that's being discounted so heavily in the CBD in urban areas. So I think there is an issue with expanding, say, the CBD further, maybe the average value of the land goes up in that region, but it it would also make it more difficult to potentially require parkland because we'd be competing against that discount factor essentially with any on site dedication. Got it. >> And yes, please. Sorry sorry. >> Just one more thought. We work as a group brain, but so another way to consider it is that the land values are not likely to be 40 times higher in the CBD than in the suburban. So those those density factors are not going to necessarily align with the actual land value. So it's likely not going to be four times as expensive in the urban area than the suburban et-cetera . >> And speaking of the land values, under the bill, we set those land values and then updated every ten years. Do we

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updated every ten years. Do we have the authority to pick our starting year? And if so, can we do it for the appraisals that were January 1st of 23? Because I imagine the appraisals of January 1st 24 are going to be not as favorable. >> We're required to request the current appraisal value within ten days of these geographic areas being adopted. Okay >> Thank you very much. >> Thank you. I'll councilmember Fuentes will come before we go into executive session councilmember Allison alter. >> Thank you. Because this gets in the weeds very quickly. Just wanted to point out I did an interview with Austin Coleman a few weeks ago and went through a lot of these different things. So if folks want another explanation of it to try to understand it, we had a lengthy conversation and went into a lot of the detail and folks might find that helpful. Thank you. >> Anything else on this item? Councilmember Fuentes, the chair will recognize you. >> Thank you and thank you staff for the presentation.

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for the presentation. >> Yeah. Thank you. >> All. My question is for the city manager and I apologize that we haven't had an opportunity to connect beforehand, but I was under the impression that city staff were going to do a presentation during work session on disaster preparedness and emergency management. Certainly I've had conversations with city staff and colleagues. I feel a lot of confidence in how we've improved as a city and I'm really thrilled with the progress that we've made in our emergency preparedness. And so I think that those topics are relevant to the entire council. So I just wanted to check in on when can we expect that they're coming up? >> Yeah, they are coming up. >> And I don't remember the date offhand, but it'll be pretty quick. I mean, it was we had the initial pass was not as comprehensive as we'd like it to be. And so we've asked to make it more comprehensive, to make sure that energy, as well as all the other departments are in there. So I think we'll be bringing back that to council cry oh, you can cry it out from the microphone. >> Veronica Briseno assistant city manager the briefing is scheduled for November 28th. Okay wonderful.

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Okay wonderful. >> Thank you. >> Sure. Thank you. Any anything else before we go into executive session? Thank you, members of the city council will now go into a closed session to take up one item pursuant to section 55107. One of the Texas government code. The city council will discuss legal issues related to item E one. The confidentiality of police officer personnel files. Item E two has been withdrawn. Is there any objection about going into an executive session? Hearing none. The city council will now go into executive session and as I indicated when I called the meeting to order, when the executive session is complete, there will be no other items for the council to take up at this regularly called work session. But I will come out and announce that we are out of the closed session and adjourned the meeting. Thank you. Good morning. We're out of the

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Good morning. We're out of the closed session in closed session, we discuss legal issues related to item E one. The confidentiality confidentiality of police officer personnel files. We are out of that closed session. As I indicated, Ed there being no further business to come before the Austin city council at this scheduled work session. Without objection in the city council is adjourned at 10:18 A.M. On October 31st, 2023. Everyone have a happy Halloween. Happy Halloween!