

City Council Work Session Transcript – 4/30/2024

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[8:59:49 AM]

You're watching a-t-x-n the City of Austin's Government Access Channel all right. It's 9:00. And good morning. I am Leslie Paul mayor

[9:00:56 AM]

morning. I am Leslie Paul mayor pro tem and I will call to order the work session for April 30th, 2024 at 9:01 A.M. And we have a quorum of council present. How about remote? Do we have anybody joining us? Virtually not yet. Okay, great. Well, will you all let me know if that happens? Okay, colleagues, the mayor let us know that he is in DC for a meeting with white house officials and members of congress relating to a task force on homelessness. I understand he will be back in time for our meeting Thursday, so I'll run through our plan for today and then we'll get started. Our plan is first, we will recess the work session and convene the Austin energy utility oversight committee. After uac, we will reconvene work session and then go into

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work session and then go into executive session on item e2. Item e1 will occur on Thursday when mayor Watson is in attendance after executive session. We will return to the dais for the staff briefing on the south central waterfront district and density bonus program, and then the land development code item with a short briefing from staff and discussion. We'll then move to pulled items. There will be a press conference today at 1 P.M. Regarding the recent rash of overdoses. With our Travis county partners. My

hope is that we will have our work completed in time so that I can attend the event, and you all may also be planning to attend. Does that sound good to everyone? That's good. Great without objection, I will now recess the work session and call to order the eoc meeting at. 9:02 A.M.

[10:26:31 AM]

committee. Thank you, staff, for your good work. And to members of the community who were here today to provide good input. Thank you so much. All right. We will reconvene. We will reconvene the, regular work session at 1026 April 30th. And we will be going now into executive session. The city council will now go into closed session to take up one item pursuant to section 5.51.071 of the government code. The city council will discuss legal issues related to E two Mikel Macdougall et Al. Versus city of Austin et Al. Cause number d1n 20. Dash 00820. In the 345th district court, Travis county, Texas. Is there any objection to

[10:27:32 AM]

Texas. Is there any objection to going into executive session on the item announced hearing? None. The council will now go into executive session. We are in recess district on April 23rd, the

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district on April 23rd, the planning staff briefed the housing and planning committee of council on the south central waterfront, combining district and density bonus program. Today staff will brief the entire body as well as including the recommendations that were made from the planning commission. This item will be on the may 30th agenda for council consideration. And with that, I'm going to turn it over to April.

>> Good morning everyone. I'm April Giarrusso from the planning department. My team and many colleagues across the city have been working on the south central waterfront, combining district and density bonus program code. We're glad to be speaking with this body about it today. The code amendment for the south central waterfront is based on two key items. The first is the adopted 2016 south central waterfront vision framework, and the second is the 2022 council resolution, specifically pertaining to this area of the city. To navigate council's request. Our approach

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council's request. Our approach to the code has been to develop an incentivized set of regulations and bonus program through the creation of a combining district and density bonus program. This is considered a paper district, similar to what north burnet gateway is considered. Then a city initiated rezoning of properties in the district would occur. That would be, with some exceptions, as our intent is staff is to recommend council rezone all parcels in the district, with some exceptions that you see in front of you here on the screen. Staff are not seeking to initiate rezoning of existing puds, pdas or the planned development agreement in the area. Landowners of these sites can initiate their own rezoning per typical processes. However so before you is the structure of how the code is written. The elements of the combining district are shown on the left and the elements of the density bonus program are shown on the right. The combining

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on the right. The combining district is broken down into four different subdistricts. The subdistricts are distinguished from one another in terms of both floor area ratio or far, which establishes the amount of building space you're allowed based on your lot size and height limits, which define how tall a building can be. No matter the F.A.R of the of the place. Additionally, since the districts parcel sizes and shapes here in south central waterfront vary, so widely, staff has introduced the concept of density distribution areas to create an openness within any given site and to ensure accessibility to the entire community and not just residents of that development. Ddr footprints must not have more than 90,000ft S, roughly the same as a downtown block. The openness is then created by publicly accessible internal circulation routes required between each density distribution area. We had two different economic consulting

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different economic consulting firms support us in analyzing this program eps, eps supported us in calibrating the bonus area of the various on site community benefits, and then Hyatt brown analyzed how we might successfully structure the program that still, in their assessment, at least marginally, pencils for developers in today's economic conditions means the density bonus program is organized in the following way that you see in front of you to enter into the opportunity to build beyond the base density to a density shown in the subdistrict map, a site must adhere to gatekeeper requirements that you see there. On the left within the first 3 to 1 fa. They're seeking the gatekeepers include on site affordable housing, affordable rental units must be provided at 60% mfi or below, and if building condos, those must translate into affordable ownership units at 80% mfi or below or a fee in lieu can be paid for affordable ownership. Units excuse me for ownership

[11:15:09 AM]

Units excuse me for ownership units instead, then the enhanced environmental standards and streetscape and built environment standards are also gatekeeper requirements. Then, to achieve the maximum density as described in the subdistrict map, a site must contribute fees in lieu and other on site community benefits. So this is broken down in the following way 70% of the density can be earned through in-lieu fees and dedications, and those in lieu fees would be divided among affordable housing, parks and then infrastructure and community benefit impact fees. The affordable housing and parks fees would be spent nearby, and then the infrastructure and community impact benefit fee would be spent to support the district directly. Then the other percent at 30% of the density bonus. Available may be achieved through on site community benefits, and you see the list in front of you here.

[11:16:11 AM]

the list in front of you here. Of the various different options for on site community benefits that can achieve, additional density bonus. To get an idea of what this might look like, here's an example of a project that's in the district and has recently submitted their development assessment application to our department. You can see that for a site of this size through the program, this the development is able to achieve roughly 6 to 1 fa. And then community in return would receive 21 on site affordable units, \$7.1 million in fees in lieu that would be then distributed and, within housing, parks and infrastructure. Based on the site size, it's broken down into three density distribution areas and additional density is gained through various provided on site community benefits. This includes certain types of commercial music space, public art, and then of course importantly, open space. On April 9th, planning commission heard from us on the draft code

[11:17:12 AM]

heard from us on the draft code with an 8 to 1 vote. PC was in support of with recommendations moving the draft code forward to you all at council in front of you. I've outlined all 13 of pcs recommendations here. Of them, staff is not recommending for not including three since they're out of the scope of this zoning code amendment and in support of and where relevant to the code incorporating six. The most dramatic recommendation of the evening was number seven, where PC asked for staff to use the downtown density bonus program in place of the south central waterfront density code. Staff do not support this recommendation. The downtown density bonus program simply does not meet the central waterfronts needs. In part, we, as staff were asked to accomplish on site affordable housing, maximizing infrastructure for pedestrian, transit and transportation in incentivizing open space and parks. And the downtown density bonus program just falls woefully short in these areas for this district. In terms of

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for this district. In terms of the big picture, here are some of the highlights on how the draft code has evolved from the public and planning commission feedback. This year, we've expanded the boundaries in the district and modified the subdistricts and a couple of areas, particularly in support of transit oriented environments and reducing density in the west, we adjusted the affordable housing fees to ensure proximity to transit and prioritize spending towards preservation of affordable housing. We added multimodal circulation options and enhanced all circulation routes. We've also identified some next steps, some of which you see in front of you here. While these are very important for consideration and staff intends on working on these to support the fta grant application process and its timeline, we feel like these items can be complete soon rather than now, with limited impact to the area. As for the timeline, we conducted three public meetings and received

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public meetings and received hundreds of survey responses and a one month public input process. Earlier this year, we held two joint staff and developer meetings. We've briefed board boards and commissions 14 times over the last several months, and we are additionally attending the open houses for the joint code amendments to speak with community about what's going on in this area of the city, as well. And we hope to be going in front of you later on this in may. On may 30th, as acm Briseno mentioned. So as we continue to move forward, our hope is that council approves this draft code in may, initiating the rezoning over the summer. Thanks for your continued interest in this area and we'd be glad to field questions. Great

>> Thank you so much. That was really helpful. We'll take questions now. Council member qadri, thank you, mayor pro tem. I don't have any questions, my office. Sent a list of detailed questions to staff, and I look forward to receiving those responses, we're just looking for a little bit more clarity and refinement to get to some of

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and refinement to get to some of our stakeholders who might who might have some concerns, but I just want to reaffirm my appreciation for staff's work, on this. That's it.

>> Yeah, I echo that for sure, really appreciate the work. On this. And, yes, council member Vella does the, possibility of, not having a tirz in the south central waterfront, again, that's a pending issue. Still to be determined. Change anything from staff's perspective of how we get the infrastructure into the area to allow for development.

>> So this density bonus program is just one and has always been considered one element of many that are are needed to sort of think about full build out in this area, and, and, and so I believe we have, yes. Kim Olivares is here to sort of talk

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Olivares is here to sort of talk through the other components, but again, it doesn't necessarily directly impact this draft code specifically, but in terms of the full picture for build out, I'll hand it over to Kim.

>> Miss Olivares, welcome.

>> Kim Olivares, deputy cfo, so when we presented to council previously going back a couple of years, we talked about a variety of different tools to help us achieve the vision of south central waterfront, whether it was then. And those tools still apply now with this current vision. So we have a suite of different options that we can pursue. So I'm I'm confident that we can we can address the needs.

>> And just as a as a follow up, my understanding, is that there is significant infrastructure investment, again, not just the above ground stuff, where in terms of roads, but also in terms of the drainage infrastructure and the water and wastewater infrastructure that would have to go in to allow this level of development. There

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this level of development. There is that accurate?

>> There is, there's been considerable work to assess, the infrastructure needs of the area relative to, this the anticipated density based on this plan, so I'm actively working with those affected departments to determine a path forward.

>> All right.

>> Thank you.

>> Any additional questions? Looks good. All right. Thank you so much, let's see, assistant city manager Briseno. I think we now have the land development code discussion. All right, so if you will kick off that discussion and I think we have Andrea bates.

>> Absolutely, mayor and council next on our briefings, we have a briefing on the land development code amendments that you're before your consideration, as a reminder, at the last meeting that you all had, I believe it was the joint public hearing me that we had there was a request to have more council

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to have more council conversations. So we added this to your timeline to do so, and, Andrea will go through the other dates that we are coming to you in the future. This update will include the

recommendations that were made from planning commission, which they considered it last week, and with that, I'm going to turn it over before I turn it over to Andrea bates. I did want to give a thank you to staff for all their hard work. Andrea is going to be our emcee, and she's going to start the presentation and then hand it off to each individual case manager for each section. Thank you Andrea.

>> That's great. And then at the conclusion will take questions from individual council members for the staff. Thank you, miss bates.

>> Thank you so much. Andrea bates, assistant director with the planning department. This briefing is an overview of the four code amendments that were considered at the April 11th joint meeting of the council and planning commission, and those amendments include the electric vehicle charging use home phase two, which proposes a smaller lot size for one unit citywide compatibility changes, and the

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compatibility changes, and the equitable transit oriented development, or itod overlay. We presented these as amendments to the council and planning commission at the joint meeting on April 11th. After that meeting, we held two open houses for the community to learn more about the proposals. There was an in-person open house at the central library on April 17th and a virtual open house on April 20th. Last week, planning commission took up three of the four amendments at a hearing on Tuesday, April 23rd. Also on the 23rd, there was a briefing to a joint meeting of the housing and planning committee and the mobility committee of the council. Today, the 30th. We are here presenting at work session and the fourth amendment will be going to planning commission tonight. Then we have two additional open houses scheduled on may 6th and may 8th, both in person, and I'll have additional

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person, and I'll have additional details on those in a couple of slides. Then there will be another city council work session on the proposed amendments on may 14th. And finally, the council meeting where there will be another hearing on may 16th. We have been using multiple channels to get the word out about these code amendments. As you know, there was mailed notice what we refer to as the purple postcard for three of the four amendments that apply citywide that went to all residents, residences and businesses addresses in Austin. There was also a separate itod specific notice that went to the correct geography for those code amendments. There have been news stories, news coverage of these proposed amendments. The city has been posting on social media about them and opportunities for the public to comment and we have also taken out advertisements in local publications. In addition to all of that, there is a project

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of that, there is a project website with extensive information about all of the proposed code amendments, which is updated as the additional materials are produced. There is also an email and phone number for people to submit either comments or questions to staff in addition to the open houses that I mentioned. So these are our engagement numbers from last week. So over 670,000 city wide purple postcards went out. In addition to over 39,000 itod specific notices. As of early last week, there were almost 5000 visits to the project website at speakup. Boston. Org over 200 phone calls or emails, over 150 comments on speakup Austin. Org. There were 181 speakers at the April 11th joint meeting. 88 people attended the first in-person open house in over 75 in attendance for the virtual open house. These are the two additional open houses

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the two additional open houses that I mentioned on may 6th, from 6 to 8 P.M. There will be an open house at Anderson high school, and on may 8th from 6 to 8 P.M. At George Washington carver museum and cultural center. So that takes us to the code amendments themselves. Today's briefing will focus on some clarifying buying items for the particular amendments that address questions that have come up since the April 11th joint meeting. As well as an overview of the planning commission recommendation for the three items that the planning commission has already reviewed. And so we will start with electric vehicle charging.

>> Good morning. I'm Eric Thomas with the planning department. And I'll be providing a couple of clarifications to the proposed new electric vehicle charging principle and use part of the staff recommendation for ev charging is to prohibit the use underground. This prohibition was included on

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prohibition was included on recommendation by the fire marshal's office. And this is because when ev when evs catch fire, they burn incredibly hot and generate a great amount of smoke. Furthermore, underground smoke remediation can take several days, during which time access to the entire parking garage would be prohibited. In the time since the staff recommendation was finalized, we've continued to coordinate with the fire department and have come to an understanding that ev charging might be acceptable. One level below grade with certain design criteria and restrictions on placement. Given the timing, staff deferred the option to amend the proposal to the planning commission and city council. Additionally, after reviewing public engagement conversations, staff feels the need to clarify that the proposed principle land use will not change or restrict how ev charging is already permitted as part of an accessory parking use . The proposed regulations only apply to ev charging as the principle, or only use of a site accessory. Parking will still be permitted for other principal uses. Staff does not and will not restrict the number of

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not restrict the number of spaces that may be electrified, so long as accessory parking requirements are met. At its meeting on April 23rd, the planning commission voted to recommend approval of staff's recommendation with three amendments the first is related to roadway types, an ev charging use is permitted or conditional, depending on which roadway type the site abuts. The staff proposal includes each of the roadway types that are defined in article five of 25, two, subchapter E, the amendment adds language to account for any additional roadway types that might be defined in the future, so that the use is not prohibited along those roads by exclusion from this original ordinance, staff is recommending this amendment. The next amendment would permit ev charging up to one level below grade subject to certain fire code requirements. Staff is evaluating this amendment. We are working with the fire department to ensure that they are comfortable with the language and the effect on development before making a recommendation, the final amendment would make ev charging a conditional use within 1000ft

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a conditional use within 1000ft of any highway caps and stitches . Staff is recommending this amendment given the adjacency of future caps and stitches to downtown and walkable mixed use neighborhoods to the east, we agree that an ev charging use should be considered by staff and the land use commission through the conditional use permit process.

>> Hello, I am Larry Keating and the project connect office and the case manager of home phase two. We would like to clarify some items that we have gotten questions on regarding the staff recommendation and current requirements. First relates to the 45% impervious cover limit. Impervious cover maximums help ensure there is space for rainwater to be absorbed into the ground or directed to the storm drain drainage system. Residential subdivisions are generally designed with the assumption of a 45% impervious cover. Second related to emergency access. All new

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emergency access. All new development is required to meet current fire code structures that are out of the reach of the fire hose from the street must have a sprinkler system inside the structure, or be accessible by a fire lane. In general, the median lot depth does not exceed the 150ft hose length. Now I'll summarize the planning commission amendments that were made last week. Many of these amendments are still under consideration by staff, and we will provide official recommendations as part of an updated staff report for this presentation. The amendments have been grouped into specific amendments to the ordinance and general amendments that provide additional policy and

programmatic direction. The first group of specific amendments relate to lot size and unit size. The planning commission recommends maintaining the current definition of lot area, which for a flag lot excludes the

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for a flag lot excludes the narrow portion of the lot used to access the street. Then pervious cover on the flagpole would not be counted. In this instance. Additionally, amendments include a reduction of the proposed minimum lot size from 2000ft S to 1500ft S, a reduction in the proposed lot width from 20ft to 15ft, and an increased guaranteed unit size from 14 50ft S to 16 50ft S. The next group of amendments relates to setbacks and what is allowed between the setback and the lot line. Two amendments recommended a zero setback for internal lot lines or where two small lots are adjacent to one another. The commission also recommended reducing the front back setback from 50ft 15ft to 10ft. They also included an amendment that allows encroachments for architectural features and porches. And this amendment is

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porches. And this amendment is actually aligned with the current code allowances for encroachments. Additionally, the commission recommended that front yard impervious cover limits of 50% would only apply to driveways and parking areas. This would exempt porches and walkways from this calculation. The final group of specific amendments is related to subdivision and lot arrangement planning commission recommended lowering the minimum width of the flagpole on a flag lot to ten feet. If one flag lot is proposed, and five feet if two flag lots are side by side. The commission also recommended allowing bad back lots, which is a land locked lot, without street access and utilities would need to be accessible accessed through an easement. Additional language clarifications were recommended relating to flag lots and recladding. Now moving on to policy and programmatic amendments. There are four

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amendments. There are four policy amendments that would impact the development allowed under home phase two, the first is to develop a new replanning process. Specific to home projects. This is currently underway with a proposed infill re subdivision ordinance that is making its way through the legislative process. Planning commission also directed the creation of a preservation program similar to home phase one and two amendments related to modifying the application of home phase two by area of town. The second group of policy amendments relates to the tracking and impact of home phase two, and making sure that the there's publicly accessible educational material related to the new

development standards. And we just wanted to note that some of this tracking is already in progress for home phase one. The last group of policy recommendations are programmatic in nature and would extend

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in nature and would extend beyond the impact of just home phase two. These include financial and legal assistance for low and moderate income homeowners, and additional support for people at risk of displacement. This summarizes the planning commission access, and I'll pass it on to my colleague Jonathan Lee to talk about compatibility.

>> Germ chair.

>> I'm sorry, is this in the back?

>> That's because it's just a lot of information that's scrolling. And I couldn't find it in my email, and I couldn't find it in the backup.

>> Absolutely. Council and I apologize, staff was working very late yesterday to get this finalized, so we're getting it posted as late back up right now or as back up right now. And we'll get it emailed it to you all as well. Thanks

>> Good morning council. My name is Jonathan Lee. I'm the case manager for the compatibility code amendment. I first want to emphasize that the compatibility buffer is much more flexible than the current no build setback, though they both have

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setback, though they both have the same 25 foot width, the compatibility buffer allows a number of low impact uses, and this translates to more buildable area. And for residential projects, more housing units on sites across the city and I also want to note that the standards for the compatibility buffer are not located within the zoning code. Chapter 25 two. Those are instead located in another section of the land development code. Chapter 20 5-8. And lastly , the proposed compatibility changes would reduce the overall area, subject to compatibility by nearly 94% compared to current regulations. This is in large part due to ending compatibility at 75ft, versus the current 540ft, but it's also due to changing the applicability, including adding an exemption for lower density multifamily Zones. And now I'll move on to the planning commission amendments. The planning commission made over a dozen amendments to staff's proposal, several were to the

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proposal, several were to the code language itself, and several were broader general recommendations. So the first one is to remove the 40 foot height limit needed to get an exemption from the compatibility buffer for sites zoned no, low or lr. Those are the lower intensity commercial and office zoning districts. Staff does not support this amendment. The second one is to allow a 15 foot compatibility buffer instead of the 25 foot buffer that normally applies on lots less than 75ft in width. Staff generally supports this with a few changes. The next one is excludable two family residential use. Up to 16 units from compatibility buffers. We support this amendment and allow site specific amendments to the compatibility. Not only the compatibility height limits, but also the compatibility buffer requirements. This amendment is currently still under review. The next one is allow a 15 foot compatibility buffer for a structure that is 40 foot tall or less, and contains a

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or less, and contains a residential use. This one is still under review as well, and ensure both planning commission and city council can initiate site specific amendments to the compatibility standards. Staff supports this amendment and then lastly recommend noise requirements for mechanical equipment, this is under review and here are several general recommendations for staff and council consideration. First, just make the buffer requirements more flexible. Second, provide a summary of the compatibility regulations at various sites around the city. Also prioritize meetings with neighborhood groups to describe the compatibility changes, and limit the applicability of compatibility changes. Certain areas to study equity, displacement, and gentrification impacts. And lastly, ensure that the requirements for all density bonus programs match the requirements for the new density bonus programs considered in 2024. >> Good morning council. My name

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>> Good morning council. My name is Warner Cooke and I'm the case manager for the equitable, transit oriented development overlay code. Amendment and rezoning. So some of the clarifications you'll see on this slide, are things that we've heard so far over the last several weeks as we've been talking to the community, one of those being the there's a misconception that you would have to redevelop under the tod bonus program, and there's no requirement for redevelopment, the proposal would allow for different types of redevelopment that a site would be able to do today, but there's actually redevelopment requirements that would make it more, more difficult in some cases to redevelop existing affordable housing units or certain commercial spaces and add additional protections. In fact, we've also gotten concerned that existing businesses would be impacted. And I want to emphasize that while new uses might be prohibited on through the staff proposal, this doesn't impact established uses. They would be considered legal nonconforming uses and would continue to be allowed to

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continue to be allowed to operate as they are today, there's been some questions about how the tod compatibility standards relate to the citywide changes that Jonathan was just going through, and there is a slightly modified or relaxed version of compatibility standards for projects that meet the tod density bonus program requirements, generally allowing buildings to reach 90ft after that 25 foot compatibility buffer, which is in line with the height allowed in the db 90 density bonus 90 program already adopted, and then after 50ft, they would be able to reach their full height, which in some cases could be up to 120ft, or roughly ten stories, there's also been, you know, why isn't this in there? Why isn't that in there? And there's a lot of, things that we that council has directed us to look at, that the community is excited for us to look at that we would like to consider in the future phases of the work. And that includes, looking at additional areas of town for the metro rapid and metro rail, portions of the

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metro rail, portions of the project connect program. That also includes looking at different or increased entitlement above 120ft, and it also includes looking at additional community benefits. So things like open space, affordable commercial space, transit, supportive features are all things that we've heard that folks would like to see as another type of benefit in this program, and we're committed to looking to that in the next phase, which we would we're planning to bring to council in spring of 2025. And then finally, it's worth noting that once these, provisions, these two combining districts, itod and db tod, are on the books, and adopted, if that's council's will, then additional property owners would be able to come through the standard rezoning process with notice through the planning commission and council to request the application of those if they're within a half mile of this geography. And with that, we don't have any planning commission amendments yet because the planning commission is hearing this case tonight. So we recommend you all tune in. >> And here is a reminder of our

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>> And here is a reminder of our schedule going forward tonight. As Warner just mentioned, there will be planning commission review of the itod overlay next week. There will be the two additional open houses may sixth at Anderson high school and may 8th at the carver museum on may 4th or 14th. Excuse me. We will be back before you for a work session, before the council's consideration and potential action on may 16th. We encourage the community to visit the website. Speak up Austin org slash ldc updates for additional information about the proposal and up to date versions of the documents. As the items progress through the review process, the community can also email or call staff at the email and phone number you see on the screen, with either comments that will be compiled for a council consideration. At this point, they will have been provided to planning commission and going

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planning commission and going forward after planning commission review will continue to be compiled for council or if there are any questions about the proposal, they can leave the question and staff will return the email or phone call within a few business days. And that concludes our presentation for this morning.

>> Thank you so much, miss bates, assistant city manager Briseno, let's move into questions. And if you would designate which staffer you think is appropriate, depending on the content of the questions, that would be really great. Yeah. Let's start with council member Ellis.

>> Thank you. Mayor pro tem, I have one specific question.

>> Then a couple of comments. And it is about the slide that showed the recommendation from planning commission to lower the minimum lot size to 1500 square feet. But then it said the unit size, they wanted a minimum of 1650. Can you kind of explain are those coming from two different proposals or how how did they come to that suggestion to make a 16 50 square foot unit

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to make a 16 50 square foot unit minimum?

>> Yeah. So those were two separate amendments, I can't remember who who made each, but, currently you're guaranteed a 14 50 square foot house, which is the average unit size under home phase one for three units, and they're just recommending, a, a larger house would be allowed. On any lot size. So as the lot size gets smaller, you would be allowed, a higher F.A.R. Yeah okay.

>> So that would essentially sorry.

>> They gave me the, the chito villa microphone. So everybody watch out, so the idea would be maybe they had a third story or were able to utilize above the second floor to be able to reach that sort of square footage.

>> Yes. On a on a 1500 square foot lot, you would likely need three stories to get to that square footage with your impervious cover limits.

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impervious cover limits.

>> Okay, I appreciate that because I know some of this conversation is around allowing folks to build smaller units on smaller lots. And, I've told the story a few times. When I was first getting out on my own, I had a 423 square foot apartment, and I loved it. And I hope one day when I'm a little old lady, I can go back to my 423ft S, because I don't like to have a whole lot of stuff. And I don't have I don't like dusting a whole lot. So I just want to make sure we have those units available for folks. Other than that, I'll just say I really appreciate the work that staff is putting into this, I also appreciate, I know planning commission when they last met, they had to break their meeting into two different days because they had so much information to take on and so many topics to discuss. So I know that there's a lot of activity happening that may not necessarily be evident just through a work session or, even when council takes these up. But I know that a lot of work is happening. And so I very much appreciate that, in other times where we've had extensive amounts of amendments to review,

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amounts of amendments to review, staff sometimes has put together a spreadsheet of, you know, kind of what you delineated in these slides, but sometimes adding the rationale into, you know, exactly what does it mean when staff says, hey, we can work with this, but we may make some changes. So is there a plan to do that again for us for the next couple of weeks?

>> Councilmember. We are working on that spreadsheet and we will certainly share it with mayor and council.

>> Okay, fantastic. Well, I look forward to being able to review these, and thank everyone's hard work trying to make this very palatable for us and easy for us to understand all the different suggestions that people are making along the way.

>> Councilmember qadri and then council member Kelly does this.

>> Does this work? This works. Does it work?

>> Oh, great. Okay

>> Got it, great. No questions, I just want to, share my support for the PC, amendment to further restrict, ev charging as a use immediately around the plan caps in central Austin. You know, the city is working really hard to make sure that it's to make sure

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make sure that it's to make sure people centered caps and I-35 is a reality. So, I'm glad staff is supportive of it. And I'm looking forward to seeing the change come may 16th.

>> Councilmember Kelly, thank you.

>> Councilmember, thank you for coming up here for that presentation.

>> Ann. I submitted a bunch of questions through q&a about this item, but I do have one that I'd like to ask. I'm not sure who's going to answer it. So maybe you can rock paper, scissors it. But, what metrics will help evaluate if the goals of increasing density housing options, and transit accessibility are achieved over time? Do we know the answer to that, assistant city manager Briseno, who would you like to thank you, miss bates, maybe I was looking at miss bates.

>> I felt like I forgot the show where you phone a friend. I was looking for a friend.

>> Is your question about the package of amendments as a whole? Yes. So we know that we will be doing specific monitoring for home phase one and likely home phase two. But that's a great suggestion to consider. The impact of all of

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consider. The impact of all of the amendments. And so we can figure out a way to track the progress as applications are submitted. And they go through the development review process, we can be looking at who is using the different bonus programs, you know, what is the uptake or any concerns encountered with the potential compatibility changes. And that will inform potential minor modifications that staff may propose to the amendments going forward. They will, of course, inform future community conversations about additional code amendments or modifications to these. And so we will also be, of course, writing up all of this work into the potential the grant proposal. And then we will have the information on how that is received as that process moves forward. So thank multiple tech points.

>> Yeah, I just think it's a best practice to do that for anything that we bring forward to ensure that we are being successful in what we're doing,

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successful in what we're doing, but then also to make those modifications and adjust and adapt and overcome, if necessary, for the success of programs. Is that something I need to bring forward as an amendment?

>> Well, I think the mayor actually made that specific amendment and direction in when we voted at the end of last year. And I would imagine, because we all Wright need that documentation and that data, we always do and we always ask for it. And staff is always prepared to provide it. So I would imagine this would be an expansion. Ann of that, is that correct? That is correct.

>> That direction was given to us with home phase one, and we would continue with that.

>> That's wonderful. Thank you, mayor pro tem, for clarifying that. Again, it's just a good practice to get into and I know that our staff, our professional city staff, is excellent at providing that data for us so that we can make better informed decisions as council members for the betterment of our city. Thank you.

>> Councilmember Allison alter and then council member Ryan alter.

>> Thank you, I've submitted a bunch of questions, but I have a couple that I want to ask here.

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couple that I want to ask here. And if you could ask someone who can speak to home and str's first.

>> I see Trish link making her way down to the podium.

>> Thank you, good morning, so I wanted to ask, how do home one and home two treat str's.

>> Trish link with the law department and home one council applied a limitation on on, the duplex use and the two unit use, there was a preexist Singh limitation on the two unit use, which council carried forward and then on duplex that was, added so that they would be treated consistently as recommended by the planning commission and by council for home two there it would still be a single family residence, so it would still be eligible for a short term rental license.

>> So is it accurate that under home one, two of the three units

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home one, two of the three units could be used exclusively as str's?

>> So there was not a limitation placed on the three unit use? So yes, they could be used that way.

>> So all three units could be used. Correct. Okay. So is it accurate that under home two, if an existing lot and home is subdivided into three separate lots, then and then they might be able to do more lots depending on the size. Then each of the units on each of the lots could be used exclusively as str's.

>> Correct?

>> Okay. Colleagues, I remain very concerned about the amount of stress that may be created through what we're doing. I'm not sure what the solution is. Miss link, you have mentioned that you wanted us to be doing a more comprehensive str, revision. What is the timetable for that process?

>> So in order to change our short term rental regulations, we will need to have a joint public hearing, which means the earliest we could come to

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earliest we could come to council would be in the fall.

>> Okay, you know, there's a lot of issues with our str ordinances and the legal framework. And I'm very, very concerned about how this all intersects, and I do think we need to address that sooner rather than later, this is probably not for Trish, it's probably for miss bates.

>> Hold on one second before Trish goes, because I just as a follow up to that, Trish was the removal of the str use part of the home initiative, or was it a staff initiated cleanup of the code?

>> It is staff's recommendation to modify and to fix change. However, we need to describe it all of the str regulations in a holistic manner. So that was actually not part of home one, but because we were making those , changes to those uses, that was the recommendation of the law department and the reason

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law department and the reason that we had to do the cleanup was related to a ruling in a court case.

>> Is that correct?

>> Correct.

>> So we are making changes that were required by by the judiciary.

>> So there court cases that have impacted the regulations that the council passed in 20 1213 and 15 and 16, and so we've had a couple of court rulings. We also have some other cities going through court. The court proceedings right now. And so that could potentially, impact what we're able to do, so the idea was to take all of the str, regulations at one time and try to address all of them holistically.

>> As someone who was on this dais when we first tried the as the ten one council robustly to address the problems inherent in str's and their proliferation around our city. As in many cities, I can I can just say how

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cities, I can I can just say how much we have been trying to battle to get some consistency and, peace in the neighborhoods around the areas where str's have shown up, whether they are registered with us or not. And we have had, consistent difficulties in trying to establish our community values in this in this arena, in relation to what both the state legislature has required of us, and also as a result of court cases. So it makes it a very, very difficult situation. So I wanted to be really clear that the str piece and the changes to it that that my colleague, councilmember Allison alder, is raising today and has before

weren't part of the home initiative, even though they have been assigned to that by some. That change was initiated by staff in order to take it to

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by staff in order to take it to make efficient use of staff time. And the fact that we were looking at that portion of the code, that work continues apace. It has not been resolved, but I think this dais is united in its desire to get to a place that works well across the board for our community. Thanks, if I can continue with my questions, member Alison alter, you had I will just point out I appreciate the, the, the background that you provided.

>> Mayor pro tem, but nonetheless, miss link did just say that every one of the units created by home can be an str. And so we are making these changes without, making the revisions to str. And this potentially accelerates the str problems that we have or the proliferation of str, in our community. And that is a consequence of home one and home two, regardless of whether our, it was part of the process given the way that we have to handle str, right now, it does, impact that the proliferation, so I

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that the proliferation, so I think I have a question for miss bates, what other code amendments are on the horizon that would impact single family residential zoning districts in particular? If it's not you, it can be someone else. I'm just.

>> The one that comes to mind is a proposed change to the subdivision process. To make it easier to subdivision or to subdivide. Excuse me, residential lots. And if you'd like to hear it a little bit more about that, I can invite somebody from the development services department up to speak to its parameters.

>> Lindy Garwood development services. So as miss bates indicated, we are working on a, a resolution that you passed in, I believe, last year, directing

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I believe, last year, directing us to create an easier subdivision process, particularly for projects like home two. And in addition to that, we also are working on the site plan, like proposal phase two, they'll be brought together, as many of the amendments overlap each other, in, in where they were, where they reside in the code, we are basically proposing an easier path for, for these small lots to get redeveloped, providing a simpler path through the, drainage provisions in particular, and we're working very closely with our watershed department and, we worked very closely with home two to make sure

all of the projects are aligning and that ordinances or excuse me, the draft ordinance is going to come to planning commission on may 14th and to

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commission on may 14th and to council on may 30th.

>> And how do we, avoid localized flooding from the building without the drainage assessments that we currently have?

>> The proposal for, the methodology is still underdeveloped, I can't speak to the specifics of how, it will be implemented at this time, but that is definitely something we're taking into consideration. And like I said, working very closely with watershed to maintain any safety provisions that are necessary.

>> And that's coming may 14th. Planning commission.

>> Yes, ma'am. Okay, thank you. Then I have a question on, home more broadly, can you please confirm whether and how the home draft ordinance would include garages within far limits?

>> Yes. So the home ordinance, would count a garage towards the

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would count a garage towards the square footage of the house. It would be included in fa consistent with phase one.

>> Thank you, and then I have some questions, looks like, the fire marshals here.

>> So.

>> So, Mr. Truesdale, can you, first of all, say your name for the. Yeah.

>> Stephen Truesdale Austin fire department.

>> Thank you, thanks for being here. Can you, provide Eid, sort of an overview of the fire code, regulations that would intersect with home, particularly with the flag lot pieces, but also with the number of units, that we should be aware of as we evaluate these processes, I have a large number of homes that are in the wui, I have been working

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in the wui, I have been working on the wui, and there's a lot of these things that, on their surface, seem counter to what we know from the wui. We as part of a of a exercise the other week, and we were looking at what happened in the Boulder area. And you can see that the houses that follow the wui, which does include spacing and other kinds of issues, in addition to the hardening, had much better luck surviving a wildfire, we are potentially putting houses in the middle of areas that don't have the, exits that we would want, and I'm just struggling with how to understand how this plays out and intersects. And there may be other codes that protect it. I'm just not, understanding how it all fits together. So if you could provide some insights, I would appreciate it.

>> Sure. So for the as mentioned, if the first point is if the standard access is 150ft, so most lots that's going to be achievable unless the lot

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achievable unless the lot happens to be very deep. And then that potentially could trigger either a fire lane requirement which would be difficult for a lot of residential lots. And so the other alternative would be to sprinkler the, the dwelling that's beyond the 150ft, but for the beyond, 150ft from a hydrant, from the roadway, from the roadway.

>> Yes, ma'am.

>> But for more specific information with regard to the overlap of the wui in home and also the building codes, since there is overlap there, I'm going to ask Ben flick, our managing engineer, to come up, and he can speak to those. Thank you, with more detail.

>> And obviously, if they're in the wui, they have to harden the home. But then there's all the spacing stuff that gets. Impacted.

>> Good afternoon, Ben flick, managing fire protection engineer with the fire marshal's office. So in terms of home one,

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office. So in terms of home one, when we're allowed to put three units on a lot, as chief mentioned. So that incites the requirement in the fire code where they have to meet access of 150ft or sprinkler the building to get a gain when we're looking at the densification with the wui, the concern is going to be when a subdivision comes in that is below the current threshold of 30 units, and they are allowed to essentially triple pool. Previously, it would have been approved with only one point of access. So now it requires two. And it's going to be very difficult to go back and retrofit. And a lot of cases, these subdivisions. So they're going to be out of compliance with the ingress egress requirements, in terms of roadway.

>> How does that work? If we have, you know, ones twosies like randomly people decide that they want to split their lot into three and, and, you know, you're in I don't know, long canyon that has only one way in and one way out. And now all of a sudden, anybody can go ahead

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a sudden, anybody can go ahead and split their lot, and now you're adding more people. And if enough people do it and it's a big enough area, you can need another egress. But individually they don't. So what does I just don't understand how that all adds up.

>> So that's currently under review within our department on how we would handle that, understanding that that is a mechanism that that the step by step process could eventually, over time, lead to somewhere being non-compliant. We're reviewing that, and that is a concern of ours as well.

>> And so we don't have a plan for if all of these houses, of all of these people decide to use their properties in these additional ways, which were touting as the way they can, and they're in the wildland urban interface, and we have safety requirements that require certain egress and ingress without, you know, when you reach certain thresholds. We don't have a plan for that, not at this time.

>> That would have to be approved, though, through the

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approved, though, through the subdivision process. Correct

>> From the subdivision process, we would review it on all new cases, 30 units and above would require it. We're currently looking at the 24 wui code. So we would work something in there that we would extrapolate if something were ten units. It's a small subdivision, but we would assume at some point in time they would be able to subdivide and triple to be over that. So we would look at kind of stepping down the requirements to have one and two points of egress. The concern is going to be existing subdivisions that are coming through as council member alter stated, there's no mechanism if each individual property owner were to come through because it's not. It's a subdivision on a property as opposed to the overall subdivision replanting. So and I mean, and this is a I, I'm sure it's an issue in other parts of the city.

>> But in my district we have a lot of developments that were

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lot of developments that were not built with these, with two exits. And now all of a sudden, you know, you don't need a whole lot of people to get to the point that you have, you know, the additional weight on it. And if it's individuals, we don't we don't have a mechanism. And even with the 30, I would argue, given what we saw with milestone one out near river place, we don't have a real mechanism to force them to do the egress and egress, even when they're doing the large, divisions, but we have enormous risks in the wui and you don't I mean, you don't want to be building in the wui. And if you have to be building in the wui, you need to be building, and it's not just the egress and ingress that are an issue. I mean, this is something that I'm going to have to really think about. I don't I don't I mean, I think we're opening a Pandora's box. That's going to be very, very, detrimental to the safety of our community. Katy there's another part of the wui that's not the egress and

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wui that's not the egress and the egress, which is just how close the buildings are together. And there are lots of pieces of this which allow you to put buildings closer together. And what we know is that from one building to the other, the embers can fly. And you want to have the distances. That's the whole point of the code. And that's much easier when you have larger lots and you don't have these narrow setbacks. So what happens in the wui area when you have these new rules? And even if it's just one set of buildings that, you know, one lot becomes three. And now they're really close together, for those people, how do we make sure that their houses are still maintaining the distances that are required for that fire safety?

>> So in cases of that, we would look at the separation distances within the wui code. So it's going to increase the number of structures that are going to have hardening requirements and potentially sprinkler systems just depending case by case okay.

[12:08:11 PM]

okay.

>> So in all of these cases when we do this there are going to be costs that are added for the sprinkler systems or for the hardening. But but I mean are we like is there something in the wui that is going to make it so that those structures can't be as close as this is proposing? Or are we now allowing them to be closer in the wui?

>> So there's nothing within the wui now or currently what we're looking at for the 24 amendments that would prohibit that only when structures become closer in proximity, it increases the hardening requirements and protection requirements within those those buildings.

>> Okay.

>> So we have these requirements for the hardening that would be changing. But are they most of those areas don't have buildings that are this close together as we're proposing. So our regulations do we need to address those regulations in the wui. >> We can definitely look at it.

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>> We can definitely look at it.

>> Okay. And so what I'm hearing is that if there's a flag lot and it's larger than 150 from the street, they have to have a sprinkler system or a fire lane. And that would be, you know, anywhere if they're in the wui, they're going to be required to do the hardening, but it's going to be more complicated as you add more, but we do have a very serious issue with the egress and ingress. If we're randomly allowing these to happen in areas that were not planned, for that level of density, potentially.

>> Yes.

>> Okay. Thank you. I don't I would love to hear from staff if we have some solutions that they can propose because I don't I think this is one of those unintended consequences that happen. And having, seen how how quickly things burn and in other places that have, you know, much closer, home locations, I think it's, it's, it's, a really big issue.

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issue.

>> Understood. And we will definitely look into it.

>> Thank you. And then I had one last question for today, and that is sort of procedurally, what would we be taking up on the 16th, given that we have planning commission recommendations and we have staff recommendations that do not match the planning commission, how will we have how we think about those going forward in terms of like motions and materials?

>> So we would do a staff version and a planning commission version. I will say this is we have been, and backup up to date. Up till now. We have had separate ordinances for each item. However, all of those ordinances amend the city code. So we're going to do a single ordinance that incorporates all of those pieces except for the rezoning of the actual rezoning action for the itod. It will

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action for the itod. It will make more sense. I can send mayor and council a little email, kind of breaking that down a little bit more. But the concern we have is we need the rezoning piece to stand alone. So there would only be one version of that. And then the larger ordinance, which is the changes to the code itself, there would be a staff version and a planning commission version, since there is not, a concurrence on on all of the recommendations.

>> So at this point in time, I have some pieces that I might support and some that I don't with the separate ordinances. And so that is going to make that really complicated. If we support pieces and not pieces that are across those, like I initiated the ev and I would like to be able to vote for that, so are there other ones that I'm still, you know, unsure that I'm supporting and would like to be able to? I mean, we've been presenting it as if we were voting separately on those amendments. And so I would like to know, I would like there

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like to know, I would like there to be a procedural way that that I can do that. And I may not be the only one who feels that way, understood.

>> It would likely be dividing the question, and it would be parts in the ordinance, when it comes out, will lay out which parts apply to which thing. So those parts could be like parts one through five, could be one set of amendments, and the council could vote on those by the question. As we've done in the past, it just will be in one ordinance document.

>> Okay. If it's clear parts where we can do that, it it will be it will be. And, obviously the mayor's not here, but if you can, someone can work with the mayor's office to make sure that. Yes we have that ability and that it is clear on the motions. Can you say one more time? I'm not. So you're saying you're putting itod is separate from the other three or the.

>> So if you'll notice in the itod ordinance right now, there is a part that actually rezones

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is a part that actually rezones the properties to add the itod to the string that will be a standalone ordinance, because as those properties potentially get rezoned in the future, staff will just be referencing that ordinance as opposed to the other ordinance that has all the codified pieces. Okay, so and there would only be one version of that because it's only the one thing of rezoning.

>> Okay. So perhaps we could just separate out the ev one as well. And then you can keep the other ones.

>> Staff will work on that with the with the city manager and the mayor, I did have one question. The assistant city manager, Briseno, I've asked my staff has been working with staff to get a map that shows which areas are affected, like where are the hoas around town and we know that home does not affect

homes that are governed by homeowner associations and property owner associations. And it would probably set a lot of minds to rest if they had a

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minds to rest if they had a sense of where they are, with regard to mapping that, is that something we could get fairly soon on?

>> I'm looking to miss bates for confirmation. I'm not sure that we have that information, but I want to make sure we give you an accurate answer.

>> Forgive me. I personally am not familiar with that request. I do know that when we've had conversations in the past about identifying properties where private restrictions would limit put further limitations on what is accessible under zoning, staff does not have a comprehensive database or any way to track that information, so I can follow up on who has received this request to see if there is anything that we currently have that would be helpful. But in general, we don't have data on where there are hoas. A comprehensive set of data on where there are hoas or private restrictions that would limit the number of units, for

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limit the number of units, for example, or place other private restrictions on property.

>> But at some point we will need that information. I imagine we are in the position of weighing the private information with what the city is in, is able to enforce and identify.

>> So this is certainly something that we have thought of before, and we can prepare a response with the current status and recommendations on whether this would be achievable in the future.

>> I think that would be really helpful. Okay. Thanks and it is something that we have been thinking about and wishing for. Certainly the last, I don't know, five, six, seven years maybe understood, at least from my perspective, a pretty long time. Any other questions? Yes. Council member Ryan alter, thank you very much.

>> I just want to pick up a little bit on the wui conversation and, councilmember Allison alter, we actually plan to reach out to your office once we had some language, but, an idea that our office is

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idea that our office is exploring is similar to what you would see in the larger scale development, where if you right now go and submit for a large, project and it has over a certain number of units, you have to have a certain ingress and egress requirement or ability. And so if we as, the city are able to essentially draw lines around neighborhoods or other areas that make sense, that apply that same rule. And so you say, you know, I represent a various neighborhoods. I the Barton view one is a great example where they have basically one way in and out, and it's a very discernible neighborhood. And if you said within this area the you are allowed X number of units based on your ingress and egress. Then when someone does go to subdivide, if they are going to put a unit above that, then that will not be permitted. And so it will kind of help

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And so it will kind of help solve that smaller scale problem. And I know that there are challenges in that, but it's really important that people are able to get out when they need to. And so I think this is one potential way to do that. And we're trying to figure out the details there. But I think we need to be able to have certain limitations. And then if later down the road they build another road, an actual road to get in and out, then that unit cap can change, but I think it's really important that we do put that protection in place. So just kind of want to put that out there and hopefully we'll have that soon. But look forward to talking with you about that. I wanted to talk or ask about the planning commission amendment for the, the it's the number one, the amend the lot area and impervious cover measurements to exclude flagpole. I'm sorry. This is for home, you said it's consistent with current code. So we do not currently count the

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we do not currently count the pole as part of the lot when calculating impervious cover.

>> Correct. So currently, the lot area does not include the flagpole. It just includes, you know, the larger square flag portion of the lot, and so therefore a consequence of that is that the impervious cover in that area is not counted, and this happens today, under flag lot subdivisions.

>> Okay, and then number three, when we used to have an increase in the minimum unit size from, you said currently it's 1450 to 1650, that that 1450 is based off the number the F.A.R essentially max out under two units. Correct. Because under three units, it would be like more like 1250.

>> So in in home phase one, three units, for the smallest lot got a slight bump to 4350. And so 1450 is one third of

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And so 1450 is one third of that. Yes.

>> Got it. I and I had the 3750 and that's why I was confused. Okay that makes a lot of sense. And I, just want to make sure I thought I had one more question, but I think that is it. Thank you very much.

>> And, council member Vella, thank you, and thank you, mayor pro tem, on the home act, actually, and picking up on the flagpole a question right quick. How much impervious cover are we talking about? I'm just wondering, in terms of square footage, is exempting, not exempting. You know, what's what are we talking about? You know, 500ft S, you know, 600ft S. Just out of curiosity, and what percentage of the lot are we talking about? You know, again, and just to give a little bit of background, assuming that the under the current policy that you do a flagpole, subdivision, and please excuse if I'm not using the right terms, but a

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using the right terms, but a flagpole structure, you would have 45% impervious cover for your lot, and then you exempt the flagpole impervious cover. So that makes it 47% for, you know, 50, like, you know, how much of a bump is that in terms of impervious cover? Under current policy?

>> Yeah, that is a good question, so staff originally recommended including the flagpole, just so 45% was kept steady. But because of the planning commission recommendation to not include it, we're currently doing some modeling to study what that what that increase would be under likely scenarios.

>> Okay.

>> I think that's an important number to know. You know, if we're talking about a, you know, a significant, percentage increase, that's, you know, we need to know that if we're talking about a very small percentage increase, again, that's not necessarily going to have a material effect, then I think it's important to know that, you know, just in terms of our analysis, I'm just not quite

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our analysis, I'm just not quite sure what it means to exempt the flagpole or not exempt the flagpole, and then with regard to the ten foot front setback back, that planning commission recommended and that, y'all are not recommending what are the concerns with the ten foot front setback?

>> Yes. So one of the concerns is the 25 foot setback is going to remain in place for larger lots over 5750 that have one unit, and for any other uses like civic uses that are allowed in sf one, two and three. And so the staff sees the 15 foot, setback as more of a balance from the between the 25 and, and a smaller setback.

>> Mok is that just an esthetic, you know what I mean? You just don't want one jutting out more in, you know, than than the other. Is it just the esthetics?

>> It's partially esthetic. And then staff is also looking at kind of what the impact on the open any open green space you

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open any open green space you might have in front of the house if you did reduce to that ten feet. Yeah.

>> I mean, and a related question, it's funny because I know we're getting a bunch of drum management emails right now, but do we want to preserve the lawn in the front? I mean, we use a lot of water, you know, to keep our kind of front lawns green. And I mean, personally, I'm not a big fan of front lawns. I think of them more as kind of wasted space, and use we use a lot of water to keep that grass green. So I think that's a policy question, and I was just wondering what staff's perspective on that would be.

>> We have from staff and Laura, please interject if I'm wrong, but when she's speaking to the esthetics we're looking at, at open space, certainly understand the need for, conservation of water. But looking at open space as a priority of our community as well. And I see Keith Mars standing. I think he might have

[12:23:26 PM]

standing. I think he might have something to add to this.

>> Yeah.

>> Thank you. Keith

>> Thank you. Afternoon, Keith. Mario assistant director of development services department. Our tree planting requirements are also kind of critical to that, especially as we become more compact and connected, that relationship between the house, the home, the front yard, sidewalk and shaded, sidewalk is going to be critical to that, and if you're quite a bit of contemplation, that's where we landed in a matter of the green space at large. But trees specifically being able to provide space for shade, is there a sense in how much space do we need in the front to provide a space for a tree?

>> We're still working through what a number looks like. Part of the challenge is close enough, but without providing conflict, many, many infill lots also have overhead utilities that are there are real safety concerns about separation between trees and the utilities, but then also not so close to the house that we're causing or

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the house that we're causing or potentially causing foundation issues or just simply conflict between two things. So that's where the 15ft are.

>> There typically, Austin energy wires in the front, though I think of them as kind of running through the backyards. But I know at different neighborhoods have different structures.

>> That's true. It it does vary. Front yard, front yard where there are not overhead utilities. And that's just going to be a matter of not having underground utility conflicts. But certainly those conflicts exist, be it in the front or in the back.

>> Yeah. And again, I mean, honestly, even just looking at downtown, I mean, we've managed to do a pretty good job with our trees and our streetscape here with and I think we have zero setbacks in the downtown area. I mean, I think of ten feet as kind of, again, irrespective of the other concerns. You can definitely have a tree within a ten foot, you know, a setback. But, but anyway, I look forward to the, future conversations on it.

>> Thank you. Council member. I'd also like staff to look at

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I'd also like staff to look at the impacts of our new street tree ordinance. And with regard to distances and what we're hoping to achieve in order to ensure that we have adequate and healthy canopies.

>> Councilmember, I was thinking along the same lines. There was a related, initiative through the resolution that street trees will obviously become a much more important component to the city, and that's definitely a, something that requires one city approach to making sure that we're not creating false choices on in these matters. So absolutely.

>> Thank you. Thank you. Council members, hey. All right, last question, unless there's anybody else. Okay. Council member alter.

>> Thank you. I wanted to go back to, mayor pro tem pool, comments about the hose and just be really clear, because there's a lot of confusion. The city does not enforce deed restrictions, the city, if somebody comes in for a permit, you know, to do home, etc,

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you know, to do home, etc, they're not going to look at the deed restrictions, they're going to go forward with it, so the only way that you protect yourself if you're in one of those homes that does have deed restrictions is if your hoa is organized and has access to a lawyer and is on the ball enough when somebody's permission goes in to stop it. So it's a very weak standing. And on top of that, because of what home one and home two do for the number of units and for the lot size, you have some hoas that have a number of unit cap and some who have a lot size requirement and some who have both, but not

everyone has all of the elements. And so you really have to go and you have to look at your deed restrictions. And it is, you know, wishful thinking to think that, deed restrictions are going to make it so that these things don't apply, in the area so that people don't have to worry about it if they are concerned, they may not be concerned, they may welcome it. But but we can't say that

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But but we can't say that because you have deed restrictions, it's not going to impact you. I think that is not a fair, conclusion, given everything we've heard over the years on all of the aspects of our our land development code.

>> Thank you so much. Council member Allison alter. All right. It is about 1230, and I need to depart for the press conference that is happening, up at Travis county. And I know there are a number of my colleagues who are also going to go. So, colleagues, what I'd like to do, since we have one last item, which is the pulled items. And since some of the pulled items are being pulled by people who need and want to go to the press conference, what do you think about taking a break, and then we will reconvene when we're back from the press conference. And that way you all can attend that and also be back for the pulled items that sound all right. And I think that means maybe 2:00 or 230, 2:00 or 2:00. So we'll take a recess now and

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So we'll take a recess now and come back at 2:00 for pulled items. Seeing no objections. We are in recess and we will reconvene at 2:00 in staff. Thank you so very much for the diligent work that you're putting forward on these really difficult issues. Thank you. We are in recess. Right

>> Make me bear witness. Gifted to me. I like Christmas. Give me the give me that.

>> I good afternoon. I'm Travis

[1:00:31 PM]

good afternoon. I'm Travis county judge. Andy brown. Thanks for joining us here today. First, I want to offer my deepest condolences during this difficult time to the family, families and friends of the people who died yesterday. This tragic loss of life weighs heavily on our community and our hearts go out to all of those who are impacted. I'd like to recognize and thank austin-travis county ems and the Austin police department for their swift response to the largest opioid overdose outbreak we've seen in years here in Austin and Travis county. Their quick response saved dozens of lives and their swift distribution and administration of naran prevented further loss. Later this afternoon, the Travis county

commissioners court will approve a contract with Texans connecting overdose prevention efforts. Also known as tex cope. The partnership with texaco will provide Travis county with real time data on overdose incidents and narcan distribution and supply. Access

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distribution and supply. Access to this data will allow Travis county, our community partners and our first responders to have real time information about when, where and why overdoses are occurring and use the information to tailor our opioid response and remediation efforts. Thanks to tex cope, we were able to quickly alert overdose response organizations across the I-35 corridor from San Antonio to Dallas to be prepared to respond in case the bad batch traveled to their location. We've also confirmed that integral care has narcan available at all of their clinic locations, and is actively distributing through their community outreach teams. Opioid overdose deaths are completely preventable and everyone in Travis county should be aware and prepared to respond to an overdose incident. Everyone should carry narcan and know how to respond to an overdose. I carry a dose of it in my computer bag. Drug overdose deaths continue to be the number

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deaths continue to be the number one cause of non accidental deaths in Travis county. In back in 2022 and may 24th of 2022, the commissioners court declared our overdose epidemic a public health crisis and made significant policy and financial investments to save lives. This funded a three part strategy of education, prevention and intervention to reduce the number of overdose deaths and support harm reduction activities and strategies. Since our declaration for fiscal year 2022 and 23, the county is distributed 9752 doses of narcan and trained about 320 people. I know the city and other entities have done more on top of that this year, the commissioner's court authorized another \$175,000 to purchase and distribute narcan to community based organizations who are on the ground tackling this crisis. We distribute it to places like communities for recovery. Nice project. The other ones foundation, safe alliance, safe haven, sunrise homeless navigation center, sunrise

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navigation center, sunrise community church, Texas harm reduction alliance, Trinity center, Austin urban alchemy. Vivint health working group 512, and Travis county. Departments in total, that is 14,256 doses of narcan, we've received opioid settlement funds from those lawsuits. So far, we've received \$1.5 million or so, and we've authorized about 860,000 of that to be invested in contracts for methadone treatment services. Peer recovery supports the purchase of narcan and the rental of sharps collection kiosks. We clearly still have a lot of work to do to make sure that our community has better access to

narcan. Dealing with an addiction to drugs? Ask for help. Nobody is looking down on you for asking for help. Asking for help could save your life. And to learn more about how to respond to an

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more about how to respond to an overdose and where to get free narcan, you can go to ttcop.org or telescope.org. So, thank you all very much for being here today. We're going to learn more from the folks who actually did the response. And right now I'm going to pass it over to Austin mayor pro tem Leslie pool.

>> Thanks, judge. I'm Leslie pool, mayor pro tem of the Austin city council, and I thank you all for joining us here today. This is a vitally important topic and we need your help to get critical, lifesaving information to everyone in our community. Mayor Watson wanted to be here, but he's out of town, so I'll do my best to fill in for him. The loss of life since yesterday morning is devastating to contemplate. We know that drug use is dangerous, but with so many now being laced with synthetic opioids like fentanyl, the odds of it being deadly have dramatically

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deadly have dramatically increased in the past few years. I want to thank our emergency responders for their excellent work yesterday, their quick reaction and expertise saved many lives. They also canvassed areas handing out narcan kits, which can be life saving for those who have overdosed. It's a good idea, as the county judge has mentioned, for anyone who has a friend or family member who struggles with drug addiction to have narcan nearby and be prepared to use it. I also want to thank members of the Austin police department who are actively investigating the source of these overdoses and bringing those responsible for dealing these deadly drugs to justice. And now I'll invite Austin, Travis county ems assistant chief Steve white to share some information with you. Thank you. There you are. >> Good afternoon. Yesterday,

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>> Good afternoon. Yesterday, around 9 A.M. In the morning, the city experienced a certain surge and surge in opiate overdoses, initially concentrated in the downtown area and then eventually spreading throughout the city. North south, south and east. Austin, Travis county ems and our valued partners at the homeless strategy office and urban alchemy rapidly deployed a team to these affected areas and quickly started distributing narcan rescue kits and educating bystanders on how to use them in case they encountered an overdose. Throughout the day yesterday and in today, we have seen an unexpected volume of opioid overdoses across the city. And as of noon today, Austin Travis county ems has

responded to over 51 suspected overdoses. Many of those were found in cardiac arrest. And unfortunately, out of those 51, four four resulted in being

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four four resulted in being pronounced deceased. We have not experienced overdoses of this volume since 2015, when k2 was, struck. Our community. We typically average about 2 to 3 overdose calls per day. Yesterday we were in the 50s. That is well over 1,000% increase. The safety and well-being of our residents are our top priorities, and we are working diligently to address this crisis. Many of the people that you see standing with me today have put in long hours to develop programs for times just like this. If our city and county leadership had not made this a priority, the outcome of yesterday would have been much, much worse. The number of lives that we would have lost would have been dozens instead of single digits. Our community

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single digits. Our community health paramedics have distributed over 267 doses of naran, and some of these affected areas. Community members can help us by learning the signs of an overdose and how to care for someone until help arrives. We would like to acknowledge some of the outstanding efforts of our public safety partners in the Austin police department and the Austin fire department who are working this surge with us. Chief, I would like to point out Henry sector specifically, performed amazing work and actually went through their entire stock of naran in one day. Additionally, we encourage anyone who may be struggling with substance abuse to seek help and support from local resources that are available in our community. You should never use an unknown substance, but if you choose to, we encourage you to start slow, start low, and

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to start slow, start low, and never use alone. You should always have a sober friend who has naran available so that they can administer and call 911. I would now like to turn the podium over to Austin police department assistant chief Eric Fitzgerald.

>> Thank you, chief white. Good afternoon everyone. I'm Eric Fitzgerald, assistant chief with the Austin police department. I want to start out by thanking our patrol officers and our organized crime division detectives, as well as our public safety partners, Austin Travis county ems and Austin fire department. Their combined efforts undoubtedly reduced the number of deaths that we have experienced and seen over the last 30 hours during this period of time, a number of our officers administered multiple doses

at various scenes which helped save the lives prior to our public safety partners arriving on scene. Additionally, we have seen civilians jump into action and intervene by administering naran on some of

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administering naran on some of these scenes since October of 2021. The Austin police department is fortunate enough to be trained and to have our officers administer naran in situations just like this. And as you can see, this has made a significant impact at this time. It is apparent that there is a deadly batch of illicit narcotics in our community. Our intent at the Austin police department is to find those persons responsible and hold them accountable. Again I want to thank all of the officers for their quick response and tremendous work in addressing this immediate threat to our community and public safety. Now, I'd like to introduce lieutenant pat Eastlick. He is with our organized crime division, narcotics support unit. He is going to go into the update on where the investigation is. At this point. I want to remind everyone that this is an active, ongoing

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this is an active, ongoing investigation, there are some details that we need to withhold to ensure the integrity of the investigation.

>> Good afternoon. Detectives yesterday were notified by officers from the downtown area command, concerning an increase of overdoses within a short period of time. Detectives from the narcotics support unit responded downtown to investigate the source of these narcotics. During the course of their investigation, two individuals were detained and one resulting in a arrest for felon in possession of a firearm. Further investigation is needed for additional charges on these individuals. The APD narcotics support unit is investigating the source of the illicit narcotics and working to identify any potential dealer or dealers. Our partners with the drug enforcement administration and the assistant United States attorney's office have offered their support. Also in this investigation. Anyone found responsible for distributing the

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responsible for distributing the suspected fentanyl faces potential charges of murder or manufacture or delivery of a controlled substance, causing death or serious bodily injury. Fatal overdoses have affected have had an effect on this community and is a major concern of the Austin police department. APD narcotics support unit actively investigates fentanyl overdoses, overdose deaths for the purpose of holding the dealers of this deadly drug accountable. To date, the narcotics support unit has filed five

charges related to fentanyl overdose deaths. And now I'd like to turn it over to austin-travis county health authority. Doctor Walkes. Walkes .

>> Good afternoon. We've lost mothers, fathers, sons and daughters, due to the events of yesterday. And I come to you today to stress the most important thing that I can to

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important thing that I can to anyone that's listening to us today, anyone can be a victim of an overdose. If you're using or fighting an addiction you should never use by yourself, or have a family member or a friend with you who can administer naloxone and call 911 to save your life. It is also important that all of us know the signs of an overdose , so that we can take action as soon as possible and call 911 immediately. So those signs are small pupils, slow breathing or not breathing at all. Cool and pale skin and not responding or very low response level to stimuli. Please don't hesitate to act if you're not quite sure. Giving naloxone will save a life. Austin public health has been receiving funding from congressman Lloyd Doggett through the substance abuse and

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through the substance abuse and mental health services administration, or samhsa, to combat this crisis. And as was said earlier, that has gone a long way to help us prepare for days such as what we had yesterday. This funding of over \$2 million has allowed us to allocate 30,000 doses of naloxone to various community members and it is also supporting our communities efforts to support peer recovery specialists and harm reduction teams in our partner organizations, communities for recovery and Texas harm reduction alliance, to name a few. This funding also supports a drug addiction treatment and harm reduction training through the university of Texas at Austin school of pharmacy through teams that are training local providers in emergency rooms and primary care offices on the things that they can do

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on the things that they can do to prevent and treat addiction. Finally, we are providing overdose awareness campaigns throughout our community. I'm going to end this statement by repeating myself. If anyone, anyone can be a victim of an overdose, never take drugs alone . If you think someone may be overdosing, call 911 and take steps. And if you're carrying naloxone, use it. You could save a life. Thank you.

>> Good afternoon. I'm doctor Keith Pinkard, chief medical examiner for Travis county. Beginning at approximately 1 A.M. On Monday morning through about 4 A.M. This morning. So about a 27 hour period. We have been involved in the investigation of eight sudden, unexpected deaths that are

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unexpected deaths that are suspicious for drug overdose deaths. Our investigation at the Travis county medical examiner's office involves going to the scene of the event and investigating the scene, circumstances and history surrounding that event to put it into context within the broader picture of our death investigation and autopsy, the eight cases that we are currently investigate dating were located, downtown and in southeast and northern parts of Austin. Some of them were transient individuals, and the histories provided, raised suspicion that these cases may, in fact be to drug overdoses. Some of the decedents were actually with other individuals who were also using substances. And those other individuals were taken to hospitals for treatment . The autopsies on all eight of those individuals, were

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those individuals, were conducted, either yesterday or today. In fact, some of them are going on right now, the autopsy does take some time to complete, however, we also have our own toxicology lab where the toxicology testing will be taking place, and we hope to get preliminary results on what may have been in their systems in the next couple of days. Judge.

>> Thank you.

>> All right. That's everyone who has statements. But if you all have questions Haynes, I want to clarify on that.

>> Do you have concerns deaths from overdoses, but possibly eight deaths.

>> There are eight deaths that have occurred in that 27 hour period that I just referenced. Whether or not they are all, in fact drug related deaths will have to wait until the toxicology testing and the completion of the autopsy reports. We are investigating those eight deaths as suspicious .

>> Yeah. Are you going to touch on the specific types of substances involved in whether

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substances involved in whether there is one substance that is more adulterated, celebrated than the other ones? So you're waiting on the toxicology to be able to answer that question.

>> Do you all have any response on that?

>> As of right now, we don't know the exact substance, but based on the symptoms that were being showed from the victims, we do believe it's some sort of opiate opioid comedian.

>> Is there a demographic data on the yesterday after yesterday ?

>> Pinkard. In the deaths that we are investigating, some very just general information, not all of the people are identified , and in general, the age ranges are from the mid 30s to the mid 50s. That's all I have.

>> I can speak to some of the demographics as far as the people that were experiencing an

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people that were experiencing an overdose. Fortunately to date, no pediatric patients. However the age ranges did vary from 20 to 50s and across all all, ethnic demographics as well.

>> From univision, at this point, are we thinking all of these people were on house, or was it a variety of people in different conditions, meaning were there homeless, for people experiencing the overdoses, there were patients that were unhoused. There were patients that were housed. There were patients that were at their workplace, and there were patients that were out in public accessible spaces as well. It was not limited to one geographic location. We did notice that there were some spots that had a higher density of overdoses, but it was spread throughout the entire city for APD.

>> And if you guys can't say this because the investigation is ongoing, let me know.

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is ongoing, let me know.

>> But do we think it started in one portion of the city and then just kind of spread from there?

>> Because I know you guys said it started out, and then slowly went to different places.

>> It's still too early to make that determination on, but it's not common to see it in one location and then pop up in others. But right now, we're not sure.

>> Okay. We're talking about, just kind of following. He was mentioning, you did mention opioid. Can we do we believe suspected fentanyl is involved in this based on the trends of what's going on with the opioid opioid?

>> I cannot say the word sorry, incident says we're having it's most likely going to be fentanyl. But until we get toxicology from the mayor's office, we are not going to say we can't say for certain, the two arrests that were made just to verify, is it suspected that they were involved in the substance? They are persons of

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substance? They are persons of interest in it, the detectives have to go through mountains of evidence to be able to, come up with a probable cause to potentially charge them further.

>> Okay. I know you're early in the investigation, but can you tell us, does this look like something that is manufactured here in the Austin area or came in from somewhere else as far as the drugs that we're not, we're unable to know that.

>> Right now.

>> So you've seen an increase in these calls. Have you started to see them decrease since the last few days, I'm not sure. Currently that would probably be for ems on the frequency of the calls. Right now, when we started seeing the increase in opiate calls, that was really between 9 and 10 A.M. Yesterday about 10 to 11 P.M. Last night is when we started to see it decrease. Then it continued to decrease overnight and then a slight bump this morning, but it is a significantly lower number today than it was yesterday. Are

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today than it was yesterday. Are there free narcan available right now for people?

>> Yes, there are free narcan kits at, dispensing, machine machine dispensers across the city. And people that have map cards can get free narcan at H-E-B locations and at community care pharmacies.

>> How many odds that occurred that were not fail? Which survivors did you have? Survivors. How many?

>> So out of the 51 overdoses that we respond to yesterday, only four did not survive, patrol officers were the ones to administer and help save these people. Do all patrol officers carry narcan on them when they respond to places?

>> Yeah.

>> So as I said, in 2021, we began that program. We make it

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began that program. We make it available. They're able to check it out at our, our pcr property control offices, many of them do. And in this instance, we'll make reminders for all officers to start checking that out and carry it on them.

>> We're kind of I kind of heard the term deadly batch, do we do we know how much is out there right now?

>> We don't.

>> I just want to clarify the difference between the four confirmed deaths and estimated for that day, not for the 51. The four deaths that I'm referring to are patients that we actually attempted to resuscitate and save, and we're unable to, it is the four that are inside of the deaths that are being reported here.

>> This is not an addition. It's part of the larger number, but it is four that we were unable to revive.

>> So all eight of those are part of that 51 I'm not sure if

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part of that 51 I'm not sure if the 51 are all reflected into that, because we don't compare demographic data at this time, but that's something that we will have eventually.

>> Apparently the inhibition just needs clarification on the charges and the two persons of interest. You said five charges were filed. Can you please clarify? Because I feel like I have to ask.

>> Right. So for the incident yesterday, the investigation of the narcotics support unit, one charge was filed on one individual for felon in possession of a firearm.

>> Now they're going to continue their investigation with potential charges. And those charges can range from anywhere from possession or delivery of controlled substance all the way up to murder or delivery of controlled substance causing serious bodily injury or death.

>> And that's up to one individual as well. Was it another person of interest?

>> There are two people detained at that time, so we're not ruling out anybody, during our investigation, if more come up, we're definitely going to be

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we're definitely going to be addressing that as well.

>> No, I did, that's because they're still persons of interest.

>> Correct? Okay thank you all. If you all need anything else, please feel free to follow up with. We'll do that afterwards, but just let me know if you all need just one thing.

>> Just want to give a thank you to the Texas harm reduction alliance that a couple of years ago invited me, commissioner Gomez, doctor Walkes, some others to a town hall where they demanded a response from the city and the county on this. And I think, had they not done that, frankly, we wouldn't have been as prepared as, the ems chief told us, and it would have been much worse. So I want to give a thank you to that group, not only for that activism, but also for the work that they're doing to hand out

narcans and the other community groups that I mentioned earlier. But thank you all very much. Great. Good to get high on my

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Great. Good to get high on my own supply.

>> Everybody saying that seeing is believing. I'm just trying to I'm going, going back, back to

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I'm going, going back, back to cali that's kind of what they say.

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that's kind of what they say.

>> Okay, everybody, we will reconvene in about a minute or two. >> Apologies.

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>> Apologies.

>> All right. Looks like we have a quorum.

>> Sorry that we have them so we can reconvene the work session, and we have a quorum present, and. Let's see, we are up to pulled items. We have four pulled items. 349, 69, and 76. So we will start with item three. And, council member Ryan Alter, you pulled this one.

>> Yes. Thank you very much, mayor pro tem, I just have a couple quick questions for the director, Austin resource, just to get a little context on this item. This is the item about the there administrative rule change and them coming before council or not, my first question for you is we talked a little bit, before this meeting about the, the additional administrative, efforts that you all go through in order to bring it before the, the boards and commissions and

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the boards and commissions and council. I wonder if you could just talk about what additional work you see under the current process that you would avoid if we made this change?

>> Sure. Thank you for the question. Council member Richard Mchale, director of Austin resource recovery, our administrative our process to change our administrative rules are different from other departments. So our process is more like, amending code. So we follow a process where we will draft the rules. We will then convene an internal and external stakeholders to gather input, make any modifications based on that. And then is that that is then presented to our zero waste advisory commission for their recommendation of approval to council. And then we would schedule a council meeting for that approval as opposed to the other process that other departments use that have administrative duties, whereas they would just have a public process of posting for 31 days, accept comments, answer those questions.

>> And can you talk a little bit about the nature of the rules?

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about the nature of the rules? We're talking about what you know, what types of changes would we see here.

>> Sure. So the director's rules for Austin resource recovery basically are have we implementation implement the policy. So we're talking about, you know, the code says that rr will collect solid waste for the city. And so the rules kind of talk about okay, we will pick up recycling. We will pick up trash. So the kind of kind of goes down in the detail there. So items included in the, in the administrative rules for chapter 15 includes service schedules, talks about our core services such as a recycling brush, pick pickup, garbage pickup, other core services such as our household hazardous waste facility and our recycling programs, there's a section on fees in there. What we can charge for fees, cart sizes, materials accepted. So those are some of the things that are included in in our the administrative rules. Okay.

>> And then looking kind of at the other side of the coin, while there, you know, you described the additional hassle

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described the additional hassle and I can certainly appreciate that the since this rule has been in place there, have you ever had a proposal that has gotten to council that was ultimately not approved? So while maybe you had extra work, ultimately, have you ever not been successful with the current process, council member I can't speak for the history of since this has been in place since that was 2012, and I wasn't nearly as involved as I am now in the situation. But I do know if we've had for, over probably the past ten years changes. I think all of those were successful, but I know that those were

came and those were major items. Those were talking about the universal recycling ordinance and some of the larger policy type things, a lot of the change that we still need to make, though, are more of the administrative details. So, for instance, as we look to go to an on call, brush bulk and brush collection Ann, we're going to change our number of times we collect from two times to more than that, probably three times. Looks like, so that would be an

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Looks like, so that would be an administrative change that we would have to make in our rules. And that under the current process, we would have to go through swag and then the council to change that number from 2 to 3. Okay.

>> Very good. Well I just I was hoping for a little more context and you've provided it today. So thank you very much.

>> Thank you so much, yes. Council member Kelly.

>> Yeah, I was just hoping and thank you very much. Sorry to get you as you're leaving, I was hoping to just get a better idea of why why we need to align with the other departments in this regard. Because I don't think that was in the backup. And I'd like to get a better understanding of that.

>> You know, ultimately, council member comes down to, how quick we can implement some of the policies that come out of this group, the big change really is that process of how we introduce this to the public. So we're looking at a the current process other city departments utilize that have administrative rules at the 31 day posting period, whereas ours is more of an internal and external stakeholder. Meeting schedule. So depending on how complex the

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So depending on how complex the issue is, like the universal recycling ordinance, instead of a 31 day comment period, our internal and external stakeholder meetings lasted for approximately seven months. Okay so in regards to your internal and external stakeholder process, you're telling me that that went on for seven months.

>> Could you tell me zo the feedback and setting up meetings with the public and the Holland community, just so we have all, all the players and, all the voices at the table and what are some of those voices that we're at the table because I'm primarily through the current process, it's primarily the hauling community.

>> We really don't get a lot of public input, we do get some comments from swac, but primarily the folks that show up, at least at the zero waste advisory commission meetings, are primarily the hauling community.

>> Okay. So is there any way that we could see some of that feedback that they provided to you before your Thursday? I think that would be helpful in making a decision on how we're going to vote on this item.

>> Feedback from the euro.

>> Yes. Through the process that you said with the stakeholders,

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you said with the stakeholders, I can certainly gather that that was many years ago.

>> We can certainly do some digging on that.

>> Okay. So was there a recent stakeholder process? I'm sorry if it sounds like I'm confused.

>> Yeah, we did actually, I think our most recent one was, is, back in actually last in 2022 when we, we came to this body to there was a conflict between some of the language in the rules and the code where it didn't it wasn't consistent. So we came to address that. So that was the most recent one that we had.

>> But on this item in specific, was there a stakeholder process? It sounds like there were previously, unless you made a decision to create this change based on that feedback from 2022, I'm just trying to figure out I'm hearing from stakeholders in the community that are saying that they were not informed of this and they were not talked to about this change. And so I'm trying to find out where that disconnect is about this change to the code.

>> Yes, okay. So I mean, this was brought up at our swac meeting. Okay.

[2:09:22 PM]

meeting. Okay.

>> So was there any other external input, no. This was, this just came up at our swac meeting where we introduced it. Okay.

>> Last week. So then my next question is that if we were to postpone this item and request that you do some external stakeholder feedback in relation to it, would it have any effect on what you all are trying to accomplish?

>> No. We could still effectively do the same thing, at a later point.

>> Okay. Is there a situation you see where some of that external feedback may put you in a different direction in regards to moving forward with this item, if you're asking me if there's anything that will be delayed because of pushing this item, no. Okay.

>> That's all I needed to know. Thank you.

>> All right. Thank you, council member Allison Alyssa alter.

>> So, you mentioned that it was brought up at the zero waste commission. Was it voted on by them?

>> It was. It was a 1 to 7, one for seven against changing the amendment.

>> So I just have one question for you, Mr. Mchale. If even if we don't specify zwak as a body

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we don't specify zwak as a body for you to take your administrative rule changes to or your procedural changes to, you would still go to that body, is that correct? Yes.

>> So what our process would be is I would submit any changes, any potential amendments to the rules in the director's report that I would submit to our zero waste advisory commission, and if we were following the current process the way other departments would at that point, then we would initiate the 31 day comment period. So swak would not only have the changes before them, before that 31 day comment period starts, but they'd be able to have input on both at both, the swac meeting and during the public comment period.

>> And we would be able to affect the changes in a more efficient manner, saving some time, which also translates into savings on our budget and our staff.

>> Exactly. Because one of the changes that we're looking to make right now is a time that we ask folks to set their cards

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ask folks to set their cards out, I'm wanting to move that up a little bit. So, as we get towards may and the heat of the summer, we want our crews to be able to work out there a little bit earlier and be out of the heat. So that is one of the type of changes that I'd like to be able to make without having to go through council for approval.

>> And I know that that is a specific that we have grappled with on this dais, and that is the physical safety and health of the drivers, for example, who, you know, are driving the trucks around and loading up the carts, I, I will tell my colleagues that I dug into this when I was contacted by representative for the haulers or one hauler, and, I challenged him to tell me why I should. We shouldn't make this change that is being recommended by the staff and the what I've come away from in my investigation. There is not a compelling reason to deny staff's request here. That's basically where I where I

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That's basically where I where I stand on, on this particular issue. Are there any additional questions on this one? All right. Great Mr. Mchale, thank you so much, let's see our next item is, 49 and that's council member vela, thank you, mayor pro tem, I just wanted to pull the item and it's snuck under the radar just a bit. This is the item that has the, tenant protections. Essentially, we're kind of codifying, various tenant protections, both for, residential tenants and nonresidential tenants. Commercial leases, offices, restaurants, that kind of stuff like that. And we will be referring to this section via other parts of, of the ordinance. So in other words, like an itot or a db 90 could potentially, you know, refer

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potentially, you know, refer back to this to say it just kind of putting all of our tenant protections in one place to make it easier for everybody, which I think is a great idea. I understand that the planning commission is going to be, discussing this at the meeting tonight. They may have some, recommended changes. So I just really wanted to give everybody a heads up that that this is going to be discussed in terms of how it functions with itod will get some recommendations from the planning commission, I anticipate tonight, and then we'll have the benefit of those, recommendations come Thursday.

>> That sounds great. Anything else?

>> One question.

>> Yes. Council member Ryan alter, I have a quick question of miss link.

>> If I may. And I just want to get a clarification on on the proposed changes to four 1832 that what we are talking about in terms of replacement, it's a replacement of the units by

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replacement of the units by count, not necessarily by affordability.

>> Church link with a loft apartment. So the replacement language is about replacing units that were serving households at less than 60. Mfi so the idea when this was started in affordability unlocked was the concern about basically losing units when we have this density bonus program, there's concerns about incentivizing Singh basically tear down of reasonably not new housing, not super old housing somewhere in the middle. And so, council took the position that or it's applied a requirement that said, if the repairs are a certain standard, you can do this, but you have to replace basically the units that were affordable to certain incomes. The units, not the household zo and then the, the, the what has

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and then the, the, the what has to be at a certain level of affordability is a separate requirement.

>> This particular requirement is about just ensuring, let's say that we had ten bedrooms or ten units with two bedrooms. That's 20 bedrooms that there are at least 20 bedrooms replaced in the new development. But then what whatever the affordability requirement is going to come from a different requirement in code, right?

>> It would be the number of two bedroom units that would be determined by this, what council was saying at the time was efficiencies in one bedrooms. Our older complexes tend to have more bedroom, larger bedroom counts. And so council wanted to maintain that.

>> Thank you very much.

>> All right. Anything more on this one. We are moving to item 69 which is council member Ryan alter.

>> Thank you very much. I just want to discuss two elements here. And this is the charter review item, first, as it relates to recommendation number four, this is when we hold the

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four, this is when we hold the elections. So, you'll recall we had the charter review commission come back and say that, for ordinance petitions or charter petitions, we would move those to, municipal elections, which are gubernatorial or presidential elections, we had contemplated and I am still trying to decide what I want to kind of daylight for everybody here. A potential change to moving charter elections, burns to always being on a presidential cycle. So once every four years and having the petitions be, every two year possibilities, just trying to get the right balance of, incentivizing people to go to the petition and not to or I'm sorry, to an ordinance and not to a charter because of, you know, I feel like a charter should be a higher standard. And by making them both

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by making them both gubernatorial and presidential, we're potentially, kind of creating them at the same level. And so I just want to highlight that for everybody. So it's not a surprise if later on that comes along and then the other, is, just a note about I know I have received some emails. I imagine you all have as well, about the 3.5% threshold for citizen initiated petitions. And part of that talks about thank you, that, you know, we don't want to degrade the public's ability to participate. And especially looking back historically, when the sos ordinance was passed at that time, it was a 10% requirement to get on the ballot. And what we're talking about here is right now, 20,000 or 3.5. So we're we are still way below

even what that threshold was, which was a threshold for 50 years. And before that it was even higher. It was at 25. So to

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even higher. It was at 25. So to say that we are not honoring our history and looking to when, you know, these big, successful initiatives have been put in place, I think is just not consistent with the history of this particular issue. So I just want to bring that up.

>> Thank you. Yes councilmember Allison alter.

>> So, I think we're posted to like, discuss and possibly adopt. So, do we have a sense of how we want to handle this over the next several weeks and whether we're planning to vote on Thursday or what we should be prepared for? I haven't seen a proposal, you know, from council , and I think this is an opportunity to discuss what we like and what we don't like. But, you know, with the events of the last week, I think some of us are a little distracted from that. And so I just wanted to get a sense of where, yeah, what we're what we're planning

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what we're what we're planning and what we're thinking, and what the deadlines need to be in order to do it. I think that's a good question.

>> And I think since the mayor isn't here right now, I would like to include him in that question. And we can all think about whether we're even prepared to take on that item for vote on Thursday. But we can certainly have the presentation from the staff. And then Ann, see where we're at, but if it's okay with you, I would ask that we pass that question along to the mayor.

>> Was there a I'm sorry I wasn't here by the beginning. So is there a presentation on this from staff? I thought we already had. Okay. I'm sorry.

>> It's making our way to the microphone.

>> We did have a presentation.

>> Good morning. Would you or good afternoon rather. Would you hear Rosie with the law department? We did have a presentation prepared for Thursday. We're happy to go through that today if that would be helpful to prepare for the discussion or leave that to you all.

>> I think this is the presentation that we saw at the audit and finance committee,

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audit and finance committee, maybe expanded somewhat.

>> This is a follow up to the discussion that we had at the April 16th, work session, where we're sort of, providing a little bit more clarification on the schedule as well as what are some potential policy ends that could be effectuated without changing the charter, because, of course, changing, you know, any type of language, big or small in the charter would require a charter election. So we wanted to highlight some potentials that the charter review commission had mentioned, don't necessarily need to be done through a charter. They could be done through an ordinance or a resolution, so yeah, we just wanted to kind of lay that out and put a finer point on it.

>> And I appreciate your offering to do it today, but honestly, I, I would again defer to wait for the mayor and for the dais to be full as council member. Fuentes isn't here either. And so out of respect for the for them, if that sounds all right. Okay.

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all right. Okay.

>> So then, I think that makes a lot of sense. Mayor pro tem pool, I would ask then that we assume that we are not voting on Thursday. Somebody can bring a proposal for us to consider, but that, you know, we would be voting on this sort of at the may 30th meeting if it needs to be done before break or at the July meeting, depending on what is required.

>> Understand?

>> Yeah, yeah.

>> So we'll put this on the list for the mayor on on Thursday.

>> But that to weigh in and we can have some conversation, on Thursday if we want to have more, but that we're not planning that we're voting on Thursday and something that we haven't seen a draft of.

>> And we just we will get a yes, we'll get the input from the mayor and we'll decide how we will proceed on Thursday. But those are good suggestions. Yes.

>> And it is also on the may 30th. It will be on the may 30th agenda as discussion and possible action. So the vote would not need to happen this week anyway because you were

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week anyway because you were planning to have it posted again for the meeting after this one, correct?

>> Well, that's that I think will, relieve us greatly. Does that sound good to everybody? Council member alter does that sound okay? Great. Yes council member Vella all right. Okay and anything more on that one? Item 76 is council member Kelly. Thank you. This is our last item.

>> So item 76 is to conduct a public hearing in accordance with Texas parks and wildlife code, chapter 26. And consider a resolution authorizing a temporary change of use of dedicated park land known as upper bull creek greenbelt, to allow watershed protection to utilize that park land for temporary storage and staging. During the construction of the old lampasas dam modernization project, the dam modernization project is very important to the community. It will mitigate potential flooding, but but there are some concerns from the

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there are some concerns from the community, and I've done extensive stakeholder engagement and feedback, including with individuals from bull creek ranch and the mountain. And as such, I plan on bringing forward an amendment for three different things that I believe will help make our community more appeased with that temporary use and storage of those items, part of the reason that I believe this is such a big deal for those communities goes all the way back to when I was in high school, and we did the lift station over there, there were a lot of problems related to noise and traffic that I believe can really be mitigated to not only keep that parkland great, but also allow for the modernization of that dam. So I just wanted to read out what I plan to bring forward. And I've checked with the legal department. They're okay with this, but I will be motioning to amend line 25 to read as follows. Therefore, be it resolved, city council directs the city manager to conduct an environmental impact assessment on the parkland prior to construction. This would

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to construction. This would include preventative measures to protect the parkland, coupled with a comprehensive restoration plan to return the area to its original state or better after the construction concludes, there's another be it further resolved, which is the city council directs the city manager to implement a robust traffic management plan to minimize disruptions to local traffic, as well as a sound management strategy to control noise during construction. This would aim to minimize traffic during school times. That was a big issue back when the lift station was being put in over there, and I remember there were several impacts to the school bus traffic and also parents over at canyon vista middle school picking up and dropping off their kids. There's another be it resolved. And this is the final one. It says the city council directs the city manager, in coordination with the appropriate city departments, to create a new city park. After the construction is completed, with all the infrastructure needed at exhibit a following the completion of the proposed use, the city manager shall consider putting in amenities in this park, including but not limited to, a dog park and community garden. That's something that I

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garden. That's something that I will further bring to council during the budget. But in talking with that community, we really do lack a dog park that's fenced in and right now the only people that really use that area on the corner of spicewood springs and old lampasas are individuals that are cyclists who tend to do the loop, which is spicewood springs to old lampasas, to spicewood, springs to 183 and down 360. And so we just want to expand the use in that parkland, make sure that it's protected, and make sure that the residents over there are happy and make it move forward. So I just wanted to daylight that and hopefully it is amenable by staff moving forward.

>> And we'll go from there and you'll put those amendments up on the message board. Absolutely.

>> Yes, ma'am.

>> Great. Thank you so much. Is there anything else anybody needed to bring up, item five okay. I didn't have that one, but now I do. Yes item five. Council member Ryan alter.

>> This is the drought, or water conservation plan. I have one

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conservation plan. I have one question for Austin water.

>> Is Austin water here and prepared?

>> I would have hated to made Anna wait all day and not get to ask her a question.

>> Great.

>> Welcome, miss Brian.

>> Good afternoon. Council. Anna. Brian. Borja. Austin. Water.

>> The one question I have for you is just, this is not the end of the story as it relates to this plan, correct? We are submitting to the state because we have to by deadlines, but this will be part of the conversation as it relates to water forward and other issues. And so this is this, isn't it?

>> That's correct. Thank you for your question about our drought contingency and water contingency plans. Austin water does, desire to submit these to the tc this month to meet the state's deadline, which is in may of 2024? However, we recognize that there's an opportunity to gather additional

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opportunity to gather additional input from the community. We have begun a dialog with our water forward task force, and they have provided us with some excellent input on our plans. So we want to continue that dialog with them over the course of the summer. We are preparing an update to our water forward plan. So updates to the water conservation plan go hand in hand with updates to the water forward plan. So we want to bring back to council in November. The updated water forward plan, along with any resulting changes to water conservation and drought conservation plans. Council will have the opportunity to adopt those updated plans and we will resubmit them to the state.

>> Great. Well, thank you very much and I think, you know, we look back at what our goals were five years ago and where we landed and some of them, we got close and some of them, you know, a little not quite as close. And so just seeing what

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close. And so just seeing what worked, what didn't, you know whether or not we needed to make certain investments in various areas that we didn't or, our successes, we can kind of double down in those areas, but appreciate that response and look forward to that work.

>> Thank you.

>> Thank you. Council member. And I would also ask, I notice that our our director, our director Roalson, is here as well, if you could, when you present, on this item, if you present on this on Thursday, could you let us know? And maybe this just even in a memo, how our rules tend to be more stringent than what the state or the LCRA or the plan that we're having to submit this for, because this is a requirement of the state of Texas and also the deadline, there are some ramifications if we don't submit it. So we have to submit it, but that our our policy and our vision is much more conservative. If you will. And, and it might be useful for us to see in those instances how that is the case. And then when we hear from our constituents, we

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hear from our constituents, we can explain and offer some more specific data. Certainly. Great. Thank you, thank you. Anything else? Thanks for bringing that up. Council member Alter. All right. I think, colleagues, we are done, and so for the work session today at 229, I call us adjourned.