

City Council Regular Meeting Transcript – 10/18/2018

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[10:13:55 AM]

>> Mayor Adler: You can always tell when the room is ready because it gets really quiet. Before we call up the agenda, manager, do you have kind of an emergency notice to give us?

>> Appreciate that. Mayor, council, members of the public, our region has experienced significant rainfall in the recent days and weeks and so I've been asked to have our assistant city manager provide council and public a brief update on efforts going on in the city and what we are planning currently.

>> Thank you, city manager. Mayor and councilmembers, ray, assistant city manager. The area has experienced rain and the city staff has been supporting in the emergency operations center operations that Travis county has been significantly involved with along lake Travis. First of all, just to monitor and be prepared, and then, of course, to evacuate such areas as graveyard point along the lake. As you know again, the lower Colorado river authority, lcra, has warned that the lake Mansfield, lake Travis has been getting to the point where they may have to open additional flood Gates. Currently have four open, and depending where the reaches potentially as early as today or tomorrow, they may need to open additional flood Gates. That could pose a significant impact here along lake Austin as well as lady bird lake and downstream at longhorn dam. City staff is now ramping up and city manager has allowed us to activate the eeoc in order to create maps where potential flooding could be occurring so that we can be targeted and focused in efforts to warn and evacuate residents if required.

[10:15:58 AM]

Again, we're staying in close contact with lcra in order to determine how many and when and how -- and at what period they hope these Gates. The weather -- the wild card in all of this is whether or not what kind of rain we will receive in the next day or two in terms of when lcra may open additional Gates. Right now it appears that they may have to open additional Gates as early as Friday. Again, we don't know when the rain will do, and in fact the national weather service predicts rain coming in starting this afternoon. And so we will be monitoring that as closely as we can in order to stay and keep all of you informed as well as the public. Generally I would say that it's very important for the public to stay tuned to what the media is projecting. Warn central texas.com is a very good resource for people to have as well as atx floods. Recommending that when you see a road that's been closed or if there's water on the

road, turn around, don't drown. And so with that I'll pause to see if there are any questions that the councilmembers may have.

>> Tovo: Thank you very much, assistant city manager, for all of your efforts on this and all the other staff working together with our regional partners. I just want to be sure, and I know you are in communication with aid, but wanted just to raise that as a continuing need. As you know, lake Austin, what happens on lake Austin impacts Austin high as well as o'henry. As a parent of a student at o'henry we got a call late in the day letting us know after school activities had been canceled and I know Austin high is the site of a big event on Saturday.

>> Certainly, and aid does have a representative in the eoc that we are working closely with.

>> Tovo: Great.

>> Mayor Adler: Anybody else? Alison.

>> Alter: I just wanted to ask that if you could please be in touch with our communications officer so that we can be echoing the right messages so that people know exactly where to get the information and then in the case of my district and the others that are along the Colorado river, if there's any special messaging that we need to get out that we can help you by reaching out to the neighborhood associations and other mechanisms that we have that might be able to get the message out in additional ways, that you please call on our offices and help us to serve our constituents in that way.

[10:18:32 AM]

>> Certainly.

>> Alter: Thank you.

>> Mayor Adler: Okay. I guess we should take this opportunity to remind everybody in the community that if you come to an intersection and there's water that has been pooled, you should turn around and not test that water or the depth of that water. What's the phrase that everybody uses? Turn around, don't drown. Turn around, don't drown. And then also to tell everyone to continue monitoring with social media and the like to stay current with this process.

>> Mayor, one last thing, I was handed a paper for correction, it's one central texas.org is the website people can use for alerts and so forth in terms of emergencies in the community.

>> Mayor Adler: Okay. Manager? Anything else?

>> No.

>> Mayor Adler: Okay. All right. That said then, before we begin our meeting, if everyone would rise for invocation from reverend Erin Hensley, rector, St. Alban's episcopal church.

>> Good morning. I'm going to stand here so that I can see everyone. It's a privilege to be here with you. Let's take a moment of silence to bring all of ourselves into this room. Ever loving and ever living god, thank you for the city of Austin and your presence within and through its people. Thank you for Steve, Kathy, Ora, Delia, Sabino, Greg, Ann, Jimmy, Leslie, Ellen, and Alison.

[10:20:47 AM]

Thank you, god, for your presence within and through their leadership. Help them remember their call to public service. Help all gathered in this chamber, remember our ultimate interdependence. Give us the courage and the will to offer our skills towards an even better Austin. Especially for those without shelter of any kind. We ask these things in the name of the one who shelters all in love. Amen.

>> Amen.

>> Mayor Adler: Thank you. And with that, I'm going to go ahead and convene this meeting, Thursday, October 18, 2018, the city council meeting. The time is 10:20. We are in city council chambers at 301 west second street, Austin, Texas. A quorum is present. Absent from us today is councilmember pool. She's at the annual meeting of the national habitat conservation plan, so she's missing the meeting today as she missed for the same reason the work session on Tuesday. Let's take a look at the agenda that we have, colleagues. It looks to me like the consent agenda is item numbers 1 through 42, and also items 60 through 62. This is what I'm showing as being pulled. Councilmember Garza is pulling item number 2. Item number 15 is being pulled by councilmember Flannigan.

[10:22:56 AM]

Item number 18 is being pulled to postpone, I think. 20 is withdrawn. It's showing up as item number 62 now. Item number 37 I'm pulling, handed out an amendment on the dais. Unless the mayor pro tem wants to take it, in which case we can leave it on consent.

>> Tovo: Mayor, I think I'll need to discuss. Thanks, though.

>> Mayor Adler: Okay. Item number 38, there's a list of parties to be included in that stakeholder process. I think we have the Austin neighborhood council. I would suggest that we add friends of Austin neighborhoods as well. They've asked to be included in the stakeholder group. I don't see a problem with including them. If there's no objection then, we would add the friends of Austin neighborhoods. No objection, that's done in item number 38. Item number 40 is pulled for us to consider as rapidly as we can this morning. And I think those are the items I have being pulled. Plus item number 60 has been pulled by speakers. So again, the items being pulled are 2, 15, 18, 40, and 60. Any further discussion or items to be pulled? Without objection, that was just incorporated and it's staying on consent.

>> Kitchen: The ones that are pulled are.

>> Mayor Adler: 2, 15, 18, 37, 40, and 60. Councilmember Houston.

>> Houston: Thank you, mayor.

[10:24:56 AM]

I'd like to pull item number 35.

>> Mayor Adler: Ms. Houston pulls item number 35. Okay. We have some people to speak on -- Mr. Flannigan .

>> Flannigan: If we can leave 18 on as consent we don't have to pull it.

>> Mayor Adler: Item 18 is on the consent to postpone, not to be picked up today. Okay. We have some people we ought to give a chance to speak on when we spoke on the consent agenda. Anything before I go to the public on the consent agenda? Let's go ahead and do that, give people a chance to speak with us. Cyrus reed on item number 3. Is Mr. Reed here?

>> Thank you. I'll be very, very brief. Cyrus reed, Sierra club, support of item number 3 which is the latest in or solar contracts. If approved and once operational, this will get us to over 50% renewable energy by 2020. The indications we've gotten is this will save customers money from the very beginning. It will be located right here in our backyard. That energy will come right into our system, so it's good for the environment, it's good for ratepayers. It keeps us on the leadership role and thank you for all of your

work on the generation plant and in keeping us towards those goals. Happy to answer any questions. Thanks.

>> Mayor Adler: Thank you. It is an exciting item to see on our agenda. Thank you, Austin energy. Next person to speak, I'm going to call up here is Gus peña.

[10:27:13 AM]

>> Good morning, councilmembers. Gus peña, proud native east austinite, United States Marine Corps veteran. First and foremost, number 16 is having to do with the contract for legislative representation at money modified \$540,000. Do we not have staff in the city of Austin to provide those services instead of outsourcing them? Number 17 is dealing with transferring funds for homelessness services as follows. We're supportive of that, but mayor, this is not a conflict of interest, but quit saying with this card that there's no more homeless veterans in Austin, Texas. And you are going to hear from 12 other veterans organizations that are very unhappy with you on that issue. It's not a campaign issue. It's about the truth. So stop this nonsense. Number 41 is having to do with Rebekah baines Johnson public center to have a -- a developing an adult day center. We support that very much. I'm a senior, I would like to go over and have fun with people. I'll go to rbj as much as I can. Last item, mayor, veterans for progress. We're a big group of veterans. Demands you all meet with Apa regarding the contract. It's been 290 days without a contract. We have officers leaving the department. That's not an acceptable process for us out in the community. Why won't you -- the public -- mayor, uohoo, we demand you sit down with the Apa and discuss a contract. The public demands it also. A lot of good officers are leaving because of lack of meetings with y'all on this and we demand that you have a meeting with Apa asap. I don't want any more officers to be leaving the city of Austin.

[10:29:14 AM]

We've got a lot of good officers out there. Last item, item number 33 -- well, no, I'll leave it at that. Number 62, did you say 62, mayor? Hello? Did you say 62?

>> Mayor Adler: 62 is on the consent agenda.

>> That's okay. I don't have to say that. But anyway, let's get that Apa discussion going. Mr. City manager, we demand it. It's not just veterans for progress, we have a lot of people supporting our officers. Get it done asap. Thank you very much.

>> Mayor Adler: Okay. Now to speak on the consent agenda, Emily garrick. This item has been postponed. Do you want to speak on it today?

>> [Inaudible]

>> Mayor Adler: Come on down. Brian mcgiveren is going to be on deck next.

>> Thank you, mayor and councilmembers. My name is Emily garrick from the Texas [inaudible] Defense project. I understand this item is going to be postponed. It pertains to city of Austin's contract to participate in a program that suspends people's ability to register their vehicles if they don't pay their traffic tickets. I just wanted to say a few words on it and give some background and I'll talk later when it's actually before the council. So we work a lot with people who are low-income and have traffic tickets that they can't afford to pay and the city of Austin municipal court and this program along with other pros traps people in a cycle of debt I know the city of Austin is helping people to escape from for a while.

[10:31:14 AM]

We urge you not to undo that process. We see people who can't afford to pay tickets and this puts a moving target on them to support their families. When they don't have the rental administration, it screams pull me over, give me more tickets. They get multiple tickets when pulled over, a no registration ticket which gives them another hold and a no driver's license ticket due to the fact they also lose ability to get their driver's license and then a no insurance ticket on each one of those, they get more fees. Just sort of dig themselves deeper and deeper. And if they are afraid to go to court which many are because until recently the city of Austin was jailing people regularly for not paying tickets, they are not able to escape. We're very interested in helping people with these problems and we've been partnering with the Austin municipal court to hold clinics and help hundreds of people who desperately want to drive legally and get back on the road. This is putting barriers on them and making it harder to do so and also affecting our news vulnerable populations, low-income people and minorities are being affected disproportionately. We just really want city council to pull out of this program and not undo all the progress that's been done over the past year. I'm happy to take any questions. Thank you.

>> Mayor Adler: Brian mcgiveren. This item has been pulled. Do you want to speak on it? I mean it's been postponed. It's going to be postponed.

>> Just very briefly.

>> Mayor Adler: Okay.

>> Thank you for agreeing to postpone this item. I suspect it's because you recognize -- or agree with my observation that there's a real danger that this program can in discriminately affect people indigent. Hopefully in the time of the postponement you can work on a program to more proactively identify members of this community who are indigent so they won't be subject to the disproportionate impact that this program could entail.

[10:33:16 AM]

Normally I have more opportunities to sit in the audience and think about my remarks, but thank you.

>> Mayor Adler: Thank you.

>> Houston: Mayor?

>> Mayor Adler: Ms. Houston.

>> Houston: I'm having difficulty hearing from the mic. It could be me. If everybody else can hear the speakers, it may be just me. I've got my. This is up to full level and it's garbley.

>> Mayor Adler: I think we're having trouble hearing on several of these. Was the -- go to the next speaker. On item 32, Mr. Cassidy. Is Ken Cassidy here?

>> Hello, mayor and council. Make sure I speak up loud enough so you can hear from the dais. I'm sure that the money being spent on this is well worth it, but I want everybody on the council to know that we've been waiting over 290 days to sit back down and work out our labor contract. We've worked out mls, we've worked out all kinds of huge issues, except now we're saving money on our officers' backs to balance the budget. It's unacceptable. I had 300 officers in my hall yesterday pissed off that we have not sat down to go over our contract. We've been waiting and there's nothing but foot dragging and a waste of time by this council. We need to get back and get this contract done immediately. I hope you understand my anger because we had three officers leave last week to go to Seguin, Texas, cool springs

and Leander. That is a waste of money because of the lack of stability with this council and this manager to get this contract done.

[10:35:17 AM]

We need to get back, get it done because the money you are saving is walking out the door and going to other departments. Thank you.

[Applause]

>> Mayor?

>> Mayor Adler: Councilmember Flannigan.

>> Flannigan: For the record, the -- hang on. No.

[Multiple voices] That's not how this works.

[Shouting]

>> Mayor Adler: Hey, hey, hey.

>> You understand? It's bull [bleep]

>> Mayor Adler: Mr. Cassidy, please.

>> Let me tell you what, it left out several other things out of the contract so you are being disingenuous.

>> Mayor Adler: Mr. Cassidy. Ken, please.

>> Settle other portions of the contract that were benefits. Thank you.

>> Mayor Adler: Ken, please. Mr. Flannigan.

>> Flannigan: Thank you, mayor. I will say that the process for getting the contract signed was delineated very early. We are on track, in fact we're going a little faster than we had anticipated. The reports are out. I expect we will be back at the table in short order. We will have this thing signed. So I don't -- I don't understand why we've got to yell and scream. So thanks.

[Shouting]

>> Mayor Adler: One of the things we had asked for was to be able to see the numbers so we could see the interrelationship between adding new officers with paid overtime. Do you anticipate being able to get us those numbers and the community those numbers quickly? Mayor, councilmembers, I do, and I've already scheduled meetings with you early next week to review them.

>> Mayor Adler: Okay. Great. Thank you. All right. Item number 40 has been pulled. We had speakers signed up for that.

[10:37:17 AM]

We're also pulling item number 62 for executive session. So again, the items I have pulled are items 2, 15, 18, 35, 37, 40, 60, and 62.

>> Mayor? Is 60 pulled for speakers? Because there don't seem to be speakers --

>> Mayor Adler: I'm sorry?

>> Alter: Is 60 pulled by a councilmember or speakers?

>> Mayor Adler: By speakers.

>> Alter: I'm not seeing --

>> We withdrew our speaker request. My apologies. We're happy to have it go forward on consent.

>> Mayor Adler: We'll let 60 move forward on consent. 18 is not being postponed to a specific day. It will come back when it's ready to come back. Which was the item that was the legislative agenda?

>> 15.

>> Houston: Mayor, I had questions on 60, so if we could keep it on pulled.

>> Mayor Adler: 15.

>> Houston: 60.

>> Mayor Adler: 60 remains to be pulled by Ms. Houston. Yes, Kathy.

>> Alter: Mayor, is that the hotel occupancy tax? Councilmember Houston, is that what you pulled? I want to make sure the speakers who withdrew --

>> Mayor Adler: 60 was the capital budgets library.

>> No.

>> Tovo: That is the H.O.T. Tax. The speaker, I just want to alert the speakers that has been pulled from the consent agenda.

>> Mayor Adler: Okay. One last time, the pulled items are 2, 15, 18, 35, 37, 40, 60, and 62.

[10:39:20 AM]

Anybody want to say anything before we get a second and vote? Yes, councilmember alter.

>> Alter: I wanted to make comments on items 3 and item 4. So item 3 is an agreement to provide a utility scale solar generation -- 144 megawatts that will get above 50% for renewable energy goal. And I wanted to thank Austin energy for really pursuing the goals that we set in the generation plan and for doing it in a way that's good for our environment and good for our economy. And to appreciate all of the advocates who have for many, many years been pushing this. It's very exciting to see these steps moving forward. On item 4, this is an item that takes advantage of Texas water development board low-interest loans to address some of our water and wastewater needs. In this case it's for electrifying our water meters, which is in itself a great step. I wanted to provide some direction to the manager, if I might, on this. So we have not very often taken advantage of these Texas water development board loans that allow us to borrow money at lower rates which can on these projects that run tens and hundreds of millions of dollars end up saving us a lot of money. I've been sending information on this to staff. I would like to direct you to make sure that we are taking advantage of these opportunities to any extent possible, and that we not be daunted by the grant requirements because you can save that -- if you have to hire someone to administer it, you save that multiple folds -- save that multiple folds if you pursue grants that save you multiple millions of dollars.

[10:41:25 AM]

I would like to ask you to be looking into additional ways we can leverage these kinds of loans. Generally speaking for our water and wastewater, but also as we move into our discussion of water forward to make that one of the mechanisms that we use to achieve our goals. Thank you.

>> Houston: Mayor? Mayor?

>> Mayor Adler: Further comment? Hang on a second. Councilmember troxclair.

>> Troxclair: I wanted to mention that if there's the will on the dais, I agree with the speakers who are opposed to item 18, the -- the item that would -- it's an interlocal agreement with txdot to withhold vehicle registrations from people with outstanding traffic warrants, fines and unpaid red light camera

cases. I'm prepared to just vote against it if there's the will on the dais to do it. We've postponed it several times already.

>> Mayor Adler: Does anybody else want to vote on it as opposed to postponing it? Looks like you have one other on the dais.

>> Casar: I'm fine with voting no because we could always if we wanted to reinstate it bring it back, but I'm also fine with postponing it. So if there were -- two other folks that were voting no.

>> Mayor Adler: Let's postpone. Seems to be the will on the dais. Any other comments on the agenda? Yes.

>> Troxclair: Hold on, let me find my sheet. Where did it go? I just wanted to be shown voting no on items 3, 16, 16 is the taxpayer-funded lobby contracts which I don't think are a good use of taxpayer dollars. And then voting no on item 28, the sole source chiller maintenance contract.

>> Mayor Adler: The record will reflect that. Is there a motion to approve the consent agenda? Councilmember kitchen makes it, councilmember alter seconds it. Ms. Houston, further comments?

>> Houston: I would like the people of the colony park sustainability -- sustainable community to please stand, everybody that worked on that project, please just stand so we don't --

[10:43:35 AM]

[applause] I'm not through. We do -- jazz hands, not clapping. I want to thank you all. Thank the staff of economic development and Dr. Cortez and all the individuals who live in our community who worked on this project, and I think we've got a jump start on the best planned unit in the city and we have a model for how our communities can work with city staff to create something everybody is going to be proud of, so thank you so much.

[Applause]

>> Mayor Adler: I'm going to read in some changes and corrections, on item 3, October 15, 2018, this was recommended unanimously by the electric utility commission on the 7-0 vote with Hopkins, we wouldn't and Ray absent. On the 16th it was recommended unanimously on a 7-0 vote with White absent and three vacancies. 5, 9 and 10 were recommended on a 6-0 vote with commissioners Castlebury, Lee, Bell and Schmidt absent. Item 20 withdrawn. Item 22, on October 10, 2018, reviewed by the water and wastewater commission. Item number 38 has Mayor Pro Tem, Kathie Tovo, added as a sponsor. 44 and 56 are withdrawn. We have late backup on 12, 15, 20, 40, 41, 46, 50, 53, 51, 52, 54, 59, 60 and 64. There's been a motion and second to approve the consent agenda.

[10:45:38 AM]

Anything else?

>> I just want to confirm item 15 was pulled, right?

>> Mayor Adler: 2, 15, 18, 35, 37, 40, 60 and 62.

>> Troxclair: Thank you.

>> Flannigan: 18 postponed on consent.

>> Mayor Adler: Correct. Those in favor of the consent agenda.

>> Casar: I want to say really quick things. One, on item 40, I'm proud to be a co-sponsor. I appreciate councilmember Garza bringing it up. I want to encourage the manager to -- we are also a major

employer to -- think through ways we can make sure our own staff get as much of a chance to vote as they can and also -- oh, it's pulled.

>> Mayor Adler: It's been pulled.

>> Casar: Oh, man, sorry. And on the vehicle registration piece, I just want to highlight that we are still getting data back on how to best analyze that. So far it seems like we are generating less than \$75,000 net R from doing that and it's hard to tell how much less it might be so just continue to try to weigh the hardship versus that relatively small amount of money. And then on the streets painting contractor, that was just testified on about the police contract, I just want to remind everybody listening and my colleagues and the staff that I think we received a presentation several months ago about the time line for getting back to negotiating and I think we're on that same time line as was laid out publicly in work session. So I want to comment the manager, the police monitor, the working group including people from the community and association staying on track with the time line as it's been laid out publicly for months now.

>> Mayor Adler: Anything else before we vote in Kathy?

>> Tovo: Since it's come up several times about the contract negotiation time line, I wanted to invite our city manager, you did speak to it very briefly in response to Mr. Cassidy, but would you please lay out what that time line is from here.

[10:47:52 AM]

>> Sure. Mayor, councilmembers, as councilmember Casar mentioned, there was an effort over the summer to really look at best practices on oversight. So we spent a lot of time working with the community, our police monitor has put together a task force. That task force just last week finalized their recommendations and so I am actively reviewing those recommendations not only with the police monitor but with the police chief as well. But as I mentioned before, I'm also now starting to discuss with individual councilmembers the work around staffing and other budgetary impacts of the contract. And so that work is actively happening and to councilmember Casar's point, we are on track with our schedule.

>> Tovo: Thank you, city manager, and I just wanted to invite you to speak to whether -- I mean, it is a high priority I think of this council to be able to contemplate that contract very soon. Is that your intention as well?

>> Absolutely. Honestly it's all I've been thinking about the past few weeks and it's something I look forward to discussing with you a lot more indepth in the coming weeks.

>> Mayor Adler: My hope, manager, too, as you talk to the offices, I think the way the numbers are calculated in terms of pay and the number of officers overtime is something the community is going to want to see to be able to see if they calculate the numbers the same way. So in addition to talking to the council offices, if there's a way to get publicly out the framework so that other people can be looking at the numbers too, I think that would be helpful. Is that something you think you can do?

>> Certainly that will be important.

>> Mayor Adler: Thank you.

>> Houston: Mayor?

>> Mayor Adler: Ms. Houston.

>> Houston: This is not about the agenda, but as far as protocol, what policies or procedures do we have in place when someone curses at a sitting elected official in the manner Mr. Cassidy just did.

[10:49:55 AM]

What happens in those situations as far as practice or policies go when someone is that disrespectful at a public gathering.

>> Mayor Adler: I think as cherry try to admonish speakers to stop -- as chair, I tried admonish speakers to stop, aen this one certainly did. Certainly if things would get further out of hand, then we have folks here to help us with that. It's not something I thought we needed to do this morning. Ready to take a vote? Councilmember alter.

>> Alter: Decidedly much more minor note, item 42 for Ramsey park, the fee waiver that I sponsored for the Shakespeare in the park, they have once again spelled Ramsey wrong. It's r-a-m-s-a-y. We did notify on that but so there's no problem moving forward, I want to mention that.

>> Mayor Adler: So noted. It will be corrected. Anything else? Those in favor of the consent agenda, raise your hand. Those opposed? Unanimous on the dais. The consent agenda passes. Item number 2 was pulled by Garza and kitchen. Garza, councilmember Garza, you pulled that one? If everybody could please be quiet while you exit the room. Councilmember Garza.

>> Garza: It's more for direction to the manager and Austin energy. We had the conversation on Tuesday that -- I asked if we are going to be selling our energy -- let me first say I 100% support adding this kind of infrastructure, 100%. I think it's a great thing. If we want to encourage electric vehicles, we have to have the appropriate infrastructure.

[10:51:56 AM]

But I also think as a publicly owned utility, we need to -- in any new policy we're setting, we need to keep the convenience of our customers in mind. And so if there is a way, and it's my understanding we haven't even asked these vendors the question, so all I'm asking is for us to ask these vendors if part of any deal or contract we sign, they could either provide free or reduced rates to Austin energy customers, even for six months so then that customer could determine if it's something that they are going to use, they don't need to use it, they don't need to sign on as a customer of that new charging station. Because my guess is not knowing the demographics. Those using electric vehicles would show there's not a lot of minorities as electric vehicle owners, and so I think we need to make the use of them as easy and seamless as possible. And while you would assume somebody with an electric vehicle is very tech savvy, I would anecdotally say that's not true. So I'm asking as we start to have negotiations with companies, I think it's a great thing we're getting infrastructure for electric vehicles, just for us to ask if there's a way to make the process a little more convenient for our current -- for our current customers. Especially since on Tuesday we were told that really only 15% of Austin energy customers that use -- that have electric vehicles actually use those chargers. So it seems like it would be a minimal cost for the company that's providing it. That's all I wanted. On a side note, as we start to expand this very needed infrastructure, has there been discussions or would it be a council action to better enforce the parking situation when you have a vehicle that's -- that is not an electric vehicle blocking a charging station?

[10:54:03 AM]

Would that be a council-driven policy?

>> Good morning, Carl poppa. Council did pass approximately two years ago a tow ordinance, so Austin transportation department could fine, ticket and tow gas vehicles that park in charging stations. I can follow up with the Austin transportation department, who I work with quite a bit, on seeing where we are on that.

>> Garza: To that extent, I think it would be -- if at any point we're changing or adding these new charging stations, I feel like the signs should say that because I've never seen something that says "Or you'll be towed." And for us of that -- we really do depend on charging stations and it's basically like someone parking in front of a gas pump when you needed gas. If there's a way to change the signage and say "Or you will be towed" I think people --

>> The majority of public charging stations are owned at host locations so that's out of the jurisdiction of Austin transportation department. We recently changed our rebite. If you accept a rebate, you have to put signs up. That used to not be a criteria and it's U to the facilities who they are going to tow and who they are not going to tow, but we have changed that to enforce towing at new host --

>> Garza: Again, it's up to them, but can we ask them will you install signage that says "Or you will be towed?"

>> Yes, ma'am, most definitely.

>> Garza: Thank you.

>> Mayor Adler: Thank you. Let's take a vote on this item. Those in favor -- is there a motion to approve item number 2. Councilmember Garza. Councilmember alter seconds. Those in favor? Those opposed? Unanimous on the dais with councilmember pool off.

[10:56:05 AM]

Let's G the legislative agenda.

>> [Inaudible]

>> Mayor Adler: I'm sorry?

>> [Inaudible]

>> Mayor Adler: She was here. She was hiding. Silent hands. Let's take care of item number 15, legislative agenda. Mr. Kahn, you are here to testify. Do you want to come down and speak?

>> Adam Kahn testifying against item number 15. In -- at the state convention three months ago in late June, the Republican party of Texas adopted as one of its top five legislative priorities the abolition of all forms of taxpayer-funded lobbying. Item number 15 on today's Austin city council agenda is a textbook example of why. Taxpayer-funded lobbying is an inversion of the first amendment. The first amendment is designed to protect private citizens from the government. It doesn't work in the other direction. Taxpayer-funded lobbying is compelled speech, it's tyranny of the majority, and it tramples on individual liberty. Now, obviously let's address the 800-pound gorilla in the room. I'm not going to agree with the agenda that the majority of this council will. It's not a surprise. However, it's not really about that. If we were in a different part of Texas and there were a left-wing citizen whose local government was about to use their tax dollars to enact whatever X, Y, Z, let's say to be pro-bathroom bill, that would be just as wrong. It would still be compelled speech, still be tyranny and still an front to individual liberty.

[10:58:08 AM]

Finally, I just want to say on a very practical level, I think that the agenda that this council will adopt will do nothing good for the affordability issues that we all know we have in this city, and thus it's probably futile, but I encourage you to reject item number 15, and when this comes up during the next legislative session, just remember that item number 15 is a textbook example of why. Thank you.

>> Mayor Adler: Thank you. Those are all the speakers we have. We're back up to the dais. Anyone want to propose amendments to this item number 15? Ms. Houston. Is there a motion to approve the legislative agenda? Mayor pro tem makes the motion. Is there a second to the motion? Mr. Renteria seconds. Ms. Houston, do you want to make an amendment?

>> Houston: Yes, mayor, I passed out the amendment on the dais motion sheet. Two amendments to amend the city of Austin legislative agenda for the 86th legislative session and do you want me to read all of that into the record, mayor, or just --

>> Mayor Adler: It's in backup at this point?

>> Houston: It's in backup and it's been posted on the message board.

>> Mayor Adler: And it was discussed at our meeting on Tuesday so you don't need to read it into the record. Is there a second to the Houston >> Ms. Houston, do you want to speak first?

>> Houston: Well, I think I spoke on Tuesday. The first one is regarding the green line, and it's just to add the ability of the -- to increase the choices of individuals who live outside of the city and to give the opportunity for the capital metro to work with other entities, including the capital metropolitan region mobility authority and other partners to try to activate the green line. And the third one -- the second one is regarding the Texas facility commission ledger.

[11:00:12 AM]

The mayor has passed out an amendment to add other ledgers that may be appropriate, other state ledgers, and that's just so that we can utilize the money that we've already accumulated on those ledgers.

>> Mayor Adler: Ms. Houston, are you okay with the amendment I handed out?

>> Houston: I am.

>> Mayor Adler: Any objection to say my adding it? Hearing none it's added. Comments? Council member alter?

>> Alter: I just had a question because of the forming. You're proposing that 1 and 2 with the amendment that the mayor proposed would be added into the agenda, the resolutions are backup to justify those amendments. They're not actually going into the agenda. Is that correct?

>> Houston: Huh-uh.

>> Alter: Okay. Thank you.

>> Mayor Adler: That's correct. Anything else before we vote on this? On the Houston amendment? Any objection to the Houston amendment being included? Hearing none -- Ms. Troxclair does. Let's vote. Those in favor of the Houston amendment as amended by my amendment raise your hand. Those opposed? Those voting aye, pool off the dais. Next item, Mr. Flannigan?

>> Flannigan: I handed out two amendments on Tuesday, they are the same that I handed out, one related to drainage fees and the possibility of discounts or reductions or caps for seniors, and the other related to collections, contracts at the municipal court, which have some pretty strict state guidelines that I think inhibit competition amongst companies. And so those are my two amendments, that I'd with your permission move to adopt those two amendments.

>> Mayor Adler: Any objection to including the two Flannigan amendments? Hearing none, those two amendments are included. Further amendments to this item? Alison.

>> Alter: Thank you, mayor. As I mentioned in work session, I would like to propose an amendment to support legislation to modernize procurement amendments and debt financing for clout computer purchasing assets.

[11:02:20 AM]

>> Mayor Adler: Is there any objection to that amendment being included? Hearing none, that one is included. I think those were all the amendments I had seen. Does anybody have any further amendments? Then let's take a vote on this item no. 15 as amended. Those in favor please raise your hand. Those opposed? Council member troxclair voting no, the others vote aye, pool off the dais. This item no. 15 passes. Okay. We have item no. 40, which council member Garza set. We have four speakers signed up for this. This is going to pass. My hope is that we don't need to spend 12 minutes on this so we can handle as many of the consent items as we can before lunch, but I want to give people an opportunity to speak, but please don't feel like you need to take the whole amount of time on this item no. 40. Council member Garza, do you want for make the motion to approve item no. 40?

>> Alter: Sure, I move approval to 40.

>> Mayor Adler: Any second? Casar seconds it. David Edmondson, do you want to speak?

>> Thank you, mayor, council, David Edmondson with Austin tech alliance. I will be extremely brief. We are in immense support of this resolution and want to thank council member Garza for bringing it forward.

>> Mayor Adler: Thank you for your work on this. Rene Laura? Joyce Lombard is on deck.

>> Rene Lada, legislative director for the Texas aficlo here resolution, item no. 40. Never testified before city council here. Usually testify at the state capital. This seems a lot more lively.

[Laughter] Just saying that. I do have some background. Federal law doesn't require time off for employees to take time off work to go vote, but the state of Texas does give employees that protection, and several others in regards to that.

[11:04:32 AM]

We, as an employer, encourage voting, and I think labor unions by and far, management down to rank and file are very supportive of voting. This resolution promotes voting and general civic participation. It is not mandatory and doesn't favor any candidates or proposals on the ballot. And so I think that that should be -- you know, it's very clear, and we support it wholeheartedly. I am open to any questions you have.

>> Mayor Adler: I think we're set. Thank you.

>> Thank you.

>> Mayor Adler: Ms. Lombard? Will Emily be here?

-- Is Emily here? Why don't you come on down. You can go. It's going to pass. Don't feel like you have to take all the time.

>> Good morning, I'm Joyce Lombard, president of the league of women voters Austin area. Thank you for your time and allowing us to speak on this. The leaks mission is empowering voters into depending -- in defending democracy and to us this resolution embodies that mission, and so the league of women

voters ask you, the Austin city council, to pass this resolution because voting is our civic duty. It is our duty that must be fostered. Its value must be given worth to all of our society equally and to ensure life, liberty and the pursuit of happiness for all. We ask you to empower voters and unable democracy by passing this resolution. Thank you.

>> Mayor Adler: Thank you.

>> I'm Emily, I'm voting rights at the Texas civil rights project. We want to thank you for bringing this resolution and voice our full support and not taking my whole time, I just want to say as a city that prides itself on its restaurants and its voter registration it's nice to see the city of Austin marrying the two by ensuring that employees of all kinds have the right to vote on election day. Thank you all so much, and if anybody has any voting rights questions, we are running a nonpartisan hotline called exit 6 or vote and we would love to answer any voting questions anybody has. Thank you.

[11:06:32 AM]

>> Mayor Adler: Thank you. Jessica wolf? I show this is the last speaker to be signed up.

>> Hi, my name is Jessica wolf. I'm the Austin business liaison with the workers defense. I'm here to say we're very much in support of item 40 and workers defense has been working with the civil rights project to provide information on-line and in person workers, in the community about their voting rights and their rights to vote if they have a shift when the polls are open and we just really appreciate this resolution being put forward. Thanks.

>> Mayor Adler: Thank you very much. It's been moved and seconded, item no. 40. Take a vote?

>> I was going to say a few words on it. I accept your amendment and friendly, Jimmy? Is that what you were going to say?

>> Thank you.

[Laughter]

>> Mayor Adler: So we're amending it to make it so it's boat oh.

>> To acknowledge that Williams and Travis county do the same voting centers and you can vote wherever you want.

>> Mayor Adler: Any objection? Hearing none that's included. Council member Garza?

>> Garza: Quickly, as we were writing this resolution, we reached out to our human resources department just to see what the city's policy was and to make sure that we had a policy that was leading by example, and while on the actual books it's aligns with state law, I want to thank state director joy hays, who told us she had already been working on a policy that would expand the ability for our city employees, 12,000 -- over 12,000 city employees to be able to have more flexibility, and giving them the opportunity to vote, and then I want to thank the city manager, who's welcome to speak after I do, for sending out a memo stating that we now have a policy that is more flexible and gives our employees, I believe it's abl, abl time to be able to vote. I also want to point out that we have a long history of making it easier to vote, while we see throughout our country, even today, states are making it harder for people to vote, I'm proud of the work that's being done here, from moving our city council elections from may to November we S almost a triple increase in voter turnout, cap metro provides free buses on election day, and as Jimmy just spoke to, you can vote at any location.

[11:08:52 AM]

You no longer have to just vote at your precinct, thanks to Travis county and Williamson county, you can vote -- even on election day you can vote at any location, but I strongly encourage you to vote during early voting because the lines are much shorter, if there's even a line. Most of the times you can just walk in and vote very quickly. I want to thank all our partners in the business community, district 2 company unit is giving their employees a half-day on election day to be able to vote, and it's so important that we make our voice heard in this -- in this and every election.

>> Mayor Adler: Thank you very much.

>> Mayor, can I add?

>> Mayor Adler: Yes, Mr. Flannigan?

>> Flannigan: And thank you, council member Garza, for leading on this, and just a note that there is a two-county early voting location, Travis and Williamson county will be sharing for the second election season at the Hartfield performing arts center in district 6, something I'm really proud we were able to continue. My understanding is the only two county early voting location in the entire state of Texas, and we have it right here in Austin, and just a shout out to my kids that attend Westwood and Mcneil high school, I'm going to be watching to see if you early vote. We had our two high school voter pep rallies last week and I'll be watching Twitter for your -- Westwood votes or Mcneil votes.

>> Mayor Adler: Speaking of the democratic process and accountability I think we have with us today students from the university of Texas journalism department, so be careful what you say up here on the dais.

[Laughter] This is being covered in minute detail this morning. Welcome, everybody. Yes, Mr. Renteria and then council member alter.

>> Renteria: I want to make a comment. In Spanish there's a comment, [speaking in Spanish] And it says those that don't speak up, not even the lord hears you, and the other saying is [speaking in Spanish], which means that your vote is your voice.

[11:10:55 AM]

So please vote so the lord can hear you.

>> Mayor Adler: Yes, Alison?

>> Alter: I wanted to just say that I'm very much in favor of this and other measures that we can take to increase democratic engagement. To that end I wanted to ask, and I don't know if this is a question to Ms. Garza or to legal. It's been mentioned that the state law already allows certain things, and so if someone was an employee who was trying to talk with their business about having this opportunity, I was just wondering if you could clarify what the state law -- since this is a resolution to affirm our support of this, but the state law does require certain things, if you could restate what those are so that folks who are watching who want to go to their employer have that information readily available.

>> Sure, I want to make sure I get it right. So the state law says that if you work hours -- so basically if you have a 7:00 to 7:00 shift -- it depends on what time the polls are open. So it's two hours -- you have to be given at least the opportunity of two hours. And so if you get off of work at 5:00, they're not required to provide you any time off because you have two hours from 5:00 to 7:00 to get to a poll because the polls close at 7:00. But if you work a shift, our polls are open from 7:00 to 7:00. If you work a 7:00 to 7:00 shift they are required to give you two hours because your work -- your workday is the exact same time as the polls. And so -- so -- but this resolution isn't just purely affirming state law. It's asking for even more flexibility. It's saying regardless if you as an employee are -- are able to vote by

state law, we ask all our employees to -- employers to provide more flexibility and during early voting as well.

[11:12:58 AM]

I don't know if that helps.

>> Yeah, I just wanted people to know what their rights were according to the state law. I don't know if anybody knows the state statute.

>> Mayor Adler: Council member troxclair?

>> Troxclair: It's in the section closed 276.001004.

>> Thank you.

>> Mayor Adler: Did you want to say something?

>> I'm sorry, did you want legal to say whether council member Garcia was correct?

>> Mayor Adler: Sure.

>> She's correct. Council member Garza, sorry.

>> Mayor Adler: Thank you. Okay, it's been moved and seconded, this item, no. 40. Those in favor please raise your -- council member --

>> Casar: I was going to mention one what council member Garza covered and leading up to election time I know there's a lot of requests from people to use city facilities or city parks or remind people about voting and I wanted to remind the city manager to be as flexible as possible because sometimes we ask folks to reserve things a week or two in advance but in this crunch up to advocate if we can be as flexible as possible I think that would be really helpful.

>> Mayor Adler: As a design group we have in Austin on the east side of town that has made these, "I'm so going to vote" stickers, and I was going to say I really like this a lot in case they're watching. Anything else? Council member troxclair?

>> Troxclair: I don't know that I necessarily disagree with anything that's been said, but I did want to reiterate that state law already requires the employers give anybody that paid time off if they're not able to get to the polls. But we have really extensive polling locations and polling hours, polls are open 7:00 to 7:00 for nearly two weeks, including on the weekends.

[11:14:58 AM]

I am worried -- I have heard some supporters of this resolution say that this is one step in the direction of mandatory voting, and I'm just concerned that that's the direction that the city is hoping to move to mandate that employers that do different things or to mandate the people vote, and I think that voting is a really important -- one of the most important rights and privileges that we have and it should be treasured and treated that way. I don't think that this resolution does anything for employers that state law doesn't already -- employees that state law doesn't already do, and, you know, I think -- although I personally encourage employers to go above and beyond, I just don't think it's the city's role and responsibility to do that. So I'm going to respectfully vote against this resolution.

>> Mayor Adler: Let's go ahead and take the vote. Those in favor raise your hand? Those opposed? Council member troxclair voting no, the others voting aye, with council member pool off the dais. This item passes. That gets us to item 35. Ms. Houston, you pulled this item?

>> Houston: Yes, mayor, and we had a conversation about it on Tuesday, so this should not be any news. Reverend Parker could not be here today, but I have his letter that he sent to the special events office regarding the Austin marathon and the route, the new route that they have chosen for two years now. Attached please find the signed opposition form from the David Chapel Missionary Baptist church relative to a city of Austin notice of proposed closure regarding the 2019 Austin marathon schedule for February 17, 2019, from 6:00 in the morning until 3:00 in the evening. As a property owner affected by this closure you will note our opposition indicating we disapprove of the proposed street event, specifically the route, related participants, traffic and the time of the street event interfere with the owners, that's David Chapel Missionary Baptist church, owners' freedom of worship and the religious expression on Sunday.

[11:17:21 AM]

And so that's what Pastor Parker submitted to the special events. As I shared on Tuesday, in 2017 I started -- I was notified that the route was coming through east Austin. That was the first -- because of the notice that was my first understanding of the fact that the route had been changed. And there were numerous concerns that came up. I talked with both the organizer and the promoters of the event and said that the route that they had identified, which would have gone down Manor Road to Chestnut and down Chestnut to Pleasant Valley, was disruptive of the businesses on Manor Road, that includes Hoovers, East Side Cam-Nay, MI Madre, and of the four little churches, David Chapel is probably the largest congregation on Chestnut, but there are four other congregations on that street. I said that I would be willing to try to work with them to try to find an alternative route that would be less intrusive. I did work with them. I suggested going down Comal through the cemetery between the two Oakwood cemeteries. They didn't think that was appropriate. We finally reached consensus on going down Lafayette to Chi Can and Chi Can to 12th and then down Pleasant Valley. And then we started having ongoing conversations about this route and the impact that it had on historic communities of color. Communities that had been neglected and disrespected by many in this city for many generations, and that this was again a very special day for members of the African American community, and because of the displacement that the community has seen, church is a time when people come back.

[11:19:33 AM]

Churches are destination communities, so they come back from Round Rock and Georgetown. I've got somebody that drives in from Burnet, Texas to go to my church on Sunday morning. So people who have been displaced come back into town, they worship together and then they go back and do their work in the real world. And I tried to explain that. I had two community meetings where we had congregations from First English Lutheran, St. Elias Orthodox Church, St. Mary's Church, Cathedral, St. David's Episcopal Church downtown, Mount Olive. We tried to bring together those folks that worship on Sunday morning and say this is really an impediment to our ability to practice our -- our religious assembly and said -- and again, as I said on Tuesday, I suggested other options that we could have the marathon out at Exposition Center or at the Circuit of the Americas, but that it had to be this route. It has to be this route. So I've tried to explain that and tried to have them be sensitive to the -- that Sunday is a very special day in my community for people, and also the revenue problem that happens with 52 weeks out of the year and one Sunday, people will just not go to church. They just won't go because they're not going to put up

with the traffic and the headaches and the detours. And so I'm going to be -- after somebody else has a chance to speak, mayor, I'll be making a motion to vote against this -- this request.

>> Mayor Adler: We'll give you a chance to vote no. All right. We have one speaker signed up to speak. Did you want to speak first, council member alter?

>> Alter: No, I can wait till after the speaker.

[11:21:33 AM]

>> Mayor Adler: Okay. Is Dan Carroll here? Mr. Carroll, do you want to come on up?

>> Good morning, my name is Dan Carroll. I'm the operations director for the Austin marathon. I'm the person ultimately responsible for planning and the permitting of the Austin marathon route, which you can imagine is quite a hefty task to find 26 miles to run on within the city of Austin. I'd like to spend my time this morning reviewing why we're requesting council action and also give a brief overview of some of the community outreach that we have done. 2019 will be the 28th edition of the Austin marathon. The special events ordinance requires street events notify addresses and neighborhood associations along the route. If more than 20% of any given block object to the event, then the promoter must work through the issues or alter the route. Once an event has occurred for at least ten years, it is exempt from this requirement. In 2018, so this past February, the Austin marathon route was changed. It was changed to improve the overall mobility across the city, ease the burden on cap metro to alter their routes, and improve the runner and spectator experience. Because of this change we made last year we have reset the clock on the signature requirement. The ordinance currently sets a deadline for feedback at 60 days before the day of the event. This is not enough time for us to react due to the sheer size of the Austin marathon and the process involved to change and certify the course. Therefore, what we are asking council to do today is to essentially move that date up to today for a waiver of that timeline requirement and the signature requirement. However, we have still notified addresses and we will continue to notify addresses, and we will allow them to respond and we will address every single response that we get. So far for 2019, just to put some numbers behind this, we sent out 4,071 notifications, and this is along the portion of the route that was changed in 2018.

[11:23:37 AM]

We have received 17 disapprovals, and I personally have followed up with every single one of those. I have not been able to make contact with everyone but most of those I have talked and we have worked through the issues to make sure they maintain access during the events. The marathon is a sprawling event with a large impact across the entire city. Route affects many people, businesses and places of worship. We recognize that it is a privilege for this event to occur on city streets and our aim is to reduce the inconvenience of street closures as much as possible and provide access to everyone. Over the past year we have had many discussions with residents, businesses, churches. We have attended neighborhood and community meetings, especially in the areas of town that are affected by the changed portion of the route, specifically east Austin and Hyde park. We have published a comprehensive traffic guide for the entire city. We have reached out individually to many churches along the route. We have met with anyone who is willing to meet with us, to understand their unique traffic concerns, make sure they have access, and we are developing custom traffic guides specific to each church. We are also providing a hotline for these churches to contact us leading up to the event so

that we can address issues immediately as they come up and during the events. We have and we will continue to work tirelessly to make the Austin marathon exist harmoniously within the community.

>> Mayor Adler: Thank you. Okay. Discussion on the dais? Council member alter?

>> Alter: This may be a question for Mr. Carroll. So two things. One is kind of a question for you and also perhaps direction to the manager.

>> Sure.

>> Alter: This marathon also goes through district 10 and I hear similar complaints as ones I've discussed with Ms. Houston about the police not knowing where to direct people, so it's all good and well if you have a plan, but if the police don't know where to send people it doesn't help. So how are you working with the police to send people in the right direction as alternates?

[11:25:44 AM]

>> That's a very good concern and something that we recognize and we're continuously working on with the Austin police department. One of the proposals we have this year is that we're going to have very specific instructions coming from the marathon to each police officer at each specific location that they will have, and we're contemplating creating postcards for those officers to be able to hand out to people who may be stuck in traffic at those locations so that those officers can instruct people on how to get around the closures but also so that those officers have specific instructions that may be relevant to their location to provide access.

>> Alter: So I'd like to ask that you not contemplate that but do you it, because it's something that we're hearing from folks that makes this process all that much more complicated. The second thing that I wanted to ask is, I understand that you feel like you've done a lot of -- a lot of outreach on this. What I'm not fully understanding is whether you modified the course in any way, and I'm not talking about putting it out at f1 or at the expo center, but did you find any street modifications that you could make that might lessen some of the burden, or is it all about just the traffic plans?

>> Well, one of the reasons that the course was changed was to ease the traffic burden. The previous course essentially blocked all city streets at grade from Anderson lane up north to Ben white, and so one of the reasons why the course was changed was to reduce those barriers so that more access could be provided across the entire city. And we continuously look for feedback on the route. It's always a work in progress, and we want to make sure that everyone has access, and so if there are better ways to go, we are always open and listening to what those might be.

>> Okay. I was trying to clarify between last year's event and this year. I understand why you moved it, but it doesn't mean that you got it right on your first time. I know you're new to running this marathon. I don't know if you're new to Austin as well, but, you know, this is impacting the neighborhoods that Ms. Houston H mentioned in new ways, and we have -- I'm hearing from my colleague that she is hearing from her community that it is not yet addressed and having a very big impact, and so we don't have the new route right yet, and I'm trying to understand if you said we moved it last year and that's where we're at and we're not moving it again anywhere, or if you -- have you moved it at all?

[11:28:10 AM]

Have you, you know, really looked at this in that way?

>> Yes, I have, and I've looked at it extensively with city staff, and we feel this is a gr route for -- good route for access across the whole city. We believe, especially in district 1, that all the churches that have been brought up do have access. No one is blocked from entering their property or exiting their property. Will detours exist and will delays be incurred for some of those individuals trying to reach businesses and places of worship? Absolutely. And that's why we're trying to meet with as many as we can to help them understand what those alternative routes are available to them and make sure that we can assist as much as possible communicating those detour routes so that everyone can get to where they need to go during the race. But we have looked at routes and we continue to look at routes, and we feel that this is a very viable option right now.

>> Alter: I'm concerned because I'm -- you know, the churches are not communicating that to their council member, and so I'm not prepared to vote for this as it is today, where the deadline would be today. I'd like us to perhaps consider a postponement if during that postponement you'll work with council member Houston and actually consider if there are some movements that get us closer to addressing the concerns. You have said that you want to go through a particular part of town, but if people are not there, you're not really experiencing that part of town.

>> Okay, so I don't understand -- I don't understand the question. Do you want us to change the route or do you want us to look at changing the route?

>> Alter: I am questioning whether there has been serious consideration of changing the route to address the concerns that my colleague has raised, and if we were to postpone, I would like in that time for you to work very closely with her and the churches that are still expressing concerns to see if there's a way to move the route to address the concerns.

>> If that is the will of council, obviously we will comply, but it is our desire to move forward with the route as is.

[11:30:15 AM]

>> Alter: I understand that that's your desire to move forward, but I'm hearing some very strong concerns and in talking with her office, I think these are very real and justified concerns, and they were - - you were moved into that neighborhood --

>> Yeah, and I've been working with council member Houston as much as she would like me to, I believe, and if alternative routes -- I believe and city staff agrees with me, that this is the best route through that portion of town. A better route, one has not been suggested to me yet, and so again, I am - - I'm willing to listen, and of course work with any council member and any district who feels there's a better way to navigate, but 26-foot miles through the city, it's going to affect somebody. There's no way around that. It will affect some churches and and our aim is to make that as painless as possible for everyone involved.

>> Mayor Adler: So my sense on this for me is that I think this is an important event in the city. It's been here for a long time, and I appreciate the fact that the route was moved from where it was in past in order to actually take a look at minimizing its overall impact in the city. You can't do a race like this without having some impact. My understanding is that recognizing that, there have been a lot of conversations, a lot of meetings, both with our staff and with the community, to try to figure out if there were alternatives that resulted in less, but when you change it here it creates a problem over there, and I think that a lot of time and effort has been spent on this already to try to minimize that. But I also

recognize that it does create a burden -- it will create a burden, but my understanding is, is that you've minimized that to the fullest extent possible, so this is something I'm going to support today.

>> Renteria: Mayor? >> Mayor Adler: Mr. Renteria

>> Renteria: I'm also going to support it at this time, but, you know, I -- I didn't even know about this -- what's happening until just last -- Tuesday session.

[11:32:24 AM]

So no one has reached out to my office about this marathon, and I'm kind of disappointed because last year I was very confused when I left my house, which is on Comal and Haskell, and I was going to go down six blocks to go and have breakfast with my daughter on Sunday, and I had to drive all the way to Stassney, which was about a mile and a half down the street, in order to -- didn't even know if I could cross over -- cross Cesar Chavez so I could get to 7th street, and there were no signs. And, you know, that's what -- I would have gone the opposite direction, would have gone through Rainey, down to sixth street and it would have been easier to get, and you -- what you should do is put some -- for your barricades things, if you're heading to this location, you have to go this far down to get to the north side of the streets. Because Cesar Chavez is closed all the way, you know, to Stassney, but it doesn't tell you which way would be the best way to get out of your neighborhood, and you should put down there, say this is the north routes and these are the south routes that you can to get to the east or the north part -- the south or the north part of town, because, you know, the way you have it set up now it's very difficult, you know, because you have to go all the way to Shady, and that's the last -- and I thought, oh, my god, are they going to make me go all the way to Montopolis and come back to go to the 7th street. And I was confused. I'm confused and I'm on city council. My neighbors would be even worse off because they don't know what's going on.

>> Well, thank you for those suggestions, and in addition to the measures that I pointed out to council member Alter, we're also looking at increasing the amount of signs that we put out there that provide information for people to make decisions on the fly about how to get where they're going so they can pull up the traffic guide.

[11:34:27 AM]

And, you know, notifying everyone in the city is a monstrous process. It's something that I think the city is still figuring out the best way to do it and we're trying to work right alongside them. We do many things above and beyond what the ordinance requires. We put door hangers out the weekend before to remind people. We send notifications to a lot more people than the ordinance requires. But, you know, it's not a perfect system, and we recognize and we are always open to suggestions. And to point out, I'm sorry that you didn't receive the notifications, but last year we actually did send you both email and a certified letter and I met with one of your aides in person here at city hall prior to the event.

>> Mayor Adler: Further discussion? Council member Garza?

>> Garza: I absolutely understand the concerns with the disruption that is caused, but even a postponement to look at another route, it's going to disrupt anywhere you put it, and I appreciate council member Houston saying I asked them to put it out in circuit of the Americas, which even though your phone would stop ringing, my phone would start ringing on that. So it's -- you know, it's a big -- it's a big event. I'm prepared to vote in favor of waiving this today. It brings our community significant sales

tax and hot tax, and I don't know if there's a way to -- I understand the financial concerns. I could see those as very real for the churches. I have seen on routes where, you know, businesses -- some businesses love being on this route. It brings in more people to their business, and I wonder if there's a way that the church can -- I don't know do something that would help raise funds that day. I see people selling water outside their homes or whatever, or if there's a way to funnel sales tax that day to help, you know, some of these -- address some of these financial concerns.

[11:36:31 AM]

But I -- you know, I am not a fan of waiving or giving anything special, but this is -- you know, people, they plan out what marathon they're going to run a long time in advance, and so it's important that they know that something is happening and this is the route and it's just a very special -- and I think -- I think we can find a way to be able to coexist with this event and our local -- and our local business, and I don't know if that's better media -- big press conference to the media saying, please remember this day, the marathon is coming, there's going to be disruptions, and please be patient with us and, you know, cheer out. I know, for example, at the Boston marathon people love living on the route or having a business on the route, and it's a huge plus, and they come out and support those runners, and, you know -- so anyway, I'm prepared to vote to waive the -- whatever needs to be waived today.

>> Mayor Adler: Okay. Kathie?

>> May I provide one piece of information? I just want to point out that the new city ordinance regarding special events that takes us back next April, the marathon would most likely no longer need to come to city council to request your permission. We would do this through the normal city ordinance process, and based on the history of responses that we've received to notifications, the marathon would easily pass well below the minimum threshold to achieve a permit. And I do want to say that when we have changed the route we recognize we're making a pretty significant impact in these communities, and while we can't necessarily do everything in one year, we're making a multi-year approach to provide benefit to those communities, and I know we've started working with some of the organizations, six square, to name one of them, in east Austin, to bring some of the benefit of the marathon to those communities and get them more involved so that it is more of a harmonious relationship than just a disruption, and that's something we continuously do and we feel that makes the event better for the city as a whole.

[11:38:34 AM]

>> Mayor Adler: Mayor pro tem?

>> Tovo: I had a question about whether -- whether some additional time, if we did decide to postpone this till the 1st, would that enable any further discussion? And this is really a question for my colleagues, I guess -- any additional discussion to occur between the event organizer and those impacted churches so they could brainstorm for ways that the event could assist in getting the word out to congregants?

>> Houston: May I answer that?

>> Mayor Adler: Ms. Houston?

>> Houston: Thank you for that question, mayor pro tem. That's part of the issue. I think we've tried to work to find a route that would be least impactful, but it still is impactful. And -- and I cannot say yes, it brings in sales tax and revenue for the city, but we're talking about the quality of life for people who

have been disenfranchised for a long time in the city. So they really don't care about the sales tax and the revenue generation. They're wanting to go worship and not having to be disrupted. And so the fact that this happened the first time with no notice, except they sent out the usual notice, but again, like council member Renteria, nobody paid attention to it because they didn't know what that meant. But now they do know what that means because they've experienced it once. And if next year and the year after and the year after that it didn't even have to come to council, then they have no remedy. They absolutely have no remedies because they -- because of the new rules that it will just go along as it's been planned. Mr. -- I know your name --

>> Carroll.

>> Carroll, I know your name better than mine sometimes being but it just escaped me, said that 17 people said they disapproved and 29 are for it. What is the threshold before you say we have to change the route? I don't know what that is. I don't know how to make it happen.

[11:40:34 AM]

People will need to know what are their options before next year when this doesn't even come to council again.

>> Mayor Adler: Kathie?

>> Tovo: So I guess what I'm -- I guess what I'm wondering is whether if you had two more weeks, could you sit with those parties and maybe you've already done this, who would be impacted to brainstorm -- to brainstorm for how the marathon might help their particular congregations get the word?

>> Absolutely.

>> Tovo: And I'll just say from personal experience, when the marathon was on a different route, my church was impacted, and so we would get the news ahead of time and, you know, suggested routes for getting there and what not, and so I -- I do see -- I mean, part of -- part of the intent of a lot of the discussions that have happened around the events ordinance is to make sure we're fostering -- to make sure that the regulations them foster communications among the organizers and impacted parties. I've probed probably -- I know I shared this before, I was on the street closure task force long ago and part of the reason we had that was the downtown churches were recognizing a noticeable decrease in their -- in their -- I don't want to call it revenue -- offerings.

>> Mayor Adler: Collections.

>> [Inaudible].

>> Tovo: In offerings, on days there were events and there are events again and again blocking the same streets and it was having a financial impact on those churches. So your predecessor conserved on that street closure task force and I'm very interested in making sure that even with the new ordinance that we're continuing -- continuing to set the expectation that it's going to be part of the event, with a major event like this, that it's going to be part of your responsibilities, and I hear you saying you acknowledge that responsibility to help -- help those businesses that are impacted figure out how to -- how to get their individuals there to worship on Sunday.

[11:42:34 AM]

>> I do acknowledge it, and I feel like we've been doing it. I've built, in the last six to eight months, I've built a database of all the churches that I think are impacted along the route. One thing I will point out is

that the city was not able to provide that database for me. I had to go build it myself so it's a little bit of discovery. And so every week I find a new church or they find me and I reach out to them and I offer to meet with them at their location on their time frame to understand what their needs are and address them. One thing I do want to point out specifically to David chapel is I did go by there last year and they refused to meet with me. I'm very willing to go meet with them again and any other church along the route that is ready to see if we can help. And I'm not just talking about, you know, easing traffic. There are other things that we can do to bring some of the benefits of the marathon to their community, to help offset sometimes the inconvenience we create.

>> Tovo: And are you actively helping those congregations figure out how to route their parishioners on that day?

>> Yes, we meet with them, look at where they'll park, look at zip code analysis of where their congregation lives, how they're getting to church, and we develop maps that are created by us, maps and turn by turn directions and a list of closures and the churches will put those in their bulletins, email them out to the congregations and also have that lifeline to contact us in case a police officer is not doing the correct job as we thought they would be doing or if a barricade was set incorrectly they can call us during the event we can try to fix that in realtime.

>> Tovo: Of those congregations that are impacted with this route, how many of those -- how many of those -- of those 17 -- did you say 17-ish?

>> How many of the responses did we get are churches?

>> Tovo: No, I guess what I'm saying is how many -- how many of those in-depth conversations with maps and additional information have you had with that -- with that universe of impacted congregations?

[11:44:34 AM]

>> I've had one-on-one conversations with 17 churches, in email or phone conversation with another two more. I have reached out to it looks like another ten who I'm still trying to get ahold of. Some are just nonresponsive to me. And then there are several churches that have -- that are impacted or may be impacted who have had that same impact unchanged since the 2000 -- since way prior to 2018, and if -- I will continue -- those will be notified by us of the event so they will have an opportunity to meet with us if they desire. But their impact hasn't changed in the last two years.

>> Tovo: Okay. So I guess I'm just -- and the reason I was asking that question is just to see whether -- whether an additional couple weeks would help -- would help make sure those additional conversations are happening, but it sounds like you're actively helping those conversations.

>> We'll continue working on them for the life of the marathon.

>> Tovo: Okay. And just, you know, on another note, what you said about the ordinance and how it will impact routes moving forward just gives me a little bit of pause because part of -- you know, again, part of the success of this ordinance and the revision that came out of the street closure is that it fosters these conversations, and if the route now sort of remains unchanging, for one thing it doesn't realize what we had suggested as one recommendation, that these routes move around the city so they're not constantly impacting the same areas for the, you know, future. So just this is really -- that's just a message to my colleagues that that might bear looking at in the future.

>> Mayor Adler: Ann?

>> Kitchen: I just wanted to reiterate two things that the mayor pro tem just mentioned in terms of the ordinance and when it takes effect, and I understand the aspect of approval administratively, but just to -- this is a -- sort of a -- just wanted to let my colleagues know that I want to look at that because I think if there are scoping changes in, you know, you know, in events we have right now, that's something that I think should come back to council.

[11:46:57 AM]

So that's a different issue that I'll be talking about later, but it's not my intent and I don't want to see an ordinance that puts everything to administrative approval. So then my second question, with regard to this particular event, I am wonder -- I'm thinking about next year now. So I am wondering if -- and I'm asking council member Houston this too, is it possible -- and I guess council member alter because it's in your area, can we sit down right now and talk about what that route might be for next year? Or right now after this event, so that you don't run into the difficulties of trying to address a route at the last minute, and these districts don't end up in a situation, at what is the last minute for this event, of not being able to address the concerns about the route. So I don't know if that's helpful but that would be one thing that I would suggest.

>> Mayor Adler: Okay. Hang on a second. Let me get some people who haven't had a chance to speak yet. Alison, did you want to speak?

>> Alter: I just wanted to clarify that the concern that I'm hearing from my constituents is simply making sure that they're given the direction where to go and that they feel like their concerns have been addressed. I am supportive of Ms. Houston because I am concerned it was moved by no will of mine out of my district and into her district, and I had nothing to do with the movement, but that doesn't sit right with me. So I wanted to make sure that she has the opportunity to have her constituents and their concerns heard. I lived in an area that was previously constrained by that, boxed in, my temple, that we don't worship on Sunday, have Sunday school and people from all over and people had to reroute and people just adjusted. But from what I was hearing it was not an easy adjustment for the needs of the folks who were impacted by last year's change.

[11:49:04 AM]

But as long as they're able to get to the golf course and to be able to move around, my district is also earlier in the day, so it is not the same impact.

>> Mayor Adler: Council member troxclair?

>> Troxclair: I just want to understand. I know that you -- your position is that this is the best route, but have -- and I think council member alter was trying to ask this earlier but I'm just not sure that I fully understood the answer. Have you considered making modifications to the route within district 1 where the concerns exist?

>> Have we considered it?

>> Troxclair: I guess have you --

>> I'm sorry.

>> Troxclair: Have you given serious consideration to an alternate route within her district that would -- that would minimize the impact?

>> Absolutely, and I want to point out that we are using the alternate route as suggested by council member Houston, and, you know, I'm hearing from her that that alternate route still is not satisfactory. I'm a little bit stumped and I'm open to suggestions about -- if we're going to continue to use a similar route that goes in roughly the same fashion through the city, what alternative route through district 1 would be better. I don't know other than removing it completely out of district 1, which then I feel like just passes the buck to another district, right? So it's going to affect somebody somewhere, and I will point out we are open to modifications to improve specific areas, okay, shift over one block here, maybe that's a little bit better, there's not as many businesses or churches affected if we move over one block here, but we want to find a route that it becomes an established route that essentially is the, quote/unquote, permanent route for the marathon, that's good for the marathon to attract people to this city. It's also good for the city, because people can develop routines and learn how to deal with the route. If the route is changing every year, then we're putting the whole city -- putting a task on the whole city to relearn how to navigate around this route every time we change it.

[11:51:14 AM]

And so I think it's in our best interest to find a good route that finds the right balance between the city -- between the marathon and the city's residents and churches so that we can coexist.

>> So can I -- council member Houston, if you had -- because I'm inclined to support a postponement if it means that you would have some additional opportunity to have that dialogue with him. Do you feel like that time would give you -- give you the opportunities -- do you feel like you have suggestions to the route without necessarily moving it outside of the city or completely to another area that would help lessen -- reduce the impact on the churches and the others in your district who have concerns?

>> Houston: I don't have that right now, and when I've talked with Mr. Carroll about looking for alternative routes, they were pretty much set on where they are now. I didn't get the feel that if I even could come up -- because the route that they originally set was just really going to impact so many places, that I tried to minimize that, but that was not the perfect route. And so they're pretty much set on that -- that route.

>> Troxclair: But if he had direction from council that we would really like you to take her concerns into consideration and sit down again and see if there was a way to modify it, would you be willing to do that?

>> Of course. I do want to point out that it's a monstrous task, right? Even one small change to one block would mean that the entire route might have to change or other portions of the route, because if we remove a mile here we have to go find a mile somewhere else. And so I'm open to it. I don't believe moving the event outside of the city of Austin is a reasonable solution.

>> Troxclair: That's not what we're talking about.

>> But alternative routes in the city, of course we're willing to listen, but I don't believe it's something we can accomplish in two weeks but we can start the dialogue and look at it for ninth, which we are already doing, and that's the purpose of the dialogue, to find the perfect route.

[11:53:24 AM]

That's the quest, to find the perfect route for everybody.

>> Troxclair: It seems like -- it seems like maybe there hasn't been as much consideration given to making minor adjustments that would help the constituents in her district, and so that would be -- that would be my request, is that you really try to -- not moving it drastically, not Ming outside the city, keeping more or less the same route but seeing if there are adjustments that can be made that would -- that would reduce the impact, if you could do that with her over the next couple weeks, that would -- that would -- I really -- I think that that would be the best path forward.

>> Houston: Mayor?

>> Mayor Adler: Ms. Houston?

>> Houston: And I've suggested to Mr. Carroll that he could consider going to David chapel for church one Sunday morning and then saying to pastor parker, I would love to talk with you about this, because I think people are now -- because of the way it was originally done, many of the pastors are just through with it. They just are angry about the way it was just forced upon them the first year, and so now they're not willing to engage. But I did recommend that he show up at 10:00 on Sunday morning and stay and say, pastor parker, I'm Dan Carroll. I've been trying to get in touch with you and can we sit down and talk? So maybe that will ease and break some of the tension. Because all of these pastors have a relationship with each other, and so many of the churches were impacted further out than David chapel where the race was run, and people couldn't get to their place of worship. So I'm willing to try that if Mr. Carroll thinks that may help, but usually he tells me, no, this is pretty much where we have to go, because it is about miles. They've got a certain number of miles that they've got to run and so they've got to make sure that they have the correct number of miles for the different parts of the marathon, so -

>> Of course I'm very willing to entertain that, and I do want to meet with David chapel. That's why I went and visited with him in July of 2017 before the new route was finalized, to get their feedback, and I spoke to someone during the intercom at the church and they said they do not want to meet with me.

[11:55:32 AM]

But from my end I'm always willing to meet with any resident, church, place of business to understand their needs.

>> Houston: I think the question was, are you willing to postpone this vote today until we can see if we can tweak the current route to something different for 2019? I think that's the question.

>> I mean, so far no -- no alternatives have been suggested to me. I am always willing to entertain, but it is my desire to move forward and continue to work on this, and if the desire is to change it for 2019, then we have an 18-month lead time to work through those.

-- Sorry, for 2020.

>> Mayor Adler: Is there a motion to approve this item?

>> Renteria: I want to ask a question.

>> Mayor Adler: Go ahead, Mr. Renteria.

>> Renteria: Mr. Carroll, can you send me all the information? I'm a represent for district 3 in east Austin. Can you -- you can email me, send me the map and all the church and whoever you have contact there, in case I get some feedback, I would like to find out what you have reached -- who you reached out so I can have that information.

>> Absolutely. Can give you a 1345er of everything we've -- a summary of everything we've communicated and the form in which we've communicated it.

>> Renteria: Okay. I would appreciate that.

>> Mayor Adler: Is there a motion, councilman Garza moves passage of this item 35. Is there a second to that? Mr. Flannigan seconds that. Is there any discussion?

>> Houston: Mayor, before we take the vote, and I will still be voting no because that's what the constituents in my district charged me to do, I would like to ensure that the city manager understands the long-term implication of the administrative ability to change the route or move it without having communications with the -- with the community that will be affected, and I still get complaints from my downtown churches that they have -- they have -- even though this route has run through downtown, St. David's called, first Baptist, St. Elias, they still have problems with what has happened.

[11:57:38 AM]

So if I can get some assurance that staff -- because I don't think that should be an administrative decision, because it affects too many people and too many neighborhoods, if they can just change a route and not engage the community in a meaningful way. It's kind of like this is what our route is going to be. You need to say okay on it. So -- but I'll still be voting no.

>> Mayor Adler: Okay. Been moved and seconded. Let's take a vote. Those in favor of this item 35, please raise your hand. Those opposed, Ving no is troxclair and Houston abstaining. Council member alter, pool off the dais. This passes with seven affirmative votes. Thank you.

>> Thank you.

>> Mayor Adler: I'm not sure if there's anything that we could take up in the two minutes that are left. Is the Austin housing finance corporation item going to be controversial?

>> I have some questions, mayor.

>> Mayor Adler: Okay. Hold off on that. What about item no. 60? Ms. Houston, had a question on that one?

>> Houston: Yes, it's just for staff. I notice the downstairs field grandstand restoration for 225,000. Does any of that include the restrooms there that are historic? They're there before, you know, Moses was put in the water, and they're still there, so I was wondering if the restrooms are being included in that.

>> This is Kim Mcknight. I'm with parks and recreation department. Thank you for your question on downs field. The grand stands are part of the historic designation. The restrooms, although they were very compatible when they were built, are not necessarily part of the historic structure, and are not in line to be funded with the funding that we have for the grand stands.

[11:59:39 AM]

However, we are in discussions with the teams that use the field and are actively planning some improvements including painting, so we are addressing them through another mechanism. But the -- they're actually fairly recently, the restrooms themselves -- are you talking about the dug-outs or the restrooms?

>> Houston: I'm talking about the restrooms behind the dug-out.

>> Correct.

>> Houston: The ones that flood when Barton creek floods and they just got mowed --

>> Those are quite a bit -- those are older, they're not as old as the grand stands. We're planning on focusing all of our funding if on the grand stands them but issues related to the dug-out and the

restrooms. We have partnerships with the different organizations that use the field and we have additionally interest from the community members through six square. So we're kind of taking a multi-prong approach to improvements there. The historic preservation funding targeted to the grand stands is targeted to the grand stands at this time.

>> Houston: Thank you. And they do need work and they've been there since the they need work.

>> Mayor Adler: Is there a motion? Ms. Houston makes that motion. Mayor pro tem seconds.

>> It just a directional -- take two seconds. As I reviewed this proposal, I realized that a number of these investments have leveraged private funding and outside philanthropy in significant ways. The Barton springs bath house and the Barton springs conservancy's work on that are one example there. I wanted to offer direction to our city manager around staff to help us ensure that as we are making these investments, we endeavor to document and track how dollars are linking and leveraging with private philanthropy efforts. As we determine permanent methods, how these efforts should intersect with prioritization of investments through hot funds. I don't know what that looks like exactly, but I do want us to make sure that we have mechanisms moving forward as we develop the process that allow us to leverage the opportunities that philanthropy provides.

[12:01:54 PM]

>> Mayor Adler: Sounds good. Thank you. Yes, councilmember kitchen.

>> Kitchen: I have a very quick question, and if it's a longer answer, then we can take it offline. But basically there's an item for building scan and property acquisition of 540,000. I know we approved building scan in the funding last year. I don't remember how much it was. So can you just tell me why this is not the same thing?

>> I'll give you -- this is an item -- economic development and pard and planning and zoning have been working collaboratively on 60. It's my understanding the building scan funding that came in last year, came in rather late. If you recall, the item didn't come before council until March. My understanding is we needed to carry over some of that work and do some cleanup of the scan, so it's really allowing us to complete some of the work that we started in fiscal year '18. Building scan is essentially the process of identifying potentially eligible historic buildings in areas that are in close proximity to tourist venues, lodging sites.

>> Kitchen: Okay. Well, we can take it offline, but that's what we funded last time, so I just need to understand the scope and how this might be in addition, but we don't have to take the time right now. I would like that answer, though.

>> The historic preservation office and EdD -- we can all work together to provide you with additional information about that.

>> Kitchen: Yeah. Because it's going to end up to be quite a bit of money, total.

>> Let me be clear. Some of that money, it's not all for -- you noted that acquisition is in there. So some of that funding is envisioned for some of the capital -- sorry -- the acquisition of real property that we might foresee in the coming year, so it's not entirely all for the building scan.

>> Kitchen: Okay. Well, y'all can provide the information to me offline. Just on the face of it, it look at duplicative.

>> I understand. We'll be happy to clear that up for you.

[12:03:55 PM]

>> Mayor Adler: Great. Let's take a vote. Mayor pro tem.

>> Tovo: I just wanted to thank our staff who worked on this, identifying the priorities. We have so many needs in the city so thank you for identifying these priorities and bringing them forward. I just want to appreciate again that we have made this switch. You know, we are funding nearly \$9 million of historic preservation needs at our city facilities because of a policy change in how we invest our hotel occupancy taxes so that's just a very important message I think to continue to communicate to our public, that as you see visitors coming into Austin, know that we are changing the way in which we are using those dollars so that we're investing, not just in facilities that are appealing and attractive to visitors and are frequented by visitors, but are also enjoyed by Austin residents.

>> Mayor Adler: Okay. Those in favor of this item, raise your hand. With councilmember pool off -- oh, 60, I apologized. 60 passes unanimously with councilmember pool off the dais. Now it's a little past noon. Mayor pro tem, would you take us through citizens communication.

>> Tovo: Sure. So our first speaker for today is going to be Bob Spragins, who has signed up to talk about Austin animal center issues. Our next speaker after that will be Susan Reda, also talking about Austin animal center. So Ms. Reda, you'll be next on deck.

-- Julian, your third.

>> Good morning. I'm Bob Spragins. My wife and I have fostered dogs from the animal shelter. I'm here to ask mayor Adler, mayor pro tem tovo, and councilmembers to pass a resolution directing the city manager to hold a public hearing on the animal services donation fund budget. We also would request resolution to require the donations fund budget be brought to city council for approval. As you may have heard, Austin animal center is currently in crisis mode.

[12:05:58 PM]

Dogs are living in crates. Some are in crates in the conference rooms. Others are outside in the truck court, exposed to wind and cold. As you may have -- when the shelter is in crisis, requests go out to volunteers and the community to help by cleaning out kennels, by fostering, and by adopting. Yet the volunteers and community members who the shelter relies on for its success are not given any say on how the \$375,000 donations fund is used. Here are some suggestions for possible solutions to shelter problems that may be addressed through creative uses of the donations fund. Perhaps a portion of the donations fund could be used to contract with boarding facilities and veterinary clinics when the shelter is full to prevent housing dogs in crates out on the truck port. Perhaps donations fund could be used for a revolving loan fund to help renters pay pet deposits. The lack of affordable housing in Austin creates issues for people with pets when rents go up, they need to move. Pet deposits sometimes result in owned pets being relinquished. Perhaps the donation fund could be used for revolving loan fund to help pet owners with veterinary care. Veterinary care in Austin is expensive. People sometimes relinquish their dogs because of these fees they have to pay. Perhaps every unclaimed spayed and neuter deposit should be turned into a voucher that can be used and applied towards a spay/night either at emancipet or another private vet clinic. When a pet is adopted or reclaimed, the owner is supposed to pay a spay or neuter deposit. When an adopter or owner fails to get the pet spayed or neutered, those unclaimed deposits go into the donations fund.

[12:08:01 PM]

Having a shelter that is overcrowded and constantly operating in crisis mode is an indication that we need more funding for spay and neutering of pets. Unclaimed spay and neuter deposits which are part of the donations fund should be used to increase funding for spay and neuter of these pets. There certainly will be other ideas and creative uses for the donations fund that could be brought forward by volunteers, staff, and community residents.

[Buzzer sounding] Again -- I request the council a resolution would be appreciated. Thank you for your time.

>> Houston: Thank you so much for being here today. Do you have any suggestions of how we can get volunteer dog walkers?

>> We have made suggestions, well, we've tried to get some and I think they've already put some ads out to try and pick up some volunteer walkers. We've got volunteers that go in there all the time. There's just not enough.

>> Houston: Okay. Thank you.

>> Tovo: Ms. Reda, you're next. We'll be followed by Mr. Reyes. After Mr. Reyes --

>> My name is Susan Reda. I'm a large dog walker at Austin animal center and I reside in district 8. I'm here to ask mayor Adler and city council members to join me and other animal shelter volunteers in asking city manager cronk to begin the search for a chief animal services officer. We have had an interim chief far too long. The Austin animal center needs a strong, visible leader who will focus on making animal welfare a priority and who will bring staff and volunteers together into a cohesive working unit. Leadership of the shelter is currently lacking. Conditions are deteriorating and morale is at an all-time low. Dogs are sick and getting sicker. Kennel buildings are closed to the public. Dogs are quarantined due to another suspected outbreak of distemper.

[12:10:06 PM]

Two months after clearing the shelters, aac is right back where it was before that massive give away of live animals with minimal screening of adopters. 119 dogs have been in the shelter for more than a month, and upwards of 30 dogs a day still do not get a walk. On Sunday, a plea went out asking for volunteers to show up and help mop, sweep, and clean kennels, as seven out of 12 animal care staffers all called off on the same day. There were 40 dogs living in crates and 30 of these dogs are outside on the truck port, exposed to the rain, wind, and cold. Here's a letter written by a staff person who wishes to remain anonymous, for obvious reasons.

Quote: One of the biggest problems at aac is the severe understaffing of direct care for the animals. animal care enrichment and veterinary services are all understaffed, yet management keeps coming up with random administrative positions and special program positions. In the long run, these positions may be helpful, but not when we are struggling just to get the most basic care needs taken care of. The enrichment program now consists of one person. He is fantastic, but he cannot work seven days a week. Management seems to be more concerned about play groups than developing any type of behavior modification program. They also do nothing about the in-fighting and constant bickering among the behavior team. All shelter efforts seem to be centered around dogs only. There seems to be no care for the cats beyond what the front line staff does. The only animal care supervisor has multiple complaints filed against her, yet she's still employed. The only animal care lead right now is working up

to 60 hours a week, trying to keep that department above water. I couldn't tell you the last time I actually saw Lee Ann shouldn'tfield. I've only seen April Moore once or twice in the last few months.

[12:12:08 PM]

End quote. We speak for staff and volunteers when we ask you to please begin the search, now, for new leadership at the Austin animal center. Thank you.

>> Tovo: Thank you, Ms. Reda. Sorry I mispronounced your name.

>> That's okay.

>> Tovo: Mr. Reyes, and you'll be followed by Patrick ebomwonyi.

>> These are pictures I've got around town by police, the abuse of hours, abuse of our monies, abuse of our citizens. This is basically wild wild west that you guys have created by not holding your police accountable. We live in Afghanistan where militarized police are able to sexually assault women. Even the assistant chiefs and commanders are allowed to have sex parties and it's all public now. It's all becoming public, so we can't hide it anymore. We need to be part of the problem. All of y'all need to be part of the problem and not part of the solution. If you're not holding your police accountable and transparent, which you can look at some public information requests that me and other people in the community have tried to get information on the police department and on the city, and we get -- we get nothing but lies from the public information offices. And I've reported this to Spencer cronk and hopefully he will get on that still having problems finding out on the settlement from my federal lawsuit with the city of Austin on the shooting of my dog, one of the settlement criteria, the city was required to put up -- post publicly that the dogs that are shot by police, that they're supposed to be transparent and public about these shootings. To date they're not in compliance with our federal lawsuit. I've sent that on as an information request several times and I haven't gotten any satisfction. I just get anonymous replies. The police crimes in Austin are circulating.

[12:14:14 PM]

-- Are escalating. The public rust are he ivs -- the public trust has declined. The police chief, Justin berry, Apa -- our Austin police association criminals, there's many bad cops on the street, such as district representatives, rugio, former district relationship relationshipped did see Barbosa, raping women, selling drugs, targeting homeless people. Imagine what's going on you were the bridges when police deal with people that don't have access to the law. Imagine what's happening down around the arch day and night, night and day, when they jump out of vans on people and do stop and frisk and warrant checks. The stories that I'm getting from the people are not reaching you guys. You guys need to come down from your mountain and come to the streets and visit with the people that you're -- that have equity in the decision you guys make. What I want is more freedom for the citizens, especially for the poor and vulnerable and those without access to law.

[Buzzer sounding] I guess that's my time. Please get back with me.

>> Tovo: Thank you, Mr. Reyes. Mr. Ebomwonyi, followed by Thomas Woodward. Welcome. You have three minutes.

>> Good afternoon. My name is Patrick, again. The topic I picked was cyber crime. Austin is one of the most biggest, prominent cities in the world.

[12:16:15 PM]

Cyber crime is up. Criminal activity carried out by means of computer. Computers or the internet. Simply, there's a greater need for protection for privacy. Many men and even women are out there using technology to rob, steal, and even abuse men and women, making this a serious issue to look into. We need to make this a serious issue to look into, I mean. Austin itself is a prominent place. There's a lot of -- the police officers that are doing their job. I believe that there's also -- the next step, the next step is cyber crime, going into 2020, and we see all kinds of technology come into play. This and that happening. Instead of us having to hide from, you know, technology or problems caused from technology, let's embrace it and take cyber crime to the next level, look into many, many avenues of problem and solution, finding criminals that do that. Austin is prominent. There's people that will do that and do, you know, cause problems and bring cyber crime into play. We just need to take it to the next level. I'm here just to propose that you guys take a look at cyber crime at a greater level. And that's my biggest foundation.

>> Tovo: Thank you very much.

>> Thank you.

>> Tovo: Appreciate you being here.

>> Tovo: Mr. Woodward. After Thomas Woodward will be Karen Flanagan, followed by Nancy Weston.

>> Good afternoon, city counl. My name is Thomas Woodward. I'm a community homeless advocate, a mental health advocate. I serve on two integral care committees.

[12:18:16 PM]

I'm with the street newspaper. I'm involved in curriculum building with UT Dell medical school program entitled understanding homelessness and I'm the founding of global human commodities exchange. While I may criticize out of compassion, I'm not an adversary. Neither you nor I can do this alone. Why is Texas the largest state in incarceration? Drugs, abuse, jail, death. Poverty is a weapon of mass destruction. Every employee who is not paid enough to survive is more likely to do something dishonest that would eventually affect everyone monetarily. People are a reflection of their government. Doesn't it matter what's in the works, if it's not in place, there shouldn't be a delay. This is not a business, this is our brothers, our sisters, our fathers, our mothers, and our cldren. In a 2015 congressional report, they establish what most of us would already know, that if you put a human in inhumane conditions, they become inhumane. Environmental mental health, that is, someone can incur a mental health condition based upon an environment that they're put in. Try being denied something over and over again. Try being told what to do over and over again, not having control over your own life, that affects people. We have the lost souls across congress avenue, they've lost confidence in human services. No sit, no lie. Come on. As a city, we are absent in the psychology of interaction with our homeless services. The evolution of our homeless begins with each point of contact of service providers.

[Indiscernible] In this city are the most vulnerable population, lack huge response from the mayor, the mayor pro tem, and city manager, Spencer cronk. Because no one at this time has control over these matters and because there's no immediate pressing issues with these matters, on the 27th of September, 2018, I filed an injunction in the Travis county district court, blocking the award of the Austin public health department city shelter contract with front steps.

[12:20:29 PM]

There's no dollar amount attached to this lawsuit. This is intended to stop, wait a minute, regroup, refocus. I realize that we are a city growing and a city that is on the move, and we really need to take heed at certain elements because, you know, the economy is going to take a down turn, and the need for these services are going to grow, and to have effective services, as opposed to just throwing something together, is going to benefit the city and the community if the future. I appreciate your time. Thank you.

>> Tovo: Thank you very much. Carton Flanagan. Again, up next is Nancy west to know, followed by Debbie pye.

>> Thank you. I find it disappointing that our mayor and city manager and all that stuff don't find this important. So, anyway, according to Marion Webster, public means accessible to and shared by all members of the community and supported by public funds and private contributions, rather than income from commercials. Well, last I noticed, Austin high and town lake was public -- you know, public areas. Why the parking meters? We pay fees and taxes to the city and school district throughout the year, and now parking meters to use public spaces. The only reason I can figure is greed. You are not a city council. You are the greed council. I can't relate to -- well, I'm going to take Ora Houston and Ellen troxclair out of this because I cannot relate to the others of you, and I hope I never do. I hope the money is used eradicate the poison ivy growing around all of the meters and installation of street lights so we can get to the running trail and all that kind of stuff safely. All of this should be taken care of, though, with the 4.1 billion-dollar budget you've just gotten started on October 1st. But I found that the city cannot meet its needs without more money. I'm against the meters anytime, but if you're going to have them, use them only for special events and let the paying public enjoy their public spaces.

[12:22:37 PM]

I'm supporting prop K, can audit, to see where all these parking fees are going. This is just becoming outrageous. Thank you.

>> Tovo: Thank you, Ms. Flanagan, and I'll mention that the mayor did have another engagement and that's the reason he has stepped off the dais. Next up is Nancy Weston, and again, Debbie pye will be next. Welcome, Ms. Weston, you have three minutes.

>> I'm actually Judy Shipley, Nancy is here, Hor, she's not feeling well and asked me to take her time if that's something that we can do.

>> Tovo: Let's see. Typically, that's not allowed. I'll just turn to my colleagues and see if they're comfortable with that. Then we'll allow it this time.

>> Okay. Thank you. Thank you so much. And thank you for hearing us, and I'd like to thank mayor pro tem tovo, who is my district representative, and all of you for hearing us out. I'm here to speak again about the parking meters, and I do understand the necessity for revenue. And I know that all of you try to balance that with keeping the character of Austin. And I feel like the town lake trail and the greenbelts are part of the character and part of the things that people love about Austin. There are people that use that trail, I see regularly a group of elderly men that have been down there just about every morning walking at the lady bird lake trail. There's one actually on a walker now, but they keep up with their health and camaraderie, but people like that are on fixed in connection and if they try to go to

the parking meter and use their extra money for that, I feel like that is something that maybe can be addressed, and I will give you my suggestion for that in a moment.

[12:24:42 PM]

Also, I don't know what the parking meters are going to be like, but over the summer, my husband and I tried to go hiking at the greenbelt and we tried to park at zilker, and we had to stand in line to use the parking meter because didn't it become operational until 8:00 A.M. We were trying to beat the heat, along with some other people. So my suggestion would be to maybe use a discounted marking pass for people who use that area frequently. There are young families that go down there trying to find inexpensive ways to entertain their kids and that kind of thing, and so I would just ask that maybe there be some balance there. I know we do need revenue, but maybe we can also help out the people who regularly use those areas. And thank you for hearing us out.

>> Tovo: Thank you very much for your suggestions. May I ask that you stop in with our city clerk and make sure that she has your name, for the record. Thank you. Ms. Pye? Welcome.

>> Hi. Thank you. It's tye.

>> Tovo: I apologize. It's listed wrong. You'll be followed by Dean hurt.

>> Thank you. My name is Debbie tye. I'm a native Texan, I've lived in Austin since 1980. I came today to express my concern about parking meters being placed around the town lake trail. Austin has always been known as a fit, active city and my family and I have embraced and appreciated this. As the publisher of the Austin kids directory, my team and I have always consciously worked to encourage families to embrace this as well and get out, be active, and enjoy the wonderful amenities our city has to offer. We are all aware of the mounting problem in today's culture with childhood obesity and diabetes. Children and families spending less and less time outdoors and more and more time plugged in my hope was that Austin could continue to be a shining example of a city that puts priority on creating opportunities for citizens to be active and outdoors.

[12:26:48 PM]

Sadly, actions indicate this is not true. The town lake trail has been one of Austin's crown jewels for decades. It offers the opportunity for families to get out and enjoy some unplugged time, safely ride a bike without the dangers of cars cars, it's a place to walk with small children, a place to walk or run and just enjoy alternates, the outdoors and the ever-changing skyscape of Austin. Charging around mopac and Austin high makes it more difficult for people to use the trail and lake. And frankly, for some citizens, I believe it will make it completely unaffordable. The trail foundation has taken the lead to make many needed improvements to and along the trail. If less people are able to use the trail, I cannot help but wonder if they will get the same level of donations they have received in the past. It appears that the city leans heavily on them to help improve the trail as needed, and I'm just wondering if that was considered, or is the plan for developers who encroach on our trail to make up the difference as they sell our trail as an amenity. I have concerns about that. I feel our current city government is out of step with what affordability really means to the average, not affluent citizen. Affordability is about housing, but it's also about much more than that. It's about the overall quality of life for all citizens. And our city government should be making decisions with this in mind. We all pay taxes which should be supporting our parks without the necessity of parking meters at our parks. As a homeowner, I pay ever

increasing property taxes. Renters pay ever increasing rents so property owners they rent from can pay their property taxes. Are we now a city preserving our crown jewel amenities only for those who can afford to use them? Is the trail now an amenity for those who rent or own downtown loft apartments more than something that is available and affordable for everyone?

[12:28:56 PM]

The meters already installed --

[buzzer sounding]

-- With no prior notice that I'm aware of, so I'm doubtful it's possible to backtrack this sad idea, but I would ask that you consider what I've had when faced with future decisions that impact the quality of life and access to parks for all citizens. And I thank you for your time and your attention. Thank you.

>> Tovo: Thank you, Ms. Tye. And I know several of you are here on that subject. My office has been in communication with some. I don't know if we are in communication with those of you who are here today, but I know councilmember alter and I have been talking about that and we'll continue to look toward some solutions there. So thank you for the suggestions today.

>> I appreciate that it's on your radar. Thank you.

>> Tovo: It is definitely on our -- certainly on our radar.

>> Alter: Mayor pro tem, I just want to add, it does look like hopefully we're going to be able to move the start time to 8:00, at least.

>> Renteria: And mayor pro tem, I just want you to know on the east side, they already metered that a year and a half ago.

>> [Off mic]

>> Tovo: Next up is Dane hurt. And actually, I see that we have some staff here. I thought that the hours had changed. Before you all leave, Mr. Redford, would you mind coming up and just filling us in on what the hours are at present?

>> Good afternoon, councilmembers. I'm with Austin transportation department. We worked with aid and we are changing the times to 8:00 A.M. To 6:00 P.M., Monday through Friday.

>> Tovo: And when will that be effective?

>> Thatl be effective this coming Monday.

>> Tovo: Thank you.

>> Yes, ma'am.

>> Tovo: Okay. Thanks. I'm sorry, we're not posted to have a conversation about this today. It's just citizens communications, but I would ask our transportation staff if you don't mind --

>> Yes, ma'am.

>> Tovo: -- Meeting with these constituents, that would be terrific. Dane hurt speaking about ped ped -- pedicab concerns and the last speaker will be Susan Spataro.

[12:31:08 PM]

Is Dane hurt here? I will over that person an opportunity here in a minute, but Ms. Spataro, if you'd like to address us, you have three minutes. Thank you.

>> Thank you, members of council. I've been here numerous times talking about the soccer stadium, and I wasn't going to talk about that today, but now since the announcement from Columbus, I feel

compelled. From a policy viewpoint, you know I really don't think it's a good idea. But today I want to talk about terms of the deal because I think that's what we're talking about. And that is that as you have -- first, there's the big hurry to negotiate, to negotiate, to negotiate. And it turns out that that really had nothing to do with Austin. That there isn't a real hurry.

-- And so what has happened now, although councilmember Houston, I remember you saying you don't get married till the divorce is final, but the lobbyist for psb said that the lawsuit would have no impact on us, and that is simply not true. So what we find out now is, there is no team for Austin. The Columbus crew was a very successful team, successful coach, but that's not going to be the people that comes to Austin, Texas. There is no team. And so, you know, speculation in the media and really that's all I have access to is talking about maybe we'll get an expansion team. They've never put a team together, they have never built a stadium, and that's what we have. The next thing is, we had to make a decision so that they could be here in Austin in January of 2019. But now it's 2021, perhaps. So that also is -- you know, creates numerous questions. First of all, what about the benefits that they promised?

[12:33:09 PM]

Are they going to be provided the community benefits in '19 and '20, or does that go away, too? That significantly changes the economic benefit. So what we're seeing now is just a slippage, slippage, slippage. I was afraid this would happen. I never thought it would happen this early, I have to say. And I think that you need to rethink it. It is a huge endeavor. We are giving a valuable piece of land and tax exemption to really an amorphous deal. I don't know how else you talk about it. We're dealing not with corporations we know, and councilmember alter, you brought this up. Stayemco is a sham corporation. We don't have enforcement now once they're here and you can't manage traffic and they've got a stadium on our land, there will be nothing you can do about it. One of the things -- I just want to close on this and I'll be glad to talk to anyone that feels like it, but the truth of the matter is, it is now being said in the campaign world that you all didn't really offer the exemption. The state made you do it. That is not true.

[Buzzer sounding] The deal was structured that way. It didn't need to be. Thank you very much.

>> Tovo: Thank you. Dane hurt. Is Dane hurt here? Okay. That is our last speaker for citizens communications. We are going to recess briefly and then go into executive session. Is there any difficulty with that, city attorney, if I recess the meeting but call us in to read the script for executive session, even though it won't take effect for a bit? That I think we'll recess until 1:15, and then at 1:15, promptly we'll start executive session. So city council will go into closed session to take up 551.071 and 551.027 of the government code, the council will discuss legal and real estate matters related to item 45, matters related to the purchase, exchange, lease or value of an interest in real property and improvements for the municipal court.

[12:35:25 PM]

Are there any objections to going into executive session on the item announced? Seeing and hearing none, the council will now go into executive session again after a brief recess until 1:15. And, audience, I think we'll probably be back around 2 o'clock, possibly earlier.

[2:17:10 PM]

... ..

[2:31:58 PM]

>> All right, I think we have a quorum. We are out of closed session. We discussed legal and real estate matters related to item 45. It is 2:31. We're in the council chambers here. Let's go ahead and do the consent real fast on planning and zoning. Then councilmembers, by way of time management, you should know on the three public hearings we had set for today, we haven't posted on 57 and 58, so those will be withdrawn and reposted. And on number 59, the applicant asked for a one-month postponement until 11/15 to work on issues. Those three aren't going. My anticipation is to do consent planning, and then I think we can knock out number 7. Take us through consent.

>> I'm joy Harding for the zoning department. We have item 46, c14-2018. This is for second and third reading, items for which it is open. We have a staff postponement request to December 13. The related rezoning is item 28. This is offered for postponement. 29, c15 this is offered for staff postponement to December 13.

[2:34:00 PM]

And 50, mpa2018, 0028. This is offered to staff postponement. The related rezoning is item 51. C140025. Offered for staff postponement. Item 52, this is offered for staff postponement to November 1. The related rezoning is 53c1420180081. This is offered for staff postponement. Item 54, and this is offered for consent approval on all three readings. Item 55 is c14, this is offered to staff postponement. Item 56 is withdrawn and replaced with item 64. And item 64 is case c81486. This is offered for discussion. Please know that there is a postponement request from Mr. Juan pernales, an interested party. That concludes the zoning agenda. I would like to add with the motion you close any public hearing S, where applicable. That's it.

>> Thank you. Well done. Consent agenda is items 46 through item 64. With pulling item 64. Also not on the consent agenda are 57, 28, 29. So the consent agenda is items 46 through 56 and item 64. The one that is being pulled is 64. Is there a motion to approve the consent agenda?

[2:36:00 PM]

Councilmember Garza --

>> So 54, we pulled, correct?

>> 54 is offer for consent approval. That is a reading.

>> Councilmember Hughes.

>> Unanimous on the dais. We have taken care of those. 64 remains open. We can't deal with 57, 58, 59 until 4:00. Mayor pro tem, you want to make a motion.

>> Mayor Adler: Is there a second? Councilmember Garza seconds that. I have handed out an amendment to this, which is kind of the standard amendment that I hand out on number 37. You know, my sense is that this is something that I like, and I want us to move forward to it as best as I know what plazas are. I like mayor pro tem, that you asked the staff to do research on it and come back with best practices. I would also like to make it explicit, the staff has the ability to say this isn't a strategy for us, in

the event that they find that that is, without stopping them or slowing them down from the rest of the work they would do. Because I haven't had the time that you have had to really take a look at plazas, so I don't know all the issues that might be involved. So I would move the amendment that I have handed out on 37. Is there a second to that amendment? Flannigan second, discussion? Mayor pro tem.

>> I will invite the staff up to tell us or I'll ask them questions that will elicit some responses that I hope will explain why I won't support the amendment.

[2:38:12 PM]

We have created this interim step of having staff return to us with the best practices before the plaza program. We have had two recent discussions in district 9 around the public plazas. One is knight rings plaza and the other at third and nueces. And in both cases, part of the challenge has been that we don't really have a process to make it easy. You have nearby private businesses willing to take on the expense of maintaining a public plaza and perhaps programming a public plaza as we have south of the river, we don't have a program that neatly accommodates the requests and makes it possible to happen. After much, much discussion, and I mentioned at our work session on Sunday, about a year ago, I had a resolution to make possible the plaza down south. We thought we could do it administratively, and now I hear that the intent may be to try to do more of a private purpose on what could have been a public plaza, which really gives me pause. You know, I think it is in the absolute best interest to encourage that our public plazas really be used in vibrant ways, ways that serve the whole community in public ways and not really become sort of an extra space of a private business. So, yeah, I think that we have enough information, just based on those examples to really ask our staff to go, bring us back the best strategies, with the intent of creating a process so we don't continue to do this my staff to facilitate progress, to have that conversation. We have a developer interested in maintaining the public plaza, it was still, again, challenging to do. Now it is challenging for a different reason. I understand there is conversations with the homeowner association. We should make it easier as other cities have, Philadelphia and others.

[2:40:14 PM]

I will ask Mr. Gayle, our real estate folks to address this issue, too, if you want to talk about what the process is like with the planning department, and why -- whether this is something the staff would support. I say, if we don't think the staff will recommend creating such a program, we shouldn't task them be do research if they don't support it, that is the end of the conversation, possibly.

>> I am with the urban design planning and zoning department. We have started the research that the resolution speaks to. And to be perfectly candid, I have run into some issues in executing what could be a temporary plaza program. We have started to look at peer cities, best practices, specifically how the public is engaged and with local stakeholders, many of the successful programs across the city have engaged with public -- excuse me, public and private property owners for a successful execution of a public setting by which there is not a particular property owner benefitting from the public plaza, but really, the public as a whole. That is part of the research and proposals that we can bring forward through the manager's office, given the direction that council gives us this afternoon. Certainly, it is something that staff has already begun to evaluate. And talk to our peer cities and experts. We will be prepared to bring you back, whether it is a program proposal or recommendations how to start.

>> Tovo: Am I accurately articulating the need for some infrastructure for these kinds of programs.

>> Yes. Alex Gayle, interim officer for the office of internal services.

[2:42:20 PM]

I would echo my colleague, but we see it as a need to look into the program to see if it is something that we can use for the city. That we have done some of the work in looking at the peer cities, but I think it is something we need to look into further to see if we can get these public plazas as something that we can use within the right-of-way.

>> Mayor Adler: I'm sorry. Were you did asking your questions of the witness? So, again, having plazas make great sense to me in this city and the community and how to do them makes great sense. Sometimes, this is purely a process question for council and it goes to the ifcs. I like everything about the ifc down to the very end where it presupposes what the conclusion is going to be. We could ask for in a different subject or different area, we could ask for what were the best practices and we can get them back from council, from staff, but in a different context, they could be the best practices for something that is not a good idea or that there is a better way to achieve the same thing, rather than the best practices that were developed in a process where you were just telescoped down to say you needed to do that. And if I don't bring them on ones that make sense to me and where I think I might presuppose the answer, too, then I don't think I can bring them on the ones where it is not as clear to me. So all this does is just give staff explicitly the license to not only give us best practices, but to tell us if there is a better way to achieve the same result or a different way to approach it or somebody looked at it differently. And I don't know if your research has already ruled out all of those possibilities or not. And it may be that you have been working with the mayor pro tem's office for a long time on this. I know it is something she's been interested in for at least a year.

[2:44:22 PM]

But it is not something that my office and I have been involved in during that period of time. So this is just trying to give license to staff to be able to come back and say, this is the best practice for doing what you asked us to do. But separate from that, there is a better way to achieve the same result or a different way. And I want to make sure you have the license to do that. Would that be something that would be valuable to have?

>> Of course, mayor. That certainly we would like to the direction of the council to get that specific instruction. We have already, in our analysis, started to realize different cities obviously do things differently. We would need a program that is a best fit for Austin. It has been challenging, because we have been cobbling this program as we go along. But knowing that as we study the best practices, we may be able to come back to you with adjustments as we see how other cities have approached their particular programs.

>> Mayor Adler: Further questions on the dais. Councilman --

>> I think the way it is written doesn't preclude what you are asking for mayor Adler. It says that synthesizes the best practices. It doesn't say with those on the best practices. It says with programations, it doesn't preclude you from saying the best practices, here's what we recommend. It could be based on the best practices or we recommend you don't do any of the best practices but you do this. So I don't see -- I don't think the amendment adds anything to the current language and gives staff the ability to, if they choose to have the opinion, so have it. I support the original language.

>> Mayor Adler: If it just stopped with recommendations, I agree with that. If we put the comma there, I would be fine. But these are recommendations for implementation. These weren't just general recommendations. If we can make it recommendations, comma.

[2:46:23 PM]

Then I'm fine taking out all the words I added as well as city of Austin implementation. Then we're asking them to do the research, and come back with recommendations. I would be comfortable with it exactly the way you read it. I added those words because I didn't want to undercut, what I understand the mayor pro tem's desire to actually come back with recommendations for implementation. That is why I included those words.

>> Alter: I would say, I don't read it that way. I read it as recommendations for implementation, my assumption is another step after this, where mayor pro tem or whoever decides to sponsor an ifc that says here are the recommendations for implementations we need to -- that I want us to go forward with. I didn't see this as a final or very prescriptive language.

>> Mayor Adler: Ok. Mayor pro tem. If you want to clarify on what your intent was, that might be helpful. Before you talk about what you meant by "For implementation".

>> Tovo: We come back to how we want to proceed. We have made bold actions on the strength of one resolution. The sick leave policy was one. You know, this is a much, much more microlevel issue. I would feel completely comfortable, in many ways, saying just go create the program, but that is not what we have done here. So I think we need -- I am comfortable with the language as we have it, them coming back with recommendations on how to implement it. I think -- as I read it, the way councilmember Garza does, if they come back and say, you know, we have these different strategies for how to implement it, but we don't think you should do it, I don't see that as fromcluded.

[2:48:43 PM]

I don't see that -- as precluded continue I don't that happening because it is challenging. We don't have the public plazas, after the work, staff time, interest, dedication. We don't have the public plazas. Hard to imagine they won't say we need a different system. But I don't see that precludes. I think you, I, others on the dais have different ideas about how best to proceed forward. I will remind us all that we do often take bold action in one step here in council. I'm supportive of that when it is appropriate.

>> I agree with councilmember Garza. I'm not sure the change changes anything. But I want to raise the broader issue about ifcs. I would be really uncomfortable if we created an environment in our city with the city staff that they wouldn't tell us that something doesn't make sense for X, Y, Z reason. I would be uncomfortable if in every ifc if we have to staff, if it doesn't make sense, tell us. I will assume that we have professional staff and that our goal is a culture where they will tell us if something won't work or is not advisable. For that reason, I will support the original language, but I would just ask the city manager if you're hearing from staff that they need to have direction of that sort, rather than make every ifc say that, please work on the culture moving forward.

>> Mayor Adler: Any further discussion on this? Take a vote on the language. Those in favor of the amendment, raise your hand. 3. Those opposed, raise your hand. Four people.

[2:50:44 PM]

Those in favor of the language, raise your hand. Troxclair, passar, Flannigan, me, mpo, those opposed. The other five on the dais. Five-five, it does not pass. I will ask the question then, manager, on this one, where it is asking staff to come back with recommendations for implementation, do I understand that to mean staff will come back with other germane considerations or issues or concerns or ideas or suggestions that may not be a ways to implement best practices, but are germane to the larger issue raised by the mayor pro tem?

>> Mayor I'm certainly getting that direction on the dais right now. Mayor pro tem, if you could consider saying recommendations to consider the city of Austin for implementation, that might further clarify what we're talking about here.

>> Mayor Adler: I'm fine with keeping the words they are with you, I want to make sure that on these and future ones, even if it says best practices, for implementation. We want that, staff is also requested to come back with recommendations that it shouldn't be implemented or different ideas that drive to the same ideas or issues or how to proceed other than identifying the best practices identified.

>> Yes.

>> Mayor Adler: Ok. I'm ready to take a vote.

>> Tovo: Let me point out. It would either be a recommendation to proceed or recommendation to proceed on the best practices. We would never proceed on something other than best practices, I would hope, right?

>> Mayor Adler: It might be in order to address this issue, it may not be the best practices with respect to plazas. I mean, I don't know. One, I haven't studied it. I haven't looked at it. It is trying to give them the widest berth on the issue of plazas to come back to us with whatever it is.

[2:52:51 PM]

>> Tovo: They can recommend we proceed on best practices or not best practices or not proceed at all?

>> Mayor Adler: Right. Ms. Houston?

>> Houston: I want to address something said. It seems as though staff have a difficult position to say they don't to support this. I have heard staff say we want to be neutral. I tell them you're the professionals, I can't learn about some of the complex issues in the aim -- amount of time you have. It I need your best professional recommendation. I think the culture is set up that they want to be neutral and you make a decision. We need all the information they have. So if you could help staff understand that, I can't speak for all the council. I can only speak for me. I need more of their professional expertise of is this a good idea or is it not.

>> I know I certainly appreciate hearing that. I know staff does, too. I will continue to support them in providing recommendations to council.

>> Mayor Adler: Garza.

>> Garza: I'm not sure why we have picked this to have this conversation. I'm comfortable, working on a resolution, giving them direction and then saying, that also includes the direction to say no, don't do this. I mean, I just -- maybe this is an issue we should talk about in our government that works or something. But in my opinion, if you don't like something, if you are uncomfortable with it, vote against it.

>> Mayor Adler: All in favor.

>> Flannigan: I think that is why we have the new government works time, to flesh out the processes and procedural issues where we seem frustrated and don't have an answer.

[2:54:54 PM]

Put it on the list.

>> Mayor Adler: Sounds good. Those in favor. Those opposed. Unanimous on 37. Good. Item 37. It is unanimous on the dais with councilmember Poole off.

-- Pool. Off.

>> Mayor Adler: Take up item number 62. Item 62 has one speaker identified. Ms. Pena already spoke on it. A motion to approve. Flannigan makes that motion. Houston seconds that motion. I want to check with legal and the manager on this. If we vote to approve number 62, that would give the staff the ability to negotiate and execute a lease with a different entity than the one that we had previously passed a resolution indicating authorization to negotiate and execute. If we pass this today, if I understand correctly, then the staff has the ability to negotiate and execute with either of the two entities.

>> That's correct.

>> Mayor Adler: Ok. With the understanding that we're then, if I vote for this, so as to give staff the ability to execute and negotiate with this party, recognizing that you still have the ability to negotiate and execute with the other party and trust our real estate professionals to figure out the best way and best process to get us to the best deal possible. Moved and seconded.

[2:56:55 PM]

Any discussion? Take a vote. Those in favor of 62, raise your hand. Those opposed. Unanimous on the dais 62 passes. What about the Austin housing finance committee?

>> Mayor.

>> You need to recess the meeting and call the meeting to order, please.

>> Mayor Adler: Ok. I will do that then. I will recess the city council meeting here at 2:57 P.M. I will convene at 2:57 the meeting of the board of directors of the Austin housing finance corporation. It is October 18, 2018. We're in the city council chamber here in downtown Austin. You want to take us through our agenda?

>> One item for consideration today. It is to look at two regulatory. It is for an affiliated entity for the property located at 6409 Springdale road known as walnut creek apartments. We understand that board member Houston has a few questions.

>> Mayor Adler: Ok. We have a quorum present. We will continue the conversation. Ms. Houston, do you have a question about this item?

>> Houston: Thank you so much. How will we ensure the requirements are kept in place?

>> Neighborhood housing community development. Are you referring to the affordability requ the land use restriction agreement.

[2:58:58 PM]

We are actually, the current -- the agreement expires soon. They're rehabbing the property, and will be, because of the financing, which is low-income tax credit and private activity bonds, there will be new Loras put on the property to extend the affordability for an additional 30 years.

>> Houston: Thank you. That answers my question on the letter where it is subject to five-year affordability. That is now what?

>> 30 years.

>> Houston: Ok. Can you talk to me about all the fee waivers and what the amounts are?

>> We did a quick, back of the napkin look at fee waivers. The it is not new construction. The biggest is typically the acquisition fees. As a result, the fee waivers are the permits and inspection fee. The maximum amount of fee waivers would be \$48,800. The fees are per building. 12 buildings on-site. It is based on square footage of each building. It is a fairly nominal amount of fee waivers.

>> Thank you, I have gotten skitsy since [indiscernible] And when I saw that, I needed to make sure we weren't doing something exorbitant.

>> Houston: That's it.

>> Mayor Adler: An item to approve this item on this one agenda. Mr. Casar?

[3:00:59 PM]

>> Casar: The public seems what we're doing with the -- for the public, it seems we're extending it out further than we thought and potentially displaced. Instead, rehabbed housing and extended affordability for people. I want to thank y'all for that work.

>> You should note, if you have additional questions, we have a representative, the applicant is here.

>> Mayor Adler: Those in favor, raise your hand. Opposed. Unanimous on the dais. With director pool gone. Those are all the items.

>> That is all we have on the agenda today.

>> Mayor Adler: I adjourn the meeting of the Austin housing finance corporation at 3:01. And I then bring us reconvene and bring us out of recess in the city council meeting here on October 18, 2018, it is 3:01. At 4:00, we will dispense with 57, 58, and 59, which are the public hearings that are being withdrawn or postponed. That gets us to item 64. Which is the camel back matter. Staff want to come and take this up here?

>> Mayor, mayor pro tem, council. Joy hart. Item 64 is C 814026.31. The camel back pud. This is an amendment that contains approximately 15 acres of the former cold water pud. The property is located at 6507. Staff recommends approval, with the following amendments, and the parks and rec and others approve with conditions.

[3:03:07 PM]

The pud is with the existing entitlements. The primary reason is the dedication of 26 acres of parkland to the city, along with the agreeing to fund \$1.5 million for parkland improvements, and agreeing to maintain the park at no cost to the city. And the 16 acres of parkland is in the prime location with the full view of lake Austin, the penny backer bridge and downtown Austin. For many years people used this portion of the applicant's property for their own recreational and parkland use, so the applicant is dedicating that to the city. The applicant is also constructing the extension of the bridge point parkway to the property, thereby connecting courtyard drive, to city park road along with 12-foot wide multiuse

trail upon the applicant is funding traffic improvements on several roads including rm2222 as outlined in the traffic impact analysis memo. The proposed uses include residential, office, restaurant and docks on the lake with the clubhouse. The docks and clubhouse would only be available for use by residents of the pud. The boat docks in the pud have received the most interest mostly from the property owners on the south side of the lake. The support of the pud amendment has primarily come from residential neighborhoods north of the lake. The applicant has proposed a note on the pud that we E Duce the amount of -- reduced the amount of impervious coverage allowed on tract 3. The environmental officer is here to address the environmental aspects of the pud. That concludes my presentation. I'm available for questions -- kinda -- I'm available for questions, but probably best you hear from the environmental officer, the applicant and then we can address the questions at once.

[3:05:09 PM]

That ok.

>> Mayor Adler: Ok. We'll hear from the environmental officer.

>> Good afternoon I'm Chris Herrington, the environmental officer. I will go through the presentation that is equivalent to what we have given to the environmental commission and planning and zoning, this is a general outline of the property at 360 in the current condition. As mentioned, the pud is approximately 144 acres in council district 10 of the drinking water protection zone. This proposed amendment combining portions of the existing hidden valley and cold water pud. It does include extension of bridge point parkway, that did exist in the existing pud and within the proposed pud. There are numerous critical environmental features on the site. This is an outline and general land plan from the existing pud. You can see the purple hidden valley piece and the yellow cold water piece. This is a diagram of the proposed land use plan in the current configuration. I would like to acknowledge the applicant has made substantial modifications to this plan in response to comments from environmental staff. We'll go through the individual aspects of the environmental aspects of the proposed pud. Everything will be in this format. Basically, the leftmost column is what would be required, if the development was subject to current code. It is not. It has the existing entitlements that are ascribed in the middle column for the current pud. On the right-hand column, for each of the slides, group categorically, you will see what the applicant is proposing. Again, this is a transition from the existing pud, which was single-family to commercial and multifamily and mixed use. Theyar ---Ed applicant is proposed to dedicate a substantial amount of parkland and permanently protected open space. This is a substantial superiority element of the proposed pud, the 86.62 acres of protected land that won't be developed. With respect to water quality, no structural water quality treatment required for the existing pud.

[3:07:14 PM]

The applicant is agreeing to meet current code provisions, 100% water quality treatment and above and beyond, 75% treated by green stourm water infrastructure with current control for erosion and drainage requirements and sediment erosion controls. No creek buffers required under the existing pud. The applicant is acquiring the critical water quality zone. Two crossings proposed -- there are two crossings proposed. The applicant has offered to span the 10-year ordinary high water mark and extend the buffers from 64 acres up to 32 acres. As I mentioned, there are a lot of critical environmental features

on the site, under the existing pud. There was no requirement for the critical environmental features to be protected. Within the proposed pud, the applicant is proposing -- I will have to say that, but 90% of the critical environmental features receive their code consistent buffers. 10% would have reduced buffers and some have no buffers. The total area of critical environmental future buffers comes back to one-to-one. In terms of total setback or critical environmental buffers they would be equivalent to current code in the area. These are also significant superiority elements for the pud. This is just a diagram of what the critical environmental features look like and how they're distributed within the development. The key one there along the bottom is the significant bluff feature we will talk about the long linear feature there in the yellow. The applicant on the north end of the development has removed proposed office development to protect the existing environmental features. Now we get into the elements that are not superior for the proposed pud. There is a slight increase in impervious cover.

[3:09:14 PM]

If we look at what they are relative to what the applicant is proposing, however the applicant is reducing impervious cover on tract 3. If that reduction, champion tract 3 doesn't occur. Two acres in the proposed pud would go away. So it allows the impervious coverage is reduced, the limits are generally equivalent. They're slightly larger than what we estimate they would occur for the existing single-family development. On cut and fill, the applicant is not superior. Effectively, what has been proposed would be the limits shown in red on the right-hand side. Up to 24 feet of cut and fill with special allowances for fire lanes. The applicant has proposed aerial limitations, so total amount of area within the cut and fill categories. They're in excess of what the existing entitlement would be. The applicant has agreed that to the degree they can reduce cut and fill, move from a higher category to lower category, they have that ability. It cannot be transferred up, but it can be transferred to less severe limits. Likewise, construction on slopes, the applicant is looking basically only for a limitation of 1.09 acres of allowed construction on slopes greater than 35%. This is a challenging one to identify, because the existing pud was for single-family. The proposed pud is evaluated under our commercial standards. So it becomes challenging to determine what the baseline is. The applicant has proposed aerial limitations, limitations on the total area within the slope categories that you can see that are in excess of what would be allowed under either the commercial entitlements for the existing pud if that did exist or relative to current code. Again, those impervious cover on slopes can be transferred to lower categories, not to higher categories.

[3:11:18 PM]

This map, the red colors so the more intense slopes, the green colors show the flatter areas. This is the catch-22 that the applicant is in. They're doing their best to preserve aesthetic view corridors for neighbors particularly to the north. That encourages them to move the development on to the slopes, into the draws, whereas environmental we want to minimize, the construction to the flatter areas, that means higher buildings with more of an aesthetek impact. Environmentally we don't consider aesthetic impacts on this regard. We are looking at construction on slopes and the fill that would be required. The applicant is seeking a dock. Under the existing pud the applicant would have the right to submit applications for boat docks. If there was an existing single-family residential development or if the permit application was submitted concurrently they would have the ability to get up to 12 boat docks up

to 14,400 total square feet in footprint. The applicant is proposing to comply with the current code limitation on the length of the dock. The dock width would be 30 feet. But that in total would result in a cluster dock that would be 17,280 feet in total footprint. Additionally the applicant is seeking mechanized shoreline access along lake Austin, current code does not allow mechanized shoreline access. There have been two options considered for this access. There is an elevator, a straight up vertical elevator, and then an incline elevator. It's different with the tram but similar so it would be as an incline. There would be no entitlement under the existing pud. So either a staircase or mechanized access could only be constructed under the existing pud with variances.

[3:13:20 PM]

There would be different variances for the staircase versus mechanized access, but there is no entitlement for shoreline access. The trim exists on the western portion of the clubhouse -- or in the dock district, the incline elevator. The elevator if approved by council, and this is one of the things we're looking for direction on, would be, from council, would be on the eastern edge. The dock exists in the front. I've got a better exhibit later on to show is that. The reason we have concerns with mechanized access along the steep slopes of Austin have to do with protection of the bluff. This one is close, it's not - it's close by. You can see by the white rock that's an area where the previously gray weather rock has cabbed off. When we construct on steep slopes and if they fail in the future, that has environmental impacts as well as life, health safety impacts. This one failed because of structural instability of the slope. Those trams have erosion impacts. They create effectively channels where vegetation cannot be reestablished effectively and erosion sedimentation controls are not maintained and that does create a direct path way for sediment to enter the Lakes and stability of the slopes. As I mentioned within the dock district the applicant is proposing a clubhouse. The clubhouse is within the flood plain and thus would require a flood plain variance. Our flood plain administrator is here to discuss questions you may have about that. Staff are not recommending the flood plain variance, but there may be some considerations effectively as proposed, the clubhouse would not meet all of our requirements as we understand it to grant a flood plain variance and we would need additional information that typically comes at the time of building permit or site plan to understand whether or not those life, health safety requirements are met.

[3:15:22 PM]

With regard to erosion hazard zone, the applicant is proposing to comply with current code. This is an exhibit of the proposed dock clubhouse. There has been discussion relative to the shoreline. In the hashed area that exists between the dock, the number 5 and the clubhouse, the number 3, that's where the applicant is proposing a degraded wetland. By moving the dock closer into the shore, that would be less area for that wetland to be restored and it would require more dredging. By extending the dock into the lake which the applicant has done at staff request to a degree, that reduces the amount of dredging, it maximizes the area of that degraded wetland that can be restored, but that does pose navigational safety issues. The applicant is trying to hug the shoreline in some portions but would extend up to 75 feet from the shoreline in other portions. To the best of our knowledge the furthest the dock has extended into the lake is 60 feet. The environmental commission had concerns about that precedent. But this is a wide -- but this is a wide portion of the lake. With respect to tree preservation, the applicant

has conferred with the city arborist and is proposing to comply with current code such that we do not believe any code modifications relative to trees are necessary. The heritage tree ordinance would not have applied to the existing pud, but it is being applied to the proposed pud and the applicant has negotiated specific mitigation for tree removal. There are six heritage trees within the district being proposed for removal. They are currently in a dead or deceased condition as has been confirmed by our city arborist. This is just the location of the proposed trees. They are sort of in the middle of the development. There are heritage trees elsewhere on the property that are being proposed for preservation or would be preserved in particular there along the dock district on the shoreline.

[3:17:30 PM]

So quickly just to review, in terms of superiority for the pud for environmental perspective, the parkland and open space are significantly superior. The removal of two acres from the champion tract or from camelback is a benefit environmentally. They would meet current code for water quality. They would do critical water quality zone protection and when they span the water quality zone they would span up to the ten-year high watermark which is not required, and critical water Zones would extend to 32 acres. Approximately 90% of the critical features would have their code compliant buffers and setbacks and substitute areas have been added for those 10% that either have reduced areas or no buffers. The applicant is proposing three star green building or better. Complying with erosion hazard zone and doing dark sky compliant lighting and restoration of the current trees. The elements in which the applicant is not superior environmentally, again, is the construction of the -- or proposed construction of the clubhouse within the flood plain, the construction on slopes and cut and fill. The over'y'all footprint of development in terms of limits of disturbance, the size of the cluster dock and the reduction of the shoreline setback to accommodate the clubhouse. That is all I have. I'm happy to attempt to answer any questions. I did want to add one clarification for the record, we do understand from zoning and platting commission motion that they were directing staff to remove certain code modifications staff felt were unnecessary. The applicant has agreed with staff to remove those code modifications noted in backup in staff report as being unnecessary; however, that does trigger a need for some additional clarification for a few other code modifications so we would at your direction continue to refine the scope of certain requested environmental code modifications after first reading.

[3:19:30 PM]

There may be some other transportation related code modifications that the applicant also can discuss.

>> Mayor Adler: Any questions before we have the applicant? Yes, mayor pro tem.

>> Tovo: Mr. Harrington, thank you for the comparison. I think that's helpful. Could you summarize for us what are the elements of environmental superior?

>> Yes, ma'am. So the permanent protection of the parkland and open space, the highest priority of the water quality mission of the watershed protection department is the permanent protection of open space, so the applicant has proposed substantial dedication of parkland and open space. The water quality treatment, the majority of which would be through green storm infrastructure is a superiority element. Critical environmental protection as well as protected tree protection, wetland protection as well as dark sky compliant and green building -- three star or better green building standards.

>> Tovo: Thank you for that summary. That's helpful. Can we get back to the critical environmental for future protection?

>> Yes, ma'am.

>> Tovo: And so that would be -- I guess your slides are not numbered. That would be -- I see them here. The disturbance, the proposed pud, the disturbance is located within some buffers but overall better protection and that long chart.

>> Yes, ma'am.

>> Tovo: Can you talk for a minute, can you just elaborate on the cut and fill as compared to current code?

>> Sure. So as I mentioned, the applicant -- there's a lot of terrain on this site. The flat areas are highest portions of the site.

[3:21:31 PM]

The the applicant is doing what they can to preserve view corridors for their neighbors particularly to the north. That means sliding the buildings off the top of the hills down on to those high slope areas into the canyons and draws. That necessitates the need for cut and fill. Environmental staff current code as evidence of council policy seeks to limit cut and fill to four feet unless it's under a building or a roadway. The applicant has reduced their ask from what they originally wanted in terms of cut and fill, but are still seeking a substantial amount of cut and fill. Again, it's limited by height category has shown in the exhibit and to certain amounts of area, but that enables them the flexibility to put some of the buildings on to steeper slopes to maintain those aesthetic or protect those aesthetic view borders.

>> Tovo: The same of true of your next slide, the building on slopes?

>> Construction on slopes is effectively the same. One thing I didn't mention on the cut and fill, it is required the cut and fill be structurally contained. That does limit the amount of disturbance so it adds walls, but it keeps the cut and fill from expanding over a broader area. To some degree it mitigates the impact of cut and fill, but it is still more cut and fill than would be allowed under current code or under the existing pud.

>> Tovo: Because they've not submitted site plans yet and won't until later on in the process, it sounds as if we can't be certain that this extent of cut and fill is really necessary.

>> That is the challenge for environmental analyses like this at the time of zoning. So we don't have specific building footprints that we can lay on to the slope map and work directly with the applicant to ensure that's the minimum deviation. We've looked at the slope map, looked at the land use plan. This is what the applicant is representing their need to be as they've envisioned it. We've attempted to minimize the amount of cut and fill and construction on slopes to the degree we've been able to.

[3:23:35 PM]

>> Tovo: All right. Thank you.

>> Mayor Adler: Yes. Councilmember kitchen.

>> Kitchen: I have a similar question on the construction on slopes. I think I heard you say earlier, but I may not have heard you correctly, that the applicant had an agreed to transfer limits down?

>> Yes, ma'am. That's been envisioned for slopes and cut and fill. If an amount of cut and fill in a high category or in a high slope category is not needed and can be accomplished, it can be moved to a lower

category. If the applicant determines then at the time they would be doing the design and site plan that they don't need, say in this example 9.92 acres of impervious cover on slopes between 15 and 25%, they could reduce that and add that to a lower slope category, but it can't go reverse, it can't get worse, it can only get better.

>> Kitchen: At the site plan stage, would that be something that is part of the staff's review? Would the staff have any discretion in saying that it appears to us that this is not your minimum need, if that's the right term? In other words, where is the staff's discretion in reviewing the site plan to have a discussion about the construction on the slopes?

>> By granting this entitlement, that discussion effectively wouldn't occur. This would be a bucket system. The applicant can access those buckets as they need to and it is clear to staff this would be the modification to the code.

>> Kitchen: Okay. So but our normal process -- not normal, but our process without this kind of agreement, what discretion would the staff have?

>> Then normally if the applicant cannot meet current allowances for cut and fill, if they can't stay below four feet, they would pursue an administrative or formal variance depending on the situation.

>> Kitchen: Have we discussed with the applicant some in between so that the staff has some ability to when we receive that site plan to have some discussion about whether it appears to be the minimum?

[3:25:46 PM]

Has that been part of the discussion at all?

>> There was -- two elements. One the applicant did revise their land plan. They removed one of the office districts and realigned the road in response to environmental staff comments to minimize or further reduce impacts for construction on slopes and cut and fill as well as preserve additional environmental features. Part of that discussion in particular on cut and fill was that we would consider some flexibility, but it was difficult to define exactly how that would work. How does the applicant ensure their interests are met and staff ensure their concerns are met. That is not part of what the proposed pud has before you today.

>> Kitchen: Okay, because if I'm understanding correctly, it's difficult to tell at this point in time exactly what percentages would be needed.

>> Yes, ma'am, just like the flood plain variance, there are things we do not have the specific information to do more detailed analysis on.

>> Kitchen: Okay. So -- but the limits right now are contemplating zero percentage on the slopes, on the areas where it's essentially flat, right? So it's reasonable to assume that some of the construction would occur there, we don't know how much.

>> It would not be zero on the flat areas. There would be limitations on the sloped areas. The applicant has distributed impervious cover in those slope categories, but it would likely be construction on the flat areas.

>> Kitchen: There would likely be construction on the flat areas which would necessarily mean the distribution would come down, we just don't know how much?

>> Within the overall cap on the allowable impervious cover, so there's an overall cap of [inaudible] Acres so if we added up those numbers, it would be less than the 21.86 acres, so there is construction on slopes less than 15%, it's just not categorized here because that construction is allowed.

[3:27:50 PM]

>> Kitchen: Okay. Okay. This remains a concern for me and when we talk with the applicant, I'll --

>> Mayor Adler: Are we ready to talk to the applicant? Yes, mayor pro tem.

>> Tovo: I forgot I had a couple more questions. In the Q and a I had asked there was a reference in one of the minutes -- in the minutes to the old pud that the cut and fill was specifically attendant on the low intensity development of the 64 housing units.

>> Yes, ma'am. Some of the cut and fill was specific to driveways necessary to access individual single-family residences.

>> Tovo: And so that was -- so they were granted slightly more cut and fill than they might have been otherwise because of the way in which those housing units were developed.

>> At the time that's a reasonable conclusion from the minutes that we have, yes, ma'am.

>> Tovo: Okay. And then if you could talk a little about the question of mechanized access. In 2014 our ordinance made explicit that it wasn't allowed. That was, as I understand, really supposed to have been part of the practice, but there were still trams being made. We have had zero applications for trams since that point for mechanized access?

>> Our practice was nonpedestrian access was not allowed for docks along the shoreline of lake Austin in 2014, you are correct, that was clarified in code to specifically prohibit mechanized access. There have -- trams were approved after 2014, but they were either for applications submitted prior to the effective date of the 2014 ordinance, so they were under old code. There were still variances approved by the land use commission. It's not something staff was granting. Or they were otherwise granted as necessitated by Ada compliance Zell.

>> Tovo: In terms of new applications --

>> We have one recently and the land use rejected the variance.

[3:29:51 PM]

>> Tovo: So I was hoping to get that level of information in response back to my question. So since 2014 when we adopted the ordinance prohibiting mechanized -- clarifying mechanized access was permitted there have been applications?

>> Yes, ma'am, there have been applications. We don't believe any have been permitted. I may have misunderstood your question.

>> Tovo: It was probably not clear.

>> I do not believe that variances have been granted that were not a result of Ada compliance issues under the 2014 code.

>> Tovo: So I think I would be interested in that level of detail. What I was trying to ascertain is whether we had received as a city applications for mechanized access that had not been granted in the time, and it sounds as if the answer is question, people have applied and we've said no, you cannot.

>> I'm aware of variance applications that have not been approved by the land use commission.

>> Tovo: Thank you. Do you have any sense of the scope of that?

>> Do you want to -- do you have an estimate, Liz?

>> Tovo: Basically how many are we talking about, a handful --

>> We can get that information.

>> Tovo: Thanks.

>> Mayor Adler: Okay. Anything else before we go to the applicant? The applicant can come up. The applicant would ordinarily under rules be entitled to five minutes plus two plus two, they've asked for 12 minutes given the complexity of this. I would grant the 12 minutes. Go ahead and start.

>> Good afternoon, councilmembers. Jeff Howard. And thank you for the clarification on the time amount. I'll going to be available to answer questions. Jonathan will be going through the presentation. I want to address the watershed protection presentation. We've only had that department give a special presentation. If you had a special presentation from the Austin transportation department, they would tell you this is only vastly superior. If you had presentation from the parks department, they would tell you it's only vastly superior.

[3:31:55 PM]

We've only had this sort of what is and isn't superior when it comes to environment and I think that speaks to the level of environmental execute knee that's gone on at the staff level and boards and commissions level. Execute scrutiny. With that, mayor, I would be happy to introduce Jonathan coon. He will walk you there the presentation.

>> Mayor Adler: That's fine.

>> My name is Jonathan coon. My wife and I own the property in question next to the 360 bridge, people refer to as camelback. This is such a special place in Austin that we feel more like stewards than owners of it. I'm not a developer by trade. My wife and I want to live here, we can't afford to be the only people who do so now I'm a developer. I want to thank you and staff for all the time everybody has invested in this. In particular our neighbors who are here today and I want to thank them for their support. 145-acre property next to 360 bridge. It's an iconic location we've used to greet people at the airport. It's been featured in the paper, on Instagram, on public trail site on the web, they show this as a public trail. It's not, but that's the perception of it. And you can see the trail going along the 145-acre along the cliff edge. It's not a public park. It's actually illegal parking. There's five no parking signs there today. I assume there's five because we tried four and it didn't work so we added a fifth. We've heard a lot from neighbors. That's where we started in this process. The first thing we did was sit down with our neighbors and ask what they cared about and it was a long list. Champion tract 3 is nearby, traffic, the overlook, light, noise, environment. There are two properties being tied together here. We can talk more in Q and a how champion tract 3 is related.

[3:33:58 PM]

It's basically reducing that scope of that to senior living that will reduce the trips in that area by 75% over 90% peak hour reduction. We can talk more about why there is urgency to that in Q and a. We would like to officially make this a park. 4,000 people a week are visiting there now. We would like to make that official. They come from all over the city. We asked 1500 people their zip codes and they were from all over the city of Austin. We want to turn half of our lake front into a public park and provide for 25 public parking spaces and restrooms at our expense. We've committed \$1.5 million to fund that. There's no cost to the city and we fund all ongoing costs. The question before you today is is this new mixed use plan with all its tradeoffs and pluses and minuses better than the 1987 plan that was a single use. So far folks have agreed that this is better. The parks board voted in favor, so did the environmental commission, zap, pard, staff said it was superior, environmental staff. Neighbors think it's

better. There's nine hoas surrounding the property that have all signed endorsement letters. And the Austin neighborhoods council. So better than what? Well, this is the 1987 plan with 64 lots. There were 12 lots along the cliff in the 1987 plan. I should say are because it's still a valid plan. It's a single use development. There's no setback required in the '87 plan. Under current code it would be 150-foot setback and no parkland requirement. You can pay a fee in lieu we estimated about \$63,000. We want to turn of a of the lake front into a park. Make this entire area that would have been filled with homes in the upper part on the left open and green space, connect bridge point through the city park road. In addition to those things we already offered to environmental staff and pard made additional requests.

[3:36:03 PM]

We made changes based on those requests. We agreed to dedicate the parkland, make it bigger, eliminate a second office site, moving the road south. It meant giving up another 14 acres, meant moving a road closer to the residences. It meant losing an entire office site. This was to protect the cefs as were noted by Mr. Harrington 'and those two things were linked. We agreed to both of those changes. They were substantial. This is the revised plan. Most is green. Here it is compared to the 1987 plan and you can see the areas in green where there could have been development that will now be green space. Again, this is along with things we heard from our neighbors. Traffic was at the top of the list. You won't hear people before you today with additional concerns about traffic. We went to great extent, hired drones and did computer analyses of the Zones. We are funding new right-hand turn lane leaving the development, a new left-turn lane coming in. A new right-turn lane going from city park road to 2222 and a new lane to bridge point. Total investment is a minimum of \$714,000. Again, that compares to requirement to do nothing under the '87 plan. There was a requirement on under the '87 plan to put the road through, but we leaned in there and agreed to add a 12 not wide multi use trail which creates about a mile-long trail from the park to the cliff to where bridge point is extended. This is important not just for traffic but fire. Estimated cost for that road is \$3 million funded at 100% by us. So total for traffic improvements \$3.7 million. It's very important to us to protect our neighbors' views. We want to be a good neighbor. We love the views, that's what we fell in love with and we don't want to block our neighbors' views.

[3:38:04 PM]

To make sure we didn't, we created a 3-d model using 4,000 drone photos, a capitol view corridor approach. I went to all 13 of these homes personally and took photos from their back patios. And we sent each of our neighbors that might be affected renderings from their home showing the project envelope that they might see from their back porch. I think one of the topics we've heard the most about and gotten most feedback on is anything on the lake including the consolidated dock and mechanical access. There's almost a full acre of property on the lake. We would like to be able to get there. It's a wide spot on the lake. It's over 200 feet wider than where the boat docks are around the corner. We did eight hours of continuous drone footage in order to show where boats currently go. You can catch eight hours in eight minutes on this time lapse and see they are already avoiding the outside corner of the lake which is where the boat dock would go. We think that's a good location. People are doing that because it takes less time if you go more towards the center of the lake as you go around the corner. The boat dock size we submit is current code. We aren't asking to make it any bigger than

current code. There's a lot of shoreline, about 3,000 feet, about 576 feet. But this is for a whole neighborhood, there's 64 homes that would be sharing this boat dock. Again, it's a cluster dock. It's about a half a mile away from the bridge. And cluster docks would require restrooms. This location avoids large trees. It's already cleared down there. Here's a photo from that location. There's a small cabin there. Our neighbor next door is a friend, about 20 years ago he kept going and planted more grass and built a cabin across the property line.

[3:40:04 PM]

When we talk mechanical access, there is an important distinction versus other -- we know the city is not a fan of mechanical access. This is not for an individual home, this is for 64 homes that would share this access. Some neighbors could be elderly, disabled, and we think the only practical way for this to work is mechanical access. We think the alternative would be far worse. We could debate about the probability somebody would deny pedestrian access to boat docks they are entitled to, but I don't think we need to do that when we are offering a guarantee this would never happen. Feedback we received about the mechanical access is substantial from the environmental commission and others. Minimize both the visual and environmental impact and I could go through this whole list, but you could read it later. Includes don't use hydraulics, redundancy to avoid trees. We surveyed 163 points to collect geo tech data using a system used in the oil and gas industry. We identified a path that avoids trees. This is a draft of the location we think can work. We completely agree ground trams are bad. We would not do a ground tram. They tear up the hillside, remove vegetation and create a chnel for sediment and runoff. We would not do that. We are proposing an elevated track unlike anything that's been done in Austin in order to balance both aesthetic impact and environmental exact and minimize both. It's an elevated track. I can zoom in here. We're talking about clear spanning the bluff, there wouldn't be attachment T the rim rock, a 50-foot setback. The inside of a cabin is about the size for a wheelchair to come in, turn around and go back out. It was important for the fire department there be room for a gurney. This is a concept from another develop, but gives some sense what the cabin might look like. There's emergency stairs with redundant backup systems and emergency administrators running in between which is important the fire department.

[3:42:08 PM]

It's an open structure which helps reduce the visibility. It's not a solid beam. This is a rendering from near the 360 bridge. I assure you it is there in the rendering. I could give you a high res copy of this photo and you CN zoom in. Here's a rendering from around the bend in this case. I zoomed in. You can see it going along the slope. It is hard to see. This is assuming it my be steel like the 360 bridge. If we painted it green it would be even harder to see it. One shared access point 3,000 feet from the bridge we think is superior to 12 separate points. We think this plan is better. There's a long list of benefits with this approach, the city gets a park in return that could have otherwise been homes on the hill, andt's got pretty broad neighborhood support. We thank you for your time and look forward to your questions.

>> Mayor Adler: Thank you. We get to some of the other public testimony.

>> Mayor, you've and made aware, but the code states that the postponement must be addressed to maybe before the public hearing begins.

>> Mayor Adler: Sounds good. Interested party has a right to a postponement for up to 60 days unless council votes otherwise. Is the party here want to speak to the postponement? Interested party here? No? Okay. We're up to the dais. In other words, we have to postpone it unless we vote not to postpone it. The code says unless council votes to deny a P request, a postponement of the public hearing on a zoning, rezoning is automatically granted on the first request made by each of the following, the staff, applicant or interested party in opposition to the application. This is city code 25-2-283.

[3:44:13 PM]

Subpart C. Councilmember kitchen.

>> Kitchen: Is it possible to know who the interested party is?

>> Mayor Adler: Yes.

>> The applicant -- I mean the postponement came from a interested party, Mr. Juan pedernales and that information should be in your backup. I can find the specific page. But yes, that is a interested party. By definition, I'm paraphrasing, they must occupy a residence 500 feet and have given testimony on the site.

>> Mayor Adler: Is there a motion concerning P?

-- Postponement? Councilmember alter.

>> Alter: Not making a motion to postpone and legal has advised no action on a postpone request counts as a denial. Is that still correct?

>> It is correct the failure to postpone constitutes a denial of the postponement.

>> Mayor Adler: You are comfortable saying unless the council votes to deny is the same thing as not voting to deny but not taking it up.

>> Yes.

>> Casar: If we want to cover the bases, I'm happy to make the motion to not postpone.

>> Mayor Adler: Seconded by Mr. Flannigan. Those in favor of not postponing, please raise your hand. Those opposed? It's unanimous on the dais with the mayor pro tem and councilmember pool off. We'll continue, okay? Let's now have the public speak. I think you had indicated at some point, councilmember alter, you thought people would be limiting speakers? Potentially?

>> Alter: Yes, I understand that nine of the hoas that are in support have put together a list of speakers, about seven speakers, and I believe they gave the list to the clerk, if I'm not mistaken.

[3:46:19 PM]

And I know there are some folks who are neutral and against as well who also will have an opportunity to speak, but these folks have been coming out to meeting after meeting after meeting and they have their presentations well down because they are very clear on the reasons why they want to move this forward, and they want us to have the time that we need to have today to deliberate and to ask questions that we need answered so they have consolidated their testimony so they can communicate key elements to us as council.

>> Mayor Adler: First person on the list signed up is Linda Bailey. Why don't you come on down. Ms. Bailey has time donated from two people. Mary Mcallister and Arthur mcomplain. Are you -- McLane. Are you both here? You would have seven minutes. Is Linda salaman here? You are up next.

>> Neighbors, please join me.

>> Mayor Adler: Is Sandra Shindle here?

>> Here.

>> Mayor Adler: David burn?

>> Here.

>> Mayor Adler: Thank you. Mr. Salaman, you will have seven minutes.

>> Thank you very much. On behalf of many neighbors, you see those joining me behind me, we have limited our testimony today, but in honor of them I would like to show a short video to show you the widespread support and the people have -- who have chosen to cooperate, work with the developer for over a year and are in support.

[3:48:21 PM]

>> [Inaudible] [Showing video]

>> Some completed their endorsement process in June and some waited until September of this year. In addition, the lake Austin collective wrote two endorsement letters, one for the concept and one for the specifics in update 3. There we requested that the schedule be expedited with no postponements in time for Mr. Coon to exercise his option to purchase champion tract 3. Both were passed with unanimous support. And so did the Austin neighborhood council, which represents 83 neighborhoods. You should have received copies of all these letters. In addition, we emailed you only 265 of the individuals endorsing. Now we have 320. And we're here to express all their voices today. In summary, the board and organization letters state a variety of reasons they support the pud. The large amount of open green space, two parks with a mile-long walking trail, the three-star green buildings and green water controls, a mixed use, the bridge point park way extension for fire safety, the many intersection improvements, the protection of their views, a nice quiet restaurant, dark skies compliance, safety on city park road from the champion tract 3 senior living center, and the respect for neighbors, values, opinions and requests.

[3:50:38 PM]

Bottom line, there's a widespread neighborhood endorsement from the camelback pud.

>> Thank you.

[Applause]

>> Mayor Adler: Is Patrick Scott here? Skywhy don't you come to the podium. Is Kevin osselman here? You will have seven minutes.

>> I'm hoping to make it inside of three.

>> Mayor and council --

>> Mayor Adler: Hang on one second. Ms. Salaman. You are on deck.

>> Good afternoon, council and mayor. I'm so happy to be here with you today to actually speak in favor of a development. Some of you may recognize me from the many, many, many times I've spoken in front of you about the dangerous development at the intersection of city park road and 2222 where the main driveway would be on a blind curve. So I -- from the bottom of my heart, am happy to be here to say that I think we've come up with something in working hand in hand with the developer who has listened to the neighbors, to actually meet neighborhood needs. I come to you today not only as the president of the Westminster Glenn homeowners association where all 225 homes are within the voting

area of the city of Austin, but also as a business owner whose office is on west courtyard drive and whose customers and employees have a difficult time getting in and out at rush hour times. If, our neighborhood is a founding member and very active in 2222 cone. We've been actively developed in development in this area of the hill country for two decades as I have personally. We have publicly supported responsible development and opposed unsafe and irresponsible development.

[3:52:42 PM]

We have a track record, we are not Johnny come lately to this and those who recognize me from my speeches in previous sessions can attest to that. We are fully in favor of the camelback pud, but how we came to be in favor is an interesting point. Because this developer met with us in his office, he met with us at Austin country club, he met with us at numerous places. I have never seen a developer bend over backwards to work with numerous neighborhoods like this developer has. I even -- [applause] Yeah, he should get a hand for that. I even hosted a meeting in my office on courtyard drive. The people that you are hearing that are not opposed -- who are opposed to this, I didn't see them at any of those meetings. Perhaps they should have participated a little earlier. On September 20th, I met with txdot of this year to discuss the west courtyard drive/360 intersection because of the issues my business has. The improvements are five to seven years away at a minimum. Except with this pud. Our neighborhood is a fire wise neighborhood because we are at extreme fire risk. When the fires in steiner ranch happened several years ago, embers were located in the backyards of some of my neighbors. I back up to 1,000 acres of balcony canyon land preserve, which is mostly cedar trees. It will go up. The egress provided by this pud will create additional safety for all of the residents living up and down the city park road corridor. The closest public restaurant to the front of my neighborhood is 2.8 miles and two traffic lights away and across a major highway. So to say that a restaurant isn't needed or necessary in this area, I beg to differ.

[3:54:43 PM]

Westminster Glenn, we did a survey, we are 52% empty nesters. There's no senior living within 25 minutes, and most of those are on wait lists. So the senior living facility that provides not only a much needed safety improvement over the current development at the intersection of city park and 2222, I've had six neighbors already say they would want to get on the wait list to get into that facility. That's pretty remarkable. It also increases the safety and mitigates the issue with a driveway on the blind curve, which again I've spoken to you about ad nauseam. The massive illegal park to go the viewpoint is a pedestrian hazard, and I don't know any developer who is going to give up 50% of their lake frontage. This is going to be an iconic park and I don't know how the city of Austin could possibly not take advantage of that. This is the model of development going forward. It is responsible density, acres of parkland, badly needed road and roadway improvement, and a convenience of a restaurant. Shouldn't we encourage collaboration? Shouldn't we listen to the citizens of Austin who have met and worked closely with Mr. Coon for over a year? If you take a look at the commissions that looked at this, I thought that was a really great point brought up before, they were at those meetings. The votes weren't close. Yes, there were some things where an environmental one said this, one said that, but when you Lou at the overall votes, it wasn't by one vote. This was not even a close call. The thing I want to impress upon

you is that any delay and not going forward with this could blow this entire deal up. And that is because a deadline put on the champion tract 3, which is an integral part of this.

[3:56:48 PM]

And I urge you, please, let's just be done with this and do something that makes both the developer and all the people living around it happy. Because how often does that really happen? Thank you.

[Applause]

>> Mayor Adler: Thank you. Mr. Scott is going to come up next. After him will be densey hogan. Why don't you come down to this podium. Is Kevin osselman here? Thank you. Is sherry zonoï here? You will also have seven minutes, but first Mr. Scott.

>> Thank you. Mayor and council, I thank you for this opportunity to speak. My name is Patrick Scott and I speak for myself and the 120 neighbors who support the camelback we are one of the nine neighborhoods in support of the plan for the camelback property. He wants to do good for this property, that's good for the city, good for his neighbors, good for the environment. He has a good plan. The neighborhoods that are in favor of the camelback pud realize a good plan versus a bad one and we don't want to lose a good plan. A year ago, a bad plan was approved at the corner of city park road and 2222. You should remember it. A 280 unit apartment project on champion street. You get a rare do-over on champion street with your vote for the camelback pud. We're here with an opportunity to vote for a camelback and reconsider champion's three with a senior living facility and get two good projects with overwhelming community support. You can help Austin in another way through safety improvement.

[3:58:48 PM]

It's one of the biggest impacts. You will enable Jonathan to work with tx-dot to improve two intersections. The 2222 and city park road, a proposed senior living facility will have minimal traffic impact and yet improvements tied to that are proposed for the 2222 turn lane and the acceleration lane on 2222 for neighbors negotiating the blind right turn from city park road. At 360 and court-yard, 20,000 visitors a year are parking on the right of way illegally. They stand on that right of way and admire the penny Bakker bridge while austinites drive by within a few feet of 55 miles per hour. Let's not ignore their safety any longer. Safe parking and access to the park he is giving to the city of Austin while making needed improvements at that intersection. While you may have concerns about a dock and a building really close to the flood plain and mechanical access down to the dock and the potential safety concerns with each, meanwhile, 20,000 visitors annually are a major concern on highway 360. So, to conclude, neighborhood support is for camelback, champions 3, and improved safety. You can do a lot of good with the approval of the camelback pud. Vote for it, please. And let's show how much good can come from developers working with their neighbors. Thank you.

>> Mayor Adler: Thank you, sir.

[Applause]

>> Mayor Adler: So, Ms. Hogan, your testimony is you had one person donating time. So you have five minutes. To speak, but before you speak, since it's 4:00 right now, I'm going to pause for a second on this item to look at the three items that are set for 4:00 so we can take care of those real fast.

[4:00:54 PM]

Items 57 and 58 are withdrawn, staff needs to repost them correctly. 59 is a request to postpone that to 11:15. Any objection to that postponement. Hearing none, that's postponed to 11:15, that's item 59. Back to where you were. But before you start, Ms. Hogan, is Kimberly key here? Why don't you come on down to this podium. You can time donated from Bowman Powers. Is Bowman Powers here? Thank you. You'll have five minutes. Go ahead and proceed.

>> Good afternoon, mayor, mayor pro tem, councilmembers. I'm Denise Hogan. I'm a resident and board member of the courtyard, HOA community. The courtyard is a PUD neighborhood of 315 homes located due east of 360 at courtyard drive. 360 and courtyard is the only true entrance to our neighborhood and so travelling south on 360, our residents must enter the neighborhood by turning left across northbound 360 traffic. Our HOA board has voted to endorse the camelback PUD. And today I'm here though talk to you a little bit about traffic and how we believe this development will impact our community. During which the traffic expert talked with us about our concerns related to traffic. Now, the funny thing is that both Jonathan and Kathy got to personally experience waiting through the light at courtyard and 360 through a bunch of signal changes.

[4:03:01 PM]

They were late to the meeting. They said, okay, we get what you say about the traffic here and the ingress to your neighborhood. We feel they have taken their personal experience to heart in some small way in dealing with traffic issues. This is just a small example of how they have been responsive to our community. Three things that are important to the courtyard regarding traffic in this development are safety, volume, and flow at the 360 courtyard intersection. We believe the PUD amendment combined with the champions track three presented the best case scenario of the quadrant of 360 and 2222. So first in the area of safety, everyone knows about the scenic overlook. We had other testimony regarding it. It's a must-do item, not only for Austin natives but for visitors. The cars parking on the southbound or west side of 360 before the Penny Bakker bridge regularly and often it -- it extends north of the light at courtyard on the good weather on weekends. We feel it's an enormous safety concern. Not only do they park on the side of 360, they come in to courtyard, they park their cars and run across the intersection with kids in strollers, I watched it happen sitting at the light, kid you not. So with what is planned, a lot -- that is going to be eliminated. It will be moved up to the development. There will be a designated park. You always know the plan already. You've been told about it many times. But we feel it's a key element that is a huge relief for a safety concern on 360. Let's see. What else do I have here? Oh, in addition, when that development goes in, there will be an acceleration lane that goes through where everyone parks now.

[4:05:07 PM]

So it will completely eliminate the possibility of people continuing to park there. One concern is that there may be an unintended consequence of people travelling to the east side of 360 and parking and going up the other side of the cliff. We hope that through social media that folks will find the new park and the amenities being offered including a restroom and designated parking areas will mitigate and eliminate that as a possibility. In addition to safety issues, we believe that volume of traffic is being addressed with this -- with the camelback PUD. We believe that it's mitigated in the effects will be less if

the track three will be a senior living facility. And Jonathan's traffic impact analysis has shown a reduction in traffic that does yield a net income that's better for all of us in the quadrant of 360 and 2222. We urge you to respond and to vote in favor of the amendments in a timely manner so that the opportunity for pud purchase to champion's three is not lost. We feel that's a critical part of the deal. And so in addition to safety, volume, we feel the flow is improved by the amendments being proposed by Mr. Kuhn. We have been in discussions through timing of the light adaptations and we know Mr. Kuhn and Ms. Smith have been in communication with the city with regards to these topics.

[Buzzer] Thank you very much.

>> Mayor Adler: Thank you, before the next speaker, is Scott Crosby here? . Why don't you come on down. Is Dan -- is Dan here? Dan P ryzbive live skive

[phonetic] What about Dale Bula?

[4:07:11 PM]

>> I'm sorry, I stepped off of the dais momentarily and you postponed one of the affordable housing -- is that right? If I can briefly say, I was going to make some brief comment S. I don't know if the developer is still here. But I wanted to thank him for working with my office to address some of the transportation concerns. I really appreciate taking this time to look at the policy when we're putting the affordable housing, especially senior projects outside of the city limits. I look forward to having that continued discussion and that's it. I want to thank them for working with my office on that.

>> Sounds good.

>> Mayor Adler: Ms. Key?

>> My name is Kimberly key. M husband David Eastman and I live right across the street from champion's tract and today I come representing shepherd mountain association, the only property that's directly impacted by champion tract three. As you've heard, I'm going to kind of repeat some of the same things that other people are saying. The whole is greater than the sum of the parts. Each of you represent your individual districts and you try to make decisions today. You work with the city. You want to be informed. You're asking him, hey, tell them the information so that we can best vote, right? You're trying to understand parliamentary procedure and you want to make votes that are good for you, who voted for you and the city as a whole? What's an amazing opportunity, it's not every day that neighbors come together and say thank you, sir, for building something in our back yard. So I want to compliment you. He has been incredible. When I moved to right across the street from what is champion tract three, I thought that wasn't going to be built on. I didn't know about the proposed five story apartment complex that would bring in 2100 cars. I already watched my driveway has been blocked by ambulances and fire trucks because of crashes and emergencies and people don't realize, oh, we're a home.

[4:09:24 PM]

So with this said, this is an opportunity to do even more. Jonathan made concessions, he worked with neighbors long re I ever moved there as you heard. You heard about this deadline for him to purchase this and he's systemically looking at the whole -- not just camelback, but champion tract. He is not just taking one piece of property and saying, hey, let me develop it and do what I want. He is talking to neighbors, he's considering views, aesthetics, even though it's not an environmental consideration right

now. He is opening up and buying another property that could have a five-story apartment complex creating I don't know even how many more accidents and deaths and saying, hey, we can have a solution. In fact, we're going to give you senior living, profound. And restaurants, by the way, I worked on west court-yard, I'm just going to say, if I had a restaurant go to right there that was open, I might go there for happy hour, not get on the 360 bridge. So while we're not even addressing that, those are traffic mitigations just by having another food resource. So, again, you're hearing a lot of benefits about the whole being greater than the sum of the parts. He's doing that in a way that is working with the community. You have had a fight. You've heard the neighborhood -- many neighborhoods come to you, fighting you. And now they're coming to can you saying, come on, please, vote. We're here. We're at the last hour. These are those moments of opportunity that set a precedent. And Mr. Kuhn is setting a precedent for working well with others and doing good work and I really, really hope for me and the greater whole that you vote yes for this pud. Thank you.

>> Mayor Adler: Thank you. So before Mr. Crosby speaks? Is Tony Iglesias here? Tony Iglesias, come on down to this podium.

[4:11:25 PM]

You have time donated from Randy Lawson? Is Randy Lawson here? And is Marsha kileki here? You'll have seven minutes, if you want to take that. Mr. Crosby, you have five minutes.

>> Thank you, good afternoon. My name is Scott Crosby, representing the 1150-member river place hoa in support of this development. River place has worked closely with Jonathan since February to get our questions answered and our issues resolved. We've been involved in the environmental commission meeting, the zat meeting and I reviewed yesterday the update given by councilmember alter at the working session on Tuesday. Based on the working session video, I know there's questions remaining for the flood plain language and the elevated elevator. I encouraged all parties to be open and reasonable and resolve these items. But most importantly, to consider them in terms of the pending deadline and the advantages this project brings to the community and to the city. The pud alone is a good project and when combined with champions three, becomes a great one. With a park, dedicated wild lands, senior living, a contribution to affordable housing and improved traffic and fire safety. Remaining minor issues that have not quickly resolved could kill it. Given the deadline imposed by champion three component, we encourage the council to move forward on this project without they. Thank you.

[Applause]

>> Mayor Adler: Thank you, is Tom burns here?

[4:13:26 PM]

Tom burns? Mr. Burns? You want to come on down? You have time donated from Tracy Anderson? Tracy, thank you. What about Jill venvorhees? Thank you. Mr. I grace -- Mr. Iglesias, you have seven minutes.

>> I won't need all that time. This presentation is in case of postponement, so I don't need that up, thank you. So, hello, mayor, council, my name is Tony Iglesias, I've been an austinite for 22 years. While I've only lived in the lake Austin bull creek area for seven years, it has always been my playground. This is where my family and I boat, hike, swim, and watch sunsets. You can imagine how concerned I became when I learned of a major development being planned along lake Austin. So I dug in and started

researching. I attended multiple town hall sessions by Mr. Kuhn, I visited the environmental commission and the zap meeting. I scoured the public documentation, I reviewed traffic reports and learned how to understand them. And in short, I've done my homework. And I strongly support this pud amendment. Having attended the various meetings, I can already tell you how the next couple of hours are going to go. The minority of neighbors who oppose the project are going to write off the bulk of the benefits by saying, oh, yeah, we like everything on top of the hill. They will shift the focus of the discussion to the two-acre, one-acre, one plus boat dock district. These neighbors who were silent last December about 34 feet of cut and fill and a driveway that dumps 2100 vehicles on to a blind curve of city park road will show grave concern for the environment and public safety. At least in the dock district. They'll be successful at turning the conversation. The bulk of the discussion on the dais that follows will follow around those two acres, that's fine.

[4:15:33 PM]

I understand there suspect a need to spend a lot of time discussing things that are universally considered outstanding. But at some point, when the discussion is done, you will be asked to vote on this pud amendment which affects the fate of the entire 145 acres that make up camelback, and the 45 acres that make up champion's track 3, which rely on the existence of the boat dock. When you do, this is just a reminder to also consider what this project includes -- a cliff-top park on the lake, five times the size of mt. Binell and the funds to maintain it, 2,000 feet of shoreline untouched forever, 87 acres of park and green space. A road that improves traffic and serves as a fire escape relief valve, and an area that AFD has declared high risk. And that's just a short list. Those minority neighbors opposed are willing to blow up this deal over a boat dock. They're willing to blow it up over two acres that represent 0 month 15% of the developable land being considered. The narrow view of what's important in this pud amendment is equivalent to the view. Look at the big picture. Please allow the most affected communities and district 10 to have a real influence on what happens in district 10. And please consider that the overwhelming majority of neighbors consider this plan and the way Mr. Kuhn involved the community as a model we hope to be followed by future developers. Thank you.

[Applause]

>> Mayor Adler: Mr. Burns, you have seven minutes if you want it. Is Michael Wright still here? Waive your time? Thank you. Is Hilton Puckett here? Why don't you come on down, Mr. Puckett, to this one. Is Sophie Cano here? All right, you'll have five minutes, Mr. Puckett. But first, Mr. Burns.

>> Yes, my name is -- good afternoon, councilmembers.

[4:17:36 PM]

My name is Tom burns and I'm one of the directors of the bunny run neighborhood association. And bunny run neighborhood association is defined as the opposition. I actually signed into today neutral, because each time I spoke before a board commission of accounting clarified this. And I would like to look at -- I define myself in bunny run two as being positive. We've said from the beginning, we're for the champion deal. We're for the park. We're for affordable housing, but we're also for enforcement of the lake Austin regulations and this development living up to the spirit and intent of the lake Austin task force and the results and regulations. So how we have become the bad guys on this, it's just surprising to me. We're all aware of the inferiority findings by the the boat dock slip request which exceed even

the 86 pud, much less the current code, I'll go over that further. What's happened is there's been two schools of thought that emerged within bunny run. Is it's noble to stand for your principles. And we had a lot of people work on the lake Austin task force and work on those regulations and they're being gutted by this. That's just a simple fact. But there's a view within the neighbors, a pragmatic view of compromise. How do we minimize the lake Austin footprint, the environmental damage so this project can live up to the spirit of lake Austin task force. But be balanced against what the developer has in terms of grandfathered rights to the pud. I noticed with the previous speaker again, we're defined as taking a narrow view of this.

[4:19:40 PM]

That's just not true. It's the most beautiful view of lake Austin. We heard from Mr. Kuhn he spent 300 days in Washington, D.C. Over five years getting a law passed that would allow you to own your own contact prescription and sell contacts direct. I applaud him, he brought his political acumen and perseverance to this pud. He created an interlocking set of interests with a group of constituents who all get something when this pud is approved. The lake Austin collectives get the champion track part done. They also get a second fire exit. The city of Austin gets a park. It gets affordable housing. And all of these things are laudable, the developer gets tens of millions of dollars worth of entitlements because this goes from a 64-unit subdivision, single family, to a multifamily project. And what's bunny run? We're here sticking up for the lake Austin task force. We see what's happening here. It's precedent setting. It's like taking the broader view of what happened with Barton springs. And I find it ironic that one of the founding premises of the lake Austin collective was to stop the proliferation. Go see it on the website. Yet, here we are talking about that and we are shown as the opposition. I also think it's ironic that we're talking about something being built in the flood plain while we're on the precipice of the worst flooding event, potentially, if they open another four flood Gates on Mansfield dam tomorrow on lake Austin, I find that interesting.

[4:21:52 PM]

I think what really bothers me is that the civility has broken down. You know? This pud process is broken. I think it's not a level playing field for neighborhood groups, especially for these super puds like Austin oaks, the grove, it's just not a level playing field. What we object to is really the maximizing of the monetization of the lake Austin shoreline, which picks up the tab for the other part of this project. And let me give you an example. When you look and you saw previously with the bar or the table, under the existing code, if you did the count, you're entitled to 12 slips. Under the old code, the 87 pud, you'd be entitled to 24 slips. But the developer is using what I would call a fuzzy math or a contorted math where he's using all 3,000 feet of shoreline to compute his 20% which is 600 feet of boat docks, but yet that 1500 feet or half of that is donated land to the city for a park. The way I'd see that, that's just old-fashioned double dipping. What we asked for is the lake Austin shoreline, the most visible shoreline for pennybacker bridge be treated fairly for the deliberations on the camelback pud. We heard Linda Guerrero refer to the pud approvals as a horse trade with the city council. That is basically a swapping of terms, which includes, you can just make all of the variances go away. And it's clear in here that we're on the receiving negative end of this pud. We're not -- we're sticking up for the lake Austin task force and the regulations that came from that.

[4:23:57 PM]

And what we're looking at this deal has gotten progressively worse as we have moved through the commission system in that we started at one -- a question of whether or not boat docks are allowed and then if they are, it's a range of 12 to 24 yubts, but what's been put forward is 42 boat docks based on 600 -- based on 3,000 feet of linear frontage of which half of that is going to a park. And so what we see is -- and another example of this is there was a concession made for cut and fill to remove one of the office buildings, and at the same time, that's when we saw the expansion of the number of boat docks. [Buzzer] So all we ask is that the lake Austin be treated fairly in these deliberations, like all of the other parties have. And we are not against them.

>> Mayor? >>.

>> Mayor Adler: Thank you, sir.

>> A short comment. I wanted to thank you and all of the neighbors, but particularly the bunny run and aqua Verde neighbors for coming out and sharing your views and I appreciate the letter and your willingness to go to mediation and I appreciate Mr. Kuhn's willingness to participate in that after today's meeting. I hope that the parties can approach it in a positive way and we can find some solutions to the concerns.

>> And I thank you, councilmember. And I would say is go on our track record. Bunny run neighborhood association was the organizing neighborhood for --

>> I'm sorry, but --

>> For --

>> I just wanted to make that comment. I can't break protocol and keep going.

>> Mayor Adler: Thank you. Hilton Puckett. You had time donated by Sophie Cano. And coming up next is Lara beemis. Why don't you come on down.

[4:25:59 PM]

>> [Indiscernible].

>> Mayor Adler: To who?

>> Roy Whaley?

>> Mayor Adler: To Roy Whaley? Okay. Is Wayne redwusnsky here? Why don't you come on down. You'll be next. Mr. Puckett. Go ahead.

>> Mayor, councilmembers, appreciate you letting me -- I had the time to talk to you today. First time I met Mr. Kuhn, April 3, we weren't considered part of this discussion until that point. I apologize that we I guess didn't reach out across the lake to our neighbors and know anything about this champion track deal that they were doing. But we didn't so we just came onboard April 3 and we've been playing -- doing our due diligence since then trying to catch up and be a part of this. Mr. Kuhn, we met once in that office and we met once again when we had a meeting. Other than that, he has not contacted any officer of the bunny run association. I'm Wilton Puckett, I'm with the bunny run association and back in 2012, 2013, the city put together a group to draft the rules codes for the lake Austin development. That's called the lake Austin task force. A way of multiple meetings of people up and down the lake to form a -- let's just say hear everybody out and be -- be all inclusive set of codes for the whole corridor. And the result was the passing of the lake Austin zoning district in regulations of boat docks, but

bulkheads and shorelines and 24 chain. That was passed to protect the regulation by restricting the scale and intensity of development near the lake one of the components is a prohibited mechanical access.

[4:28:10 PM]

Many times the mechanical access would have to be put on to brim rock and environmental factors so that prohibited it at that time. We're having to review that at this time with this project. We understand what they're going through. We had apartment houses go on in our neighborhood as well. We don't see that the tradeoff to the extent of superiority for the opponents on the lake development and the tradeoff. Before at this time, we've always been asked what's the superior -- what's the superiority of the amendment versus the original pud. We're not considering the champions, right? Because we don't know the particulars of that private agreement, I should say. We did agree with that's probably the best idea for the traffic for the north side of the lake. We're on the south side of the lake, so we're actually looking at his development. We're a boat dock community across the river front. What can I say. We should look at a way to bypass this package to separate out the boat dock element for further analysis and engineer reports that would become forth in a boat dock application, which we've never seen. There's nothing recorded on the boat dock application and Chris Carrington pointed out many times he had the right to apply for a boat dock back then as he has now.

[4:30:29 PM]

We support the structure. We get mechanical access versus fire safety flood plains. All of these are considerations in the developmental site plan. But it would be preferable to move this 5,000 square foot clubhouse to the top of the bluff instead of at the very bottom of the club, for environmental reasons, for fire safety reasons. It would make a lot more sense to move it up there. Because it's not really the component part of the boat dock. It's an added amenity to the whole environment. What it says is it's not functional to the level of a dock is what the code says. So please consider removing this element and delaying. Thank you.

>> Mayor Adler: Thank you. Mr. Mr. Rabunsky speaks, is Roberta bibilsky here? No? What about Ed buchart? Why don't you come on down? You have three minutes.

>> Yes, thank you for the opportunity to speak in front of our council. My -- I'm a resident for bunny run for 35 years. Raised all four of our kids there. Loved the lake. Don't have property on the lake. But I -- and I don't see the lake but I -- I do love Austin and I do love our lake as we all do, even the gentleman is all -- he said he was a river rat. And that's great. He should be in favor of the codes that we have in possession -- in -- in our city right now. But, you know, I'm concerned about setting some precedence here.

[4:32:31 PM]

I've been in front of council four years ago. And I -- the river bend church got a -- an extension of 25 years for their pud. And I thought oh my god, how did that happen? They asked for 50. If we hasn't showed up, they might have gotten 50. That's why bunny run is here. We're concerned about what's happening on that cliff there. One of the things they talked about they want 75 feet of dock from the shoreline where right now we're all limited to 30. So that's a precedence that we have concerns about.

The other concern that we have is the -- these trams. You know, as the pro tem said earlier in 2014, these things have not been granted. And as we start granting these things, these trams, I mean, there are a lot of homes, very wealthy people in Rob Roy that could be dropping trams down there. And now we've got, you know, we don't want this on our cliff. Well, now you have it on Rob Roy's cliff. So that precedence there, I've got a lot of concern about. Lastly, you know, Mr. Kuhn is being real generous about the park. I don't think anybody is objecting to that. But he is also offering 25 parking places. Now, if you've ever been over there, I can't imagine where those cars are going to park. They're probably going to park across the street again over in -- because there's going to be a new lane there. They're going to park in the court-yard and walk across because there's only 25 places to park. So I don't know how -- I mean it's nice that he's offered some parking. But that's -- if you've been out there, there's over 100 cars there on the weekends, easily. Every hour.

[4:34:43 PM]

The precedence being set here by our city council in 2018 that could affect or will affect --
[buzzer] Many things in the future. Thank you.

>> Thank you, is Ann row here? Ann row?

>> Mayor Adler: Okay, is Mariana here? Come on down. You'll have three minutes. Roy Whaley, you'll be on deck and you'll have seven. Go ahead, sir?

>> Good afternoon, council. My name is Ed Edgar. I live in the court-yard and I just represent ole Ed. My wife reminded me, she said, remember, Ed, you don't even represent me on anything. So here I am. And I have three concerns with the camelback. I'm speaking to camelback because that's what's on the agenda. Three concerns about the camelback development compared to the existing pud. One is the the park, the other is the traffic. The third is the marina. As far as the park goes, you know, the park board approved this thing overwhelmingly. And everybody likes parks. When I lived in bay town, we only had Roseland park. We have a lot of parks in Austin. But one little thing no one mentions. And that is the proposed park and camelback does not have access to the tx-dot property overlooking the iconic overlook of the 360 bridge. In other words, the people that come into that park cannot get to the overlook at the 360 bridge. Oh, but as my friend Joe Daly said, hey now, wait. There's another overlook. It's on the east side of 360 where my little neighborhood is. And I'm -- my anxiety is all of this traffic and all of these people since they cannot and will not be able to access the overlook on the west side, will come to the east side and jam up our neighborhood with 100 cars.

[4:36:52 PM]

So, that's my concern about the park. I think the park's great. But remember, there is no access, a 300-foot piece of property between the developer's land and the tx-dot property that he does not own. He could not and surely could not encourage people to trespass on his neighbor's property. The second thing is the traffic. The existing pud is 64 single family homes, developed over a number of years, I'm sure. Compared to 300,000 square feet of commercial property developed as fast as possible. You want the money coming in. I can understand that. But the construction traffic is going to have an incredibly negative impact on the court-yard compared to developing 64 homes over a period of time. Then after all of that commercial traffic, we've heard one person or two that say they work in office buildings over there. And it's difficult to get in to the courtyard -- to their side of the court-yard. It's just going to be

exacerbated tremendously. And that -- and it alleviates traffic, I don't see how it does, because the only thing I see is we get out of our neighborhood pretty easily except for people trying to go to the west side, turn right into our neighborhood, cross the double yellow, which is illegal, and then go west through our traffic signal going over to the west side of the court-yard. And I can't get to the third item. Thank you so much.

>> Mayor Adler: Thank you. Ms. Morvan, three minutes, after that, Mr. Whaley, if you want to come on down you'll have seven minutes.

>> Thank you for letting me speak. I want to say I live in bunny run area. And I have no problem at all with champions. I have no -- I don't even go down 2222 that way. I do 3630. So, anything over there is fine and I understand why each of the neighborhood associations are so happy.

[4:38:58 PM]

They've gotten buildings lowered. They've gotten roads put through. They've gotten every sort of apartments have been taken away. Now they've been given all of these things just so that they will then go ahead and agree with what's being said. But, what they -- what they don't understand is they don't see the lake. They're not near the lake. At all. They're on the other side. So for them to say that we are just being hard to get along with isn't fair at all. Because they aren't from our perspective. I understand their perspective. They don't see our perspective at all, which I don't think is fair. They -- I -- so I don't have a problem with that. I do have a problem with is all of the regulations that are being thrown out. I have a boat dock. I built a house ten years ago. I jump through over a year's worth of regulations to get my house built and I have probably eight months plus hiring someone to come and do -- and talk to the council so that I could rebuild my boat dock. Just to rebuild it. And I had special regs. I couldn't go over 30 feet. I couldn't do this, I couldn't do that. Every one of the regs that I, an Austin person have had to follow are being thrown out with this. Which, to me, somebody with money can go through and not have to follow whereas normal people have to follow, I don't think is right. We deied people things down -- any kind of access to the cliff and all of a sudden that's just like oh, who cares? It's 64 families as opposed to one family.

[4:40:58 PM]

I don't care how many families it is. If the reg says no, then it should be no. And, you know, it's not making sense. The whiff -- okay, 30 feet. Now they're getting 75 feet. Is that safe? Now, the one thing that I -- that have not been addressed is this is going to be built -- the house is built in a flood plain. Right now we're having massive flooding on lake Austin. I was down there today. My boat dock is probably this much from being covered with water. Now, if -- [buzzer] I didn't get a chance, but the main thing is, the toilets, how is this going to be handled? There's going to be flooding down there and you've got all of that waste going what? Upstream? Flowing down into Austin? What's going to happen with that?

>> Mayor Adler: Thank you very much. Mr. Whaley, you have seven minutes.

>> Howdy, y'all. My name is Roy Whaley, I'm the conservation chair for the Austin regional group of the Sierra club. And I want to make it real clear and I'm going to say it a couple of times, that we are neutral on this. Because there's so much that we want to support about this pud, but there are things that we have major issues with. So we are taking a neutral position even though I've had several members ask me to dial on the hill on this one and not budge an inch. But we're after the middle ground. We're going

to try to get to the middle ground. I have tried to train myself to say everything I need to say in life anywhere in three minutes. And so I really appreciate the donation of time this afternoon. Because I haven't had a chance to adequately say thank you, Mr. Kuhn. Thank you, Jonathan. I believe you have worked really hard to make this the best project you can and still be profitable and everything has to be profitable.

[4:43:00 PM]

I also want to say thank you to all of the neighbors on both sides of the issue that have organized and shown up and been a part of this process. It's very impressive. I certainly understand their concerns and appreciate and applaud them for coming down and speaking to those. Now then, when I say that we're neutral, there are things that we can like and things that we don't like. We're very happy to see that Mr. Kuhn wants to also include the champion track here. And reduce the footprint and the car trips. That's a great thing and we support that. We appreciate that he has reduced many of the things that he's going to be doing in the pud and the parkland dedication. I do, however, want to make sure that it is understood that when it is said that the parks commission supports this pud, that's incorrect. That's not accurate. They support taking the parkland donation. But they specifically at that meeting that I attended stayed away from talking about the pud at all. They only address taking the parkland. So no, it's not another city body saying, yes, this is a wonderful pud. I think there are lots of it that are wonderful. I would say this. Mr. Kuhn has repeatedly told me about it being 100% solar. I think that should be part of the ongoing criteria for environmental superiority.

[Applause] And I would hope y'all will take action to make that so. But the heart burn. 26 heart burn gets to the boat dock, the sewage facile the -- facilities, and the tram, the 24-foot wide tram.

[4:45:04 PM]

Iconic. I think I'm the only person in the last several meetings that did not get to say iconic once. It is an iconic view. The rim rock is what one of the many things that greets you at our airport. It is a part of Austin. It's as much a part of Austin as the capital view corridors, which are protected. We would like to see that rim rock continue to be protected. That vista of the hill country continued to be protected. At a minimum, we would like to see the clubhouse. Be taken to the top of the bluff instead of down on lake level because that would reduce the number of sewage faciies needed lower. Now, then, we would ask that because there are many things that are being sacrificed or varied -- granted variances up top. All of the variances for the lake level clearly do not meet superiority. You heard Chris say that earlier. It does not meet superiority. And certainly, it would be everything has to be in writing. I appreciate Dale saying one of the meetings previous to this. Thank you very much, put it in writing. If that goes forward, Mr. Kuhn said it would not be attached to rim rock. Please put that in stone, no pun intended. Make certain that is clear if it has to be attached to the rim rock, it does not get built, that the rim rock cannot be disturbed.

[4:47:05 PM]

It is a critical environmental feature. And so, please codify that so that it is clear. I believe Mr. Kuhn when he says this is what he wants to do. I believe this is what he will work to do. I also know to expect

the unforeseen, to expect the unexpected. Great movie, by the way. Go see the unforeseen about Barton springs. So we are looking at this. We've got no guarantees on the rim rock. We'd like to have that. We see many things here that do not come close to meeting interiority. We have the cut and fill. And I -- I hope that they will work on that and I believe they will. The other thing I would like to see and Sierra club would like to see is what I mean to say is that three star green energy is wonderful. Ratchet it up. Also, let's make this the model for water capture retreatment, packet plant treatment and on site reuse, the purple pipe is interior to the structure. We can ask this to be the -- the emerald, the green gem in the crown. That this shines and this shows everyone else what a superior pud looks like and what they should work for as they come before you, as they do, again and again asking for variances. And so I don't need the rest of my time because I believe y'all are going to do your best, like you always do, to do the right thing. There -- I did just want to reiterate the thing about the park commission. I also want to say that the -- that the vote at the environmental commission was a little confused.

[4:49:11 PM]

I'm not sure that they would have sent that forward if it were to be heard again. And therefore it would require a supermajority for you to work on these variances. Again, thank you, Mr. Kuhn very much. [Buzzer] I appreciate your courtesy and politeness in communicating and being willing to spend a lot of time with me.

>> Mayor Adler: Thank you.

>> And stay out of the mud puddles.

>> Mayor Adler: Hang on, one second. Mayor pro tem?

>> Tovo: Questions. Mr. Whaley, I missed one thing. I heard several suggestions and I think those are good ones. A point at which you said to make something an element of the environmental superiority. But I missed what it was immediately prior to that.

>> Was I addressing the idea of bumping it from three star higher -- higher?

>> Tovo: I did.

>> And on site water capture and treatment and reuse. Because I do think that the thing about the -- the 100% solar, I think that should be just a part of the matrix from now on. And I applaud Jonathan for pursuing that on his project.

>> Tovo: Thank you.

>> Any other questions?

>> Mayor Adler: Thank you.

>> Anybody want to hear me say even another three minutes more? You sure?

>> Mayor Adler: Say iconic one more time.

>> Sing a song? Okay, thank you.

>> Mayor Adler: Thank you Mr. Whalen. Councilmember alter, you want to make a motion?

>> Alter: Yes, thank you. I passed out a motion to the dias saying camelback pud at the top. I believe the neighbors have copies. If not, my staff will be bringing it down to you as well. So I would like to move to keep the public hearing open and to prove on first reading the recommendation contained within the staff report and what was read into the record earlier by staff with the following amendments.

[4:51:18 PM]

A, changes to the code modifications, pud notes, exhibits, identified by staff as clarifications to the staff report and the following additional amendments -- 1, parkland construction costs, the parkland improvement and operations agreement for the parkland shall require a minimum 1.5 million for park improvements. Two, parkland boundaries, amendment note 20 of the draft notes to say the boundaries of the park districts cannot be changed administratively unless the park increases the size of the district and increases the shore frontage that would be parkland. Three, parkland dedication timing. The parkland shall require the park P districts to be improved and dedicated prior to any certificate of occupancy being issued for any nonpark building within the pud. Four, future flood plain variance requirements. Instead of note 33 of the draft pud notes, confirm that the pud does not grant the flood plain variance but the administrative variance shall be required in the development of the flood plain but add a code modification to 25792-c based on staff suggested language as follows. The director of the watershed protection environment shall grant variance to sections 25792 a and B of the land development code if the director determines that 1, the finished floor elevation of the proposed building is 2 feet above the 100-year flood plain, two, normal access of the proposed building is by direct connection by the inclined elevator and emergency stairs with the area above the regulatory flood date as prescribed by chapter 25127 article 1 building code. Three, the proposed building complies with the requirements in the following chapters, four, the development compensates for the flood plain volume displaced by the development. Five, the development improves the drainage system by exceeding the requirements of section 25761 as demonstrated by the report provided by the apply can't and certified by the engineer registered in Texas.

[4:53:28 PM]

Six, the variance is required by unique site conditions, and seven, development permitted by the variance does not result in additional adverse flooding on the impact of adverse property. In addition to satisfying the conditions above and in conjunction of the site plans, submit a proposed building that encroaches to the 25-year, 100 year flood plains, the applicant shall prepare and submit an evacuation and education plan. This plan must be improved by the director as part of the view by the development in accordance of 25972 C as stated above. Five, dock distance from shoreline. The cluster dock should be offset to the shoreline to the minimum extent necessary to allow for the restoration of the existing wetteland and minimize dredging as recommended by staff. The outer edge of the dock may extend up to 60 feet from the shoreline, provided up to 50% of the dock may be located more than 60 feet but less than 75 feet from the shoreline. Any dredging resulting from locating the dock within the limits shall be administratively approved. Six, noise, outdoor amplified sound in the dock district shall be prohibited. In addition, in the commercial district, outdoor sound shall be limited to 70 decibels from 10:00 A.M. To 10:00 P.M. And prohibited between 10:00 P.M. And 10:00 A.M. Seven, housing trust fund contribution. Require a contribution to the housing trust fund of \$2 per square foot of overall building square footage due prior to approval of the site plan for each building constructed within the pud. Staff should endeavor to invest the funds from district 10 for a period of seven years. If no opportunities are identified within seven years, staff may be move forward in using the funds in other ways to advance the goals of the strategic blueprint. And for the record, that comes to approximately \$1.2 million for affordable housing. Eight, a 15-foot wide vegetative setback is required adjacent to lot three, block a of the sanctuary at cold water subdivision.

[4:55:28 PM]

Nine, to help improve public safety on lake Austin, applicant shall provide if requested by APD within six months after approval of this application, one slip, or an emergency mooring or docking station on the cluster dock in the dock district for each department that requests such dockage for emergency services.

>> Been a motion, is there a second to the motion? I'll second the motion. Any further discussion on the dais? You want to go first? Councilmember alter?

>> Alter: I just wanted to add an additional direction with respect to the champion settlement. That is direction and not part of the motion. But I think it's relevant for any discussion that comes afterwards. I would like to provide direction to staff to place on the November 1 agenda an item amending the appropriate ordinances authorizing the execution to the second amendment related to the property located at 6400 city park road champion track 321, to amend section 2 G for the agreement to insert congregate living for multifamily and 2 G 1 a to replace 5.9 acres with 3.49 acres.

>> Mayor Adler: Okay. Concur in that direction. Further discussion on the dais? Yes, councilmember kitchen?

>> Kitchen: I have several comments but I'm going to make one right now and then defer to others and then if you come back to me after that.

>> Mayor Adler: Okay.

>> Kitchen: So I have a question about the last piece councilmember alter related to the champion tract. Because I'm not sure that I heard it all. So basically is that an amendment to -- you use the term congregate living? Are you talking about the senior living that people have --

>> Alter: Yes.

[4:57:28 PM]

>> Kitchen: -- Have been discussing.

>> Alter: Yes.

>> Kitchen: Is that a requirement for senior living to go on that location? Or just a -- just a permitted use?

>> Alter: So we have as I understand it, and I haven't been the one on my staff to be in the intimate legal discussions, but this is for congregate living which would allow them that use. And then there would be a restrictive covenant with the neighbors that were restricted to that use. Is that correct in the conversation?

>> That's correct. The current agreement limits the entitlements in the settlement agreement to a multifamily development and this extends it to a multifamily or congregate living. It doesn't require it, it allows it.

>> Kitchen: What is the private restricted covenant.

>> That's something that the applicant can speak to.

>> Alter: But the current multifamily only allows that if they have a conditional use permit so this is allowing them to go forward with that stuff.

>> Kitchen: To the extent that you can share that, I would like to understand what the intention is, and also the timing? Is that restrictive covenant something that comes after we're asked to vote on November 1 or before?

>> Thank you, councilmember kitchen, Jeff Howard for the applicant. Excuse me. So, we have agreed in the camelback pud has a provision in it that requires the creation of restrictions on the champion tract in order to get the full entitlements under the camelback pud. Those restrictions include restricting the use to senior living, which would be congregate living as defined in the city code. It would limit the gross area to 120,000 square feet and reduce the traffic as well. Everything that the neighbors have indicated. That's in our camelback pud. The camelback pud note contemplates that would be done within 30 days after camelback pud approval or we wouldn't get the full entitlements, however, we intend to have a private restrictive covenant with the neighborhood executing prior to second and third reading.

[4:59:39 PM]

It would not take effect until after we close so we would probably have to, you know, put that restrictive covenant up in trust and then once we close it would be recorded. We would also and in the we are also in the process of submitting a zoning change to take the property that's zoned mf4 back to do congregate living.

>> Kitchen: Okay. I want to make sure I heard you right. I think what I'm hearing is that the provisions that are included in the camelback P.U.D. Or that would be included in the camelback P.U.D. Would be contingent on senior living.

>> Yes. We cannot have a full entitlemen until we do that, correct.

>> Kitchen: I have a lot of questions about what we mean by senior living. I can take those offline, but I want to understand if it's affordable in any way, what kind of senior living we're talking about in terms of the level of expense, whether it's independent, assisted, or what. I would like to understand those details, which I'm happy to discuss at another time.

>> We'll be happy to discuss that with you.

>> Kitchen: The reason I'm asking those questions is I would be concerned about another high-end senior living in that location. I do think those are useful and very helpful, and necessary facilities, or places for people to live. But a lot of times they are so expensive that they don't really serve many parts of the community. And so that is part of the thing that I would like to discuss.

>> We'll be able to talk to you about that, councilmember.

>> Mayor Adler: Further discussion on the dais? Mayor pro tem.

>> Tovo: I have several questions for staff. I think my first one is probably for Mr. Harrington. I apologize, it's actually for Mr. Shrunk.

[5:01:41 PM]

I'm so sorry.

[Laughing]

>> Tovo: Thanks so much for the information that I know you've been providing to my office. As I understand the conversations that have been going on around this tract, it's not been determined yet whether or not the boat dock or pieces of that construction are in a 25-year flood plain, is that correct?

>> Kevin with the watershed protection department. It's not been determined that the clubhouse, whether it's in the 25-year or hundred-year flood plain at this time.

>> Tovo: I'm sorry, I said boat dock, but I was thinking clubhouse. That would be determined later in the process after the site development documents?

>> That's done at the type site plan review.

>> Tovo: And so is there -- I guess what I would like to really be certain of, either here today or in the future before our next consideration, is whether anything in the P.U.D. Application or in the amendments that have been added, especially the language with regard to the staff's considerations of the variances, the flood plain variances, I want to be sure nothing in this will be interpreted as superseding our regulations for 25-year flood plains, if it's determined that the clubhouse is in the 25-year.

>> That's a good point. This doesn't grant a flood plain variance administratively at all, or through the P.U.D. All it states is that to get a flood plain variance it has to still meet those seven criteria, which it would, it's the same process. Having that P.U.D. Note in there does not diminish the eventness event -- effectiveness of the regulations.

[5:03:42 PM]

>> This in no way grants on that variance. You will still be treating that flood plain variance in the same way you would any other flood plain variance. It would have to meet the criteria. And once -- what would happen if it's determined to be in the 25-year flood plain?

>> It can encroach on it -- as long as it meets the criteria. It's meeting the seven criteria that's the important piece.

>> Tovo: Okay. Thank you so much.

>> You're welcome.

>> Mayor Adler: Hang on a second. I'm sorry. While you're here, Ms. Houston, you have a question?

>> Houston: I was trying to get you before you sat down. So, we'll be using the atlas 14 modeling to determine flood plains?

>> Excellent question. Thank you for bringing that up. So, we've been talking about atlas 14 for several months now and one of the things that we've discussed is that the atlas 14 data is affecting -- will reflect flood plains within the city of Austin. However, we don't anticipate they will affect the flood plain of the Colorado river, because that's such a big area. And most of the area upstream of Austin in the Colorado river is not affected by that rainfall study. So, the Colorado river flood plain should stay the same, whereas the other flood plains in Austin are going to change significantly. You're welcome.

>> Mayor Adler: Mayor pro tem, do you want to continue?

>> Tovo: So, I just want to clarify my understanding of where we stand with the mediation.

Councilmember alter, I know you referred to the mediation earlier. We received a request from the bunny run residents that there be a mediation. Is that the intent at this point of the applicant, to have a mediated process with the bunny run residents?

>> Thank you, mayor pro tem. Yes, we're happy to have a mediation. We would have two considerations. One would be, we would hope that those that we mediate with come prepared with some items to discuss.

[5:05:47 PM]

And the second thing is we want to re-mine everybody about the November 1st deadline. We hope it would not impact that. Other than that, we're very happy to mediate.

>> Tovo: Okay. Thank you. I would like to offer direction that our staff would work with the applicant to reduce the amount of construction on slopes and the amount of cut and fill to the greatest extent possible between now and second reading to see if I understand from our discussion before with Mr. Hairington that there's been some of that working already. But I think given that it's early in the process and there's not that set of real clear plans, let me just say it does concern me. The amount of construction on slopes, the amount of cut and fill concerns me. I think it is veering away from the direction we've wanted to go as a city in adopting the lake Austin ordinance and the provisions that came as a recommendation of a lot of work from some of you in this room and others who aren't here with us on the lake Austin task force. And so that concerns me. The other question I'd like to -- that I'll be mulling over and trying to figure out -- I appreciate, Mr. Coontz, more commitment to affordable housing and making that a component of the project. There are -- it seems to me there were two different paths that could have been taken in filing this application. One was a P.U.D. Amendment, one was a new P.U.D. I am trying to better understand and will look to staff for guidance, what the affordable housing contribution would have looked like had it been filed as a new P.U.D. And seeing how that compares. And so city manager, I would ask for your support in encouraging staff to provide us with that information, as well as the applicant, if we could get some sense of where that would be. And then, the tram, as I mentioned in the work session on Tuesday, I have some concerns about that.

[5:07:54 PM]

I think we've been offered some good suggestions for some restrictions that we might consider putting in there. That would be a fall safe position in case the elevator doesn't prove to be feasible. I would also like to request from staff some discussion of how this could impact future cases coming down the way. What is that expression?

>> Mayor Adler: Down the pike.

>> Tovo: Down the pike. I thought we should use navigation, but I couldn't think of it. I am concerned. I don't want this to be a precedent. Again, we have moved forward much more stringent regulations with regard to mechanized access. It's appropriate and long overdue. I don't want this to open up a long process where other applications will come forward and this will be used as a precedent. It might be appropriate for us to have that discussion, potentially in executive session at our next work session. But I would also seek staff's help in sorting through, again, getting those detailed answers to the question of how many what kind of applications are being considered by the board of adjustment, what was the rationale offered for when they were declined and what was the rationale offered when they were allowed, just to kind of measure it against this. Anyway, thanks. I, too, want to add my appreciation, both to the developer, the applicant, as well as to all the parties that have been involved in trying to move this forward. All of your voices, regardless of your position on this, are very valuable in this process as we move forward.

>> Mayor Adler: Ms. Houston.

>> Houston: I have a question for staff, environmental . . . I'm going to try not to repeat what mayor pro tem tovo said about the tram.

[5:10:00 PM]

My concern -- staff has talked with Mr. Coontz about my concerns about how waste would be moved up and down. Can you talk to me about if that's been done in some other place? How has it been done? And what are the success rates of moving it that high up?

>> We can certainly coordinate with Austin water and get that specific information to the degree that it exists. I would provide two pieces of information now. The environmental commission did consider this specific item and they had as part of their motion some additional conditions that have been added as a P.U.D. Note in the proposed P.U.D. And that is P.U.D. Note 54. It would be to oversize the wet well and to add an emergency backup tank to provide additional protection in case of inanticipated failure. The lines would follow the mechanized access. Having the treatment along lake Austin is not uncommon. A lot of the homes there now have individual switch facilities or septic tanks. You can trace the outline of lake Austin if you look at a map of septic systems. So this would be an engineered system. It would be different than an on-site system in the sense that there would be a failure of that system would most likely occur with a backup into the facility itself, because the sanitation facility -- the sewage lines are specifically for the clubhouse. To your question, though, we can see if we can provide some additional engineering information.

>> Houston: That would be helpful before November 1st. How many people could potentially be in the clubhouse?

>> That's a question for the applicant. I don't have the occupant load.

>> Houston: You've got how many boats that are tied up there, 60?

>> I understand there would be approximately 40-41 slips.

>> Houston: And I'm not a boater.

[5:12:00 PM]

So, do you have restroom facilities on some of these fancy boats? And then how are they off loaded?

>> A sanitation facility is --

>> That's a nicer word.

>> It is possible you could have a boat that would have sanitation facilities. We have not specifically discussed pump-out facilities to serve the dock so that someone could offload their sewage from a boat into the lines. We could certainly have those conversations with the appropriate staff and the applicant.

>> Houston: That would be appropriate. As I got on the boat with councilmember alter one Sunday afternoon, and some of those -- I don't think you even call them boats. Some of those ships, small ships, are just very lavish. And I'm sure they do have sanitation facilities on them. So that would be helpful for me to know how we're going to get that off.

>> Yes, ma'am.

>> Houston: Thanks.

>> Mayor Adler: We have about 15 minutes before we get to C. Murphy sax as we continue our discussion here. These P.U.D.S are always difficult because by the very nature of a P.U.D., there are tradeoffs involved. And there are things that you get that are superior, but you're getting things that are superior in exchange for things that are usually concessions. I'm going to support this vote going to first reading going to second reading because I really like the superiority of the park, of the change in the main development on the property, impacting champion properties. I am going to be interested in hearing the conversations that move forward with respect to the greater detail on the mechanizing access and the clubhouse issue. On the boat dock, it's my understanding that the size of the dock

dictated by the full extent of the frontage makes sense to me because you're taking that entitlement and then dedicating it for parkland, in essence.

[5:14:11 PM]

I understand the developer is happy to go 35 feet off the shore, but the reason it's being pushed out farther, so the environmental people can get the wetlands reclamation to take place. And I think that's appropriate for us to make that request of the property owner at a wide part of the lake. So this is something I'm going to support. Mayor pro tem, and then --

>> Tovo: I'm sorry, I forgot to ask one more question that relates to what councilmember Houston was asking about. I'm not sure who this is a question for. Can somebody help me understand why there are so many restrooms in the clubhouse?

>> We haven't really determined how many restrooms there should be. The building space -- the current floor plan would have less than 50 people at one time, no more than a hundred, we would agree with the fire department. I think the number of restrooms is dictated by how many people get off a boat at one time. If you had a boat with 12 people on it and they all got off at the same time, it's not that we expect to have a lot of turnover, but we want to handle the peak demand.

>> Tovo: I thought I heard 12.

>> I think the current one has four women's and four men's. Four stalls, yeah.

>> Tovo: Okay. Thank you.

>> Mayor Adler: I forgot to say, as I pass it over to Ann, from the discussions that were happening while the champion tract was on before and the efforts to work with the owner of that property and to open up this possibility on the timing, quite frankly, I wasn't sure there was a way to get from here to there in that time. And I want to thank everybody that participated in this process, and councilmember alter for her leadership on this.

[5:16:15 PM]

And everybody's involvement in this. This is the first one I've seen that has worked like this. Councilmember kitchen.

>> Kitchen: So, I have some -- a few points for -- that I'd like to consider direction on. I'm not sure how this works. I'd like to have some assurance that just talking about them as direction means that they will -- something will be done about them between now and second reading. So, the first one I'd like to reiterate what the mayor pro tem said, and that was I would really like to see by second reading to bring back amounts of construction on slopes that are more closely aligned with what is allowed with existing P.U.D. Entitlements. Now, I understand the complexities. And what I'm asking for is an effort to get us closer to what's allowed with the existing P.U.D. Entitlements. So I'd like to have that conversation and I'd like to see something come back to that extent. The second thing I'd like to ask for as direction is making sure that when we have a document that we're voting on, that we are capturing the various commitments that have been made in writing. So, for example, I understand that the intention is not to attach to rim rock. And so I would like to see that included in writing. I would also like -- I understand that there's an agreement with regard to solar. And if that is the case, I would like to see that reflected in writing, also. And to the extent that we can talk about the on-site reuse suggestions that were made by the Sierra club, I'd like to have that conversation, also. And then finally, with regard to the mediation,

I understand -- I think I understood the applicant to be saying that there's an intention to proceed with the mediation?

[5:18:22 PM]

But I wanted to explore that a little further, because we are on a tight timeline. We're talking about November 1st. So could I ask you a question? Is the intention -- I assume the intention would be to sit down with the neighbors -- I forget who all's involved in the mediation. But whoever was listed in what councilmember alter mentioned. Do you all think that that's possible, to sit down and have some conversations before?

>> Yes, ma'am. We will certainly make ourselves available.

>> Okay. All right. Thank you. And then finally, on behalf of councilmember pool, she asked that I read a very short statement, since she's not able to be here. Councilmember pool is at the national habitat conservation plan coalition annual meeting. So she asked me to read the following comments. And I might add, these are comments that I share. She said I would like to express my support for important aspects of the camelback P.U.D., such as the amount of open space proposed, the dedication of parkland and trails that include an iconic view, and a commitment to three-star Austin energy green building. There are other aspects I have serious concerns about, and those include the amount -- the enormous amount of proposed construction on slopes, the sewage lift station from the shoreline and the proposed mechanized access to the water, a precedent we should all consider carefully as we move forward. Before second and third reading, I would like to see a more moderate approach for the construction on slopes in particular. And I would like the applicant to provide counsel and staff with any geotechnical information gathered so we can better consider what is safely possible on the limestone cliff face and across the site. So, with all that said, I do want to echo what my colleagues have said in terms of appreciating all the efforts that have been made by the neighbors, by the neighbors that are in the position to support at this point, and by the neighbors that would like to have future discussions.

[5:20:33 PM]

I'd also like to thank the Sierra club for their participation. And I really appreciate the efforts that the applicant has made. You all are working very hard to reach something that works for the neighbors, and also for the city as a whole. I also want to emphasize that this P.U.D. is on property that is important to the entire city, both as an iconic location and also the fact that it's on the lake. And so we all have to think about this in terms of what is happening in our community, in terms of building on what is very precious land for us along our precious waterways. And so I just want to emphasize that this is something for the whole city to be thinking about. Thank you.

>> Mayor Adler: It's been moved and seconded. Any further discussion? Mr. Renteria?

>> Renteria: Yes, mayor. The only thing that I would like to see is, on the housing trust fund contribution, if there's a possibility that we could include district 6 because of the lake line development going on. We are going to be building some affordable housing there with capital metro. And I believe several years of looking -- this is just ten -- not including six. You know, I think that's a pretty long time. And if there's a possibility, you know, that maybe just shorten the time, maybe to three or four years, then including the six. You know, because I would like to see that money stay in the northwest side of high-opportunity area. And we're going to be having that.

>> Mayor Adler: Okay.

>> You said district 6, I've got to speak. I appreciate that. And district 6 definitely has some affordable housing needs, especially in this corridor, where we find ourselves in a place where our restaurants and retail places can't stay open or find employees to live out there.

[5:22:43 PM]

And as the folks who do live out there know, if you're making even a living wage I don't know that it's worth the drive on 2222 and 620. To the extent that's possible, it would be really valuable to my constituents out in that part of town.

>> Mayor Adler: Thank you. Councilmember alter, do you want to close us out?

>> Alter: Yes, thank you. We'll be happy to have a conversation with Ms. Truelove and hcd about what they recommend. We have drafted the timeline and putting in in district 10 based on what we heard in work session, but we'll be happy to continue that conversation and further refine that. I want to begin by first of all thanking all of the neighborhoods and all of the people who have engaged in this process over almost a year now, it feels like. And Mr. Kuehn and his team for really demonstrating how a process can work if people are really trying to be superior and to create the kind of community that we value here in Austin. I fully expect that on final reading on November 1st we will continue discussions regarding the dock district, as well as how we can ensure that we are mitigating and protecting neighbors from excessive noise from the commercial elements of the development. I want to say that I concur with most of the direction that Ms. Kitchen provided to explore those items and see if we can become even further environmentally superior on those elements. I want to thank the many commissioners that worked on this, and my colleagues. I know some of you went out and visited. We've been on a tight timetable. Staff has worked incredibly hard. And we have seen enormous movement through those discussions to make this more superior on all of the fronts. There was an additional park added. The road was moved. A trail was created, fire access, critical environmental features, on-site water use, and the list goes on and on of things that we succeeded in negotiating through this process.

[5:24:56 PM]

So I really do want to thank the staff. And I appreciate them moving things forward while getting the best option for us to consider here. I anticipate we will continue to discuss the ways that we can reduce the environmental I am environmental impact of this project, and I am concerned about the construction on slopes and the effects of that construction. No project is perfect. For me, thus far, we have demonstrated what we can accomplish when a developer comes forward in good faith and when the neighbors meet them halfway to try to understand what can work and what not, and to understand the developer still has to be able to make a profit. I hope that this can be a model moving forward, and I'm really hoping that through the mitigation that happens over the next week or so, at the end of this process we can come out where we can have all of the neighborhoods feeling like they had an ability to speak, and that we can move beyond the division that is often caused by P.U.D.S and minimum that in this case. I look forward to November 1st and that discussion for second and third reading, and appreciate the quickness with which staff will work on the ordinance so that we have the ability to have the champions deal be part of how we think about this P.U.D. And finally, I wanted to just close with an invitation for all of my colleagues and those in the audience to join us for a proclamation in honor of Ms.

Carol Lee, who was a neighbor who was extremely active and ultimately endorsed this P.U.D. And I'll talk more about Ms. Lee at the proclamation. But I would invite you to stay and join us for that. I don't know if all the neighbors knew about that, so I just wanted to mention that. But then we can go to a vote.

[5:26:57 PM]

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I just wanted to make one other comment. I am very supportive of moving forward with this P.U.D. On first reading. The concerns that I raised are concerns that I still have. I hope to be able to vote for the P.U.D. On second and third reading, but I'm not yet committed because of the concerns that I raised.

>> Mayor Adler: Okay.

>> And I just want to clarify that my motion includes what I mentioned on the settlement agreement in terms of direction.

>> Mayor Adler: It did. Ready to take a vote? Those in favor of this item, please raise your hand. Those opposed? It's unanimous on the dais with councilmember pool off. Those are all the items we have. Yet again we have ended before 5:30. Good job, good job. Manager. It is 5:27. I would point out to everybody that C. Murphy sax will be playing here in just a moment before proclamation. And with that, at 5:27, this meeting is adjourned.

[Music and Proclamations]

[5:38:15 PM]

>> Mayor Adler: You guys ready? All right. I have an echo. So, I think that Austin city council is the only city council that I'm aware of in the world that stops every city council meeting at 5:30 in order to be able to bring a little live music into this hall, which is fitting, it is.

[Applause]

>> Mayor Adler: It is absolutely fitting for the city that is the live music capital of the world. So what we try really hard to do is bring a little music in here. A lot of times, the discussions on the dais can get pretty heated. So the opportunity to kind of calm everybody's souls with music is pretty important. We try to impress it on the walls in this room so that even when the artists aren't here, we can close our eyes and conjure back a little of that sound. So, tonight we are just thrilled and honored to have with us C. Murphy sax. So, Charmin Murphy is a soprano tenor saxophonist recognized as an influential jazz musician all over the world. At an early age, she honed her musical abilities and developed her passion under the tutelage of the late Richard Thomas of the sesame street jazz band, and was influenced by jazz great Kirk Whalen. C. Murphy has performed in numerous urban and jazz festivals, including women in jazz, urban music festival, and jazzing for the cure. So, brings taste, and class, and elegance to her performances, female musician C. Murphy has taken smooth jazz by storm.

[5:40:22 PM]

Please join me in welcoming C. Murphy sax.

[Applause]

[5:45:38 PM]

[applause]

>> Mayor Adler: So, C. Murphy, if somebody was watching this later, because it looks like we'll all be watching it later, and they wanted to find you, do you have, like, a website?

>> I do. My website is www.cmurphysax.com.

>> Mayor Adler: Okay. And if somebody wanted to be able to get some of your music, what would be the best way for them to do that?

>> November 1st you can find me on iTunes, Spotify, you can go to that same website and purchase music as well.

>> Mayor Adler: If somebody wanted to come see you perform, where's your next gig in town?

>> Tomorrow night I will be at a small creole restaurant a little bit further north, Round Rock. But y'all's music cafe has amazing food and music.

[Laughing]

>> Mayor Adler: I have a proclamation. Be it known that whereas the city of Austin, Texas, is blessed with many creative musicians whose talent extends to virtually every musical genre, and whereas our music scene thrives because Austin audiences support good music produced by legends or local favorites and newcomers alike, and whereas we are pleased to showcase and support our local artists, now, therefore, I, Steve Adler, mayor of the live music capital, do hereby proclaim October 18th of the year 2018 as C. Murphy sax day in Austin, Texas. Thank you.

[Cheering and applause]

[5:48:33 PM]

[Applause]

>> How's that? I'm mayor pro tem Kathy tovo. I represent city council district 9. And some of you may have visited the Austin history center, which is one of Austin's really great resources that is city-owned. And they are sponsoring a very interesting event coming up that y'all will learn a little bit more about in a few minutes. And so behind me, Mike Miller, the director of the Austin history center, is joined by archivists from all over central Texas working together to celebrate and educate the public about Austin archives month. If you've been to the history center, you know what a treasure-trove an archives can be. It has all kinds of interesting information from records about individual homes to old publications, advertising, that were intended to advertise to the rest of the country, reasons to come visit Austin, and all kinds of other fascinating city records and local records. I encourage you to, during this Austin archives month, to celebrate by attending the event we're going to talk about in a minute, but also by visiting your local archives. Be it known that whereas the archivists of central Texas -- some of whom are here with us this evening -- in conjunction with the Austin history center are celebrating archives month in October, a nationally celebrated and locally sponsored series of events intended to promote issues and trends that are of interest to the local count and whereas the archivists of central Texas is hosting an Austin archives bazaar on Sunday, October 28th, from 2:00 to 6:00 P.M. At the hall which will provide an opportunity for the Austin community to come together in a fun, interactive atmosphere to learn about all the fascinating archival resources available in Austin and in central Texas, and whereas these events work together to raise awareness of archives and their function in society to highlight

preservation is efforts and provide a forum to discuss issues in Austin, in recognizing and supporting the people and programs dedicated to documenting and preserving our cultural heritage, now, therefore, I, Kathy Tovo, on behalf of Steve Adler, proclaim October 2018 as archives month in Austin, Texas.

[5:51:12 PM]

So, thank you.

[Applause]

>> Tovo: I'd like to invite Mike up to tell us a little bit more about that. But I'll just add that I went several years ago and it's a lot of fun. And it's fun for all ages. I encourage people to come and have fun.

>> Thank you, mayor pro tem Tovo. My name is Mike Miller. I am the director of the Austin history center, also the city archivist for the city of Austin. This is the tenth time in a row I've received this proclamation. I'm going to take a jab at my colleagues behind me. They say I'm doing this because I'm the city archivist. It's appropriate. I say because archivists tend to not like the limelight, they always put me up front. I don't mind speaking in front of an audience. I'm here on behalf of the archivists of central Texas. And we represent up to 50 archival institutions across central Texas from Waco down to San Antonio and all parts in between. And it is our job, whether it be documenting local government, county government, state government, religious institutions, businesses, organizations, but we preserve and make accessible the documented record that tells the story of our existence on this planet. We preserve it for historians studying the past and future generations to be able to study our present. It's really important that we're able to do this. If you'd like to learn more about all the work we're doing, we invite you to come out Sunday the 28th. We have postcards. We'll have them in the back if you'd like to grab one. We'll have representatives from 35 -- 26 institutions across the region telling their story. We'll have games and activities. You can make a historic photograph if you want. We're having a pin the photo on the map, you can record an oral history, I'll have dialogue of your experience in Austin and central Texas.

[5:53:18 PM]

We are in the hall and we also have use of the beer garden. So we will have the bar open if that entices you to come out, because archives and beer do go together. So, thank y'all very much.

[Applause]

>> Okay. On three. One, two, three. One, two, three. That's great. Thank you.

[Applause]

>> Tovo: This next proclamation is going to be presented to the national rainforest partnership, a homegrown organization working to fight climate change. With the grimmer and grimmer news, it is so important to recognize the good work that organizations in our community are doing.

[5:55:18 PM]

Be it known that whereas tropical rainforests sustain our planet's well-being as the lungs of our planet, they're an important powerhouse and their global footprint is shrinking from continued deforestation. Whereas rainforest partnership, an international organization achieves results and generates hope by providing communities with alternatives to deforestation, allowing them to sustain themselves, the rainforest and our shared future, and whereas founded and headquartered in one of the world's most

innovative and environmentally active cities, rainforest partnership proudly partners with organizations worldwide who pursue both social responsibility and tangible impact on our planet and its people, and whereas this October 24th, rainforest partnership will celebrate ten years of impact made possible by partners, donors, and sponsors, through innovative rainforest protection and regeneration projects, for all who live there and for us all. Now, therefore, I, Kathy Tovo, on behalf of Steve Adler, proclaim October 18th through the 25th, 2018, as rainforest partnership week, Amazon in Austin. And I'd like to invite Niyanta Spelman up to say a few words about rainforest partnership.

[Applause]

>> Thank you so much, Mayor Pro Tem Kathy Tovo, Mayor Adler, Councilmember Ann Kitchen. Yes, as Councilmember Ann Kitchen was almost surprised, it's almost ten years you have come to our event, and we are headquartered right here in Austin, Texas, homegrown.

[5:57:21 PM]

Rainforest partnership, we work on protecting tropical rainforests, working with communities that live in and around tropical rainforests. We help them make an income that allows them to protect the forest. When they do that they're doing it for themselves and all of us everywhere. I think most of you know how important they are, no matter where you live. What they do for our planet, every time you take a breath you have the forest to thank. 20% of our oxygen gets circulated by the tropical rainforests that circle the middle of our globe. And they make up less than 3% of the surface area of our planet, holding more than 50% of our species. Why does it matter that we're doing it here? The folks with rainforest partnership here were born on four different continents and represent what Austin is -- the diversity that Austin is, and the creativity and innovation as well. And that's what's allowed us to be based here and do what we do right here using technology, using so much more, passion for the work we're doing and the support we get, not just from our city, but also from partners like South by Southwest and C3, and IBM in the past, and Farrah's restaurant, which will be supplying the food for our tenth annual event, called Amazon in Austin. And by the way, our event was Amazon in Austin ever before Amazon decided to come here buying whole foods.

[Laughing] And so we're celebrating by having this event over at Springdale station, which is a renovated train station. I don't know if any of you knew that there was a train station there. I didn't believe it until I saw the tracks. And renovated, in another building moved from downtown.

[5:59:22 PM]

And there it is. We're going to have it next Wednesday. We're going to celebrate with wonderful folks from around the world dancing, people from Peru, and Brazil, and west and central Africa, and we're going to dance for the forest, because the news is really bleak. If you look at the report, incredibly bleak. By 2040 we're going to see some of the effects if we don't manage to keep global mean temperatures below 1.5° centigrade in the next 12 years. Not a lot of time left. And the forest that we work on protecting are incredible powerhouses. And so all of you that help us are helping us protect that and our city that does all the incredible things it's doing by setting an example. That's what it's going to take. Rainforest partnership has had observer delegate status to the U.N.'s climate process. And the Mayor was there in Paris and other Councilmembers have been there. And we've been there since Copenhagen and again, the next one coming up it's really important for all of us that can do something to do

something, and I've been telling people in the offices we're the ones who have been waiting for. We're not going to wait for people who have the biggest resources and the biggest money and have all the access. We're going to create it. And so I invite people in Austin to come join us, find out more about us, rainforestpartnership.org, and if we're not the right folks, there's so much more going on. Do what you can, because we have only one planet. And I want to just recognize my founding and current board chair, Hazel Barber, and my team members here that are coming in -- there are four folks here and hopefully we take a great picture. Come join us.

[6:01:23 PM]

Thank you.

[Applause]

>> Mayor Adler: We now have a proclamation that's going to be presented to Amy Stansberry, with Austin econetwork. She'll get a chance to say hi. But first the proclamation, be it known that whereas Austin Reuse Day promotes and celebrates reuse, including reselling, upcycling, repairing, sharing, borrowing and swapping goods, and whereas the city of Austin supports reuse year-round through its Recycle and Reuse Dropoff Center, its Shop Zero Waste initiative, its Fix It Clinics, the Austin Materials Marketplace, and the new Austin Reuse Directory, and whereas reusing goods and materials furthers the city of Austin's zero waste goal, economic goals, by creating jobs and investment and re -- in reuse and social equity goals by filling material charitable needs.

[6:03:56 PM]

Now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim October 20 of the year 2018 as Austin Reuse Day.

[Applause]

>> All right. Hi, everybody. My name is Amy Stansberry, I'm the editor-in-chief of the Austin econetwork, we're a local environmental and news web site here in Austin and also the creator of the Austin Reuse Directory, which is an on-line directory that Austinites can use to figure out where you can either donate or sell your used clothing, household items, bikes, toys, anything, so that you don't have to throw it away in the landfill. At a time when there's just been this heightened, I think, resurgence of awareness around what we're throwing away with straws and plastic containers and things like that, reuse is super important like Niyanta mentioned. Obviously landfill waste contributes to climate change which is an increasingly pressing issue. So we're excited to help support the reuse of the economy here in Austin with the Austin Reuse Directory and especially with Austin Reuse Weekend which is happening this weekend, starting tomorrow and running throughed is. If you shop -- if you donate to any of our participating organizations and businesses you're going to get a little sticker that says, I love reuse, and then you can use that sticker as a coupon for 20% off and other discounts at other participating stores and organizations and businesses here in Austin. So the idea is to clean out the clutter of it in your house and then get some things that are new to you, but you don't have to buy totally fresh. And one thing that I really like about reuse, I was excited today, I'm wearing my reuse dress. This is created by a local designer here in town that finds old t-shirts at their stores and find fabrics and turns them into dresses. People can be creative about it. I think a lot of times there's this notion that caring about the environment means you have to make a bunch of sacrifices.

[6:05:59 PM]

In truth it's things I buy from thrift stores or buy from Austin creative reuse that I get the most compliments amount because they're unique and creative and different. And I think that's what the city is all about. I want to thank our partners, Austin creative reuse, auction marketplace, and next to new which are some of the people participating in the reuse directory and weekend and of course the city of Austin. If you want to learn more about the reuse directory or the events happening this weekend you can just go to [Austin reuse directory.com](http://Austinreuse.com). It has all the list of participating businesses, and go out there and shop. Thank you guys so much.

[Applause]

[Applause]

>> Good evening, my name is Alison alter, I'm a councilwoman representing district 10. I would like to invite the folks who are here to honor Carol Lee to come join me up here along with her husband Peter sawyer. If you'd like to come up behind me so that we can share -- share this moment together, I'd appreciate it. I need to be able to make it through this and I need you -- I need you here to help me.

[6:08:03 PM]

Last month my staff and I were deeply saddened when we learned that Carol Lee, our dear friend and community advocate, had passed away. Carol was an unwavering force and an irreplaceable asset to district 10 and beyond. She devoted her energy, intellect and thousands of hours to improve Austin. She was tireless in her dedication and commitment to protect the environment, improve our parks and enhance our community. Carol served Austin in many capacities, on the parks and recreation board, lake Austin task force, special events task force, public safety commission, president of Austin neighborhoods council, lake Austin collective, president of Kona and in countless other ways. I got to know her as a friend only about two years ago, and I am a better person, a better environmental advocate and a better council member because I have known Carol. We will miss her presence and guidance, and we will strive to honor her in the actions we take to improve the quality of life across Austin. May her memory be for a blessing.

Proclamation: Be it known that whereas as a long-time champion for the environment Carol Lee's stewardship and persistent efforts led to increased protection of the hill country, the lake Austin shoreline and Austin's creeks, trails and water quality, and whereas Carol's institutional knowledge and expertise of law, policy, procedure and land use code were an invaluable resource to environmental advocates and whereas Carol's guidance and wisdom regarding nature's ecological balance was remarkable and inspiring to many, and whereas Carol's family, friends and colleagues wish to honor Carol's memory and her unwavering devotion to the community and the environment. Now, therefore, I, Alison alter, on behalf of Steve Adler and the rest of the city council, do hereby proclaim October 18, 2018 as Carol Lee day.

[6:10:04 PM]

I would like to invite Carol's partner, Peter sawyer, to say a few words.

>> Thank you so much. I'll try to be brief. 18 years ago Carol turned to me and said, "I need to give back. It's time." And she wound up a lucrative career in high tech and devoted the remainder of her life to this -- to these issues. I watched her grow. I watched her learn. She just embodied what selfless dedication to principles were. She definitely is a person who lived a life of purpose, a life with purpose. So I thank you so much.

[Applause]

[Applause]

[6:12:35 PM]

>> Kitchen: Hello, everyone. I am Ann kitchen, the city council member from district 5, south Austin, and I'm very proud and excited to present this proclamation to one of our wonderful creative groups in this - in this community, and that's our Austin film festival. They are celebrating the 25th anniversary, I think it is, of the Austin film festival, and they are one of those iconic just wonderful groups in town that make us -- to make Austin a special creative community. So I'm going to read this proclamation. So be it known that whereas in the 25 years since its founding, the Austin film festival and conference has grown from co-founder and executive director Barbara Morgan's grassroots efforts into a highly influential cultural event, and whereas the Austin film festival and conference uniquely furthers the art and cra of storytelling by inspiring and championing the work of writers, filmmakers and all artists who use written and visual language to tell a story. And whereas the Austin film festival and conference has authentically supported local businesses and contributed to the unparalleled growth, cultural development and reputation of Austin as a highly regarded, creative community. And whereas the Austin film festival and conference will once again bring the most influential writers, producers, directors, actors and content creators from Hollywood and around the world so that they can teach, inspire and provide life-changing opportunities to aspiring artists. Now, therefore, I, Ann kitchen, on behalf of Steve Adler, mayor of the city of Austin, and my colleagues on the city council, do hereby proclaim October 25 to vember 1 as Austin film festival's 25th anniversary week.

[6:14:38 PM]

So thank you.

[Applause] Would you like to say a word?

[Applause]

>> Well, I want to thank mayor Adler and council member Ann kitchen for this. Of course I also want to thank our incredible staff, who is filling up this room, for all of the work that they do to create this event. So we are October 24 to November 1, and we do honor the writer and we have over the last 25 years expanded from film to television and to digital technology and also to podcasting and play writing. So each year we grow. The support we receive from austinites and from the cultural arts department and from the Austin convention & visitors bureau has been INT gradual to our growth. I can't imagine making the festival a success in any city other than Austin, Texas. We all know Austin is the state capital and of course the live music capital, and the independent film capital. But what Austin really is is the creative capital. So thank you all again for your support and I hope people will come out October 24 to November 1, and support independent filmmaking. Thank you.

[Applause]