

# City Council Regular Meeting Session Transcript – 12/13/2018

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[10:07:21 AM]

>> Mayor Adler: So before we begin the council meeting today, before we begin the council meeting today, a couple of things to take care of. And before we do the invocation and start, you know, this is another moment that's pretty historic as we begin to see the retiring and the moving on of a couple additional members of the very first 10-1 council in the city of Austin. There are a couple of remembrance that collectively the manager and the staff and the council wanted to give to councilmembers Houston and to troxclair. And in addition to that we want to award to both the distinguished service medal from the city of Austin, which is the -- kind of the highest level medal that the city of Austin can bestow.

[Applause]. By order of business what we're going to do is take some picture here together as a group so the pictures can be taken.

[10:09:24 AM]

Then we'll go up to the dais so that your colleagues can say something to you if they wish and to give you an opportunity to address the colleagues and the staff and the community if you wish to do that. So let's first take the pictures and then we'll move back on up.

[10:11:32 AM]

>> Mayor Adler: So as I begin this I'm going to say just a couple of quick thoughts. I'm going to recognize Jimmy if he wants to say something and then he and I are going to head up north and we'll be gone for about 45 minutes. And the mayor pro tem will take over the gavel and then we'll be back. I want to just address the -- my two colleagues on this council. It has been an absolute honor to be able to serve with each of you in this role. You know, I remember what it was like running four years ago, which is where I really met both of you. You know, the conversations that we had even before we got elected were just

incredibly important to me. Ms. Houston, you took me around your district 1 while we were both candidates and running. You taught me on that occasion, and you have taught me continually over the four years since then. You have enabled me to see our city sometimes with eyes that I did not have before. I promise that I will try to dutifully make sure that when people step to our dais and they start using initials to refer to something -- [laughter] -- that I will always try to ask them what those initials stand for.

[Laughter]. By way of recognizing that it is important to know that not everybody in this community has the same knowledge and background and information, but also is kind of a silent reminder in saying hi, kind of like pulling on an ear lobe, so that you know we're thinking about you here.

[10:13:33 AM]

I'll miss the passion that you have for your constituency and for the city generally. I will especially miss the times that you left our dais and went to comfort someone at the podium that was speaking to us, but also in a place where they were obviously hurting. You were our emissary in those moments and in so many other ways. Again, it's just been an honor serving with you and thank you so much for being my teacher. And Ellen, equally an honor to serve with you on this council. Yours has not been an altogether easy role given the politics of the council. You have frequently, though, been in favor of issues important to the community, but you have also demonstrated an ability to be a lone voice in a gracious, yet adamant and forceful way. When I think of the accomplishments that we have made as a 10-1 council, and I think there have been many of them, your fingerprints and your direction and your leadership is evident on so many of those. So many things that for so many years collectively councils had tried to accomplish and hadn't been able to. Your shoulder to that stone has pushed things across the finish line. You've also demonstrated in a way that I think is wonderful for my three girls, a demonstration that you can rise to the highest levels of leadership in a community and still start and celebrate and care for and promote a family.

[10:15:51 AM]

And I think that is something that we have all watched and admired, but again for my three girls and for me personally has really hit home because it's been an important message. It's been an absolute honor to serve with both of you, a privilege, and I want to say thank you.

[Applause].

>> Flannigan: I've only had the pleasure to serve half as long, so I'll speak half as much as the mayor. Ellen, it has really been a pleasure both alternating between working with and fighting with you on the dais.

[Laughter]. It's always been a lot of fun and I think it's always better for the community when people of passion publicly debate their differences, and I have always appreciated your ability to align and our

staff working together. You have hired great staff and that was always a great effort to our team and to bring that diversity of what west Austin is to the dais is something that will be harder to find in the future future. But I really enjoy the opportunities we had to collaborate and I think it was good for the community to see that. So thank you for your service. And Ms. Houston, I don't know that I have a closer friend on the council than what you and I have become over the last two years. And getting the opportunity to learn more about district 1 and having you take me around your district and maintaining such a great and honest friendship even when our votes rarely aligned I think is a real symbol for the community both how you don't have to be on opposite sides of the aisle to disagree, but you can also remain friends and be positive and acknowledge that we're all looking out for the best -- for the best for the community.

[10:17:53 AM]

And as the mayor said, your leadership and your experience and your approach will be missed on the dais, but I don't think that the city will lose you for long. You're going to still be around and -- travel, but come back. Because we're better for your leadership and I certainly have benefited from your mentorship. Thank you.

[Applause].

>> Mayor Adler: Mayor pro tem? Mayor pro tem, I'll turn the gavel over to you and we'll be back shortly.

>> Tovo: Thank you. I will open it up to my colleagues for any other comments they would like to make. Councilmember alter.

>> Alter: Be very brief, but I want to thank both of you for warmly welcoming me to council. Ora, I have valued your mentorship and your friendship and how you always warmly welcome my family and remember the littlest of details that really matter to help people feel like they're people on the second floor, and just really value your role as a truthsayer, your ability to get to the heart of the matter and your willingness to take a stand for what you believe in. And I look for you as a model moving forward as a councilmember and I look forward to continuing our friendship. Ellen, I value your he will low consequence and your passion -- we have a wonderful staff that we have worked with closely. You're willing to do the work that needs to get done to do important things whether they're popular or not. I've had an opportunity to collaborate with you many, many times and I think we've done some.

[10:19:59 AM]

>> And important work and I look forward to continuing our friendship and to seeing what your next adventure will be.

[Applause].

>> Tovo: Councilmember Garza.

>> Garza: I didn't know we were doing this, so I didn't come prepared with my remarks, but I will say I met councilmember Houston before she was councilmember Houston when we were fighting for 10-1 in a big diverse coalition of folks. We were the under dog and this dais is a testament that we won. So it's been a pleasure working with you. I know we haven't always agreed, but I've always admired your passion and your courage to speak up for what you believe is right. And I have similar comments for Ellen. It's been a pleasure working with you. And sometimes you would say things and I would be like -- totally disagree, but at the same time I was so proud of you for having the courage to do that. So thank you. I know that I will continue to work with you, both of you, in some kind of capacity because I know that your heart is to make Austin a better place for everyone.

[Applause].

>> Tovo: I had just a couple of things I wanted to say. One, it's really been exciting and challenging and working with both of you during this time of great transition for our city and for the city council. And Ellen, I think you've really illustrated so well just great grace. As others have mentioned so often, not been on the prevailing side of a vote, but you have demonstrated to all of us that we can disagree and we can do so without disrespect. You are a hard worker and you have had -- helped shape some really important initiatives that have changed our city.

[10:21:59 AM]

And I think the hotel occupancy tax is one of them that our city will benefit from for years to come. And I so have appreciated your leadership in that regard. Councilmember Houston, I started learning from you long before we served on city council together. You have been such a consistent voice for equity and access in every decision we make, and have helped us all see that that's really about our procedures and our process as well. And you know, we've all teased you and joked about the acronyms, but it is such an example of the respect with which you hold the public and such a good reminder that everyday when we come to work we need to make it easier for everyone in this community to participate in the decisions that we make here on the dais. There are so many examples I could criteria, but I think the -- I could cite, but I think the one is when you have brought to this community. I've had an opportunity to go to various role model days in your district and I always start by showing them a picture of their city council and the students no matter what their grade or the elementary school, they always recognize you because you have been such an active and engaged part of their lives and you've made it such a priority to be out in your community, to hear comments from your constituents, even the very young ones. And to make sure that from the students on up that think know that you are here, that you care about them and that you are here working for them and on their behalf at city hall. So to both of you, I so appreciate your willingness to step up and serve. I'm going to miss you a whole lot and we wish you the best of luck in your future endeavors.

[Applause].

[10:24:00 AM]

>> Houston: Mayor pro tem, this is beginning to sound like a eulogy.

[Laughter].

>> Tovo: We'll try to be funnier.

[Laughter].

>> Casar: I'll try not to break that model here.

[Laughter]. And I also didn't know we were going to be doing this, but the words sprung straight to my mind that it's just such a special beginning to the 10-1 council and so many folks said this is the wild west, we can't anticipate what you're going to do and what's going to happen. And I always responded that the reason folks got elected based on what they believed and that's what I've respected about everyone on the dais, but really the two of you exemplify that for me. That when folks say where is this person coming from, where is that person coming from, it's because people have these very deeply held beliefs and are trying to do genuinely what they believe is right for the city at great sacrifice often times to their own careers and their own family and their own time. And so I think both of you, Ellen and, Ms. Houston, I thank you for your service, for your sacrifice and I really do in this moment not want to eulogize, but just be explicit about my real admiration for how you fight for what it is you believe in. And I, you know, try to remember that lesson the best that I can. So thank you.

[Applause].

>> Tovo: Councilmember pool and then councilmember kitchen.

>> Pool: Thanks, I just wanted to add a wee bit and to note that we all plowed new rows here at the city of Austin. And I really admire both of you and appreciate the diligence and the leadership and intelligence that you and your staff brought to the work that we completed -- when you began and completed and it's still underway here at the city.

[10:26:06 AM]

I'll miss you both a whole lot. I hope you have great new adventures and I know that both of you have been a true voice for both of your communities, and both district 8 and district 1 have certainly benefited from the intelligence and the diligence and the leadership that you both have brought to this dais. So I'm so proud to have served with you both. Thank you so much. And stay in touch with us if you can.

[Applause].

>> Tovo: Councilmember kitchen.

>> Kitchen: Well, I only have a few things to add. I echo what my colleagues have said. I want to see you guys wearing those big medals.

[Laughter]. It's been very, very special to be part of the new 10-1 council with you all and I'm really glad that we were able to give you all a symbol of that. I also want to mention that we're the first majority women council, and both of you are examples of strong women who know that it's okay to cry if you need to and still be strong. And show the passion that you have for your community and you're here because you care. And I've learned from that for both of you. And I appreciate that. I've also had the chance to collaborate on some really tough things that we have changed the course of the city on, and I really appreciate that opportunity. So thank you both.

[Applause].

>> Tovo: And I think our councilmembers have a few comments. Councilmember troxclair, do you want to go first?

[10:28:14 AM]

Councilmember Houston.

>> Houston: Last time looking for that on button. Thank you, mayor pro tem, mayor Adler and colleagues UT for the opportunity to offer some final comments. I want to say good morning to everyone in the chambers, those watching on your electronic devices and of course those listening on kazi 88.7 fm. Ephesians 1-4-16 leads us to live a life worthy of a calling to which you have been called with all humility and gentleness, with patience. I've tried to live my life by this conviction and with Bouldin tensions. This council began over 175 years ago with the intention of serving citizens. In the past our city was under the gentleman's agreement, which had the goal of artificially reserving two seats to represent the diversity in our community. With the new 10-1 form of governance, we must continue to be even more deliberate in our actions as we are losing much of the historic diversity in this city. I hope the city will continue to be deliberate with regards to equal representation not only in the makeup of the dais, but perhaps even more importantly, equity in our actions. The district 1 office operated with intention and conviction. Intention to truly demonstrate equity, to demonstrate deliberate diversity and inclusion, to put partisan issues aside and intentionally listen to different perspectives. I have tenaciously held on to my convictions even when it may not have been the political expedient thing to do. My intention has always been in the best interest of the blended family that I call district 1, especially those who have been marginalized, neglected, ignored and left behind. That family continues -- contains many wonderful ethnic and cultural groups, a myriad of religious traditions, different political ideologies, a variety of languages and different abilities.

[10:30:26 AM]

That family also includes some very stark contrast in the areas of educational attainment, income levels, employment opportunities and health inequities. I have represented those individuals to the very best of my ability. From the work on a resolution addressing the lack of protections for individuals residing in

boarding homes to the passage of the preservation and rehabilitation plan for rosewood courts, which includes additional living units in an area that continues to change. I was intentional about collaborating with businesses and tech companies to encourage and connect them to the historic black institutions of higher learning in the state. To develop a pipeline that allows city, business and companies to recruit interns and employees at the two state institutions that were built especially for African-Americans. And then of course my ALMA mater, houston-tillotson, the only African-American higher institution and the heartbeat of district 1. I was concerned about constituents living far from health care alternatives by calling for central health to provide medical care and behavioral health care services east of highway 183. I've been intentional about engagement and inclusion. Over the years my staff and I attended countless community and neighborhood association meetings to connect with the people of the district who had long been forgotten by the at-large system. We were intentional about engagement, making the -- making it the hallmark of my service to this community. We hosted quarterly town halls and coffee and chats throughout the district's 46 square miles. I worshiped at over 100 different communities of faith in a variety of languages from arabic to Vietnamese, to make certain that we were aware that this council represents them.

[10:32:36 AM]

And those of you who know me, know that I have been intentional about bringing everyone into the conversation. Something as small as asking staff and my colleagues not to use acronyms.

[Laughter]. This deliberate action removes the distance between the experts and we the people by eliminating the mysterious language that only a few speak because the business that goes on in this building is the people's business and we should be intentional about speaking in a way that allows and encourages people to participate. I've been intentional in my mission to build trust in government, looking deliberately at everything we touch from programs to budgets to purchasing to create -- to identify and create opportunities for diversity. To involve, engage and courage constituents to be part of the process. Always asking the question who are we missing? My intention was always to bring my experience and the life experiences of individuals often overlooked and marginalized to conversations around public policies in the city. I want to thank each of my colleagues for their dedication and their service. And I want to thank my amazing and selfless staff, who we were on the campaign trail together way back in 2014. Beverly Wilson returned to city hall to be the wind between my wings. Andre Ewing, our veteran, the voice for district on the phone. He has that deep voice, that fm voice. Sophia Williams came on board with the 2017 budget process. And then Alex olman joined us in August to help us get across the finish line at the conclusion of the land development ess.

[10:34:36 AM]

To the wonderfully diverse community volunteers, over 80 people served this city and this district on various boards and commissions, I thank you for your service. And then my heartfelt thanks to the

dedicated, unseen staff who work tirelessly day in and day out behind the scenes for those of us who have the ability to live in this city, the people we never see on camera, building services, public works, resource recovery. So I say to each of you the next time you're out and about and you see our city employees out there working in the heat of the summer and the freezing cold patching up potholes, please say thank you, recognize the work that they're doing for us. And then to my daughter Gina Houston, my rock, my confidante, my encourager and my technology guru.

[Laughter]. She promises she's going to get me a smartphone before I die.

[Laughter]. I just want you to see, Gina, that I love you a bushel and a peculiar. You have been so very helpful to me through these last four years. Congratulations and best wishes to msharper-madison. It is my desire that you will delight in your public service to this district as I have. As I've told you in the past, this is an eight-day a week job, 24 hours a day. And I hope you're up to that. And then finally to the residents of the district and to all austinites, thank you for trusting in me, for working with me, for arguing with me, for laughing with me and of course today for crying with me. For being my strength and constant reminder for me to work with intention. And I close with this quote from one of the most intentional leaders of my lifetime, the reverend Dr. Martin Luther king, Jr, who said don't worry about being safe, political or popular, nor make decisions out of cowardice, expediency or vanity, but simply take actions.

[10:36:54 AM]

Your conscience tells you you are right. It's been an honor and a privilege to serve this great community. Thank you, thank you, thank you.

[Applause].

>> Tovo: Thank you, councilmember Houston.

>> Troxclair: And thank you, councilmember Houston, for going first and saying everything that I feel, but that you said so much more eloquently and wonderfully than I will be able to. It's been the honor of a lifetime -- y'all, I can't cry at the very beginning.

[Laughter]. It's been the honor of a lifetime to serve district 8 and to be the first member of this 10-1 council. When I ran I did it because I truly love the city and I care about its future and I care about the people not just of southwest Austin, but all over the city that we all love to call home. I ran because I wanted to be an advocate for making sure that those people would be able to continue to live here for generations to come, and that they could afford to enjoy the -- enjoy -- afford to enjoy continuing to live in Austin. And I hope looking back on the past four years I hope that I have -- that I have made good on those campaign promises of being a voice for efficiency and accountability, and just doing the right thing.

[10:38:56 AM]



It's been -- I think there's been issues that I've worked closely with each and every one of you on this dais on, and it's been an honor. And each of you truly -- even though we don't always agree, I know that you're reach in this for the right reasons and that's what's important and I think the city is very lucky to have you all as leaders.

[Applause]. Hopefully we'll remain friends. I'm sure that the public service and public policy is something that I care deeply about and it's in my blood. And although I didn't feel called to run again right now, I know that I'm leaving my district in very capable hands and that I will continue to stay active and involved with all of you for years to come. Of course, I have to thank my husband who has just been a wonderful support system and rock for me during this time. And during the -- and my two kids who they don't know that they've been very supportive.

[Laughter]. But they've been very supportive. Very grateful to my dedicated staff, Brian, Alice, Katherine, Steven. Yes, y'all are amazing.

[Applause]. And you have really just helped me to hone my voice and to really dig deep into the issues that we all care passionately about. So thank you for the late nights that you put in and the passion with which you approached this job. And, you know, last but not least, to the people of southwest Austin who gave me this honor. It's been amazing. And I can't wait see what the future brings.

[10:40:59 AM]

[Applause].

>> Alter: Mayor pro tem?

>> Tovo: Councilmember alter.

>> Alter: I know that councilmember troxclair and councilmember Houston mentioned their staff in both of their remarks. But as we look forward to January, I just wanted to ask if we could ask the staffs from both offices to stand so that we could recognize them. We've all worked closely with them. We know how much our staff dedicates to making -- so if you're on -- if you can come up here.

[Cheers and applause] Come up where we can see you. Our staff really helps us to make this job work, and they're not always in front of the cameras. They're not always down here and so as we mark this change today and this move away from the initial 10-1 council, I want to thank the staff from both offices for helping all of us do our job better, helping us all deliver better services to the citizens of Austin and to wish you well on your next endeavors, wherever they may take you. And hopefully you will continue to help the city of Austin be the great place that it is. So thank you very much.

[Applause].

[10:42:01 AM]

>> Tovo: Thank you all so very much. So now I'll call this meeting of the Austin city council to order. It is 10:42. We are in the city hall chambers -- my apologies. We've not yet had the invocation. So I would like to now invite our speaker up to the front to perform that for us. Welcome. Today we have with us reverend Dr. Margaret aymer of the Austin presbyterian theological seminary. Thank you for being with us today.

>> Thank you, mayor pro tem. It's Margaret aymer for the record. I am the first presbyterian theological seminary professor of new testament at Austin presbyterian theological seminary. As we turn to god in prayer, hear the words of the awesomist, there is a -- of the psalmist, there is a river that makes stream the holy of god. The habitation of the most high. God is in the midst of the city. It shall not be moved. God will help it on the morning dawns. Let us pray. Creator god, sovereign, creator of the hills and streams, we give you thanks for this city, Austin, Texas. For the waters that glad enit, the hills that crown it, and all of the people who call it home. To the east, and south, to the west and north. As the council works today fill its members with your prophetic spirit. Keep them mindful of your call to govern with justice and equity. And grant them courage to live into that call.

[10:44:01 AM]

Spur them to act on behalf of our most vulnerable neighbors, the working poor, the marginally housed and indigent, refugees, documented and undocumented migrants, the lgbtq plus communities and all those whom society treats as disposable. Help them to speak, to listen, and to legislate, always remembering that you are in the midst of this city. In the midst of this very room. And that you call each of us to the work of healing your beloved world. These mercies I pray in Jesus' name, amen.

>> Tovo: Thank you, reverend aymer. I am mayor pro tem Kathie tovo and I will now call the meeting to order. We are in the city hall chambers and it's 10:45. We will begin good today with the consent agenda. Those items are items 1 through 47 and the addendum items 102 to 107 with the following exceptions. Pulled for speakers are items 10, 14 -- let me do them sequentially. Item 10 is pulled for speakers. Item 13 will be heard after executive session and after item 100. Item 14 is pulled for speakers. Item 36 has been pulled for for -- by councilmember Houston. Item 39 is pulled by councilmembers Flannigan, and alter. Item 41 has been pulled for speakers.

[10:46:02 AM]

Item 43 was pulled for speakers. Item 44 was pulled by councilmember alter, item 45 is pulled by councilmembers alter and Flannigan. Items 46 and 47 will be heard after executive session. And items 103 and 106 were pulled by councilmember Houston. Item 11 will also be pulled from the consent agenda, we'll take that up right after the consent agenda for a little bit of explanation about the backup. So the consent agenda would be again items 1 through 47 and items 102 through 107 with the following

exceptions. Item 10, item 13, item 14, item 16 and 17, items 36, 39, 43, 44, 45, 46 and 47 and items 103, 106 and item 11. Are there any other items that councilmembers would like to pull for discussion?

>> Alter: What was the last one you said, 11?

>> Tovo: Yes, item 11. We'll take that up right after consent. Anything else anyone wants to pull? Okay. Some notes -- okay. I'm told that the item -- we'll pull the item and take it up after consent, but we may be able to dispense with items 43. I'm told that the speakers may not want to speak. Okay. Some changes and corrections. Items 4 and 6 on December 4th, these items were recommended by the water and wastewater commission on a 6-0 vote with four of our commissioners an September as noted on the sheet, commissioners bell, hoe, Schmidt and pen were absent. On item 5 please note that the items should be corrected to read 224,000 for a total contract amount not to exceed 2,350,240.

[10:48:14 AM]

So please make note of those corrections. Item 14 when we take it up was endorsed unanimously about the ethics review commission. Item 20 on December 5th was recommended by the environmental commission with three commissioners absent and one vacant commission. On December 5th this same item was recommended by the water and wastewater commission on a vote of 6 to zero with three commissioners absent. And on December 11th this item was recommended by the planning commission on a vote of 11-0 with commissioners flores and Kinney absent. Item 45 pleased a me as a co-sponsor of that item. And in 102 the heading should read office of the medical director rather than emergency medical services. Are there any other changes or corrections? Councilmember kitchen?

>> Kitchen: I mentioned this at work session and I don't see it on the change sheet so maybe it in the backup. But I should be added as co-sponsor to item number 43.

>> Tovo: Item 43? Okay. And that's an item of discussion, but please make note that councilmember kitchen will be added as a co-sponsor. Anything else? Councilmember alter?

>> Alter: Thank you. I just wanted -- I just passed out a slight change to item 107.

>> Tovo: If you could, let's get a motion for the consent agenda. Is there a -- councilmember Garza moves approval of the consent agenda. Is there a second? Councilmember alter seconds it. Councilmember alter, I'll recognize you for an amendment to item 107.

>> Alter: So working with my co-sponsors and particularly with mayor pro tem tovo, we would like the language for item 107, which has to do with the trails pilot program, to be that the city manager is directed to exclude from the trails pilot program the shoal creek trail north of 15th street.

[10:50:14 AM]

And that is a friendly amendment as far as I'm concerned. And I'd like for it to go on consent. In addition, I would like to provide some direction to the city manager to ensure the departments have adequate resources to conduct this pilot and to ensure enforcement of the rules in place for our park trails where the pilot will not be implemented.

>> Tovo: Thank you. Does anyone have an objection to councilmember alter, including my amendment as part of that item? Okay. Then that can stay on the consent agenda. Okay. We have I believe just one speaker on the consent agenda, Mr. Pena. Welcome. You have three minutes. You're signed up on a variety of items, 15, 22, 23, 45, 46, 47, -- 46 and 47 as you probably heard have been pulled from the consent agenda. You have three minutes.

>> Okay, good morning. My name is Gus Pena, co-founder of veterans for progress. We were born because of the lack of services to our veterans and homeless veterans specifically. Number one, I want to speak to these items. Number 15 is the mobile crisis outreach team to the tune of \$1,147,229. I will let y'all know this, again, we have a lot of homeless people out there and I don't care who says what, there's still a lot of homeless veterans throughout in Austin. I see them in the streets. I speak to them daily, try to help them out try to get them housing. A lot of mental health individuals that need these outreach team -- mobile crisis outreach team to let them have some mental health treatment. Mental health is going on even without being a veteran, just out there in the streets. Number 22 is regarding the del valle independent school district for youth development services, teen moms. We're seeing more teen moms out there in the community. And this is one of the things that is very important for funding for these type of services for teen moms also.

[10:52:17 AM]

And number three is having to do with negotiation and execution of amendment to an agreement with Texas Rio grande legal aid for 10 people who are close to being homeless and evicted. I'm going to tell you one thing, I ran for justice of the peace in 1993 and one of the things we know that justice of the peace here is landlord-tenant evictions. It is a crisis here in Austin. There are a lot of illegal acts going on, a lot of evictions without even merit. I'll leave it at that and hopefully this funding will help out -- alleviate some of the problems in not being evicted. Number 105, we still have many homeless veterans coming to Austin, Texas. We see progress, but more homeless veterans are coming in like I said to Austin, Texas, even from San Antonio, even from Chicago and from New York, and I deal with them on a daily crisis. I've known homelessness myself. It's nothing new with me. I just want to say this to y'all, thank you very much for the hard work that y'all do. We're going into the new year. We have crisis here in Austin. Housing the homeless, jobs, opportunity, and I'll say this, the society's worth is measured by its treatment of the less fortunate. We're losing two councilmembers, but remember this and take it with you, Ora, because I was on the bus passing out pamphlets for you when you were running for city council and we met out there when you were, way before running for city council. I appreciate all that you've done, and keep up the work. And thank the good lord that he sent you to us. Feliz navidad, [speaking foreign language]. We need to combat homelessness, we need to combat evictions. And I'll leave it at that. And let's not even hear any more about no more homeless veterans in Austin, Texas.

[Buzzer sounds] There are a lot of homeless veterans out there. Thank you very much and Feliz navidad.

>> Tovo: Thank you, Mr. Pena. Any other comments or adjustments to the consent agenda. Our items not on the agenda, our consent agenda consists of 1 through 47.

[10:54:26 AM]

The items pulled are 10, 11, 36, 39, 45, 46 and seven, 103 and 107. Pardon me. 103 and 106. Anything else? Councilmember alter.

>> Alter: I wanted to make a brief comment on you item 29 that incorporates some new technology on the ems program and I wanted to applaud the adoption of this new technology. It's a good thing for our department and I think it's using technology wisely.

>> Tovo: Thank you. Colleagues, I wanted to note that we did receive some late backup for board and commission nominations and waivers. That's the Travis central appraisal district board of directors that everyone should have received on the dais. Any other comments? Councilmember troxclair?

>> Troxclair: I just would like to be shown voting no on items number 2, 22, 23, 37, 38 and 40.

>> Tovo: Thank you. Those exceptions will be noted. Councilmember pool.

>> Pool: Please show me voting no on item 21.

>> Tovo: Thank you. So noted. Councilmember Casar.

>> Casar: On the republic square item I'm comfortable passing this. My understanding is that we could pass it with the comment and direction to the legal department and to the manager that as we move the authority from the council just to management to approve the events that will be happening at republic square that as we amend our agreement to move that authority that y'all include in there that we will be utilizing that authority to try to promote low cost events when there will be events with a cost.

[10:56:29 AM]

>> Tovo: Thank you, councilmember. Anything else, any other comments? Please let the record reflect my no vote also on item 21, city clerk. And I would just note as I did in the work session, I am appreciative of the staff for bringing forward the contract to get the public restrooms in our downtown and I want to thank the community members who have advocated for that for so very long. It's very, very necessary and I'm glad we're finally going to execute on that commitment. And I'll also note that we have some changes to our gift policy before us today. I think that we have some additional tweaks that need to be made on that, and I'll be working with staff to potentially bring those forward separately or to encourage the staff to do so as well. Anything else?

>> Troxclair: You're not taking our medals away, are you?

[Laughter].

>> Tovo: No.

[Laughter]

>> Tovo: Okay. Yes, councilmember kitchen.

>> Kitchen: I just wanted to note item number 8. This is working on important funding for A.D.A. Improvements and bus stops improvements. So I appreciate that bringing forward and will help us make sure that people with disabilities, seniors and others have access to bus stops.

>> Tovo: Very good. Thank you. Okay, all those in favor please signal by raising your hand? That is councilmembers troxclair, Casar, alter, kitchen, tovo, Houston, Garza and pool. Mayor Adler and councilmember Flannigan are off the dais. And our colleague, councilmember Renteria, wanted you all to know that he is out today for a preventive medical procedure and so we will miss him today, but enjoy welcoming him back in January and we wish him well. Okay. That brings us to item 11. We're going to start with 11 and then we're going to go on to 16 and 17, which I think will also be quick. And then we'll revisit the item that several of the speakers said they may be willing to forego speaking.

[10:58:33 AM]

Welcome, Ms. Franco.

>> Good morning, council, bee Franco, intergovernmental relations officer for the city of Austin. I'm here to note the changes in the backup that was just posted, the substantive changes. I'm going to list those out for you. One, there were statements added to the general statements about supporting the expansion of rights for all protected classes under Austin civil rights ordinances as well as a statement of support to increase federally funded educational programs. We've also added in the agenda we've added a statement of support to support funding either to the 1115 waiver or other source. For mcot that's the expanded mobile outreach team. Increased for maternity health, home health services and neighborhood centers, wildfire funding, and removal of the cap for the state and local tax deduction that exists right now from the tax cut bill. Lastly there's a new section on the U.S. Army's future command. Those are the substantive changes from what was last posted for the backup.

>> Tovo: Thank you so much for your responsiveness to that feedback from council. Comments? Councilmember Houston moves to approve. Councilmember alter seconds. Further discussion? All in favor? And that is -- can you raise your hand if you are in favor, please. Councilmember pool, how are you voting? So that passes on a vote of councilmembers pool, Garza, Houston, tovo, kitchen, alter and Casar. All opposed? Councilmember troxclair and same colleagues off the dais who were off earlier. Thank you. That passes. Items 16 and 17. We have two speakers on this item so I will call up Mr. Hendricks.

[11:00:43 AM]

>> Hello, council, good morning. Thank you for allowing me to have a few moments. As my brothers from the building and trades join me here, I just want to take a second to thank you for making sure that this project has the requirements that Austin has come to be known by. So we are speaking in support of this today because you guys have a recognized the dangers of the construction industry and the need for safety and training. This project will have \$15 an hour or prevailing wage whichever is higher, better builder standards. Of course it's coming at a lower cost than projects of this type normally do and 15% of training which is he feel is imperative. In a city where we have people building the city who can't live in the city we've got to incentivize careers. We thank you for that. We want to make sure that you understand that we're here standing together not just for the building and trades but for all workers in Austin because Texas is the most dangerous state for construction workers so Austin leading the way on this is absolutely critical. I would like to turn it over.

>> Joe cooper, I'm

[inaudible] Plumbers and pipefitters but fortunate to serve on workforce solutions capital area and in full support of the master workforce plan. This will do that. This trains our young folks and that gets them into the workforce. One more thing, thank you, miss Ora, I'm her guy on mechanical work.

>> Tovo: And you are Mr. Cooper, is that correct?

>> Yes.

>> Tovo: Thank you all so very much. Applause our next and last speaker on this item is Mr. Peña. Mr. Peña, you'll have three minutes. And we have a number of individuals signed up not wishing to speak, but in favor -- in favor of this item.

[11:02:44 AM]

Thank you very much, Mr. Peña. Okay. Is there a motion on this item? Councilmember Casar moves approval. Councilmember pool seconds it. All in favor?

>> Casar: If I may quickly, I just want to thank those folks that spoke. My colleagues in the manager on this item hasn't been put out there, but this is building for North Carolina. First of ---Austin energy. I think this is going to bring a high quality building not just at a lower cost than usually, but actually at a lower cost today than I think we saw when we saw this item last time. So I think that that -- from that perspective, delivering a building quickly at a low cost that is really high quality is of first priority and I appreciate that. In addition, being able to bring in a high quality building at a lower cost and doesn't pay anybody under \$15 an hour, provides high skill trade jobs is important and to this council back in June asked the manager to explore how to have a 15% requirement for folks that are in training programs or recently completed them. I'm proud this is the first building that will have that requirement, and I think there's two really important reasons for having that. First of all, it will provide us higher quality buildings. And we know if folks aren't well trained and we have a lower quality building, it costs money

to fix it and we know with some of our projects you can never fully repair something that wasn't done right the first time. Second, from a workforce development perspective it's really important. We in our budget et cetera put in money to provide the workforce and that provides a supply of training, but this actually creates demand for training. So we can actually through -- through the business the city does with construction companies create demand for workforce training that therefore improves the quality of life for everyone.

[11:04:46 AM]

So I think this is a great example of how we can deal with our facilities needs, be fiscally responsible, and then address our broader community values and address in equality in our community all at once. I'm enthusiastically in support of the item.

>> Tovo: Councilmember alter.

>> Alter: I wanted to echo some of my colleague's remarks. I completely agree in applauding the workforce elements of this project. I want to point out that this third-party finance p3 delivery model is allowing us to move from lease space to owned space which over time in this case will save the ratepayers, but is something we as a city need to be doing more of, which is moving to own space rather than lease space so over time we are taking a more financially responsible positions. This is going to be something like 35% less expensive than our normal procedures, and I'm glad that we're moving in that direction as well. And I want to just do a quick shout-out for Mr. Canally and those folks at Austin energy who have been involved in this process. This shift in how we are doing our procurement of these buildings and this emphasis on moving from lease to own space is really critical for setting up our city to be in the best position we can be in 20, 30 years from now and it takes foresight and planning and I appreciate the innovativeness of this approach.

>> Tovo: Thank you, councilmember. Any other comments? Okay. All in favor? And none are opposed that. That passes unanimously with the councilmembers who are on the dais.

[Applause] Before we get to our other consent agenda items that are going to be fast, I would like to take up next the eminent domain items, which are items 48, 49, 50, 51, 52, 53, 54 and 55.

[11:06:05 AM]

Unless those are going to require discussions. With respect to 48, 49, 50, 51, 52, 53, 54, 55, is there a motion to the effect the city council of Austin authorizes use of the power of eminent domain to acquire the properties set forth and described in the agenda for the current meeting for public uses described therein? Councilmember Garza moves approval, councilmember Houston seconds that. Is there any discussion? Okay. All in favor, please signal by raising your hand. Councilmembers pool, Garza, Houston, tovo, kitchen he be -- alter, unanimous on the dais. That passes. So we're going to take up in the following order items 10, 43 and 44 and then we'll work our way sequentially. So item 10 has two



speakers. Mr. Hirsch and Carlos Leon. Mr. Hirsch, you are our first speaker. You have plea minutes, please.

-- Three minutes. I actually don't see Mr. Hirsch. We'll take Mr. Leon first and go back to Mr. Hirsch. Welcome. You have three minutes.

>> I'm going to speak to items 10 and 14 all at once right now so this way you guys know what's going on. Carlos Leon in Austin, Texas, December 13, 2018, to speak what's right.

[Speaking in Spanish] First and foremost,

[speaking in Spanish] Let me fight evil at city hall on items 14 and 10. I am against city employees accepting or soliciting gifts or favors because doing so compromises your ability to be independent, impartial and responsible to the people ex police it objectives of 2-7-1.

[11:08:15 AM]

But I am for board member sexual harassment and diversity training to come back. The reverse sexist anti-free speech attack against me yesterday at the commission for women meeting. During my three-minute citizen communication, the rude, abusive Asian female member kept trying to loudly talk over me, though no one is allowed to speak then but me. My speech was also mislabeled abusive. To ban me from their future public meetings though such viewpoint discrimination is illegal because even hate speech is constitutionally protected. Matalvtam2017. Such exclusion would violate Texas open meetings act, Texas citizens participation act, and the 14th amendment's equal protection clause. Therefore the attacking feminist hunt witches need to shut up, suck it up and follow the rule of law like all public servant board members. So I reported their violations in person to Stephanie hall, the boards and commissions coordinator to hold the commission for women accountable for their member's disrespectful ass-backwards wrong behavior. If meeting training for sanctions fixes them, then permanently dispanned that commission and do not -- disband that commission and do not allow its revival under another name. Because the first amendment was written to ban such government interference with free speech under constitutional law here in Austin and America at large. In Jesus' name I pray. Amen. Thank you, lord. God bless Texas, the united States of America, constitutional law and truth.

[11:10:18 AM]

And above all-[speaking in Spanish] God's word.

>> Tovo: Our last speaker on this item is Mr. Hirsch. Did he make it back? Is there a motion to approve this item? This is item 10. Councilmember pool moves approval of item 10. Is there a second? Sorry. I'm not seeing any hands. Councilmember alter. Thank you. Got it. Is there any discussion on this item? I'm stalling because we've just lost another colleague from our dais. Is there -- okay. All in favor? Okay. That

is unanimous on the dais. Councilmember Casar is off the dais. Along with our colleagues noted before. Everybody else voted in favor of this. So I'd like to call up now item 43. It's my understanding this was pulled for speakers, but it's my understanding that the speakers may no longer wish to speak or at least several of them. We have the following speakers signed up. Pete Winsted, Kerry Roberts was signed up to donate time to Mr. Winsted. Could be I jastro and Kirby Mitchell. I'll call you and you can let me know. Mr. Winsted, you have a total of five minutes.

>> [Inaudible]

>> Tovo: Thank you sir. Supportive of the resolution, not wishing to speak. Corby jastro. Not here. Kathy Mitchell, would you like to speak?

>> [Inaudible]

>> Tovo: You are welcome to come up and speak if you would like. You are signed up as neutral, but if you would like to address us, you are welcome to. If you would rather not, that's fine too. Very good. Thank you.

[11:12:18 AM]

Is there a motion on this item? Councilmember troxclair moves approval of this item. Is there a second? Councilmember alter moves the second. Discussion? Would you like to address your motion, councilmember troxclair?

>> Troxclair: Sure. I just was going to say quickly thank you to the city manager and staff who brought this staffing plan forward. I think it's important that we kind of lay out a framework for where we hope to be over the next few years and make sure that the community knows that public safety is a priority and that we plan to ensure that we have police officers that we need as our community grows.

>> Tovo: Thank you. Further discussion? Councilmember kitchen.

>> Kitchen: Thank you, councilmember troxclair, for bringing this. And I just want to echo the points that you made. I think it's important to -- to state publicly for our community and our police officers that we do intend to -- we ask for a staffing plan for a purpose to think about the future and make sure we're planning for the future. And so I think it's important for us to make that statement. And as we've said before, public safety involves the importance of our police officers and the staffing for our police department, which also goes way beyond just officers but things like victims counselors and other things like that. I just wanted to reiterate that. Thank you.

>> Tovo: Very good. Any other comments? All in favor of this item please signal by raising your hand. Councilmembers pool, Garza, Houston, tovo, kitchen, troxclair and so that item does pass. Thank you. Let's move to item 44. This was pulled by councilmember alter.

[11:14:22 AM]

>> Alter: Thank you. I don't know if you want to do a motion first or --

>> Tovo: Councilmember Garza moves approval of her item. Is there a second? Councilmember alter seconds it. Would you like to speak to your motion, councilmember Garza?

>> Garza: Sure. As we continue to tackle some of our biggest issues of affordability and traffic congestion, this -- the idea behind this resolution was to incentivize folks to get that mode shift to away from single occupancy vehicles and to try to incentivize people to ride the bus. And so this is just a -- creating a pilot -- excuse me, it creates a working group to possibly create a pilot program that will look at how we can change folks' behavior to get them on the bus. And, you know, that will -- I think will help us move the needle as we continue to tackle those big issues that -- and challenges that we face as a city.

>> Tovo: Thank you. Councilmember pool.

>> Pool: I support this item entirely and I'm one of the co-sponsors and I am hoping when staff brings back the report on how we can make these areas not only more available throughout the city and really strategically and smartly located locations, but also they are as welcoming as possible. For example, good shelter and trees and even small parks would be wonderful addition -- would be a wonderful addition where possible to our transit stops and the areas nearby. So I'm very much in support of this.

>> Tovo: Thank you. Councilmember alter, you pulled this item. Would you like to ask your questions or make your comments?

>> Alter: Thank you. I just wanted to make the amendments that I mentioned at work session that I believe were amenable and I'm sorry we didn't have the language until now.

[11:16:23 AM]

I don't know if we wanted to have a practice of putting them up on the overhead or not. But it's this yellow sheet that says motion sheet for item 44. So I would like to move to amend the proposed resolution to add the following. All other provisions to remain the same. At line 48 add whereas clean air force works with employers in the five-county area, to design company-specific emission strategies that reduce single occupancy vehicle trips. And at line 61, add a third

bullet to read: Discounted or free public transit passes such as those available in the smart trip program or cap metro's works program. At line 69 add a last be it resolved section to read be it resolved the city manager should incorporate return on investment for the pilot and report back to the mobility committee that indicate whether the continuation of the program is feasible and beneficial and sustainable on costs to relevant departments involved in administering the program are involved for administering the program.

>> Tovo: Thank you. Councilmember alter brings forward those amendments. Are they considered friendly, councilmember Garza?

>> Garza: I'll consider them friendly. I just want to comment on one of them. There was discussion amongst me and other co-sponsors about the suggestion for the line 61, and this is kind of addressed through the bullet that is a credit or rebate on transit passes for employers who provide transit passes to their employees. I didn't -- my intent behind this resolution wasn't for the city to reimburse cap metro for any -- or for the city to pay for people's fares. I want people to get on the bus, we want people to buy those fares, to pay for those fares, and so I'm okay with this being added as a consideration.

[11:18:31 AM]

Obviously we're convening this working group who I hope are experts on this issue to have that discussion, but my -- I guess direction to staff through that bullet, because this was actually suggested through one of my co-sponsor and I was able to talk him down from that, but in the interest of time my direction to staff would just be that would be a last option, in my opinion, is to be making passes free or reimbursing cap metro -- I want people to buy fare cards and get on the bus and this was to change behavior and incentivize in another way, discounts at stores.

>> Tovo: Councilmember alter?

>> Alter: I just wanted to make sure those types of discounted passes were part of what they were considering as they were designing it and they may come back but it's not committing the city to purchase anything. There's a program available to purchase them in bulk and there may be methods for making that more widely available that this group could come up with that would work nicely with other things. The smart trips, the metro works, so I would want to build on some of those successful programs that we have and have those be part of the discussion. Obviously the working group is going to come back with their recommendations.

>> Tovo: So I guess the question now becomes one to the city manager, we've heard kind of some direction and interest in having that be a last resort from another councilmember, that it be a consideration. Do you feel we need to clarify that by voting on that direction or do you feel that -- it seems to me these two things can be in sync, but colleagues, if you don't believe so or city manager you don't either, we can vote that piece separately.

>> Mayor, council, I think this would be part of the discussion that the working group would be undertaking.

[11:20:35 AM]

So I don't think -- I don't know if it's in sync, but certainly something under consideration.

>> Tovo: Do you feel comfortable with that.

>> Garza: I guess I need a clarification. Is this simply saying that to promote the current program we're already there? Or -- because we do have the smart trips, but that's for city employees. So the city can

offer -- my understanding, discounted fare monthly passes or yearly at a discount. I didn't want the city to get into the business of being the -- offering to anybody that same program.

>> Alter: So is my understanding that smart trips is open to the public, they have done pilots of it in district 10 and district 4, and part of that program when they are trying to get people accustomed to using transit, they offer them discounted passes at that point in time through those existing programs to the general public to try to get them more comfortable with transit. And I don't have a grand plan that we are subsidizing transit all over the city, I just think we need to be talking about discounts as part of how we get people to get accustomed and on to transit and we have programs that are working that are doing that. So these programs exist where you can buy the cards in bulk and then they can be offered as a discount. And I just want it to be part of the conversation. I'm not trying to determine which way it goes, but we've had some success, I believe, using those and so it seemed like it should be part of the conversation.

>> Tovo: We have two colleagues who want to speak to this. I'm beginning to think we should pull that as friendly. Councilmember Houston and then kitchen.

>> Houston: I have a question because I have the relationship between this item and item 36 which is the moveability -- is that the right word -- moveability resolution and how those work together.

[11:22:42 AM]

Because it seems to me that what you are doing with the large companies is the same thing we're trying to do here except the thing that concerns me is line 62 and 63 which talks about identify funding options such as budget amendments. Can you help us understand if there's any relationship at all between the incentives that you all do for the very large companies and what we're asking for in 36?

>> Tovo: Can we hold off one minute. Let's resolve the amendment. Councilmember kitchen, did you have a comment about the amendments?

>> Kitchen: We're putting a group together to come up with ideas. I think it's fine to go forward with both. I do share councilmember Garza's concern, but I think that's something that we would decide at the end of the day when ideas came back to us.

>> Tovo: Those have been accepted as friendly. Fine. Mr. Spiller, if you could respond.

>> Robert spiller, Austin transportation department. Councilmember Houston, thank you for the question. Item 36 and this item, although they talk to specific -- similar items, they are separate. One is brought by council, one by staff. Moveability could definitely be a help in participating in this ideation and I would like to offer them to the table to help us think about how we might incentivize transit. They don't give incentives to large companies. What they do do is provide the staffing and programming to help large companies think about how to reduce their impact on the transportation system by getting their employees to use other travel means or other devices. So I think they could be very useful in helping us think about the item from council.

>> Houston: So when you are talking to the large companies, are you talking about how do they incentivize their employees to use transit rather than single occupancy vehicles and what --

[11:24:43 AM]

>> Yes, ma'am.

>> Houston: What kind of incentives do they do?

>> Some companies actually buy the passes for their employees, much like we do here at the city. Other companies, some companies do things as simply as recognizing that employees commuting by trains may need flex time to get to the bus a little normal a little earlier than normal time and also education opportunities within those large companies where they hold transportation fairs to educate employees about the options that they have. I will also confirm that the smart trips is another tool that we use, and we did -- do use discounted passes to get people on those transit for the first time. Often it's a matter of getting a person or an employee in the case of a large company past their anxiety of trying something new, so we have used discounted passes with partnerships with cap metro. It's typically not an ongoing process.

>> Houston: Thank you.

>> Tovo: Further comments?

>> Garza: Just real quickly and this might help address councilmember Houston about the budget. The original idea was to maybe give someone a discount on their utility bill, for example. But we didn't want that coming from Austin energy because we know what happens when we start asking Austin energy to pay for stuff. It was to use general fund dollars, so that's where any kind of budget amendments. If the working group concludes that is a possible way to get success in a program like this. It's not -- it's not saying that we're initiating any budget amendment at this point.

>> Tovo: Very. Councilmember Houston.

>> Houston: But the idea is there and it's very clearly there. And I know this is just a working group, about out when you put that out there, that then becomes a way to incentivize people because we've already said such as a budget amendment, and I don't want this to become a slippery slope that we're going to be funding this program for cap metro to help incentivize people getting on the bus.

[11:26:58 AM]

Because that's actually coming off the property taxpayers' backs. I'm fine with moveability Austin, but a budget amount which is going to take money out of the general fund for this effort, I would have a problem with that. I'm not going to be here, but I needed to state that for the record.

>> Tovo: Thank you, councilmember. Councilmember Garza.

>> Garza: And I appreciate that. Another example when we agree to disagree, but I wouldn't say this is for cap metro. This is for our city and to address some of the big issues that we have. And I think it's important that we as a city work with cap metro, and we have the same mission in so many ways. So --

>> Tovo: Councilmember Houston.

>> Houston: And I appreciate that coming from your cap metro board hat, but from the taxpayers' hat, we're beginning to slide more and more partnering with cap metro, we've returned \$6 million in quarter cent funds. There are other things that we're partnering with, so as we look at how we partner with an agency, it's kind of like a marriage and we all have to give a little bit equally, but as we start having these little -- little side things that come in, it begins to look like we're beginning to take on more of that kind of partner relationship than capital metro. I understand what you're saying. We're all for less congestion and for getting people out of their cars and into transit, but we have a lot of other things that need to be looked at in order to do that. I'm just saying we need to be careful.

>> Tovo: Thank you, councilmember. Councilmember kitchen and then I would suggest we move forward with this.

>> Kitchen: Yes, but I think it's appropriate to be able to speak to where we're coming from, you know, and I appreciate what councilmember Houston's comments. I have my city of Austin taxpayer hat on at the moment and I agree that we need to be careful.

[11:28:02 AM]

We do need to be careful with our funds. But this is not about one agency or another in a community. This is about the community's needs. And we need to think in terms of mobility as an option for people and how people get around, and that's important that we do that from a community perspective and what people need. I thank councilmember Garza for bringing in forward.

-- This forward.

>> Tovo: Thank you. All in favor? Councilmembers Casar, alter, kitchen, tovo and pool and Garza. All opposed? Councilmembers troxclair and Houston. That does pass on a vote of 6-2 with our other colleagues off the dais. My intention is to go now to items 14, 36, 103 and 106, and then we have two items that our colleagues have asked -- or at least one colleagues have asked us to wait for them to return for and that is items 45, possibly 39, but that's my intended order in our attempt to get through the consent agenda by noon. Item 14. We have two speakers signed up. Mr. Leon said earlier his testimony was serving on this item too. I do not see him in the chambers. Mr. Hirsch is signed up on this item and he has distributed -- distributed some comments. Mr. Hirsch, are you here and want to address this? Okay. Seeing neither of our speakers here in the chambers, I would entertain a motion to approve this item.

>> Pool: I'll move.

>> Tovo: Councilmember pool moves approval. Is there a second? Councilmember Houston, would you like to second this? Thank you.

[11:30:03 AM]

Any discussion? This is item 4, the gift policy. I mentioned by comments earlier. I think we need continued tweaks but I'm not prepared to do that today. All in favor? That passes unanimously on the dais. Thank you. Item 36. Councilmember Houston, you pulled this item. This is the item to negotiate and execute the contract with downtown Austin transportation management association.

>> Houston: Thank you, Mr. Spiller, for coming back up again.

>> Yes, ma'am.

>> Houston: There are just some things I need clarification on regarding what mobility -- moveability does. And how do you measure success? This program has been going on now four years.

>> Four to five years.

>> Houston: Talk to me just a minute about how do you measure success, what metrics do you use to say whether it's working or not and have we moved the needle on these large corporations reducing the carbon footprint.

>> Robert spiller, Austin transportation department. I also have in the audience Lisa Kay, executive director for moveability should you have direct questions for her. I believe she signed up for a speak but only if you have questions. Moveability is this region's only traffic management association. It was formed in partnership with our other major transportation providers, cap metro, Travis county at the time, and now campo is a member as well. Our first five years, given that we were starting a new agency, was focused on adding companies to a community of companies here in Austin that could start to have a conversation about owning part of the congestion issue themselves. What I mean by that is five years ago when we started this, most companies I think would say yeah, congestion is town, what's the city doing about it.

[11:32:06 AM]

I think the conversation especially with the member companies now is yes, congestion is bad, what are we doing about it as a group of both corporate citizens as well as agencies in town. So we really have been measuring our success these first four or five years in how many companies we're adding to our portfolio. There's now 69 companies engaged and represent over 140,000 employees in town. They are some of our largest companies as well as some smaller companies depending on where they are located. They are regionwide. Many members are in district 1 with Samsung and others participating. So it is a good cross-reference. In fact, the agency just changed its name from mobility Austin to moveability to represent the whole region. So that's really how we've measured success in the first five



years is putting together this organization, I like to call them a community of companies that now are talking about how do we solve transportation. I will -- one of the illusive measures is how many cars are we taking off the street. We talked about that. And how much air pollution we're reducing. That is something that the board of directors has realized this past year as we start to get ready for our next annual plan. That is something we are focused on this next year is how do we really measure the benefits the cars reduce -- the emissions reduce, the change in trip capabilities. I would argue we can't have that conversation unless we have built this community of people. It is definitely one of the focus over the next year.

>> Houston: Because even though we all agree -- can you hear me? Even though -- is that better?

>> Yes, thank you.

>> Houston: Even though we all agree that this is important and we also know most of our large employers, the people live somewhere else and come in to work and then go home.

[11:34:11 AM]

If we don't have a way to measure how many people in those companies get out of their vehicles and take whatever transit option there are, then we have no way of seeing if the needle is moving. And if this particular effort is impacting in a positive way the congestion that we're all experiencing. So I hope - - I'm hopeful in the next year we'll get some metrics that we'll be able to measure. Because saying 79% doesn't really tell me much because I don't know how many employees -- I know how many employees at Samsung, but I don't know how many are participating in this program in a way that's meaningful.

>> One other data point and it's anecdotal, one of the positive feedbacks from participants is we know that employees are very happy and are more happy in an environment where an employer is actively talking to them about how they get to work. That has been a consistent reply from our partner companies. That's anecdotal, but I hear out the hard data.

>> Houston: And I think it's really important when we have companies that are 24/7 like Samsung because there are no options for transit for them, but if they are running on a 24-hour cycle, applied materials, it's just no way, we've got to figure out something else to do.

>> Yes, ma'am. And in fact we are exploring private transit shuttles. Many of the high-tech companies are now running private shuttles to their facilities.

>> Houston: Thank you so much.

>> Yes, ma'am.

>> Houston: I move adoption.

>> Tovo: Thank you. Is there a second? Councilmember Garza seconds it. Any further discussion? And I'll just say I concur with councilmember Houston. I also would like to see that data that shows us really what impact the program and our investment is having.

[11:36:11 AM]

All in favor? Any opposed? Councilmember troxclair. And that item passes with councilmembers pool, Garza, Houston, tovo, kitchen, alter and Casar voting in favor. Thank you. 103 and 106. I believe Mr. Spiller said that she only wished to speak if there were questions but I should have called her name regardless. That was Lisa Kay fenaty. Did you wish to speak? I apologize for getting your name incorrect. Thank you very much. Items 103 and 106, don't believe, have any -- we do have speakers. Councilmember Houston, would you like to hear our speaker first?

>> Houston: Please.

>> Tovo: That speaker is Mr. Peña. Is Gus peña still here?

>> [Inaudible]

>> Tovo: 103 and 106. Those are the cap metro station items. The items related to the downtown station.

>> Gus peña again. What I wanted to mention is this in regards to capital metro. We're all for transit, we're also for this funding for easement. This is a big pot of money. And I'm not too familiar with the fundings with it, but let me say this much and I'll deviate a little bit and I apologize for that.

[11:38:12 AM]

The bus system has been changed dramatically and not in the best interest of the public. So this money, I understand what this money is for, I can read the backup, but I just wanted to say this, we need to have move improvement at cap metro and more stronger representation. I know the representatives, I think Delia and -- yeah, Renteria. And one of the -- yeah, one of the things we need to -- these people know, these councilmembers know is that we are really hurting the public and the movement of the buses. I understand about rail, I understand about, you know, the funding, I understand about the transit authority downtown station. I understand that. But before we can get to that point, we need to know that we have a better improved bus route. Aen the last bus route changes were catastrophic. And a lot of the people in east Austin and southeast Austin and northeast Austin do not use the downtown station. So my concern is just this, you know, \$14 million, you know, to -- for this initiative. And on the backs of the taxpayers. That's all I'm going to have to say is that prudent fiscal responsibility, I'm going to leave it up to you all whether you think it is, whether you think it's not. But I'm going to tell you one thing, if we had a better bus system, I think we wouldn't have to use so much of this money for this transit system. Let's improve the bus system. Thank you very much.

>> Tovo: Thank you, Mr. Peña. Councilmember Houston, you pulled these items.

>> Houston: I just wanted to be clear from staff about this ledger. You know, we've got several ledgers that we're unable to use so we've got a ledger with the Texas facilities commission, the state of Texas,

and we've got a ledger with the university of Texas, and so when we talk about ledger, what are we creating here and how will we track and --

[11:40:17 AM]

>> Thank you, councilmember. Richard Mendoza, director for department of public works. According to the Ila that we passed in 2017 --

>> Houston: The what?

>> I'm sorry, the interlocal agreement. I'm staring right at your sign too. Interlocal with cap metro for the construction of the downtown rail station improvement project, before we came back to you with a request to waive the permit fees that's part of that agreement as the city's contribution towards the project, we were required to come back with a ledger of what those fees encompass and what they are. And so in that ledger what you'll find are estimations of the inspection fees, of the [inaudible] Fees, of the right-of-way inspection fees so that you can have that information as you requested. Also included in that ledger you will find a significant portion of that 14 million is actually the appraised value of the encroachments and easements required for the construction of the project that's covered in item 103. And so as the council desired, we had cap metro with information from city staff before we brought you this fee waiver, rca capture, an estimation of what those costs are.

>> Houston: So I guess my concern is that if we are off by a little bit or if some magical thing happens at planning and zoning or permitting and we've got the ledger that allocates what cap metro will contribute and what the city will contribute, if there's something left over or not enough in a bucket, how will that be handled?

>> So the ledger will be monitored throughout the life of the project.

[11:42:18 AM]

The fees that we're waiving are -- we don't intend to recapture those. I mean that represents according to the Ila our city's contributions to the project. So it will just be maintained and we'll track actual costs throughout the life of the project. We're on a very accelerated construction schedule for this project. I believe with he want to reach substantial completion in 2019. So part of that project and the city's portion of that contribution is a dedicated project manager and we'll be working with all the parties as well as cap metro to maintain and track the actual costs.

>> Houston: And I have another question regarding on the -- on the west side of the station there are now stop signs. Have we looked into signalization at that area? We talked about that in our meeting with capital metro. Because as the trains keep -- become faster and faster on red river, people will then go to that other street, which I can't remember the name of it, it goes north on the west side of the convention center. So I'm thinking about the traffic impact of the increase in the trains going on red

river. So that's a concern whether we've thought about rather than stop signs having some signalization. Is it neches?

>> Yes, ma'am. Director spiller will answer that.

>> Robert spiller, Austin transportation department. Yes, our signal engineers continuously watch downtown. There's just a few all-ways stops left in the downtown area and we'll take that into account. We'll take a look at that. Especially where pedestrians are crossing. It will start to jam up the traffic.

>> Houston: It will start to jam it up.

[11:44:19 AM]

>> The signals give a specific pedestrian phase and yes, we will look at that.

>> Houston: And when the convention center has a huge convention like sxsw, they walk across diagonally, they don't really care, so I'm hoping we will start thinking about that earlier rather than later.

>> And there's techniques we can use in terms of an all-ways scramble which allows the pedestrian zone -- allows them to do that safely without interfering so we can look at that.

>> Houston: Thank you.

>> Tovo: Councilmember Casar.

>> Casar: I have questions that may involve both departments. If the city can answer, that would be great. My question is, you know, some of the latest division maps at cap metro some this station not as a terminus but instead connecting it to -- toward republic square. Are we designing this in any way and would our vote today in any way make it such that would be more difficult to have this no longer be a terminus and instead be a connection either above ground or underground?

>> Councilmember, I think that should be deferred to cap metro to answer that specific question.

>> With regards to the design.

>> Good morning, councilmembers, I'm Ken, vice president of capital projects for capital metro. Thank you for your question. There's nothing in the design of the station that would preclude the transit or rail from continuing westward from this point. As a matter of fact, in the year 2000, council passed an ordinance dedicating the fourth street corridor for rail and transit use.

>> Casar: And so I'm glad it doesn't preclude it. Does it make it more difficult? Is our design making it -- you know, be I just want to make sure that anything we're voting on I -- we're open-eyed about it and it's cook if these could be more complicated, but does it make it more difficult to go either underground or above ground and connect those two lines?

[11:46:29 AM]

>> That's a valid question and thank you for that. No, it does not. We've designed this in a way it would be compatible with future use both on fourth street and Trinity would be a major transit corridor.

>> Casar: This is a terminus now and the way we're designing it it could stay a terminus or become a station you go through or transfer at.

>> Yes, sir.

>> Casar: Okay. Thank you.

>> Tovo: Any other questions on this item? I was going to bring it up, but I'm happy for someone else to talk about public restrooms for a minute. Councilmember Houston, did you have a comment you wanted to make on that?

>> Houston: This has not been new because as I've ridden the red line, -- ridden the red line, there are no public restrooms at the end of the track in lake line and there are none at downtown. I understand that capital metro is going to purchase a portable -- portable loo, is that it? And the city will be responsible for maintaining that. Will that go on the ledger so we can see over time how much the city's cost is to keep that maintained? And as I said in work session, one public restroom with one --

>> One seat.

>> Houston: Seat. Thank you. They didn't like it when I said one hole so I'm trying to get it right. One seat doesn't really help when you have 3,000 people coming and going at peak times. So what other things are we looking at?

>> Yes, councilmember, Robert spiller, Austin transportation department. The transportation department is now responsible for funding and deploying these devices. First of all a couple of things. Right now the convention center has agreed to make their bathrooms available during normal business hours. I think I saw a question and answer from you that, of course, there's the issue when there's a convention going on, but they are working collectively with capital metro and other departments to make restrooms there in the convention center available adjacent to the station.

[11:48:44 AM]

The transit operations in this area are not just the rail stop, but also the bus transit stops which are over on Trinity on the edge of the park. And so that's where the proposed -- we like to call it the water-loo is being placed. That --

[laughter]

>> [Inaudible].

>> That was pretty good, isn't it? That's where we're placing it, so again, the transit operations just aren't at the rail station, they are sort of in that I-shape. In addition, brush square is undergoing a

redesign and as part of that discussion public restroom facilities I am told will be designed into the park. So the temporary -- or the structured restroom that we're partnering with cap metro on is meant to be an interim facility until that whole park redevelops. One of the challenges was in placing it is not limiting what the park design would be, and so again, a much more permanent facility would be designed in that whole area. So rest assured that's coming. With capital metro purchasing the water-loo, it is a piece of furniture so we envision being able to move it to another high priority location adjacent to transit when that happens. We are already partnered with the downtown Austin alliance through contracts to clean toilets and so it is really that mechanism that we're using to maintain it. Since there's more than just one public restroom that we're deploying as part of that purchase. The right to purchase up to five units. Deploying two immediately with the hopes of deploy a third one depending on how budgets run this year.

>> Tovo: It was my understanding that we were -- had agreed with the earlier item to purchase two and that this would be a third.

[11:50:46 AM]

Am I incorrect in that?

>> No, ma'am. This is the second one. We had -- the city will be purchasing it, capital metro will be providing the funding source for this unit. We are very likely -- have sufficient funds to replace the mobile unit that is close to sixth street. That would be our third. There's an option to put a fourth one adjacent to the first one near the police station, where we're installing it. So there will be three available once this one gets deployed because we have the mobile unit currently stationed on brazos and that will either be made permanent or maintained --

>> Tovo: I think we'll have to follow up afterward to get very clear about it. We had identified a very targeted funding source for the parking lot one so funding should certainly allow for fudged of that one. In any case we can sort it out afterward. With regard to this topic as I mentioned today, you should regard restrooms as an amenity that is a critical part of your infrastructure. As many community members have requested I hope it is built into your plans for stations and becomes something capital metro takes on, the maintenance of it. I appreciate this is a partnership and is being handled differently so I'll support it today but I do think the maintenance of facilities has been a challenge nationwide at train stations. It is a costly expense for the city to take on but I hope, capital metro, again, you will regard it as a critical part of the infrastructure that you're providing at your bus stations in the same way that benches and sun shades are and that it will become part of your operations, not just to purchase them but to also maintain them. Councilmember alter.

>> Alter: I need to understand a little bit better the answer to councilmember Caesar's question, given that the capital metro plans are talking about moving the station and how that fits with this plan.

[11:52:54 AM]

>> I'm sorry. I'm not sure I understood your question. How this --

>> Alter: If I understand it there's a version of the vision that has the two lines coming together and not at this point. And if the line -- I may be confused. I just -- I'm trying to understand. There is a version I believe that has the lines coming together in a particular way, and if we're two blocks short of that but we build a station there, it doesn't seem like good planning so I'm just trying to understand if I'm misunderstanding something or how those interplay.

>> Right. Councilmember, this -- the station that stops between the Hilton and the convention center actually extends into the next block, and so that next block becomes a combination of part of the station as well as public plaza area. The buses are going north-south so they're on Trinity street. When I talked the L I hoped I didn't mislead you, that that's sort of that have connection of people walking across that plaza to the buses. I think there was a question about the recently -- recently capital metro talked about extending the red line or a connection of the red line all the way across town and I'll let you talk to that.

>> Right. So this -- going back to councilmember Casar's question, this station and its placement does not limit us from going further west so it could make further rail connections to the west if that helps answer your question.

>> Alter: How does it not limit us to go further west if you're building a plaza and we're --

>> Well, the plaza itself is a minimalist development, if you will, it's essentially an open space, a flexible open space with just concrete and 5, 6-inch concrete which could be converted to accommodate future rail lines westward so it's not a major disruption to continue that either at grade or below grade if that's the case.

[11:54:56 AM]

But we're very early in these discussions regarding modes and levels and things like that.

>> Alter: So do you believe that if -- and like Mr. Spillar's response as well, do you believe if we built a station where we're planning to now and we decided to go further west we'd still want to have a station where we're putting all this money to have that station? Because it's at the convention center and then you just add additional stops as you moved west?

>> That's correct. We believe this would always be a viable stop given the traffic, people coming into town wanting to go to the convention center and all the activities related there, even if there is a line extending westward.

>> Alter: And is the nature of a station of this sort different if it's the terminus versus just a stop along the way? Is there a material difference?

>> Sorry, I didn't mean to interrupt. It's designed in a way so it could continue westward. There's nothing at the end that would prevent the rails from extending further.

>> Alter: Okay.

>> I would just add, if anything, as a terminus station for this system, I think everyone would say it's craned by the geography that we have available. It actually probably works better as a station on the way to somewhere else as well so --

>> Alter: Okay. Thank you.

>> Tovo: Councilmember Casar.

>> Casar: And buried within my question and I wanted to make sure it was explicitly answered was if it ends up going west aboveground or underground this allows for both options?

>> That's correct, yes.

>> Tovo: Councilmember Houston.

>> Houston: Thank you all so much for that explanation. I see someone from the convention center here. I have a question for them regarding their willingness -- and thank you for that willingness, Mr. Joe, for helping us with how to get transit riders to be able to use appropriate places to relieve themselves. So y'all are going to be able to work out an arrangement with capital metro?

[11:56:00 AM]

>> Councilmember, good morning, assistant director at the Austin convention center. Yes, councilmember. We just need additional time to work out some logistics surrounding the opportunity. I think Mr. Spillar mentioned our attendees, we want to make sure we have a real viable option and yes.

>> Houston: So douse that -- do you see that -- that space which is the north end of your facility, do you see an additional need for facility or extra help to be able to move people in and out as they're off-loading and on-loading on the train?

>> That would be correct. That's why we need additional time. There would be increased staff also to monitor the ingress and egress of individuals coming in and out of the building. So you're absolutely correct.

>> Houston: Okay. Thank you. Please let the city council know where y'all are on that.

>> Yes, ma'am, we'll do that.

>> Houston: Thank you.

>> Yes, ma'am.

>> Tovo: Okay. Seeing no other questions, I think we're ready to vote. We'll take them up separately. 103, all in favor. That passes unanimously on the dais. How about 106? The same. Okay. Thank you. Mayor, we have two other items we might be able to fly through quickly before citizens communications. The dripping springs item passed on -- received six votes so it passed only on first



reading. If there was an interest in reconsidering it. Then the afc is just one item, and so I don't know if you want to go to citizens communications or try to fly through those. That's kind of where we left it. We did hold 39 and 45 at councilmember Flannigan's request so we'll have to take those up after executive session.

>> Mayor Adler: Among the people that voted in favor of item number 21, let's do that reconsideration since staff and everybody doesn't have to come back again.

[11:58:03 AM]

Is there a motion to reconsider? Seconded by councilmember troxclair. Those in favor reconsidering that? Any discussion first? Those in favor please raise your hand. Those opposed. I think it's everyone on the dais to accommodate that. Appreciate that. Let's then call up item number 21 for a vote unless there's any further discussion. Those in favor of item 21 please raise your hand. Those opposed. Mayor pro tem and councilmember pool voting no. Commissioner is out. I don't know if it's been announced today, preventative medical procedure. The vote on that was 8-2-1. I'm sorry? The Austin housing finance corporation, let's let that staff go. I'm going to recess the city council meeting here at 11:59 and I'm going to convene the Austin housing finance corporation.

[See separate transcript for Austin Housing Finance Corporation text]

>> Mayor Adler: -- Adjourn the meeting of the Austin housing finance corporation. I reconvene the Austin city council meeting here at noon so that we can go into citizen communication. I think we have one -- someone on our list that is not here today to speak. Roger cauvin is not here to speak today. So my notes show if he shows up he should let us know but let's begin with silver white mountain. Is silver white mountain here? Got you, thank you. Charles Lindig? You'll be on deck. You'll be the second speaker to speak. And after you, Bruce Joseph will get a chance to speak.

>> Thank you for attending the 2018 hero awards presentation. Everyone I've acknowledged this year is on the short list for the hero award. But I need to add some councilmembers that I have yet to acknowledge. This councilmember responds to the people's comments giving them a glimmer of hope. It tugs at our heart strings and that councilmember is Alison alter. And Delia Garza, because her November 15 speech on item 74 seemed truly genuine also coming from the heart, and Leslie pool who came to defense of Ellen troxclair with this quote.

>> Mayor Adler: It isn't fair and is not right and not how we really would want to be treated, unquote" and Pio Renteria, who is humble and always returns his calls I was recently informed.

[12:02:17 PM]

The city manager gets points for being a good sport when I rosed him his first week on the job and mayor Adler, Jimmy Flannigan and Spencer cronk get points for attending the feast.

[Indiscernible] And also gave a very good speech and, mayor, I did acknowledge you before today on November 15 remember during break when I said I didn't vote for you? Now, let me talk about what a here low is. A hero could be a man or a woman. Courage us, outstanding achievements and noble qualities, a lion heart, a warrior. Two councilmembers qualify as heroes in my book. One I feel is real and asks the right questions to get the best answers for our city and the other councilmember sometimes fought a 1-woman war. She did not give into intimidation and was sometimes working in a hostile environment and these were the only two councilmembers who did not jump on the bandwagon to go to the border, whatever the reasons they did not go. Sorry, city manager, I think you didn't go but I disqualify you. Your staff didn't know much when I asked them about something. Jimmy Flannigan I disqualified you also because you changed your mind at the last minute according to the media. Now for the recipients of the 2018 Austin city council hero award, the envelope, please. They are Ora Houston and Ellen troxclair.

[ Applause ] So whether they want it or not, this is for them.

[ Laughter ] And I don't have the rights to this music. Mayor, if you could please allow this song to play until the end I would really appreciate it because I hardly ever go over three minutes.

>> Mayor Adler: You have 15 seconds.

[ Laughter ]

[12:04:25 PM]

[Buzzer sounding]

>> Mayor Adler: But it's a wonderful thought.

[ ♪ Music ♪ ]

>> Mayor Adler: Thank you very much. All right. So our next speaker -- this is how you want your time to be used? Okay.

[ ♪ Music ♪ ] Oops. Sorry.

>> Can you tell us the name of the song, who the singer was?

>> I don't think I can because it's for rights reasons. Okay. And here's --

[ ♪ music ♪ ]

[12:06:39 PM]

Next one is Bruce and he has a split personality so here's Bruce.

>> Mayor Adler: So the -- so you're Charles Lindig? All right. Next speaker is Bruce Joseph. Is he here? You can't be Bruce. Thank you very much.

>> He has a split personality.

>> Mayor Adler: Is Lyndon Henry here? Why don't you come on down, Mr. Henry. Your time is taken. But thank you.

>> That's a hard act to follow.

>> Mayor Adler: Is David Dobbs here? Why don't you come on down. You'll be next.

>> Where is the timer so I can see how much time you have?

>> Mayor Adler: You have three minutes.

>> I'm Lyndon Henry. For decades austinites have been surf the August nouns of a health crisis. Over the past 30 years no less than six official studies have come to the same conclusion, light rail interconnected with extensive bus network is what's needed. Time after time Austin leadership failed to bring a single plan to fruition. Austin has become the national poster child of analysis paralysis. Capital metro and his project connect planning program have restarted us on another reiteration of this same process for a seventh time in another two years. Transit advocates appreciate that capital metro has revised its vision concept by restoring light rail and additional corridors but much more needed. Instead of black siding to zero capital metro and city of Austin need to fast track this process by building on the data analysis, community input and other resources that have already recommended light rail system and enhanced bus network as the way out of our mobility quagmire.

[12:08:45 PM]

The vision plan needs to become a lot more vis visionary, it needs to envision more and longer routes reaching out to serve other parts of the urban area. Light rail can make this possible. It's an affordable cost effective off the shelf electric transport mode well proven in hundreds of cities and best of all here today. We don't have to wait for science fiction technology. Austin needs a solution available now. Urban light rail is the crucial lynchpin of mobility plan because it has the power to make the whole system work effectively. It's shown it has true capacity to cost effectively handle and grow Austin's heaviest trunk routes, freeing up busses and resources to expand servings into many more neighborhoods citywide. This advantage is validated by solid evidence and average ridership and cost effectiveness, cities with urban rail have significantly outpaced cities offering bus service only. Before study seven begun capital metro and other local officials have been hinting they favor a repackaging of bus service with minimalist capital improvements and lots of fanfare. It's unlikely brt will provide the break through Austin desperately needs. On average compared to brl new light rail systems carry over three times the ridership at 10% lower operating costs, shown they can spark adjacent economic

development and shape urban density and growth patterns. BRT has shown no such benefits. Light rail comes out the toxic pollution and other problems of rubber tires. Let's leave the paralysis behind and put a light rail starter line on a fast track for a vote in 2020.

[ Buzzer sounding ]

>> Mayor Adler: That's your three minutes. Do you have a finished thought?

>> Thank you. I wanted to say that these remarks have been given out to you so you'll have a handout. Thank you.

>> Mayor Adler: Thank you, sir.

[12:10:46 PM]

Okay.

>> Council, mayor, I appreciate the opportunity to speak. Would you put the first one -- slide up for me, please? You've often heard that no transportation pays for itself. Well, there is one, and that's light rail. It pays for itself. It's documented -- in five cities we've documented in seven where data was available. Go ahead with the video. The video, please. Sorry for that. Is there no song with that? This is Phoenix. Phoenix has documented how much return on investment they've got. They explain how the investment has gone up around the light rail system and in the less than ten years they've realized \$8.2 billion return on investment on about \$2 billion worth of light rail investments. In other words, they've got an ROI, return on investment, of around 400%.

[12:12:49 PM]

And they're talking about it, and he shows that there's more. Actually, Phoenix is now up to about \$11 billion according to my contact in Phoenix. They have a system of about 26 miles now, and they're continuing to add onto it. Now, this gentleman from Glendale and he's explaining how they've got the return on investment, how at first they were not sure about it, but now that it's up and running, they're getting all of this development around the light rail stops. And this is their public relations director, and she's explaining why it pays for itself and what a good investment Phoenix has made in their line. Now, would you put up the last slide for me, please. Next -- last slide, please. The one that you put up before. Phoenix is not an anomaly. Lyndon and I did a paper for the transportation research board. In the seven cities where we could find data it was all borne out when you put in light rail you get a return on investment from the various developments that occur alongside the line. This is true in Dallas. It was true in Minneapolis. It was true in Houston. It was true in Salt Lake City. And I'm trying to remember the last city.

[12:14:49 PM]

Can you find that last slide for me, please? There. There. 422% return on investment over -- since 1986. Dallas 150% return on investment. You can see the numbers there, what they've put into it in red.

[Buzzer sounding] And then what they got out of it in black. You see finally with Minneapolis they got about 400% return on investment since 2004.

>> Mayor Adler: Thank you.

>> So you see there is one way to pay for itself if you put it in make the capital investment. Thank you very much.

>> Mayor Adler: Thank you very much. Thank you. Is Andrew Clements here? Mr. Clements, come on up. On beck is Gabe Rojas. You'll be up next.

>> Thank you, mayor, mayor pro tem, councilmembers. This is a real honor to speak after two tireless advocates for light rail in Austin. Lyndon Henry and David Dobbs between them have over 80 years of advocacy including serving on the capital metro board and being active in the national American public transportation association. Which happens to be the organization that Randy Clark, our capital metro CEO, came from. They especially should be listened to, and I argue even consulted by the project connect team because of their expertise and knowledge. I myself have only been advocating for light rail in Austin for a mere 18 years. But I recognize the public deserves the chance to vote on a high-capacity transit system that includes light rail as a trunk or backbone and that that vote should be in November 2020. And I recognize the majority of the councilmembers on the dais support light rail, as you have voiced explicitly in your -- from the dais at your August 9, 2016 meeting, when you considered the 2016 transportation bond. The draft project connect map released to the mac back in feb was a high capacity transit system plan that transit advocates were excited about and that could garner wide public support, not the least of reasons being it proposed light rail in three important corridors ready for it.

[12:16:05 PM]

And this February plan was more than just a draft or stepping stone to today. It was the culmination point of project connect consultant coordinated years of effort and great expense. And it was presented to the mac and the public as such. I appreciate the open public input process that project connect is currently utilizing but a lot of change occurred from the February plan to the vision plan released October 1 and with no public input to those changes. There is much to reconcile, but a decision point is here. The capital metro board makes an important decision next Monday, the 17th, and this should include identifying a specific project to advance into the Nepa phase in order to get something on the November 2020 ballot. And I would argue that that project should be the Orange line as currently displayed on the project connect vision, as light rail from tech ridge to slaughter lane. It would -- it's in the high capacity corridor already with the most roof tops and jobs. It would have enormous 50-60000 ridership from day one, studies have already known, and it would operate as an effective bypass to the

congested i35 if it ran all the way from tech ridge to slaughter lane and we are looking for mobility alternatives. Thank you very much.

>> Mayor Adler: After Mr. Rojas speaks, the next speaker is surinder marwaha, you'll be up next. Mr. Rojas, go ahead.

>> Thank you, mayor, councilmembers, for letting me have the opportunity to speak today. My name is Gabriel Rojas and I'm here with other transit advocates to endorse the project connect vision process but also say, you know, we have some decision points coming up and, you know, December 17 being one of them.

[12:18:21 PM]

And just challenge this process to be the one that actually gets us over the line to where we finally have high capacity transit in the city. My background, I am an urban planner, aicp certified with a specialization in transportation planning. I'm also the former chair of the zoning and platting commission here, having served a total of six years. To my knowledge, I believe I'm the first hispanic of a land use commission in Austin. It was my pleasure as part of that body to be a liaison to the planning commission during the adoption of the imagine Austin plan, our current comprehensive land use plan. And comprehensive plan for many other issues as we grow. And as liaison to that PC subcommittee, one of the final amendments to that plan was that the east and west sides of north Lamar came together and said we've been left out of not only investment in this part of the city for years but we don't feel like we've been a part of this process. Rundberg and north Lamar acts as our neighborhood, organic neighborhood community center, and so through a lot of meetings and getting contact teams together to support the placement of a neighborhood center there we were able to convince the planning commission that because of a crossing of two high capacity transit lines there in our imagine Austin plan that are there today, that this area was ripe for a neighborhood center and it was placed and passed in June of 2012, as you know, for the imagine Austin plan. Now, these neighborhood centers are supposed to be our growth pockets, right, our known areas of growth so we can put most of our jobs and people as we grow to 4 million people over the next 20 years in places that can support transit and not in an auto-dependent way. Up until now that has not happened in any meaningful way and part of that is because we don't have a transit vision that supports that. Right now I'd like to say that right now we -- the map as it currently is stops at north Lamar transit center.

[12:20:27 PM]

That would be inequitable to that area of town and I believe that was the failing of the 2014 light rail bond, is that its vision was not expansive enough coverage not far enough, you have whole pieces of Austin that said in 30-50 years we have no hope of seeing transit reach our door. That said, that being a neighborhood center, we should extend the Orange line up you to rund requiring north Lamar, consider

a high capacity corridor along rundberg to parallel 83 and I think just the issues of north Lamar being under txdot's control shouldn't preempt us from good planning. Thank you all very much. I appreciate it.

>> Mayor Adler: Thank you. After Mr. Surinder is Susan Reda here.

>> Mayor Adler, my name is surinder marwaha, I'm a transit planner and work for capital metro 14 years, leading high profile projects as light rail. All system go plan in 2004 and brt, which is now called metrorapid, and I was successful in getting \$38.1 million for that project. It was the first major capital investment grant which the city -- which the capital metro got during its existing at that time. So I'm here to basically talk about -- little bit about the project process, you know, which you have seen at this time. I think there are some issues which needs to be addressed as far as that particular, you know, alignment is concerned. This vision plan is concerned. One of the things which I have noticed is that the future corridors need at this time preservation of right-of-way. It needs not to be dedicated because you need to give some time to the city staff, particularly your department of transportation and us working together, capital metro, not me, sorry, capital metro working together.

[12:22:28 PM]

So that they can understand the implications of if you have a dedicated lane what impact it will have on the traffic. In 2006, 2007, when we were just doing this project brt, at that time one of the -- our board members, who was a city council member at that time, Bruce Mccracken, he asked if we could convince the city to give us a dedicated lane on this line what would be the traffic impact, and he said just take away one lane, no additional right-of-way, nothing, within two months we did the analysis and it came back the traffic will become worse, throughout the corridor there will be a traffic level of F, means there will be a congestion and gridlock at every intersection you have. So coming back to this particular one, I think that there are two problematic issues I see. One is that you have the blue line, the map is at the back on the board there . So there are two, you know, lady bird crossing at this time, which I think would be problematic from two points of view, one is the financial stability, second is to attract federal funding because my working with fta is normally is that when I was very successful with that, that whenever fta advanced one line, they normally wouldn't let you advance the second line very close to that lane because that becomes a question of equity within your community and it also becomes an issue with them, that why not some other, you know, corridors that also have a very high demand for such travel? By -- so I would ask the three councilmembers who are on the capital metro board to work with the city.

[ Buzzer sounding ] With the metro leadership to basically -- to

[indiscernible] This plan and ultimately, you know, convince the leadership that they need to work more with the community and stakeholders and advocates.

[12:24:29 PM]

>> Mayor Adler: Thank you.

>> So that we can have a very good plan that is ordered not only by the community but also the leadership and the business and community stakeholders.

>> Mayor Adler: Thank you very much.

>> Thank you for your time.

>> Mayor Adler: Thank you. Last speaker we have is Susan Reda.

>> My name is Susan Reda.

>> Mayor Adler: Can you pull the microphone towards you?

>> Sure. My name is Susan Reda and I'm a large talk walker at the Austin ages-animal shelter and I reside in district 8. On October 18 I spoke to city council about the conditions that Austin animal shelter. At that time I asked the city council to begin the search to replace the interim shelter manager. I presented documentation to show that leadership at the shelter is lacking, conditions deteriorating and morale is at an all-time low. I also read a letter by a staff person regarding the lack of staffing at the shelter and the impact it has on both the animals and workers. Since that time, Ryan Clinton stood before you praying the work of shelter management and called those of us that continue to bring forward inhumane conditions for the animals as complainers. The dogs have no voice. We are their voice and by bringing to your attention what the dogs must endure by being kept in small crates for hours and sometimes even days at a time without ever getting a potty break is complaining, well, then I accept that title. I will continue to complain as long as staff is quitting, dogs are not getting walked, kennels are not getting cleaned, animals are leaving the shelter unaltered and volunteers continue to feel threatened. Again, I will read another letter written by a valued staff member that is no longer employed by Austin animal shelter and this person resides in district 5. Quote, I left my job at the shelter today. There were many reasons why I left but the main one was the constant emotional stress with no relief in sight. We have had dogs Ta in cages in conference rooms for over a month.

[12:26:31 PM]

These animals are losing their sanity more everyday. The customer service team works tirelessly to get animals out but they come in faster than our short staffed team can get them out. I haven't had a chance to just go out and get the animals in months. We don't take breaks and take on two plus people at once so that we can help as many adopters as possible. Even doing that adopters can wait for over two hours just to get info on an animal sometimes. Some people get fed up and leave. That means the animal they wanted will continue to stay stuck in a kennel. We've begged for more staff but admins don't see why we need them, admins that haven't sat in on how much we have to juggle and do hectic weekends. The recent change to a foster to adopt system doubles the work and notes we have to put in. This makes people wait even longer than before, yet we receive very little assistance to help speed adoptions along. Management makes decisions without consulting with or thinking about how it may affect lower level workers. Suggestions by workers seem to be thrown in a pile and rarely acted upon. The shelter workers and volunteers go through much to help these animals and the conditions seem to be worsening. The morale of everyone is so low that a lot of us have no hope anymore. I loved my



coworkers and I love the animals but change is needed now or both will continue to suffer. End quote. How much longer must we complain before something changes for the better?

[Buzzer sounding] At Austin animal center. Thank you.

[ Applause ]

>> Mayor Adler: Thank you. Those are all the people that I show signed up for citizens communication. Is anybody else here that we didn't call? All right. What we're going to do, I'm going to call the executive session so we can take that recess, but before we leave the dais I think there's some councilmembers that want to make some presentation to their staffs for distinguished service awards.

[12:28:32 PM]

So we're going to do that. But it is 12:33 and we're going to go into closed session to take up two items pursuant to 551.771, legal items related to 13, Austin country club matter and 58, personnel matter related to the city manager. So without objection we're going to take that recess here at 12:33. But before we do we have -- before we all leave we have some distinguished service award to give out. Councilmember Houston and councilmember troxclair, I think that Jannette has the awards.

>> Troxclair: come up here. Please come. Okay. Thank you all for the opportunity for councilmember Houston and I to recognize our staff for the amazing and dedicated and diligent work that they have done for the city of Austin in our offices over the past several years.

[12:30:34 PM]

I would just be totally lost without them and I am so grateful that I've gotten to spend everyday with y'all and I've had you by my side throughout this journey and district 8 is very lucky to have had you all working on their behalf. Brian Thorton, you are smart, kind, funny, dedicated. I mean always, always wanting to make sure that I am so well-prepared and working really at any hour of the day or night or weekend that I happen to have a few moments to discuss the agenda or whatever other issue that we're working on. So I really truly couldn't have done it without you, and I'm so grateful for your work.

[ Applause ] Let's see. I don't know who is next. Katherine. Katherine has been -- anybody who calls my office knows how wonderful Katherine is to work with. I cannot tell you the amount of times I get calls from constituents or texts from people later saying, "Oh, my gosh, Katherine in your office is so amazing and she really helped with my issue." You are so responsive. You have a way of making people just feel really, really valued and really -- that their issue is the most important thing that you are working on that day. And that you are -- you've just exemplified constituent services, so thank you. Thank you for that.

[ Applause ] Alice, you're just the glue that holds our office together, and serving as our communications manager, making sure that I always have the platform to get whatever the message out is that we're working on that week or that month.

[12:32:40 PM]

You make sure that my constituents are informed through our newsletter and through social media and that is just such an important part of this office, is making sure that people know what we're doing, the work that we're doing on their behalf so thank you for keeping us all on track and doing your best to keep me on time.

[ Laughter ] And we're so grateful for your service.

[ Applause ] And last but not least, Steven, you are the most recent addition to the office but really came in at a time after I had my second baby that, you know, to finish -- I guess to finish out strong we needed some additional help and you really were -- you are such a fast learner, you fit into the office right away, you wanted to understand the issues. You never missed an opportunity to add to the conversation or to seek additional information when necessary. And it's just been -- the office has felt complete with you there, so thank you so much.

>> Thank you very much. I appreciate it.

[ Applause ]

>> Troxclair: Y'all are the best!

[ Applause ]

>> Houston:and I want to read this distinguished service award that will be presented to the members of the district 1 staff who are here today. We're a little short staffed but this is what it says.

[12:34:43 PM]

For their untiring service and commitment to the residents of district 1 and city of Austin during their tenure as policy aid and -- oh, okay, this is henos. They all say the same thing except their different, as policy aid and media and communications liaison in the office of councilmember Houston, [indiscernible] Is deserving of public acclaim and recognition. This certificate is presented in acknowledgment and appreciation thereof this 13th day of December in the year 2018 and it's signed -- actually signed by mayor Steve Adler. It's not his electric signature.

[ Laughter ] It is for real. So [ saying name ] Has been with me since 2014 when we were both on the campaign trail. She was my media person. She also is transportation and recreation and all things that I ask her to do and she does them with that same smile so thank you, sweetie.

[ Applause ]

>> Houston: Sophia Williams, Sophia came when we were needing somebody to help with the concept menu. Y'all remember those days? And she's been our budget person and also everybody does

constituent services so I needed to say that. All of us do that work, but she's been that and she's also been the person who has supported me on the health and human services council committee and makes sure that I'm on time and all my agendas are together in the right place. And so I appreciate the work and the dedication. Thank you.

[ Applause ]

>> And our newest member is Alex. We kind of asked -- councilmember Alison, cans we have Alex just for the end of this year if I can make it through to December?

[12:36:49 PM]

He's been with us since August, I believe, he's just finished his finals and he's about to go crazy because we have all this stuff at the end of this month, end of this last council meeting. Alex, you've been a delight to have in the office and he's so soft-spoken and we're all so loud and boisterous.

[ Laughter ] Thank you so much.

[ Applause ]

>> Houston: Andre was here before but he had to leave and we'll give this to him. As soon as Beverly comes back to work we'll make sure she gets hers. Thank you again. You all are wonderful.

[ Applause ] Thank you.

[ Applause ]

[ Executive session ]

>> Mayor adler:all right. I think we're ready to convene this. We can take care of some stuff.

[12:39:09 PM]

It is 3:17. Still on December 13, 2018. We're still in the city council chambers. While we were in recess, we discussed the two announced items in executive session. We are now back in open session. We discussed items 13 and 58.

[3:17:53 PM]

Let's take care of some of the things I think we can take care of. We have city manager resolutions items 46 and 47. Based on the discussion we had, we were taking the ordinance that was posted into backup today. Is there a motion to approve an annual base salary of 350,000, 1.60 cents, so it's evenly divided into pay period. Motion made by councilmember Flannigan, seconded by councilmember Houston. Any discussion? This item -- this is items 46 and 47. Is Mr. Gus Pena here? Okay. I think those are all the people that we had signed up to speak. Those in favor of these resolutions please raise your hand. Those opposed. It's unanimous, with councilmember Renteria off the dais. We have item number 13, which is going to be heard after 4:00 as part of the public hearing. We have item 39, which is a disparity study. Is there a motion to be made on this? Mr. Flannigan.

>> Flannigan: I handed out a motion sheet to move to postpone, and I'll speak to it if I have a second.

>> Mayor Adler: Okay. Mr. Flannigan makes a motion to --

>> Flannigan: Postpone to February 21, 2019.

>> Mayor Adler: Postpone this item to February 21, 2019. Is there a second to that motion?  
Councilmember kitchen seconds that. Do you want to speak to it?

>> Flannigan: So we've been having some conversations about this. I think more importantly for me is that the advisory committee hasn't been able to meet or provide their recommendations to the council so the staff is going to re-- repeat a lot of the stakeholder meetings and community engagement to make sure we haven't missed anything but hopefully bring this back very quickly in the new year so we can move forward with the disparity study.

[3:19:12 PM]

>> Mayor Adler: Okay. Staff, is staff here? Do you want to speak to the suggestion that this be postponed so as to allow it to be heard by the mbe/wbe advisory committee now that they have sufficient numbers to have a quorum?

>> Good afternoon, council. Excuse me, Veronica, director of the small minority business resources department. We have been having conversations with councilmember Flannigan's office this week and do have a plan in place to do additional outreach events as well as bring this to the mbe/wbe advisory committee at their February meeting.

>> Mayor Adler: You're okay with that?

>> Yes.

>> Mayor Adler: Mr. Saldana has signed up, is he here? Paul Saldana, do you want to speak?

>> Mayor, councilmembers, I'll make it brief. We support the motion. The only thing I would add, if we could add that the quality of life commissions also have an opportunity to review, weigh in. They've done that in the past. I think that also would be helpful as part of the stakeholder groups. We're fine with the time in which you're proposing but I think it would be helpful to have the quality of life commissions weigh in and review. They have done so in the past.

>> Mayor Adler: Is there any objection to giving the quality of life commission the opportunity to weigh in if they can within that time frame?

>> Flannigan: Mayor, I think -- I think the quality of life commissions can add it to their agendas. Not every quality of life commission is part of the disparity study so I think it's more appropriate for quality of life commissions to have the chairs put it on their agendas if they want to entertain that debate, as any commission could.

>> Mayor Adler: Okay. So the quality of life -- this time frame gives the quality of life commission the opportunity to put it on their agenda, consider if that's something they want to do. Mr. Flannigan made his motion and seconded it.

>> Flannigan: I wanted to thank councilmember Casar. Her office -- councilmember kitchen. Her office worked with me to pull this together. Thank you.

>> Mayor Adler: Councilmember alter.

>> Alter: I don't think this is an amendment but I think it is direction which I believe my office has discussed with some of the folks putting this motion forward.

[3:21:18 PM]

I would like to direct the city manager to come back with a plan with an eye for transparency as it relates to the contract that comes to committees of council and appropriate commissions regarding smbr measures. It would be good to have that when the new council committees are seated so we have clarity over where the smbr issues are supposed to be routed or what options we have that we should consider adding to existing processes.

>> Mayor Adler: Okay. One of the questions I would appreciate being addressed is the issue of if this is going to be kind of a sole-sourced kind of contract because there are a limited number of people that can do the work, there's kind of an informal process that allows for a subcontracting work to be considered, given to local, qualified, small minority/women-owned businesses locally and if you could address that as part of this process making sure that it's open for that opportunity that would be good, I think. Okay. Further discussion? Let's take a vote. Those in favor please raise your hand. Those opposed. Unanimous on the dais with councilmember Renteria gone. That gets us, I think, to the Austin fire department item, item number 45. Is there a motion? Councilmember kitchen.

>> Kitchen: I move passage of item number 45, which is the ordinance relating to the 4-person staffing for fire department emergency response.

>> Mayor Adler: There's been a motion to pass item 45. Is there a second to that motion? Councilmember pool seconds that motion. Is there any discussion? Councilmember Flannigan?

>> Flannigan: Thank you, Mr. Mayor. I handed out a very small amendment and all it adds, if you can see at the very top of part two okay, it just adds the phrase a fire related to the phrase emergency response, just to be clear that we're talking about fire response.

[3:23:31 PM]

I think as we've debated this issue over the last two years it's been very clear that 4-person staffing on fire calls is really important and it's important to the safety of our firefighters and to the style of fire fighting, and so I think this is going to be perfectly fine for me to codify this into an ordinance for the fire-related emergency calls.

>> Mayor Adler: Okay.

>> Kitchen: And I consider that a friendly amendment.

>> Mayor Adler: Mr. Flannigan makes an amendment. Is there a second? Councilmember kitchen seconds that amendment. Is there any objection to that amendment being -- I'm sorry, yes.

>> Garza: Just that this is kind of operationally impossible because when you get a -- you sit at the fire station, you get a medical call. Let's say you get a fire call. Technically, every call you get is fire-related, but if you get a actual box alarm, which is a fire call, you could be coming back to the station, you get another call. You're out and you get -- so I don't know how you would have four firefighters staffing the engine, you get a medical, three go, one stays, and then Y popped on a fire, they'd have to go back to the fire station, pick up the fourth firefighter and then go to the fire call.

>> Mayor Adler: Okay. And we have also some people ready to discuss this item as well in the public. Councilmember Flannigan.

>> Flannigan: And I don't disagree with that, councilmember Garza, and chief baker has said as much and we've talked about it before as a council and there's nothing about this that would preclude what -- that would change that fact that you have so architecturally described. I think we're -- accurately described. I'm trying to make sure as we grow emergency response in the city that we don't find ourselves in a weird place because this is an ordinance and not a resolution, where we find ourselves with an engine that's specifically about a certain type of calls that not fire that we are going to run to certain things that could be transit related or whatever it is, that we just have that acknowledgment.

[3:25:31 PM]

But it's been clearly stated by the chief and by frankly everyone on the dais that operationally speaking you respond to fires and be prepared to respond to fires when you're out in public.

>> Garza: So I don't understand what this does then if you're going to put four anyway at any time, what does that change?

>> Flannigan: I would ask the question that the ordinance in total.

>> Garza: About the ordinance in total?

>> Flannigan: Yeah. Because we already do it. So I don't know why we need the ordinance. If we are going to do the ordinance I want to be clear that we're talking about four.

>> Flannigan: There's an ordinance that talks about a different level of staffing. This is an additional level. There's I believe four on rescues and I believe Bob nixes nicks could speak more to that. It is four on more apparatus than the current ordinance.

>> Flannigan: I don't believe there's a current ordinance. I think there's a resolution to that effect.

>> Kitchen: Could I speak to this?

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I'm going to ask a legal question. I would -- I think I would interpret this amendment actively entertained in a fire-related emergency response to -- I would think that we would interpret it in such a way that it would address the concerns that councilmember Garza is raising. Because it says if you're actively engaged in a fire-related emergency this applies. So if operationally the only way to do that is to make sure that there's four on every engine that's used in fire-related emergency response then that's how it would be interpreted and I want to make sure that I'm reading -- that interpretation is correct so could I ask that of legal? Because, I mean, I don't -- my thought would be that this -- that those two words would not allow you to interpret this in such a way that it didn't apply in the circumstances that councilmember Garza was talking about.

[3:27:33 PM]

Does that make sense, what I'm asking?

>> I think it's going to apply all the time, it's a fire-related emergency.

>> Kitchen: Right. It would just apply all the time. Whether you were on a medical call or not. Because you can't distinguish, like councilmember Garza said.

>> Mayor Adler: Okay. So let's -- let's pull in the people who have signed up to speak. Is Gus Pena here? Is Bob nicks here? Why don't you come on down.

>> I think somebody signed some time up for me or am I coming up for a question and answer?

>> Mayor Adler: I'd imagine you will be asked a lot of questions but, yes, you have donated time. You have five minutes.

>> So the original language that I saw for this ordinance might help what you're trying to accomplish, Jimmy. I think it's exactly what you're trying to accomplish. So the original language, some of it said all fire department emergency response apparatus that are used to be engaged in tactical-level fire fighting activities must be staffed with four. The reason I think that's important is -- if you're trying to [indiscernible] I think what you're trying to do is make clear if let's say we had a catastrophic event where we had to stand up ten more medical units and they happened to be engine companies? They may not necessarily need to be 4-person staff. I think that's kind of what you're getting at. Maybe if we put in the wording, I'm just suggesting to you, engines, ladders, quints and rescues engaged in tactical level fire fighting activities must have four people and the other part if you wanted to make it more clear but I think it says it by not saying it, any other type of unit could be staffed the way the chief feels like it needed be to to be positioned on the ground.

[3:29:43 PM]

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: I don't see a substantive difference between the way you said it. If we're saying tactical fire emergency response that to me is the same as a fire-related emergency response. So --

>> There is one thing --

>> Flannigan: Would you say that again so I can write it down?

>> I'm sorry.

>> Flannigan: Will you say the phrasing you felt was it fire --

>> What idea was engaged in tactical level fire fighting activities must be staffed with. And the reason I did that was the same thing you're trying to accomplish. There might be some circumstance where an engine or ladder is used for something that's not fire response and the chief should be able to use whatever staffing the chief would want to use.

>> Flannigan: So it would say --

>> If your wording means the same thing as what I'm saying, then I don't know that it matters.

>> Flannigan: I don't think it does matter because I think we are saying exactly the same.

>> As long as we understand that's what it means.

>> Mayor Adler: Any objection to that amendment Mr. Nicks just articulated added? Hearing none, that's added. I think -- for me, the question I'd like you to address, is -- I think the threshold question is is this something that we want to do and not have it ebb and flow as a budgetary item. I think what we've



heard pretty much unimpeached in a fire situation it's not safe to send out anything other than a 4-person crew.

>> Right.

>> Mayor Adler: If we end up in a budget exigency and need to cut somewhere we should be cutting somewhere else other than sending our firefighters into a fire where -- in a place that it's not safe to do that. My sense is there's agreement, if not unanimous, close to that on the dais. I think what's making people nervous a little bit is the fact that it's coming in an ordinance and I understand the purpose that it's intended to be, but just trying to imagine now all the different situations that could arise where the manager or the chief would like to have some kind of operational control and no one here is smart enough to try and be able to anticipate all the things that that would be.

[3:31:49 PM]

So I think you hit one of the situations. I've just handed out on the dais, chief, something I want to give you a copy of this. This is the language that I think you sent me earlier on this?

>> Thank you.

>> Mayor Adler: Why don't you take a look at it. Because I've handed it out. It's, again, just to allow for -- and I don't know what it would be in terms of an exigent emergency type situation. B just makes the language a little clearer because there's no defined term aspirating conditions. So B just makes that language clearer. And then the added C I think is your language. Just to provide -- I don't know what that would be. You're okay with this language, too, I understand since it was your language?

>> No. I think this language -- I think Jimmy, did identify something that need to be identified so I do appreciate that. What we're trying to do with this is engines, quints, when they show up at fire calls they all have four. Any other type of response unit that's not fire-related, you know, in a special circumstance or let's say the chief wanted to add 2-person medical squads for some reason, he should be able to do that and the ordinance shouldn't tie his hands. We didn't want to tie the chief's hands in a circumstance we can't possibly imagine. I originally had wording very close to what you're proposing, mayor Adler, and legal wanted it to be more specific so they came up tying it to a reconpolicy, which makes sense. What you're doing with this language is actually helping in the sense it's making sure there's no other circumstance we can't possibly consider that's going to tie the chief's hands. Then it accomplishes everything we're trying to accomplish, make sure the safety standard is important as part of law. We want to have provisions where it doesn't tie the chief's hands in something unforeseen or another type of service delivery model like councilmember Flannigan is discussing.

[3:33:52 PM]

>> Mayor Adler: With that said is there any objection to adding amendment number 2?

>> Kitchen: I have a question about it.

>> Mayor Adler: I passed it out.

>> Kitchen: I have a question about it.

>> Mayor Adler: Yes, go ahead.

>> Kitchen: I have a question if -- because it appears to me it might be a substance difference, and I may just be reading it too fast because I haven't seen it before. And do you have the amendment in front of you?

>> Have I what?

>> Kitchen: Do you have the mayor's amendment in front of you?

>> Mayor Adler: It's in his hand.

>> I have mayor Adler's amendment, yes.

>> Kitchen: Okay. All right. So you're not intending to change part 2b. You're just defining it more.

>> Mayor Adler: Correct. It goes back to the earlier language I think that actually had been proposed, which then went through legal, came back as B and I'm kind of resurrecting the original language.

>> Kitchen: Well, I was curious why you said presence of any of the conditions. But your intention is that it is the same as it was originally. You're not trying to change the -- you're not trying to change the competition of the conditions that would trigger B?

>> Mayor Adler: No. It was just -- there was no defined term. It's operating conditions.

>> Kitchen: Okay.

>> Mayor Adler: Kind of a descriptor so this just makes it clear that it's not a separate thing. It's one of those things, since you referred back to a resolution -- an ordinance that had three things, this is now just coming back to any of those three things.

>> So I would suggest that you take off where it says part c2. I think it should just say part C. What you're doing you're saying looking only at the trigger mechanisms, not at the definitions of the triggering mechanisms. If that broaden it even further to the chief's discretion, they could take an extraordinary condition exists or eminent and they need additional resources to, me those sections 1 and two need to be kind of operating together in order to inform whoever is making that choice, whether they're bound by the ordinance or not.

[3:36:03 PM]

>> Mayor Adler: I think you're right. So it should say the conditions defined in part C.

>> Or maybe just say one and two.

>> Mayor Adler: So any objection to this amendment being added with the change being that it says just part C but the other changes in B and the addition of C remain the same?

>> Garza: I have a question.

>> Mayor Adler: Yes.

>> Garza: I guess in a rare and catastrophic emergency you'd want this decision to be made as soon as possible. I'm curious why it wasn't the fire chief may alter staffing levels?

>> Mayor Adler: Only because I was trying to define it as city manager recognizing he can discharge that duty to whoever he wants to underneath him, which he would give to the chief. But I was just trying to - since we don't give instructions below that I was just trying to make it that way.

>> Garza: Okay.

>> Mayor Adler: Without objection, those are added. Further discussion? I didn't want to cut you off. Was there something else that you wanted to say?

>> No. I wanted to thank council's support on this ordinance. I've talked to all of you individually over the years about it for about a five-year period. I do think the discussion has been good and I think it's landing the point where we're not tying the manager's hand and fire chief's hand under extreme rare conditions or conditions defined under our recon level three, but it does assure that the safety standards that are really unrefuted nationally are adhered to in the city of Austin. So I appreciate the city manager, mayor, city council for considering this item.

>> Mayor Adler: Okay. Ms. Houston.

>> Houston: I don't have any questions for Mr. Nicks but if we have some other comments I'd like to hear those.

>> Mayor Adler: Those were all the people we have. Thank you, Mr. Nicks, you can sit down.

>> I'm sorry?

>> Mayor Adler: You can go ahead and sit down. Those are all the questions. We're now back up to the dais to discuss. We have the main motion in front of us, which is this item 45, the amendments have been added. Ms. Houston.

>> Houston: Okay. I just want to say to everybody that I certainly do support 4-person staffing.

[3:38:08 PM]

However, I believe that it should be within the director's authority to maintain the appropriate staffing on apparatus at all times, including in times of crisis. The proposed ordinance states that the fire department has maintained 4-person staffing since 2012. The newly sworn in chief has stated publicly that he supports and acknowledges that 4-person staffing is essential, as people have said it's a national standard that must be maintained for the health and safety of firefighters and the community that they

serve. I feel that this ordinance appears to be an end around the chief who was sworn in on Monday. Could this not have waited until he has had an opportunity to formulate his own vision for moving forward the fire service? And I still don't understand what the rush is. This 4-person staffing has been the standard in Austin for the past six years, and my opinion, it places an unnecessary restriction on the chief. I've asked what other public safety departments have -- in Texas or in the United States, what are the unintended budget implications? We don't know that. I don't feel that it's the council's job to micromanage departments but to provide direction and give our departments the tools to accomplish the task. We may set parameters and metrics but we should not make policy to tell department heads how to manage. So based upon those concerns that I have, I will probably not be voting for this resolution -- ordinance.

>> Mayor Adler: Okay. Councilmember alter.

>> Alter: I'd like to invite the city manager to share any concerns that he may have with regards to this ordinance and any amendments that you think might be helpful.

>> Sure. Thank you, councilmember alter, and appreciate the comments on the dais so far and the comments from councilmember Houston. It is that idea of how much flexibility and the understanding that we are already implementing this and we have been for many years.

[3:40:14 PM]

There are ways in which we have looked at ordinances like this or direction like this, but still been given to the management some flexibility to be able to say if things change how do we adjust our operations as a result of that. So I'll give the example of, you know, the last two contracts that were negotiated this year with police association and fire association -- I'm sorry, the police association and EMS, we included in those contracts language that would say something to the effect that this contract could be modified or suspended in the event of a change in state law. So I think the amendment that councilmember alter has passed out reflects that similar direction that we have for our other two public safety contracts, and the ordinance as proposed would then carve out fire somewhat differently than the other two.

>> Kitchen: Could I speak to this?

>> Mayor Adler: What? I'm sorry? Thank you for that comment. Councilmember kitchen.

>> Kitchen: I thought that councilmember alter already introduced -- do you want to introduce --

>> Mayor Adler: She has not

introduced the amendment. >> Kitchen: I'd like to comment after she introduces it.

>> Mayor Adler: Councilmember alter do you want to propose an amendment.

>> Alter: Sure. I'd like to create an amendment, creates a new part three that says the requirements of this ordinance may be modified or suspended in the event of a change in state law that affects the budgetary and revenue authority such that the city's anticipated revenues are impaired.

>> Mayor Adler: There's been a amendment it is there any second? Councilmember Houston seconds that. Discussion? Councilmember alter, you getting to first if you want to.

>> Alter: Sure. As the city manager has indicated, we do have provisions in our ems and police contract that provide mechanisms for us as a city to manage in the event that the state tries to control how we handle our finances.

[3:42:18 PM]

I believe that this amendment would be useful should the state decide to put revenue caps, et cetera. Now, that does not mean that we would, you know -- it recognizes the fact that if we had revenue caps imposed we're going to have to make some really tough decisions and it doesn't require us to make these decisions but it allows us the discretion to do what we need to do in that event, which will be catastrophic for the city as a whole. I think it's prudent measure while we still recognize that it is our policy to have 4-person staffing.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I don't have an opposition to this amendment. I think the amendment makes sense. I think it -- I think I would suggest a little bit of clarity to it, and I would suggest that the requirements of this ordinance may be modified by the city council -- modified or suspended by the city council in the event of a change and go on from there. That makes it clear. I would also like to say that this is -- I view this as a policy matter, not as an attempt to get into operations. Because I do believe it's appropriate that the city council not try to micromanage operations, and that is not the intent here at all, and I wasn't aware that there were concerns from the city manager. I've certainly talked to others but I wasn't aware that you were concerned about it so I'd just like to reiterate that we have precedent for this before, for these kinds of things in ordinance before, with public safety, where we have, as a matter of policy, stated that the way that we're going to work with our staff is such paramount importance that we think it should be a statement of policy. We've done that with our police staffing with regard to things like the pay for mental health services.

[3:44:20 PM]

We have other examples. So to my mind, the safety of our fire personnel is of such importance from a policy perspective that it's appropriate that this go into an ordinance. And I think that the kinds of exceptions that we're building into here are also appropriate. So I think that -- so I think that what councilmember alter has suggested is certainly appropriate. And I would just suggest for clarity, since it's a city council that approves budgets, that we should say maybe modified or suspended by the city council in the event of.

>> Mayor Adler: Okay. There's been a motion for an amendment and a second. Councilmember Flannigan.

>> Flannigan: So I think implicitly every ordinance can be mended or changed by the council so I don't know that saying that has much impact. Councilmember alter's thing definitely has an impact, but I think, you know, what -- what extreme measures we might be faced with in the event of changes in our budgetary and revenue authority, I don't think will come at the expense of the safety of our firefighters. And so it was appropriate in the contracts that dictated pay and other things, but when it comes to sending our first responders into fires, I don't think this is the place I would cut. It would be the last place I would cut.

>> Kitchen: Right.

>> Flannigan: That's why I'm kind O comfortable with the ordinance in this way because we already do it, I mean, substantively to councilmember Garza's point, we already do it, and this wouldn't be the thing I would cut in that event. There would be a lot of other things that would go first?

>> Mayor Adler: There's been an amendment and seconded. Any discussion before we vote on the amendment? Let's vote on the amendment then. Those in favor. Alter amendment please raise --

>> Kitchen: With my

modifications? >> Alter: I didn't accept them.

>> Kitchen: Oh, I don't --

>> Alter: I don't know if it --

>> Mayor Adler: Help me with the modification then? What was your modification?

[3:46:22 PM]

>> Kitchen: I just clarified that it wasn't an administrative function -- or automatic is what I wanted to make it clear, because the way it's written it says may be modified or suspended but it doesn't -- I wouldn't want it to be read as automatically modified or suspended. It doesn't specify how that happens. How it gets modified or suspended. And that's why I thought just for clarity purposes -- I mean, it would normally be the city council. That's the way you would do it, because it's a budget matter. So I just thought just -- it just didn't make sense to me just leaving it hanging about how that might happen. I was concerned about how that might be interpreted.

>> Mayor Adler: I'm not sure I'm clear. The [indiscernible] May be modified or suspended in the event of a change in state law. I mean, I think you're saying -- I think that would give the authority to the manager to be able to change that.

>> Kitchen: Well, but --

>> Mayor Adler: I mean, the requirements -- because it's directing -- this is an ordinance that directs the fire chief and the manager to do something. And what you're also saying is but this requirement can be modified or suspended if an event happens. So I think if you want to put in a certain control, you need to put in your certain control.

>> Kitchen: Okay. Well, then I'm suggesting by the city council and the reason I'm suggesting-- it could be by the city council at the remittance of the city manager, that would be fine too. I'm simply reflecting the fact that our budget is ultimately approved by the city council. That's all.

>> Mayor Adler: So now I'm picking up the conversation that then happened with Jimmy because I didn't pick up the exchange. But the council could just change the ordinance if it wanted to. So --

>> Kitchen: Without clarifying it then I'm concerned that it could be -- again, we're never talking about these things with the current individuals in office. But my concern is it could just be done administratively, without changing the budget, in a way that the -- we normally change the budget, which is a decision of the city council.

[3:48:30 PM]

>> Mayor Adler: What was your intent, councilmember alter, with your amendment? The requirements could be modified or suspended, how would it be modified or suspended?

>> Alter: My intent was not to make it automatically suspended with no discussion and no thought. You raise a good point on that and I'm trying to think how we get around it, but I do think that there's a difference of having it, you know, as we move from having what is our policy of 4-person staffing into ordinance and not having that, I think I might ask if Devon might talk about what -- we have -- this was meant to take a very similar language from what we have in our contracts.

>> Kitchen: Okay, all right.

>> Alter: And put it in here. So I may have missed a piece of it in trying to be consistent with that, with our contracts with ems and police on that with regard to how they're using this form personnel staffing in this way, which is not a contractual issue. Maybe Devon could speak to what is in those contracts and maybe in translation here I got the language off a little bit.

>> Sure. Thank you. Good afternoon, Devon with the labor relations office. So we have two different languages in the ems and the police contract. They both essentially do the same thing. Which is if a property tax comes in from the legislature we have the authority as a city to reduce the wage increases that are guaranteed in the contract. I believe the police language says before we exercise that authority -- and I'm just not quoting here, but summarize, before we exercise that authority we'll at least sit down and talk to them about how we plan on doing it and if we can both come up with a better solution, great, but at the end of the day we as a city have the right to institute lowering the percentage increases based on the caps that we got. They both essentially do the same thing. There's nothing prohibiting us in the ems contract from sitting down with them as well, similar to how we did it -- how we have the language with the police.

[3:50:35 PM]

It's just the police association asked to at least sit down and put that language in, but the ultimate call is the city's and so we have that -- I'm sorry?

>> Mayor Adler: When you say the ultimate call is the city, what does that mean? Who -- how does the city make that ultimate call? Is that something -- obviously you sit down with the association, you try to work out an agreement, if there's an agreement you move forward. But ultimately, again, isn't it the manager who then as the CEO of the city that says this is the event that occurred, the legislature made a deal, this is now what's happening?

>> So I am looking at -- I believe this would be the -- the police contract. It specifically says in the event of any change in state law that modifies the city's budgetary and revenue authority, that -- comma, comma, comma, the city council shall have authority to make proportionate adjustments to any additional cost in the relevant fiscal year of the agreement.

>> Mayor Adler: Okay.

>> Alter: State that one more time.

>> In the event of any change in state law that modifies the city's budgetary and revenue authority, comma, such that the city's anticipated revenues are impaired, comma, the city council shall have the authority to make proportionate adjustments to any additional costs in the relevant fiscal year of this agreement, comma, after a full opportunity for the association to address that action in a posted public meeting. And then it goes on to say that we're going to meet and confer with them for a period of 30 days before we actually execute whatever we're going to do.

>> Mayor Adler: So, Ann -- council, you're saying with respect to what Alison handed out that when it says modified or suspended but it doesn't identify who has the chance to modify or suspend, your suggestion is that absent giving that power to the manager, that power would still remain with the council?

[3:52:51 PM]

>> Right. Because it's an ordinance. So, like, the ordinance can only be changed by the council. If you want to modify it, we modify it and say that it can be modified or suspended by the city manager in the event of a state law change.

>> Kitchen: So I have a question.

>> Mayor Adler: And let me get to mayor pro tem in here so other people have a chance to speak as well.

>> Kitchen: What you're saying is the language that I'm proposing --

>> Mayor Adler: Hang on just one second.

>> Kitchen: Oh, I'm sorry.



>> Mayor Adler: Mayor pro tem.

>> Tovo: I'm trying to understand what would be different if we incorporate this amendment. It sounds as if one way or the other, given that it's an ordinance it would have to come back to council to be changed. And so regardless of what direction we provide in terms of our intention, that it might need to be modified, it still has to come before council. So can somebody help me here? Is what we're trying to - if what we're trying to accomplish is just to say that if the situation -- if our budget situation changes we likely might have to modify the ordinance -- I'm not sure that we need to signal that. That's kind of an across the board caveat.

>> Mayor Adler: Councilmember Garza.

>> Tovo: Right? So I guess it seems to be adding a lot of confusion in our discussion and potentially in the ordinance itself to incorporate an amendment that basically says if the budgetary situation changes we might have to -- we might have to change this ordinance. Right? Unless I'm missing something.

>> Mayor Adler: That's how I read it. Councilmember Garza.

>> Garza: I agree. I don't understand the -- it doesn't add anything to what the reality is. If it is in fact -- would have to come back to council there's no pointed. This could -- we could add this in every single thing we, do may come back and change this. We always could come back and change anything we pass. So I don't -- I don't support this amendment.

>> Mayor Adler: Councilmember kitchen, anything else? Anybody else want to speak to this?

>> Kitchen: Well, I would just say I don't support the amendment unless we clarify the language so. . .

[3:54:59 PM]

>> Mayor Adler: Councilmember alter.

>> Alter: I'd like to see if the city manager has any thoughts. I was assuming that, you know, as we had drafted this that this would allow us to have, you know, the budget stuff come and make those decisions without having to go and redo the ordinance in order to do that. I think it is also important to recognize that if we do have a cap, we may not be able to do 4-person staffing, no matter how much we want to do it. There are gonna be some really hard decisions. And I think it's important to acknowledge that and my colleagues may choose not to put it in the ordinance, but that was part of where I was trying to go. And maybe the city manager would like to speak to this.

>> Certainly. Thank you, councilmember. The consistency with the other contracts that we have, as Devon describes, ensuring that we're not -- we're treating all of our public safety -- the operation effects of the contracts and potential ordinance here in a similar manner. And so I would certainly appreciate if there were -- if there was a desire on the council to include this, it would just provide that consistency across those contracts.

>> Mayor Adler: I hear -- the contracts and having a provision that says that the council can change it if anything happens enables the council to unilaterally change something without having to enter back

into negotiations. In this instance, since the issue is being set by ordinance and not by negotiations, you don't have to go back and negotiate it so I'm kind of leaning where the mayor pro tem was, where -- and where councilmember Garza was, is this is dissimilar to putting it into a contract because it's not in the contract then you have to go back and renegotiate with the association. This is something that can only be changed by the council speaking.

[3:56:02 PM]

So I see it different from that, and I don't see we need to put this in since the council can change this by ordinance any how. Councilmember Flannigan.

>> Flannigan: Yeah. I think, you know, councilmember alter's original amendment was a substantive amendment, saying -- I think the intention that the manager -- I think he was right, would have some authority to do that, but that would be a thing, we'd need to put in, too. I think the scenario it calls out is not something that would be an emergency. It would be something we would have a long lead time before it impacted us, especially in a revenue cap, and the next budget cycle thing, so we could always come back as I imagine a lot of things would be brought to us as slash and burn approaches that would be forced on our hand. I still don't think this would be one of them, but in either case, either the original amendment, it's not something I support or the modified amendment is not something that does anything substantive, so I think maybe we can just get to the vote.

>> Mayor Adler: Let's go ahead and take a vote on

>> Mayor Adler: Further discussion? Those in favor of the amendment please raise your hand? This is the alter amendment.

>> Alter: Is voting -- councilmember alter is voting aye. Those in favor raise your hand? Ms. Houston also voting aye. Those opposed raise your hand? It's the balance of the dais with Mr. Renteria gone. We're back to the main motion now as it has been amended and modified. Further discussion, councilmember alter.

>> Alter: I just wanted to clarify that the language that you proposed, mayor, about the rare catastrophic emergency response conditions exist. I'm particularly concerned about the situation where you have a wildfire, which is an extended fire related situation and you may not have four healthy firefighters to put on an apparatus to be able to fight the fire. You may only have three, but you still have to keep fighting the fires and whatnot.

[3:58:04 PM]

Forgive me if I'm going to operational issues that I don't have full knowledge of, but I want to make sure that were we to have a situation like that where the fire chief determined that he be required to have

three people instead of four because of the extended fire situation that that would be covered under that language.

>> Mayor Adler: In my mind it was the intent -- if we had a wildfire that was burning up all of west Austin I would count that as a rare catastrophic emergency.

>> Alter: I just wanted to clarify that for the record. Anything further? Yes, Ms. Houston?

>> Houston: Thank you, mayor. As you clarified that, what would that do to overtime in order to call people in in order to continue to have the number of people on any number of apparatus.

>> I would say -- this ordinance applies, section C just says it doesn't apply if there's a rare catastrophic emergency. But if there's a rare catastrophic emergency then the city manager -- well, he notifies the council -- he notifies the council of that rare catastrophic emergency and he may not do this. I'm not sure I understand the question.

>> Houston: That's okay, I understood your answer even if you didn't understand the question. So I'd like to ask the city manager, do we usually put operational kinds of functions like in in the police, in an ordinance for the police to have two police in each patrol car, especially in the evening hours when there are lots of people on the weekend? Or is that something that we give the police chief the authority to decide.

>> Thank you, councilmember. The latter is true. Most of that is the site on management so it is rare. And again, being new here I don't know if I have many examples, if any, of cases where that type of operational direction comes into the ordinance.

[4:00:14 PM]

>> Houston: So we could in fact say not only would question do that, the council put in an ordinance, the same kind of operational issue of staffing for police, we could do it for resource recovery so that we have three people on a recycle truck, we could do it for all kinds of departments where there's staffing where you're operating equipment and it's -- I just think we're delving into something that is really the manager and the department head's discretion.

>> Mayor Adler: Okay. Any further discussion? Let's take a vote on this item. Those in favor of this item 45 please raise your hands. Those opposed? Ms. Houston voting no, the others voting aye. Mr. Renteria off the dais, it passes. Let's now do the -- handle all the items. Let's go to the consent planning agenda, and mayor pro tem if you would take the gavel.

>> Thank you, mayor pro tem, members of council. Greg Guernsey, zoning department. I'll do through the 2:00 zoning items where the hearings have been closed. First item is case 60, c-14-2018-0043 for consent approval on second and third readings. Item number 61 and 62 are related. Item number 61 is case npa 2018-0023.01. This is for consent approval on second and third reading. Item 62 is case c-14-2018-0037. This is ready for consent approval on second and third readings. Moving on to the 2:00 zoning and neighborhood plan amendments. This is where the hearings are open for possible Texas. Item 63, npa 2016-0014.01.

[4:02:17 PM]

This is a staff requested indefinite postponement. Prior to this item coming back to council it would require renotification. Item 64 is case c-14-2017- c-14-2017-0010. Again, this is a staff request for indefinite postponement and would require renotification before this item would come back. Item 65 is just c-14--2015-0062.081. Applicant has requested an indefinite postponement of this item. Again, this would require renotification before this item would come back before you. Item number 66 is case npa-2017-0016.05. Staff is requesting a postponement of this item on your January 31st agenda, 2019. Item number 67 is case c-14-2017-00138. Staff is requesting a postponement of this item to your January 31st meeting. Item number 68 and 69 will be discussion items. We have several speakers that have -- would like to address you on this item. Item 70 is c-14-2017-0066. Staff is requesting a postponement much this item to your January 31st agenda. Item number 71 is case c-14--2017-0100. Staff is requesting a postponement of this item to your January 31st agenda. Item number 72 is case c-14--2018-0004, staff is requesting a postponement of this item to your January 31st agenda. Item number 73 we have speakers that have been -- that have signed up to address you, so this will be a discussion case, item number 73. Item number 74 is case npa 2017-0021.01. Staff is requesting a postponement of this item to your February 7th agenda. Item number 75 is case c-14-2018-0092.

[4:04:22 PM]

Staff is presenting this for consent approval on all three readings. At this time I'll turn the podium over to Jerry rusthoven to address you on the next three items, 76, 77 and 78.

>> Jerry rusthoven, planning and zoning. Item 76 is case npa 2018-0025.01 located at southwest parkway and Vega avenue. 77 is related case c-14-2018-0085, also located at southwest parkway and Vega avenue. I've been in discussions today with the applicant and the single person who signed up to speak. They have have completed a private agreement today and the somewhere no longer wishes to speak and they just asked me to note that in the record will be a copy of their private agreement. Item 79 -- 78 is case c-14-2001-0046.03, helping hand hope for children. On this case this case had the recommendation of the staff as well as support from the neighborhood when it we want to the planning commission. The pvced ad a co that restricted each structure to no more than 10 people. It is a facility for abused children. The applicant and the neighborhood are both in agreement that they would like to have that condition not apply. And so unless the council says otherwise, we would go ahead and move that condition.

>> Tovo: Mr. Rusthoven, I want to clarify 76 and 77. So there was a speaker. You've been meeting with the parties involved, including that speaker, and they're executing a private agreement or have executed, which --

>> Yes, they have a letter that they've given me a copy of that will be stuck in the case file. The site plan for this property will be coming back for a hill country roadway approval by the planning commission.

[4:06:32 PM]

So Ms. Sigler is confident that the applicant will comply with the conditions otherwise she will be speaking before the planning commission approximate it.

>> Tovo: Can you give us one or two lines about what the conditions are so it's part of the record.

>> Dark sky requirements,

[indiscernible] For a traffic signal. And the last item to be worked out was that the off site parking, which would be allowed, would only be for

[indiscernible] School and for no other reason.

>> Tovo: Okay, thanks.

>> Mayor pro tem and council, 76 and 77 then could be offered for consent approval on three readings. Item number 78 is for consent approval on first reading.

>> Tovo: And that would be director, Guernsey, consent approval with the conditional -- with the condition of occupancy removed.

>> That's correct. Moving on, item number 79 is case c-14-2018-0122. This is presented to you for consent approval on all three readings. Item number 80, this is case c-14-2018-0065. Staff is requesting a postponement of this item to your January 21st agenda. Item number 81 is case c-14-2018-0064, staff is requesting a postponement of this item to your February 21st agenda. Item number 82 is case c-14-2018-0116. Staff is requesting a postponement of this item to your January 31st agenda. Item number 83 is case c-14-2018-0113. This is ready for consent approval on all three readings. Item number 84 is case c-14-2018-0110. This is ready for consent approval on all three readings. Item number 85, case c-14-2018-0107, I understand that councilmember Flannigan would like to have this case discussed.

[4:08:37 PM]

This is on 8200 south congress.

>> Tovo: Shall we leave it on consent?

>> Flannigan: No, let's take a look at it.

>> Item number 86 is case c-14-2018-0138. And I understand that councilmember alter's office has worked with the residents and the applicant on this item and we would offer this consent with a change amending part 2-d of the ordinance for the property located at 2222 roadway and it would state that sidewalks, driveway access, signage that complies with current city of Austin code requirements applicable to 2222 would be added. And this would be applicable to the area of the 100-foot buffer. And

with that, we could offer this for consent approval on all three readings. That's item number 86. Item number 87, we've recently received a request from the Galindo neighborhood to postpone item number 87, this is case c-14-2018-0090 at 1001 Cumberland road to January 31st. That's a neighborhood requested postponement. It's their first request. And the applicant has agreed to the postponement. I believe mayor pro tem, you have at least six speakers I think signed up. I know five of them are aware of this. I'm not sure if the first speaker who signed up opposed is aware of this as well. But we could offer this for consent for a postponement to January 31st unless that speaker wants to address us.

>> Tovo: Why don't we take that up right after the consent agenda and make sure that none of the speakers want to address us.

>> Okay. Very well. Moving on, item number 88 is case npa 2018-0012.01, this is ready for consent approval on all three readings.

[4:10:44 PM]

Item number 89 is case c-14-2018-0087. This is ready for consent approval on all three readings. Item number 90 is case c-14- c-14-h-2018-0103. The planning commission recently rescinded their action on this case and staff is requested a postponement of this item to your January 31st agenda. Item number 91 is case c-14-85-288.43 (rca). Staff would offer this for consent approval of the restrictive covenant amendment. You have a copy of the restrictive covenant amendment on the dais. And I'll nose because I think this has been raised by some council offices and also by the public, upon completion of the construction of any multi-family development on the property, all future -- further development or redevelopment exclusive of site plan corrections or revisions as established in the current code shall be subject to current regulations at the time of the site development permit operation. And this restrictive covenant should not be construed to establish any vesting rights. So that's item number 22 with that content that you have. With that staff would offer this for consent approval. Item number 92 is case c-14-2018-0056. This is ready for consent approval on second and third readings. On 91 and 92 we have a citizen, I think Mr. Whaley had signed up. I believe he has left because of acknowledging that was the language I just read into the could have gent -- covenant or just read about the covenant. So with that that ends our consent agenda.

>> Tovo: So to recap --

>> I can also pick up 108 if you would like. That is on the addendum.

[4:12:46 PM]

It is a zoning item under the non-consent agenda. 2:00 P.M. Let me read that really quickly into the record. Item 108 is case c-14-2018-0079. It approves second and third readings of an ordinance, and there's a notation that I have that councilmember alter and the applicant have discussed, and if this would be acceptable we could offer this also on second and third readings. It's to remove the

community recreation public and community recreation private from the prohibited use list in the conditional overlay. So that would be adding back community recreation and community public and private as being permitted uses on the property.

>> Tovo: Okay. So to recap, our consent zoning items would be 60, consent second and third readings. 61 and 62, consent second and third readings. Consent 63, an indefinite postponement. 64, indefinite postponement. 65, indefinite postponement. 66, postponement to January 31st, 2019. 67, same 31st of January, 2019. 68 and 69 are not on the consent agenda. 70 is going to be postponed to January 31st. Same with 71. Same with 72, January 31st January 31st. 74 is a postponement to February 7th. 75 is consent all three readings.

[4:14:49 PM]

76...

>> 76 and 77, mayor pro tem, those were the ones --

>> Tovo: Those are now on consent, all three readings. Is that correct? All three readings?

>> That's correct, and noting for the public record the items that -- information that Jerry rusthoven read into the record.

>> Tovo: 78 I didn't see anybody raise an objection so that condition will be removed regarding occupancy and that will be consent first reading only. 79, consent all three readings. 80, postponement to February 21st. 81, same, February 21st postponement. 82, postponement to January 31st. 83, consent three. 84 consent three. 85 consent three. Councilmember alter, were you comfortable with that. I think you had some conditions that you were comfortable with the conditions as they were? 87 I guess we'll take up here in a minute. 88 consent three, 89 consent three. 90 postponement to the 31st of January. 91 is to approve on consent. And 92 consent second and third reading. Miss cotton, is it fine to take up an item that's non-consent and put it on the consent agenda? That was 108?

>> That's fine.

>> Tovo: Is there a motion?

>> Just noting where applicable we're closing the public hearings.

>> Tovo: Correct. Closing the public hearings. Councilmember alter moves approval. Who would like to second that? Councilmember Casar. Any discussion? Councilmember Casar.

>> Casar: Sorry, I lost track. Is 61 on consent?

>> Tovo: Yes, consent second and third reading.

>> Casar: So the one thing I would like to add into this if it's not already in this is to require that there be a way to get into this from the north and from the south and that if not that we allow access from the east because if we block it off with the median we're going to make a mess.

[4:16:56 PM]

>> There's a little bit of discussion about a median regarding this property. So if you're suggesting if there's not a left turn access to Berkman that's prohibited then vehicular access to the other street, Hickman, is allowed unless there's something else in the code that otherwise precludes it.

>> Casar: Right. I would want folks to have two different ways of getting in here. And if the city causes it, it's only one that we should open the other. Just like you said.

>> So that doesn't really apply so much to 61, which is a neighborhood plan amendment, but it would apply to 62.

>> I

>> Tovo: I think we should pull it. We can do it quickly after this, but I think why don't we just keep this if there are going to be questions about it.

>> And you didn't mention 108. We could also do that on second and third, the item on the addenda?

>> Tovo: I did mention it because I asked Ms. Cotton if that was fine to add to the consent K any other discussion? Councilmember Flannigan?

>> Flannigan: Just to to reiteration discussions I had on item 75 and 77. 77 is an auto dealership being built in my district and I think we need a substantive discussion on what we need on auto dealerships, putting in a lot of impervious cover, not a lot of community benefit aligned to our strategic outcomes. I'm looking forward to that. And 77 is another example where we're cobbling together a set of zoning because the code is so messy at this point. I'm going to remain in support, but I wanted to read those into the record.

>> Tovo: Thank you. Councilmember, anything else? All those in favor? I believe we had one. I thought we had a motion from councilmember alter and I second from councilmember Casar.

>> Garza: I have a question, sorry. 61 and 62 are on consent?

>> Tovo: Yes, consent, second and third. We did full -- we pulled 61 and 62 to talk about the access. Anything else in all those in favor?

[4:18:57 PM]

And that is unanimous with mayor Adler and councilmember Renteria off the dais. Let's take up the postponement and Galindo very quickly to give that person an opportunity to speak if they wanted to. So this has been requested by the Galindo neighborhood association for postponement. It is item 87 and we had several speakers signed up. So I'll just call them quickly. And if you choose to speak you're speaking about the merits of postponing or not postponing, not about the merits of the case. Rolando



Pena, dick wrathgabby and major Kelly. Do any of you wish to speak about the merits of the postponement? Okay. I'll take up a motion to postpone that item. Councilmember Garza moves postponement. Seconded by how about councilmember troxclair? Not sure. Councilmember alter. I saw your hand up. All in favor of postponing this item to January 31st, 2019, signal by raising your hand. Sorry, councilmember troxclair, do you have a question?

>> Troxclair: I'm sorry, I might have gotten confused, but there were people who signed up to speak, but they didn't speak because they didn't want to speak on postponement? Was that the issue. I wanted to make sure there weren't people here who were wanting to talk about this issue who aren't given the opportunity.

>> Tovo: Director Guernsey said we had five people signed up to speak. Four who he had spoken to who were okay with the postponement and didn't need to speak. There was a fifth and I wanted to make sure they had an opportunity to speak to postponement if they chose to.

>> Troxclair: Thank you.

>> And the public hearing would remain open on the 31st for everyone to speak at that ti.

>> Troxclair: Thank you.

>> Tovo: Any other questions? Okay. All those in fav postponing this to January 31st, 2019? And that's unanimous. Okay, sorry. All opposed. Councilmember Flannigan is opposed. The rest who are here are in favor.

[4:20:58 PM]

So that brings us back to 61 and 62. Councilmembercouncilmember Casar, do you want to talk about access?

>> Casar: Yes. When we discussed this item last time it seemed like we might be putting a median in front of this property and if that means there's only one way to come upcoming up north and making a right, then we should allow a second access point on Hickman. So my understanding is that staff knows how to bring something in to make sure we don't cause a mess and that folks can make a left in or a right in or can get in on Hickman. >>

>> Mayor pro tem and council, Greg Guernsey, planning and zoning. At this time with the median as it's designed we don't know where the location from this property will be. The left turn access out may be prohibited in the future and from what I understand, councilmember Casar is asking if left turn access out of the property is precluded in the future -- precluded in the future that vehicular access to Hickman, which is the through street to the rear, is permitted.

>> Casar: That's right.

>> And I've spoken briefly to our law department when this arose awhile ago and the left turn access is prohibited to Berkman, is prohibited, then vehicular access to Hickman is allowed, unless otherwise precluded by the code. And that would make a future accommodation for access to be taken to Hickman

if you could not make a left turn access off this property on to Berkman. So that's our suggested language. We could still leave this on for second and third reading of that language as I've already spoken with the law department and they find it acceptable.

>> Tovo: Councilmember Garza, earlier you had your hand up.

[4:21:58 PM]

Did you have a question about this?

>> No. Just my concerns about crash Gates. And I appreciate councilmember Casar tries to find a solution to the the limited access, but I will be voting no because of the crash Gates in this case.

>> Pool: Could I ask Mr. Guernsey is it more than the median? Will there be a gate there?

>> Well, this would allow, as I understand it, from councilmember Casar's proposal, would just allow access or wouldn't necessarily be a gate to Hickman if access on to Berkman to make a left turn from the property is prohibited.

>> Pool: Okay. Because I would like for there not to be a gate there too so there could be some easy access in and out. Is that where we're going with this?

>> That's what I understand has been proposed is that if you can't leave the property from -- on to Berkman, make a left turn, then the vehicular access, emergency, regular access would be allowed by a right.

>> Pool: Thanks.

>> Tovo: Other questions on this item? Councilmember Flannigan.

>> Flannigan: Could we just not allow it, allow access on to Hickman without condition? Let me ask that definitely, just to expedite the process. If I wanted to do that, I would make an amendment to remove a co? To remove part B, number B of part 2 and then that would allow access of Hickman according to site plan.

>> There may be things that still would preclude a driveway in the future on there because we don't have a site plan so we don't know the specific designs of it at this time. And I do know there's compatibility that would affect the driveway on to Hickman.

>> Flannigan: Compatibility would effect the driveway on to Hickman?

>> There are single-family properties on either side of this property and it may require commission approval to allow that.

[4:23:03 PM]

>> Flannigan: All right. If I may make an amendment? So I move to stark part B or letter B from part 2 of the ordinance.

>> On item 62.

>> Flannigan: Yeah.

>> Tovo: Is there a second for that amendment? Councilmember Garza seconds that amendment. Do you want to speak to your amendment or you have already done so?

>> Flannigan: Yeah. I think there seems to be some head nodding around whether we would allow it or not allow it. I think it's similar to just let it be allowed in the zoning so that the site planning process and the transportation department can go through the regular sort of ordinances to apply to a driveway. But let the process play out out.

>> Tovo: Thank you, councilmember. Councilmember Houston, can you help us remember -- I thought this was a provision that was played into the discussion.

>> It did plan for discussion from the neighborhood contact team and I think they had a meeting on Monday. And if somebody could remind me what they agreed to on Monday night.

>> The neighborhood planning contact team as I understand is still opposed to access on to Hickman.

>> Houston: Okay. Thank you.

>> Casar: Mayor pro tem, what I was trying to figure out was since potentially -- there may potentially not be access on Hickman anyways because of our zoning, I just wanted to make sure we had two points of access. So I thought this was one compromise way of getting there. I'm opposed to Gates. At the same time this gate may not exist because there may not be an entrance here in the first place. So I'm just trying to make sure that the are-- sometimes we have a place where there's going to be a road and then we intentionally put a gate there. That doesn't seem to make sense. In this case this access likely doesn't exist in the first place but they're just trying to double ensure it. So I'm fine with amendment. I think that we're probably going to get to the same end point either way.

[4:25:07 PM]

I understand the neighbors' concerns about not having any access to Hickman. I think at a time they'll be even more concerning if there's only one entry point and people are pulling u-turns all over the neighborhood to try to get in. So I was trying to get to a compromise place, but I think this amendment is also probably gets us to a similar spot.

>> Tovo: Okay. Other thoughts? So we're voting on councilmember Flannigan's amendment. All those in favor? That is councilmembers troxclair, Flannigan,

[indiscernible] And pool. In any case it doesn't have enough votes to pass. We are back to councilmember Casar's direction. Do you want to recap it for us or is everybody -- is everybody comfortable with that?

>> Casar: I hate to see it go -- I'll -- I think in the end my amendments are going to allow access on Hickman so we might as well just leave it at that and give them the access on both sides. I think it was probably better for the neighborhood and more clear.

>> Tovo: So councilmember Casar changes his vote so that passes on a vote of 6--- 6-3.

>> So it only passes on one additional reading.

>> Tovo: That was the amendment.

>> Okay.

>> Tovo: So we're back to the original motion. Any other discussion about the case? Okay. All those in favor of the rezoning? Did you have a question or are you voting? All those in favor of the zoning? With the amendment. That is councilmembers pool, Garza, tovo, Flannigan, kitchen, Casar and troxclair.

[4:27:08 PM]

So that does pass. Thank you. So we have some 4:00 items that I think will be relatively quick. So we'll turn to those before we get back to zoning. I'm going to call up the discussion on the bond sales just so staff can be ready and we're going to do some of the public hearings as long as they're not going to require much discussion. We're going to try to knock out the ones that don't have speakers at the moment. So 93 is an ordinance authorizing the issuance of city of Austin Texas special assessment revenue bonds. Do we have a staff presentation or should we just move forward?

>> Belinda weaver with the treasury office. Item 95 will also need to come before item 93 and 94.

>> Tovo: Thank you very much. We'll take up item 95 instead. So I'd like to call the public hearing and to consider the ordinance approving the 2018 amended and restated service and assessment plan for estancia hill public improvement district. That is item -- I now have a script. So items 93, 94 and 95 are to conduct a public hearing on the estancia hill country public improvement district amended service and assessment plan. The assessment roles and the levee of assessments, which is item 95. To approve the amended service and assessment plan, the assessment roles, the levee of assessments and to accept and approve the agreement, again item 95, and to authorize the issuance of bonds for estancia area number one, item 93, and authorize the issue of bonds on estancia area number 2, item 95. So we are now taking up the agenda items, 93, 94, 95. We are starting with item 95 as indicated and after the hearing is concluded for item 95 we'll take up item 93 and 94 relating to the bonds for areas 1 and 2. I do not see any individual signed up for 95, 93, nor 94.

[4:29:11 PM]

So that does conclude my public hearing related to the estancia hill public improvement district. Is there a motion to close the public hearing? Councilmember pool moves approval. Is there a second?

Councilmember Flannigan moves to close the public hearing. All those in favor? Any opposed? So that's unanimous on the dais with councilmembers alter, mayor Adler and councilmember Renteria off the dais. Item 95 is the item to approve an ordinance accepting and approving the 2018 amended for the estancia public improvement district accepting the improvement area number one assessment roll, is accepting the area number 2 roll. Levying the assessments and accepting and approving the reimbursement agreement. Is there any discussion? Seeing none I would ask for a motion to approve item 95. Councilmember kitchen moves approval. Is there a second? Councilmember Flannigan seconded it. All those in favor? Any opposed? Councilmember troxclair is opposed. The others are in favor with councilmembers alter, mayor Adler, councilmember Renteria off the dais. Item 93 is the item to approve an ordinance authoritising the city of Austin bonds 2018 for estancia public improvement area area number 1 in an amount not to exceed 4,265,000 and authorizing all related documents and fees. Is there any discussion? Seeing none, councilmember pool moves approval. Councilmember Garza seconds it. All those in favor? Any opposed? Councilmember troxclair, how did you vote? So that is unanimous on the dais with councilmembers, alter, mayor Adler, councilmember Renteria off the dais.

[4:31:14 PM]

Item number 94, series 2018 for estancia hill country improvement district, improvement area number 2 in an amount nod to exceed \$8,305,000 and alluremented documents and fees. Any discussion? Is there a motion to approve item 94? Councilmember Garza moves approval. Seconded by councilmember pool. All those in favor? All those opposed? Councilmember troxclair is opposed. The others in favor. Same colleagues off the dais. Okay. So we have some other public hearings that I do not see individuals signed up for. Let's go ahead and take up item number 96, which is the public hearing to consider a resolution to expand the Austin downtown pid by adding one parcel of land at 208 nueces street. This is at the request of the property owner. I do not see any individuals signed up to speak to us. Does anybody have any questions for staff? Is there a motion to approve this item? Can councilmember Houston moves approval. I'll second it? All those in favor? It's unanimous on the dais, councilmembers alter, Renteria, mayor Adler off. Number 97 is to conduct a public hearing, consider a resolution for use of dedicated parkland known as quail creek neighborhood park for approximately 69,970 square feet of permanent storm water detention pond and 20,083 square feet for a temporary staging area to construct, use, maintain, repair and expand the existing drainage pond for the little walnut creek flood risk reduction project. In accordance with section 26.001 of the Texas parks and wildlife code. So I'll call this public hearing to order. I don't see anyone signed up.

[4:33:14 PM]

So do you need -- do our staff need to speak? I think you do. If you would, please tell us more about this item.

>> Mayor pro tem, councilmembers, I'm Gregory Montez. Item number 97 is a public hearing and the reason we're having this is due to the watershed protection department that is needing to increase and expand the capacity of the existing Berns meadow storm water detention pond. This requires a permanent change of use of 69,970 square feet and a temporary use of 20,083 square feet of dedicated parkland known as quail creek neighborhood park. The project will reduce flood risk to over 70 homes in the area. As part of this project the watershed protection department will provide improvements to the park totaling \$207,962, which includes new concrete trail, an A.D.A. Sidewalk, a granite hike and bike trail. The watershed protection department will also pay the parks department a mitigation department of \$81,181 used to construct a new soccer field at Brownwood park. There is no feasible or prudent alternative to the use of dedicated parkland, which includes all renal planning to minimize harm to such plan. Dates of public innovation in the "Austin american-statesman" were November 18th, 25th and December 2nd of this year.

>> Thank you. Any questions for staff?

>> Flannigan: I'll move approval.

>> Tovo: Councilmember Casar moves approval. This is to close the public hearing and approve. Councilmember Garza seconds it.

>> Casar: Just to clarify. The soccer field, that will be -- that will help mitigate the impacts of this project that's planned to be done before this project goes underway, is that correct?

[4:35:24 PM]

>> That's correct. Before the soccer field that exists right now and the drainage pond at quail creek, the one at brownie park would be constructed. So it would essentially replace the one that would be out of commission for six months.

>> And

>> Casar: And then when this detention pond becomes operational families will be able to play soccer there just like they were before, it will just be deeper.

>> Actually, it will be better. It will be flatter and wider is my understanding.

>> Casar: And we'll make sure to get the information out there, but so we are not taking away.

>> The soccer field will remain permanently.

>> Casar: Thank you.

>> Tovo: Questions or comments on this item? Okay. Again, close the public hearing and approve? All those in favor? And that's unanimous on the dais. Councilmember alter, mayor Adler, councilmember Renteria still off the dais. Colleagues, do we think that items 98 and 99 are things that we can move through fairly quickly? I'll call those up. Those are the requests in both cases to waive the distance requirement between businesses that sell alcoholic beverages and a public school.

>> The applicant requests a waiver requirement from the minimum distance of the Austin city code because they intend to sell alcoholic beverages at this location, which is 300 feet from Texas consecutive for the deaf, a public school. The property line distance is 269 feet. Section 9 of city code allows the city council to waive the 300-foot distance requirement if it determines that the enforcement of the distance requirement in this particular dismians is not in the best interest of the public, constitutes waste or the inefficient use of land or other resources, creates an undue hardship on the applicant, does not serve its intended purpose, is not effective or necessary or for any other reason the council after consideration of the health, safety, welfare of the public and the equity of the situation, determines it's in the best interest of the community.

[4:37:48 PM]

There are establishments that sell alcohol less than 300 feet from this location. To the west of the property, council granted a waiver to snarf's sandwiches located on south first street in November of 2016. And to tasty spoon located at 1413 south first in March of 2018. So the east of this school, council granted a waiver to doc's motor works, located at 1123 south congress avenue in October 2005. And to two hand brew located at 1007 south congress in October 2015. As no written letter of support or opposition has been received from the Texas school for the deaf, staff recommends approval of this waiver. Your backup includes staff's report on this case, an exhibit map and a response from the south river city citizens inc. Development services staff is here to answer any questions you have regarding this case.

>> Tovo: Thank you. Does anyone have questions for staff? Is there a motion on this item? I guess we'll take them up one at a time. So the first one is councilmember Flannigan.

>> Close the public hearing and approve.

>> Tovo: Is there a second? Councilmember troxclair seconds that. Any discussion? All those in favor? That is councilmembers troxclair, Casar, alter, kitchen, Flannigan, tovo. Councilmember Garza, are you voting? Councilmember pool. Against? Councilmembers Houston and Garza. Is there a motion on the next item? Councilmember pool, is your motion-- close the public hearing and approve? Is there a second? Councilmember Flannigan seconds it. All those in favor?

[4:39:50 PM]

Councilmember Casar, I can't tell if your hand is up. So councilmembers troxclair, Casar, kitchen, Flannigan, tovo, pool. And opposed, councilmembers Garza and Houston. So that item also passes. Do we think we can do item 13, the Austin country club items, relatively quickly? If we can, why don't we take that up. I know there was some -- there was a request for a postponement. Or we can table it for the moment and move on to something else if that's something that will take us a little l'm. I'm trying to get as many people out before dinner as possible.

>> Alter: I don't think it will take a long time, but I think we need to have the presentation and there are some questions. I haven't had a chance to check the speaker list.

>> Tovo: Fine. We'll take that up later. That is a pud assessment and that's a presentation, so my thought is that we would take up some of the zoning cases that have speakers before dinner and leave the other. Councilmember Houston, can you remind me, I know we had talked in Tuesday's work session about item 101, and I think you requested a time certain or indicated an intent to request one today. Can you remind me what time that was?

>> Houston: Now.

[Laughter].

>> Tovo: Given the discussion we had on Tuesday, thanks for the reminder, we'll go to the renewal item, which is item 101. Do we have staff here prepared to talk about that? My sense of things is that we will probably get to the pud assessment after dinner and then after item 101 we'll start working our way through zoning. We've got 61, 62, 68, 69, 73 and 85 in terms of our zoning items.

[4:41:53 PM]

To discuss here today.

>> Kitchen: Mayor pro tem, we have -- we've looked at the number of speakers. There's only two for Austin country club.

>> Tovo: Yes, director truelove, we weren't switching gears on you. We were talking about what was coming after item 101. We're taking up item 101 now and next we'll go to items -- consuming we still have time before the dinner break, 13 and 100. And then we'll work out way through the zoning items.

>> That's okay. I needed the exercise.

>> Troxclair: Really quickly, I -- the correspondence that I saw, people who wanted to come speak on the country club issue were coming after dinner. So I don't know who -- I don't know how they got that impression, but people said they were coming at 6:00. So just wanted to let you know.

>> Okay, thank you.

>> So item 101, rosary truelove, director of neighborhood housing and community development. Item 101 is to conduct a public hearing and consider an ordinance for the redevelopment project controls. My understanding is there's a number of speakers. Do you want to go to the speakers next?

>> Tovo: Yes. So we have 16 speakers on this item. I'm going to hand over the gavel back to the mayor here in a minute, but our first speaker is Gus Pena. Our second speaker is Melvin wren and our third speaker will be reverend Dixon. So Mr. Pena, if you are still here, if you could come forward. I'm not seeing him, so Mr. Wren, Melvin wren. I apologize, I have a list. So those-- thank you. So Mr. Wren, Melvin wren. You will be our first speaker and then we'll shift to the list that was provided.



[4:43:55 PM]

>> Thank you very much, mayor, council, mayor pro tem. I'm just going to hit some points. I think I sent an email that gives you kind of an outline and background of things related to the urban renewal district. My first statement is something that happened never should have been. Urban renewal district was created and never should have been. If anything at all, all of zip code 78702 should have been declared a slum in the 1990s versus just 11th and 12th street. In 1959, 6,070 people voted for urban renewal. That was by 52-vote margin. That is 59 years ago. The lcm slum and blight study used zip code data and not census tract data. It's very important to understand that the only way you could declare an urban renewal district or an urban renewal area was if it was considered a slum, and the only way you would get to the point of being a slum you had to do a health and safety to find out how healthy was the community because you were taking people's property through the process of eminent domain and you were removing people from the particular neral area. Last thing I would say to you is based upon the history of east Austin, you most likely need to double the funding for all of the organizations that are written in the plan, but you need to eliminate a plan that never should have been. It's like saying urban renewal was the most derogatory kind of thing you could place upon a community community. In documents of Austin it said it was Negro removal, and you had more blacks and browns displaced in the 1960s than you had anything else.

[4:45:56 PM]

So the urban renewal was something that no one should have put in place. And the data to get that -- I'll give you a prefaced statement. It says lcm, that was a company I put together. We hired David crane to come in from south Florida. David crane would not put the language in the document that would say 11th and 12th street. 11th and 12th street urban renewal is the only thing that both sides of the street, the only one of its kind in the country because it never should have been, it never should have happened and now you want to extend something that historically was repugnant, was historically something that should not have taken place. So I think that the data is there. You have the information, and I hope that you vote not to extend the urban renewal district.

[Applause].

>> Thank you, Mr. Wren.

[Buzzer sounds]

>> Mayor Adler: Is reverend Dixon here? Thank you. Is nefertitti here? You will be on deck, you will be up next.

>> Good afternoon, mayor and council. On behalf of six square do I stand as the chairman of the board. I realize there might be inadequacies of the urban renewal plan, but I stand here in support of that plan for this reason. We have attempted to an ongoing plan that is still very much vital and beneficial to the

east Austin community. And why do I say that is because this plan allows for conversation between the urban renewal board and conversation with the community.

[4:47:04 PM]

In light of the way things are right now in east Austin, changing very, very fast, I do think that the urban renewal still has property which is very valuable to the community in the sense of preserving historic sites, et cetera, and the potential for further development in the area of providing housing, buildings, opportunities for persons in their community, and particularly for those of us of six square as we are attempting to keep the quality, the history of east Austin very much alive in these transition times. Thank you.

>> Mayor Adler: Thank you, Dr. Dixon. Nefertitti.

>> Good evening, mayor and councilmembers. My name Isner Jackman and I serve as the executive director of six square. Austin's black cultural district. I am here with my board chair, reverend Dixon, who just spoke, as well as another board member, Willie Johnson, who is also present with us. We are one of the few stakeholder organizations in the community that -- remaining that's concerned about the future of the development and changes of central east Austin especially as it relates to the cultural and historical legacy of the African-American community that remains. We are in support of the 10-year extension of the urban renewal plan for the 11th and 12th street corridors, and most importantly there was a three-year planning process that took place and community engagement was sought and it was won, and one of the most important things that we want to see happen is that urban renewal plan be continued. It was not necessarily -- not necessarily I don't want to say slothful in its implementation, but it was not used to the full extent.

[4:49:10 PM]

The mechanisms that the urban renewal board have to use to request community benefits and amenity amenities were not used to the full extent and we want to make sure that this plan is extended for another 10 years and most importantly we want to make sure that the community's voice is heard. People often want to see the community engage and get feedback but if we don't follow up with the plans, this was a self-determined vision of many neighborhood associations throughout east Austin and we want to make sure their voices are heard through future planning. Thank you.

[Applause].

>> Mayor Adler: We have some people signed up to speak. Ms. Houston, you handed out an amendment and I have two. Do you want to lay that out, -- if people want to address them or just know that they're coming?

>> Houston: Thank you, mayor Adler. Hopefully if there's a way that we can put my amendment on the overhead so people can see it. Do you want me to just move my amendment?

>> Mayor Adler: You could. House of representatives I move to amend the ordinance in the --

>> Houston: I'm going to move to amend the ordinance as follows. I will move to add a subsection F to reduce the number of households and businesses displaced from Austin due to affordability, the economic opportunity and affordability section of the city's strategic plan identifies strategies to develop and act on. These strategies will assist the city and the urban renewal agency in their efforts to achieve higher density -- higher intensity mixed use development on east 11th street and the neighborhood it based retail small scale offices and housing on east 12th street.

[4:51:12 PM]

We're going to add a new part four and a new part four. And to renumber the remaining sections accordingly. Part four, during this 10-year extension, the city council directs the city manager to work with the urban renewal agency and other key community partners to carry out the strategies described in the economic opportunity and affordability section of the city's strategic plan. The city council encourages the city manager to include the office of performance management, neighborhood housing and community development, planning and zoning department, economic development department and the office of real estate services in carrying out these strategies. Part 5, during the city's consolidated planning process for fiscal year years 2024 and 2029, the city council will evaluate whether there is a continued need for the plan and the urban renewal agency. The status of the work described in part 2 of this ordinance would be used to assist the city council with evaluating whether the plan for the urban -- and the urban renewal agency should remain effective. And then the third part is to amend exhibit a to set the plan's expiration date as September 30, 2028.

>> Mayor Adler: Ms. Houston moves passage of this item 101 and the amendments she has just read into the record councilmember alter seconds the motion and the amendments. Then, Ms. Houston, I visited with you and made some mostly just wording suggestions that I think you're okay with, concerning part 5. That we have also handed out. I don't know if you have that to put up over the -- it's to take your part 5 and just basically to say that in five years, in 2024, the manager is directed to evaluate whether there's continued need for the planned renewal agency and the manager is directed to provide the evaluation and any recommendations to the urban rural agency and to council and then the board is directed to provide council with a recommendation.

[4:53:25 PM]

I think it's exactly what your intent was. There are just some terms that really weren't defined but in any event I think you're okay with those and without objection then those would be incorporated into councilmember Houston's amendment. That said now I'm now going to get back to the list of people to

speak so they can just see what was on the floor and happening in front. And let's begin with Megan Ellis. Is Tracy witty here? You'll be up next. Okay. You have three minutes.

>> I believe I have donated time for a total of seven minutes?

>> Mayor Adler: Okay. Let me see here. Sorry. Yes, is Joe bap here? Thank you. Is Manuel Escobar here? And you're right, so you have seven minutes.

>> Thank you. Good afternoon, councilmembers. My name is Megan Ellis, vice chair of the urban renewal board and on behalf of chair Bab and fellow councilmember and fellow commissioner I thank you for -- the slide in front of you indicates the areas subject to the plan, which is east 11th street from branch to navasota and east 12th from I-35 to poquito. The board first discussed the plan's expiration date at our June meeting. In August the board determined a ten-year extension with an assessment after five years was appropriate time frame to complete the implementation of the plan. We learned that extension could be accomplished by action of council which was confirmed by both the urban renewal agency legal council and city law department. Our board oversees the compliance of urban renewal plans adopted by city council. There have been four of these areas in Austin but only the plan for east 11th and 12th street is still active. Chapter 374 of the local government code further defines the board's purposes to include not only the acquisition and disposal of real property within the plan areas but preparing for the plan and rehabilitation of buildings, activities to facilitate redevelopment and improvement and all else failing the power of eminent domain.

[4:55:37 PM]

The powers and authorities is granted by council as they see fit. The code neither requires an expiration date nor describes how to terminate or extend a plan. That, too, is council's purview. The agreement with the city of Austin that commits neighborhood housing and community development to provide staff to the urban renewal agency will expire September 30, 2019. The urban renewal plan for east 11th and 12th street was initiated by community leaders in early '90s and formally adopted in 1999, modified ten times since adoption and overlaps neighborhood conservation and combining districts on both streets. While a half of projects have been completed and two currently underway on east 12th street, east 12th street has seen only a fraction, east 11th street has fared better but there's still work to do. The urban renewal agency owns two parcels of land that remain to be exposed and developed. On east 12th street however it was intended to be more regional and the plan prioritizes rehabilitation of existing buildings over demolition and new construction, also calls for the compatible retail and commercial services that would serve area residents. At present dozens of parcels remain vacant or underutilized according to the plan. So what's left to accomplish? Why does the board recommend an extension of ten years? Clearly the disposal and development of the 11th street priorities is a key priority and one expected to take several years to complete even by staff's reckoning. The board will receive community input to revise the scoring criteria for that purpose in the next few months. We know [indiscernible] Even desirable and compliant projects with community support can take upwards of four years to break ground. The board questions the wisdom of awarding a plan before ground is

broken. Aside the board's role in continuing to facilitate communication among owners and [indiscernible] Within the plan area is a critical one.

[4:57:42 PM]

Not only in the case of the property currently licensed as Kenny dorns backyard, one of the remaining vestiges that black culture existed in Austin but also the multiple properties identified by the east Austin historical survey as important cultural and historical assets. The two building that we just saw on the slides are owned by the same owner who report having no plans for the buildings or their sites. The urban renewal board can and should play a role in rehabilitation and appropriate redevelopment of properties like these to prevent th demolition and further white washing of cultural history in central east Austin. It's an understatement to say these are important cultural districts to the African-American community that should be prioritized by our entire community. They require extra care if they are to develop in a way that demonstrates our city's commitment to honoring its past inhabitants that it values diversity and acknowledges and corrects if only to a degree the wrongs of race based city policies of the past. Urban renewal works when the board, community and developers are engaged in communicating. These townhomes and regional/creative projects are examples compatible with the surrounding neighborhoods. With a ten year extension the board could make progress on all the underutilized parcels that exist in the area. It's a chance to get east 12th street right. Absent the plan the community loses a steward for delivering desirable development. The landscape within the plan area changed dramatically just in the last few years. Parcels that used to be owner-occupied are accumulated and subdivided by a firm that makes no promises of development. A land development rewrite could have major implications on the community's vision for these streets or on the nccds staff proposes could accomplish the same objective. 100 years after the infamous 1929 city of Austin master plan we know better than to walk away from the promises or city makes to underserved, underrepresented communities.

[4:59:48 PM]

To paraphrase Roxanne Evans, regarding questionable motivates that may have given life to the board, good people have served on the board, it has done good work and I welcome the opportunity to show I can make a contribution to good work in the future. The board recommends the board extend for ten years including self-assessment after five. We feel this recommendation demonstrates the stakeholders that the board is committed to working against a realistic deadline to produce results. We hope that major landowners such as eureka will be a positive partner and to quote commissioner Evans there's a opportunity for better collaboration with the African-American cultural heritage district and possible synergy with the findings of the city's anti-displacement task force. I would add to that list six squared diverse culture works to the list of vital partners in fulfilling the vision for east 11th and 12th streets. I thank you for your attention and dedicated service to our community and I'm happy to answer any questions that you might have.

>> Tovo: Thank you.

[ Applause ] Questions for Ms. Ellis?

>> Thank you.

>> Tovo: Thank you very much. Councilmember Houston, did you have a reminder for us about clapping?

>> Houston: I just have a reminder. We all are energetic and have really good energy but let's do jazz hands because it slows down our time coming to and from the mic.

>> Tovo: I'm gonna miss you reminding us of that.

[ Laughter ] Tracey white is our next speaker followed by Clifton van dike?

>> Mayor, council, thank you for the opportunity to speak about the urban renewal plan. I'm Tracy white, current district 1 planning commissioner but here as an individual who spent the last ten years attending urban renewal board meetings as part of my former role on the central east neighborhood contact team. It encompasses east 11th street and east we haveth, and its adoption was spearheaded in the '90s by commissioner Mitchell and touted as economic revitalization driven by community and anchored in historic and cultural identity in the area.

[5:02:02 PM]

Thanks to the efforts of so many stakeholders east 12th street includes about a dozen preservation and adaptive reuse projects, new office buildings and ground floor retail, denser housing development and retention of long standing programming like Kenny donys' backyard. There are still dozens of vacant and underutilized parcels particularly on the north side that have yet to be redeveloped as a mix of housing, retail and office that provide for daily needs of residents. There's a disspiriting deterioration

[indiscernible] And the former grocery store at the corner of east 12th. As many are aware there's been a significant shift in ownership beginning in 2013 with one company acquiring about three dozen lots within the plan area. They've repeatedly stated that they don't have any specific plans for their property and have yet to invest in brick and mortar along the street, despite owning whole or significant portions of blocks for four years. No plans and no action have folks legitimately concerned the probe prospect that development may eventually occur that is uninformed by the plan and not aligned with the vision of the street. It also seems possible that progress of any sort may elude east 12th street for years if they choose not to redevelop at all. That said there's so much potential for restoring east 12th street to its former status as a hub of activity for all who live along and nearby and for ensuring progress is shared by all. And the key to those outcomes is continued, competent, focused oversight of the plan. And its implementation. Fostering collaboration between community stakeholders, property owners, relevant city resources and council. The urb's recent activities have demonstrated not only its competence but commitment to seeing this plan through to completion and compliance. The commissioners have a thorough understanding of the remaining challenges, and have already moved the needle on engaging property owners for public discussion regarding their plans for redevelopment.

[5:04:05 PM]

They've diligently assisted Mr. Mcmilan in working through hurdles he faced, their expertise, work ethic and are interest are a fit for delivering on some of the priorities yet to be realized. With their oversight I am optimistic about retention of long standing businesses, lowering barriers to accessible spaces for local businesses, particularly those that are minority-owned. I think I have two minutes from someone else.

[ Buzzer sounding ] Steve mecan.

>> Tovo: Yes, Ms. White had five minutes. Is that what you had set the clock for, five minutes? Ah, okay. If we could have two more minutes and assuming that Steven mecan is here? He is. Two more minutes.

>> Thank you. So also the opportunity for incorporating workforce training opportunities into these spaces and providing more accessible housing to people who would like to return to the area, historic preservation of east 12th street and attracting a diverse mix of commercial and retail that not only serves the community but meshes well with neighbors and existing uses. Texas local government code says a public body may do anything necessary to do anything necessary to aid in the initiation of a urban renewal plan. I urge you to take all action necessary to aid and empower the urb to carry out its role. Additionally it's critical you provide them the best partners the city departments have to offer that are fully on board with the mission and finally the q&a report for this item indicates that changes in minority business presence and redevelopment of vacant and underutilized parcels on both streets are not yet being tracked by the urban renewal agency. It seems like it would be very helpful to task the urb and city manager with developing metrics to track projects on both streets that could inform any reassessment of progress and appropriate plan duration in 2024. Thank you all for your thought to the urb's recommendation for extension and for your service.

[5:06:06 PM]

Happy holidays and really a very special thanks to councilmember Houston for your awesome advocacy for district 1.

[ Applause ]

>> Tovo: Thank you very much. City manager, I think those metrics make really good sense. I would echo the support of that. Okay. Clifton van dike. You are here. Let me double-check. Is Bob kusomoto here? He is. How about Nathan Jones? He is. So, sir, you will have seven minutes.

>> Thank you. Mayor, mayor pro tem, and council, I'm Clifton van dike, vice president of the organization of central east Austin neighborhoods, and I'm here to express our enthusiastic support for the extension of the urban renewal plan for ten years as recommended by the board. We are profoundly grateful for the urban renewal dedication and deliberation over the last several months as

they considered whether and how the plan ought to be extended. Their ultimately willingness to dig in and provide continued stewardship and oversight for a meaningful period of time makes us nearly hopeful that our community's plan for revitalization has a real chance of materializing as envisioned. We urge you to approve their recommendation and give them the support they need to succeed. Many of you know my family has lived on New York avenue just behind east 12th street since the 1920s and we have been witness to several urban renewal efforts, not all of them created equal. My parents and their neighbors became activists in the '60s in response to the top-down urban renewal planning in kealing and Blackshear. Marked by raising and displacement that ultimately left our community in a state of decline and disinvestment.

[5:08:07 PM]

That didn't feel like the help to people who had been relegated to one side of east avenue, built homes, churches, schools in thriving commercial areas that provided all of our needs. In many ways I see the urban renewal plan for east 11th and 12th streets as an attempt to empower the community to right the wrongs of previous projects. In the beginning many were understandably concerned about the prospect of yet another urban renewal effort, but what councilmember Mitchell and Austin revitalization authority proposed in the late '90s was a plan for restoration and economic and redevelopment, rooted in the history and culture of this area. More black-owned businesses, more services needed and desired by the community and more housing, a plan where the community had a true say from inception and a role in implementation. Now, this plan has not been without controversial moments and shortcomings, but you can see its intentions manifested on east 11th street in public and private sector investment that has delivered preservation projects, office buildings, retail, dense housing, and cultural programming. However east 12th street has not made good on that vision yet. It faces significant but not insurmountable challenges, extending our plan for ten years keeps a talented commission focused on realizing east 12th street potential and serving is as a hub for all the community-based groups, individuals, and city departments who wish to contribute to a successful outcome. We need to shore up existing minority-owned businesses and create space for more on both streets, save deteriorating historic assets, keep our residents in their homes, make room for a diversity of neighbors, and endeavor to achieve a balanced mix on this street that enhances and respects the existing context and community as east 11th street is well on its way doing.

[5:10:31 PM]

As an observer of the good and balance of urban renewal, I am convinced that extending this plan is our best option. The urb, the Ara and sixth square are all ready to work. Please help us follow through on the original intentions of our plan, economic revitalization and restoration achieved in strong and equal partnership with the city and the urban renewal agency. Thank you.

[ Applause ]



>> Tovo: Thank you very much. Our next speaker is Patrick houke. Thank you, Mr. Houke, followed by Eric strandish. We have several more speakers. Colleagues, we have a total of 12 minutes worth of speakers on this item so my estimation for those of the rest of you here is we'll get through this item and hopefully the Austin country club item if not too lengthy but I think it's entirely unlikely we would get to the other zoning cases until after dinner break. If you're here for 62, 63, 67, 68, 69 or the P.U.D. Assessment, we will be taking those up after the dinner break, which probably will last at least until about 6:30, I would say. Does that seem reasonable? 6:30? Okay. Welcome back to this issue.

>> Mayor, council, I'm Patrick houke and my family lived in the kealing neighborhood since 2011. Our 1968 house is along the southern stretch and we have watched almost every owner sell to one company that has invited us with multiple offers. We have resisted but the family just to our east could not. They were struggling and didn't even have hot water when they sold. They had been there since 1996. As a 12th street property owner I am fine with continued oversight by the urb for ten more years and grateful for any efforts to ensure that 12th street is revitalized according to the vision, priorities and project controls.

[5:12:38 PM]

Extensions should not be a problem for owners unless they want to do something outside of the vision and development controls in place or perhaps nothing at all. Almost as concerning as the possibility of real incompatibility development is the idea that nothing at all will be built on vacant tracts, that important historic landmarks will not be cared for and continue to rot away. Is inaction really that bad in theory any piece of land anywhere could be purchased by an entity that decides to do nothing with it. In an area specifically designated it's counter productive to those efforts to turn a blind eye to someone holding dozens of apartments for a decade or more rather than moving towards compliance with a revitalization plan. It also seems wrong to have no remedy in place to protect long time owners that result in them giving up and selling out instead of remaining to take part in the benefits achieved by urban renewal. I don't really care that it is eureka buying up east 12th street, for me Ms. The notion that any company insist they have done nothing for years because they don't have a comprehensive development plan in place. For all the land they have Ed within the urban renewal area. Respectfully I would ask you to please consider that our community and this city has a comprehensive plan, a well-[indiscernible] Ask with the wherewithal to acquire all they have ought to be able to develop structures and establish long-term use that's in timely manner that align with vision and goals for 12th street. They don't have to redevelop all tracts at once and in fact doing a tract or block here or there will likely result in a more organic build out. This is two shallow corridors running through some of the oldest neighborhood areas of east Austin. We are looking to transform a once vibrant street in a unified mass build but rather achieve steady progress that preserves assets without displacing everything in its place.

[5:14:40 PM]

Thank you for considering my perspective as a resident and property owner along 12th street that would like to see reasonable project that adheres to what our community laid out. The urban renewal board's recommendation seems like a reasonable and best option and I urge you to support it. Thank you.

>> Tovo: Thank you very much. Next speaker is Eric strandish.

>> Good evening, my name is Eric strandish and I have been lucky enough to live, work and volunteer in east Austin for the last 18 years. The purpose of the plan is to deliver public resources to eliminate the slum D shall it is an entire interest with multiple interests, cultural assets in various infill conditions. It is not merely a series of project controls, rather a powerful set of tools the city could use to implement timely development consistent with the development of a community based plan. The 11th street and 12th street represent tremendous opportunity to restore vibrant urban neighborhood of housing, economic and cultural activity that will sustain and nourish an area central to the African-American cultural heritage district. If you walk down 11th street you can see large scale utility upgrades -- you can't see the large scale utility upstairs. You will see numerous public and private projects that have preserved public space and created new opportunities for people to live, work and shop. Despite 20 years of efforts there are still parcels that remain but the trajectory is set in a positive direction. Amazingly in 2018, slum and blighting conditions remain along all ten blocks of 12th street. Vacancy is not just a boarded up city landmark, it is the absence of economic activity and it is contagious, has a negative impact on property values and deprives people of economic opportunities in the city of a sustainable tax base. Blight leaves to demolition by negligent of our cultural assets and decline of our neighborhood businesses.

[5:16:45 PM]

Any reasonable person that walks down 12th street can see the opportunity. No reasonable person can understand how you could have no plan and no timetable. This is not a district 1 issue. Thankfully in 2018 people do not restrict themselves to working our shopping within the political borders of representation. Nor should this body limit their vision to their own districts. Our at large leadership understood the scale of the problems on 11th street and 12th street, required city scale solution to make the elimination of negative forces of slum and blight. The realization of a neighborhood will benefit all of Austin, visitor and resident alike. It should not be an excuse for sending decades worth of sound, public and private investment in an area where the work is clearly not done. Over the years of my time serving on nonprofit boards, planning groups and working on design and development projects, I have learned that architecture is hard. It's always more complicated than you thought, takes longer than you can imagine and costs more than you planned. But in the end it is worth it. I look forward to that perspective on east 12th street. I urge this entire body to support the ten-year extension of the urban renewal plan and encourage you champion this worthy cause and bring resources to bear to get the work done so we can all benefit from the economic and cultural resources we share. Thank you.

[ Applause ]

>> Tovo: Thank you very much. Mr. Mcmilan, Harold mcmilan, you're our next speaker, followed by dusan [indiscernible].

>> Good afternoon. Mayor, mayor pro tem, and councilmembers, my name is Harold mcmilan. I'm a resident of central east Austin on juniper street in a hundred-year-old house. I've been in Austin close to 40 years, came as a graduate student. For the first half of that time I lived in Clarksville.

[5:18:48 PM]

About 20 years ago I moved to central east Austin. I'm a performing artist, cultural arts producer and cultural historian. I found a diverse arts cultural works. I wrote the argue draft of the language for the African-American cultural heritage district, which council ultimately adopted, and I moved to that neighborhood really because of -- because of the promise of this plan. So I've been here a long time. I've been civically engaged since the late 1980s. I can't tell you how many city blue ribbon panels and task forces and planning groups I've participated in over close to 40 years. And I've been party to some really beautiful planning documents. And for the most amount of that time, I have been really disappointed that there was not follow-through on the city's side. The planning document that creates the historical -- the heritage district, it's a beautiful document. The urban renewal plan creates a community that we would want to live in. And there have been some problems with it in the past. You know, but I would like for you to consider this as your next opportunity to do something good, to do something good for the people, some of us who have invested our time and money and just our lives. Our lives' work into central east Austin. I mean, that's what I'm identified as. That's what I do. Economic activity comes when there's investment, but with an urban renewal plan and with a plan for a cultural heritage district, you got to think about culture, history, preservation, place marking, sense of identity, all of that along with that entire conversation.

[5:21:07 PM]

And I would hope that this council will recognize that regardless of the history of the urbs in the past there have been some good people trying to do good work. Those of us in the community right now feel like we've got the right folks on that board right now. And we're asking you really let them address their mandate.

[Buzzer sounding] It's not just about two parcels of land. It's about the plan and the district. Thank you for your time.

>> You can have my two minutes.

>> Mayor Adler: Thank you.

>> Unless you have questions, I could talk for a very long time, but I shouldn't.

[ Laughter ]

>> Mayor Adler: Thank you very much. Does anybody else want to speak? I think those are all the people we have on the list? Dusan, I think he gave his -- did usan want to speak? I think that's everybody then. That brings us up to the dais. We have a motion in front of us. It's been amended. Any further discussion before we take a vote? Mr. Flannigan?

>> Flannigan: I've really struggled with this one because I agree with what I'm hearing from the community and the frustrations and the desires to see the community build, but what I struggle with is what tools are available to the urban renewal board to actually do it. And some of what I'm hearing about, vacant land and other things, it's not clear to me that this will actually do that. We want to do it, but it's this -- is this the tool that does it? I'm generally uncomfortable with extending things for that number of years. It would actually go beyond a whole cycle of council in terms of the new folks that get to come on and represent the city. So I'm struggling. I don't think it will matter how I vote, frankly, but I'm struggling with the vote but I would hope that instead of just one check-in after five years that the urban renewal board will take it upon themselves to come and visit the housing committee of the council because I think the work that y'all want to do will be aided when you have more councilmembers pushing you from behind.

[5:23:16 PM]

And so if you can come to the council more frequently, let us know what you're struggling, with let us know where we can help, I think it might be even effective than you trying to do it on your own. So that would just be my ask of the urban renewal board.

>> Mayor Adler: Further discussion? Councilmember pool.

>> Pool: I just wanted to follow up on a comment I made at our work session to some direction from the dais to direct staff to explore the possibility of assigning some of the staffing duties for the urban renewal board to the economic development department, along with our housing and community development department so they could work together and fill in any gaps that might be available. And I think that cooperation and collaboration would W both of those offices and the board will have a real positive effect on the work, particularly the redevelopment piece that our EdD staff have been beefing up just in the last few months. If I could make that direction to the city manager.

>> Houston: Mayor?

>> Mayor Adler: Ms. Houston.

>> Houston: I want to speak to that, councilmember pool. The reason that we've kind of outlined this way is that soon, very soon, that is an old song in the community, soon and very soon, the city manager will be announcing a new assistant city manager. And that alignment with affordability and strategic direction, all of those teams, all of those departments will be working together so it's not just one department, it's a team of people who will be looking at and helping the urban renewal agency do their job in implementing this plan. So I think what you're asking for will happen with the strategic alignment.

>> Pool: Terrific. Sounds even more robust than what I had imagined so that's great. Thank you so much.

>> Mayor Adler: Okay. Further discussion?

[5:25:16 PM]

>> Houston: I move adoption.

>> Mayor Adler: It's been moved. Asking for a vote. Any further discussion? Let's take a vote. Those in favor please raise your hand. Those opposed. It's unanimous on the dais. Councilmember Renteria gone.

[ Applause ]

>> Mayor Adler: That gets us to 5:30. We have people that are signed up to speak on 13 and 100, I think, it's 5:31 so we're already past. Let's pull it up after dinner. We have music now at 5:30 and then rocks procs S -- no procs tonight. The musicians are keyed up back here, ready to go. They've been there for about half an hour. So it is 5:31 we're going to recess. How about if we come back at 6:30 and try to knock this stuff out. I'm showing that still to be worked on is 13 and 100. I have 59, 68 and 69, 73, and 85. I'm showing that we have 26, 32, 35 speakers signed up between those items. Yes. Rick Broussard, hoots and a holler, please stick around for music. We're in recess until 6:30

>> Mayor Adler: It's only fitting that the live music capital of the world stops every city council meeting to have a little live music. You'd be surprised how many regular fans that are that tune in every council meeting at 5:30 to hear this music or watch it later.

[5:27:25 PM]

I know that we try to press it into the walls so that we can hear it later. Tonight we have just a real, real treat for us. Rick Broussard is with us this evening.

[ Applause ] So since the early 1980s Rick Broussard has kicked down high octane roots music across Texas, a blast of traditional country spiked about punk fur -- furries that resulted in six Austin Chronicle awards for best roots band. Broussard founded the band Two Hoots and a Heller in 1983 and the trio quickly became a local Austin favorite rocking the socks off fans in the U.S. And Europe and citing influences from Johnny Cash to The Clash, Rick Broussard has packed houses for 35 years with revved up original tunes that turn crowds into swirling furries. Please join me in welcoming to the stage at Austin's city hall Rick Broussard.

[5:29:32 PM]

[Music and Proclamations]

[5:41:38 PM]

>> Mayor Adler: if somebody watching or somebody already knew you and they wanted to find out what was going on with you, do you or the two hoots and a holler have a website?

>> Sure do, [www.2hootsandaholler.com](http://www.2hootsandaholler.com). You can see what we're doing, buy some of our stuff there.

>> Mayor Adler: Merchandise is important. What about music?

>> Also the same website, you can buy our music off there, also at Amazon, but and also we're playing at the hole in the wall tomorrow night.

>> Mayor Adler: Okay.

>> We'll be at the hole in the wall.

>> Mayor Adler: What time?

>> Mayor Adler: nine -- 9:00. >> Mayor Adler: What's the next gig.

>> After the hole in the wall? I'm not sure.

>> Mayor Adler: Everybody needs to catch them at the hole in the wall. Be it known that the city of Austin, Texas is blessed with many creative musicians whose talent extend to virtually every musical genre and whereas our musical scene thrives because Austin audiences support good music produced by legends, our local favorites and newcomers alike, and whereas we are pleased to showcase and support our local artists, now, therefore, I, Steve Adler, mayor of the live music capitol, do hereby claim December 13, 2019, as Rick Broussard day in Austin, Texas.

[ Cheers and applause ]

[5:43:57 PM]

[ Applause ]

>> All set? Okay. Good evening, everyone. I'm Greg Casar, councilmember representing district 4. Before being a councilmember I was proud to be an immigrants right organizer at workers defense project and have always tried to remain an organizer at heart even in elected office. That's why I'm so proud to represent some of the best labor organizing that's happened in our community this year. I'm really proud to have this proclamation today for the leaders of the book people united movement who I think have really inspired us to recognize that there's still an increasingly important place for unionization in

our community, especially in the private sector, especially in service sector and retail jobs. So I have this proclamation to read to y'all. Be it known that whereas residents of Austin recognize that every working person should be able to earn a good living for themselves and for their families and whereas our city is experiencing tremendous growth and opportunity yet many residents of Austin still struggle to make ends meet and whereas unions of working people who negotiate collectively are able to overcome barriers to shared prosperity and union wages are typically higher than comparable nonunion jobs and whereas the commitment made by book people workers to organize for improved conditions and improved quality of life is courage us and serves as a powerful source of inspiration for many others in Austin.

[5:46:00 PM]

Now, therefore, I, Greg Casar and Steve Adler, mayor of the city of Austin, Texas, on behalf of my colleagues do hereby proclaim December 13, 2018 as book people united day in Austin, Texas.

[ Cheers and applause ] So if y'all want to say anything, you can come on up and say something. Last thing I'll mention is just how inspired I've been by your work. I hope that it spreads across the city and I think it really is testament to the fact that we can have truly beloved local business, local institution that also recognizes a union and recognizes democracy in the workplace. Thank you all for achieving that in the entire city and for your coworkers.

>> Thank you.

[ Applause ]

>> Thank you, Greg. Thank you, mayor Adler. This past July a handful of my coworkers and I sat down at a picnic table at my front porch to discuss our working conditions. We knew without a doubt that change was necessary. However, we didn't know how to bring it about. Over the next month, as other coworkers joined our cause, we shared ideas, endlessly researched and discussed and debated possibilities. We reached out for help and found allies at the dsa and the aflcio. We quickly grew in numbers and knowledge, and as we learned about our rights as workers, it became clear that we must unionize. We also quickly realized that we were part of something bigger than our wonderful store and the magical people that we work with day after day. Employees from other local businesses started to reach out to us for advice on how to start a movement at their own jobs. It was exciting and humbling.

[5:48:40 PM]

We announced our intent to unionize to the public and received a huge outpouring of support. Austin loves book people. And many were shocked to learn how many of us were struggling to get by. After a tough couple of months of campaigning, we won our election. We got our union.

>> Woo.

>> Thank you. Now as we negotiate our contract, we also join a local and national labor movement. Many Austin retail and service workers are grossly underpaid and finding it nearly impossible to live in this amazing city. That must change. We are so very proud to be a part of the Austin labor community and to fight for fair wages for all. Thank you.

[ Cheers and applause ]

>> I'd like to take a picture.

>> Let's do it. Our buddies.

[5:50:15 PM]

>> Mayor Adler: so this was a proclamation that was initiated by my colleague on the council, Pio Renteria, who is unavoidably absent from us tonight. He wishes terribly he could be here to do this but wanted me to step up in his place. This is a proclamation. Be it known that whereas starting in 1988 Victoria and Solomon Reese and Guadalupe Maria Morales brought the dance and music tradition from their home in Monterey and have organized the annual dance procession to celebrate the feast of the virgin Guadalupe, starting in Montopolis, ending at our lady of Guadalupe church on Ninth Street. And whereas the dance, dances manifest the strength of the cultural traditions passed on through generations and have united families and neighborhoods and institutions and now international cities for more than four centuries in northern Mexico and Texas and in our southwest. And whereas through the perseverance this family has inspired dance groups across the Austin Roman Catholic room -- whereas this family has embraced, supported and preserved the dance and music tradition in Austin, making 2018 the 30th year of keeping this tradition proudly alive and flourishing, now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, together with my colleague Pio Renteria hereby proclaim December 12th, 2018, as Victoria and Solomon Reese and Maria Guadalupe Day in Austin, Texas.

[5:53:03 PM]

>> Thank

>> It is so emotional and I'm sorry -- I'm so happy because 30 years, it's a long time, and we never thought that it was going to grow to last this long. I as a child was brought here from Monterrey and now I am one of the dreamers and the dream has come true and I am so blessed and thankful to be in this city and for the diversity of the city that we're able to bring our culture, to bring our traditions, our faith in to play and to share it with everybody. It's amazing. Thank you, mayor. Thank you for doing this. Thank you to Mr. Renteria for doing this for us. It is an honor. And like I said, I thank y'all from the bottom of my heart for doing this proclamation. For my sister Victoria, she's really gone through a lot to make these things happen year after year, but I can also thank the city of Austin for all their help. The Austin police department department, from when we started, now I think it's the events -- I don't even know what the name of it is now because I know they've changed. But everybody has been really good in



helping us and helping us to get these machinas going. And I thank you very much. 30 years, I can only say thanks be to god for giving us the strength and for us to keep going, and hopefully another 30 years. Thank you.

[Applause].

[5:55:11 PM]

>> I want to say thank you, mayor, and thank you for everything. Thank you, my god and my mother and my sister, and thank you for everything. And I -- oh my god.

>> There was actually four of us, but they're all gone to be with the lord. So that's also kind of --

>> Thank you so much.

>> Thank you.

[5:57:15 PM]

[6:42:50 PM]

>> Mayor Adler: All right. I think we have a quorum. And it's 6:44. Still it's December 13th.

[6:44:16 PM]

We have items 13 and 100. We have item 59, which is the pud briefing, which we're going to do last. We have 68 and 69 where everyone who wants to testify is in favor of it. Maybe we can pick up some time there so people can get home if it looks like it's going to pass. We have 73, which has six people to speak, which was pulled by Jimmy, and 85, which has a co on that as well. So let's see if we can do 13/100. Let's see how quickly we can work through this and get people back. On 13 and 100, I don't know if staff wants to make a presentation on this. Is the applicant here?

>> Yeah.

>> Mayor Adler: I think there was some interest in just -- I think there's interest on this dais in postponing this.

>> Yeah.

>> Mayor Adler: But I think that there's also some interest in addressing it just before we postpone it in part so that you are in a position to maybe answer some questions or hear comments and thoughts.

>> Okay. That's fine. And we don't -- that sounds good.

>> Mayor Adler: You don't mind postponing it?

>> I don't mind postponing it if you want to do that. I know one person has signed up to speak or two. I met for about an hour -- maybe 30 minutes with Roy earlier today. I don't know if he's still here. Whaley. I know Kyle gray is here representing his father-in-law, the neighbor, and he's been here as well and wants to speak as well.

>> Mayor Adler: Okay. Do we want to have a staff presentation on this? Okay. Staff, why don't you go ahead and present this for us and for the community. Then we'll pull it up and then I'll entertain a motion to postpone.

[6:46:20 PM]

>> Mayor and council, I'm Chris Herrington the city's environmental answer. We're here to conduct a public hearing to consider development terms and conditions associated with the proposed decree and final order and litigation involving regulations involving Austin country club's tract in northwest Austin at 3408 long champ drive that is related to item 13. We have a presentation to introduce the item. >> Thank you very much. Just very quickly, to orient ourselves we're looking at Austin country club bounded by the outer perimeter of the polly Gonzalez. The colored polygons represent districts, the proposed terms allocate different entitlements and uses within those districts and we'll talk a little bit more about that as we move through. As a reminder, as a baseline, if the city was unsuccessful in the lawsuit such that the 1982 regulations were applied to future development of the Austin can you be club site, we wanted to introduce you to what those could be. That would allow up to 25.5% impervious cover on a gross site area basis. The country club is at about 10% impervious cover on a gross site area basis now. They would have no obligation for structural water quality control treatment. There would be no critical water quality Zones or critical environmental feature buffers. There would be no heritage tree and no protected tree ordinances. The 1982 regulations are more permissive with respect to construction allowed on slopes and there would of course not be any hill country roadway ordinance. We'll talk about some of the specific uses later, but there are four districts. The golf district comprises the majority of the property and would remain under the proposed development agreement terms, golf-related.

[6:48:24 PM]

The clubhouse and the marina are the social uses and would have any potential residential uses as well as clubhouse and the indoor and outdoor recreational uses. Then there's a new entrance district which would -- which we'll also talk specifically about to facilitate a new entrance from loop 360. I'm going to walk you through some of the environmental terms in the development agreement and then I'll hand it off to Andy Lind sizer to talk about some of the terms. The agreement proposes to limit impervious cover to 20% impervious cover on a gross site area basis. Current code would be 20% on a net site area basis. The project would be complete when the development reaches that 20% impervious cover. There is a specific mention after subsurface parking garage relative to impervious cover calculations. That portion of the agreement is just that if the owner was to build a subsurface parking garage, then add soil and revegetate it on top maybe as a future driving range, that we wouldn't consider that impervious cover. That's consistent with current code. One of the most significant environmental benefits I the water quality treatment that the owner is proposing. So there's no water quality treatment on site now so they would add treatment for 10 acres of currently untreated impervious cover. What they're planning to treat is mostly off site. There's a triggering event so they have to construct that water quality treatment for at least 10 acres of untreated impervious cover. By the time they've added 40,000 square feet of new impervious cover. After that all subsequent development, so everything that's not on the ground now, has to have water quality treatment. So there's a credit system, they can oversize that initial control and then utilize that to sort of on an equivalent impervious cover basis for their new impervious cover. What this means is that in the end we would end up with about 78% on equivalent basis of the impervious cover being treated at the completion of the project.

[6:50:26 PM]

They are asking to lock in the current design criteria, the environmental criteria manual for the next 10 to 15 years. It varies by district. They plan for specific water quality facilities and this would enable them to construct those facilities as they planned. It also provides a little bit of an incentive for them to move more rapidly to construct the water quality facility that is associated with a new entrance driveway. Also in terms of not necessarily a benefit, it's not a benefit, but critical water quality zone and critical environmental features buffer would apply for the uses listed in the agreement for those individual districts. There's also a disturbance in those Zones for the existing uses. It's a golf course now, it will remain a golf course and those didn't exist under 1992. We were able to codify specifically that they would have to comply with all drainage regulations with respect to detention and flood control at the time they come in for site development permit application. There are two minor exceptions in terms of they would not be obligated to preserve the natural and traditional character of the floodplain and the erosion hazard zone wouldn't comply. They would be able to construct the new driveway and be in compliance with these two provisions because they were modifying the floodplain to add a dam to then enable them to create the new driveway from loop 360. The erosion hazard zone isn't in this case because of the actual proposal that they're making to add a new water quality treatment facility. It's not of concern in this location. It would actually require them to do more construction than is necessary. There wouldn't be an erose sieve impact. If it was it would only be limited to their property. Tree protection is another significant benefit. The protected tree ordinance does apply or would apply under these terms. While we would not be able to prohibit them from removing any specific tree, they would

have to mitigate or otherwise replant at whatever rates were in effect at the time they came in for site development permit application. The heritage tree ordinance apply, but of course remember that a protected tree is -- heritage tree is a protected tree.

[6:52:27 PM]

There's language that they shall attempt to maximize the preservation of heritage trees. 25% of heritage trees must be preserved within the golf district, which is the majority of this site. And the city has the ability to ask the country club to relocate two trees. So in the did you increase of the country club, if they want to remove two heritage trees, the city can require them to relocate those trees to another location on the site. We're effectively the same as the 1982 regulations with respect to construction on slopes. Again, those are slightly more permissive than current code. The cut and fill limitations are basically equivalent to what they are under current code, although we've just allowed some additional exceptions for the golf cart pathways. So in summary, before I hand it off, this proposed development agreement is somewhere between 1982 regulations and current code. The benefits that we would be getting relative -- environmentally speaking relative to the 1982 regulations, if they were applied to this property, would be an overall reduction in impervious cover. In actuality that would be about 10 acres less impervious cover in total at the completion of the project. Substantially more water quality treatment than would occur under the 1982 regulations, which would be none. And protected tree ordinance would apply.

>> Andy lien size, development services. I want to speak to what we have in the development terms. One of the things we did come up with was a district approach and actually uses for which this development agreement would apply. The current zoning has cr and cs-1 community recreation and the commercial services, which is a very permissive district. As part of this agreement to take advantage of it they have eliminated a lot of those uses. They can still do them, but it would require compliance with current code if we did that by district.

[6:54:29 PM]

There have been some residential uses that have been added that the zoning today does not support in this agreement in the marina, a bed and breakfast, condominium residential, multi-family and town home residential. Some country clubs around the country, I think if you were to look, have these uses and they've asked for those. They could not permit that use without coming to you for a zoning change. The agreement does not predispose that you have to grant the zoning change, they would have to come ask for that if they wanted those uses on the property. Hc roadway compliance -- hill country roadway compliance, 1992 they would not have hill country at all. We are in general in compliance with the F.A.R. Limitations as if it has density bonus. That gives them a little extra in the zero to 15, .25 versus .2, but they are in compliance with that in the slopes and the F.A.R. The hill country roadway screening and native tree requirements would apply to the golf district. Some of the other provisions of hill country on

buffering were removed. As Chris said, it's a golf course course, a lot of it is already developed. It would be very difficult for them to complete their development and reserve a lot of the buffering that they don't have, but it is important to keep that visual screening along 360, which is what we've asked to leave that in there, in the golf district. On height, we negotiated by district. The entrance district we've limited to 25 feet and in that location they only get a small building, like a thousand square feet, to accomplish Shea a guard shack or something like that as a gated club entrance. And it's 25 feet, not 28, which would be allowed by the hill country. The golf and marina districts are compliant with hill country at 28 feet. In the club district they asked for an increase to go to 50 feet instead of 40 to allow some redevelopment of their clubhouse, but that is pulled back from the roadway. It's not right up against the road. Docks would be subject to current code. They have docks today.

[6:56:29 PM]

If they were to rebuild them they would be subject to current code. An access in 360 is proposed. That is one of their requests. And we have some width limitations that allow them to have a driveway come in and create a turnaround, a small entrance, guard shack type facility and a gate, which is why you see these changes in the buffer. We've allowed them to cross the creek as part of their proposed water quality facility. They would use that, the berming, damming that they would drive across for their entranceway to help do things. They agreed to restoration for hill country standards on anything in the entranceway. A big point for us is that they have agreed to current sign standards on 360, so the previous 1980 versions would be much larger. That is a significant preservation of the corridor. Transportation on tia. So today they're limited to a single use from long champ, one entry, one driveway with a gate. If they propose to do something that adds more than 2,000 trips we'll ask for a tia. If they can -- that's current code. Once they complete their new driveway to 360, we have set that we would not force a tia. 360 is a txdot roadway. The requirements would be from txdot, not us, in general because of that access. So they would require -- the requirements would be set by the state. And that would, once they complete that, remove the traffic out of long champ, which is of course a goal of not have it go directly to the neighborhood. The applicant has had conversations with txdot about the ability to have that driveway. We don't regulate it. Mr. Spillar reached out directly to txdot and he asked that we spend the applicant to them directly. They have represented that they have spoken with txdot and received assurances that even after the improvements that they could at least have a right in, right out driveway in that location.

[6:58:32 PM]

But that would be a txdot approval they will have to go get. In all instances, if they're proposing something we can ask for a tia analysis or limited analysis for safe operations. If they propose something that we are concerned with, we can of course ask them --

[ no audio ] Project completion, topic of much conversation. As Chris indicated when they reached 20%, they are done, as we've discussed, there's no end date under state law so if they were to be successful in their lawsuit it would end whenever they're finished. That has what we took to zap. Zap asked us to relook at that and we came back with a term of 99 years as suggested by the applicant. Once it's complete all development has to comply with current code at the time of application. City regulations, it is current code, unless specified. It's a complicated agreement, but that was our basis, is that if it's not specifically accepted, or in conflict with what this development agreement says, they're gonna comply with current code. That was our agreement with the applicant. So the kind of additional benefits on the -- more on the land use side, not the environmental, we are getting, you know, hill country compliance, height limitation, limit the signage and the limit ability to do impact analysis. 82 we would not have required that. That would have been more of a zoning approval. So we have the tables that we put in backup if you wanted to walk through them piece by piece or we could take questions.

>> Mayor Adler: Thank you. We have one person in the public that's signed up . Do we want to hear from the person who is -- it also looks like we're going to postpone this so I don't know if the person who signed up wants to wait for us to come back when we hear it.

[7:00:33 PM]

Let me ask that question. Is -- I apologize.

>> Alter: Mayor, since it's one person I'd like to let them speak today and if we come back and we can get to an agreement that they would be able to speak again, it's different --

>> Mayor Adler: I was going to give them a chance to speak. The person, Kyle cobret, is Kyle here?

>> Thank you, mayor and councilmembers. My name is Kyle gray. I for purposes of tonight represent residents who live immediately adjacent to this planned entrance district or the driveway that was referenced. My clients believe there's a substantial risk of harm due to this development if these proposed terms are approved. In short there's very little information regarding this project. There's no site plans or project plans or anything to look at, and I understand the city doesn't have that information either. And we're very concerned about putting the wheels in motion before we know those details. Some of the specific concerns are related to drainage, cut fill requirements, impervious cover requirements, traffic, affecting my clients property. There's essentially two backgroundery lines shared with the Austin country club that are at issue here. I suggest that this specific settlement you're being asked to approve include the practical effect, ramification of it are part of a -- are a microcosm of a much broader discussion we've heard in recent years and over the course of the last year, which is a municipality's power and authority to regulate local affairs, which I think the city is in favor of doing and I would support, versus the state's apparent position these days that cities overregulate or enact rules state lawmakers may deem to infringe on liberty.

[7:02:44 PM]

This city and its legal counsel, who I understand was directly involved in these prior decisions, has already determined -- and I'm gonna quote from the February 24, 2016, supplemental findings, this project initiated by the filing of the 1982 plat application has long been completed as evidenced by Austin country club several decades of operation and buildout under current regulations. The most recent site application, for example, was submitted and reviewed under current 2009 regulations, consistent with the city's prior 2012 vested rights determination, further development or expansion of the facility constitutes a new project. There are other detailed reasons why this should not be grandfathered to the 1982 regulations. If this city has the authority to regulate and enforce local affairs - and I don't believe there's any questions about that -- then there's an equal responsibility as I've just suggested to enforce the regulations that have been put into place. If you choose not to enforce the regulations as the city has already determined apply to this project, then what do we make of the authority and enforcement power with respect to the regulations that you have already, again, stated apply to this project? It's a massive responsibility. We rely on you.

[Buzzer sounding] And we ask that you enforce the current regulations applicable to this project. My time up, so thank you.

>> Mayor Adler: Thank you very much. We're up to the dais for discussion. Councilmember Alter -- excuse me, sir. Councilmember Alter has a question for you.

>> I'm sorry.

>> Alter: Sorry. Thank you for being here. One of the challenges that I'm having with this agreement is we had -- when we had advised our council we were willing to move forward with an agreement, one of the conditions was that there be a public process so that people would be able to understand the agreement.

[7:04:53 PM]

Can you tell me when you learned or your client learned about this agreement?

>> I can. As I understand it, there was a notice that was mailed and it's dated October 27th. I think it probably hit the mailbox around October -- I'm sorry, November 27th and hit the mailbox November 30th. My clients were out of town, got back on the second and found it, and I was at the commission meeting on December 4. So we found out about it actually on December 2nd or December 3rd.

>> Alter: Okay. Thank you.

>> Mayor Adler: Okay. Discussion on the dais? Councilmember Pool.

>> Pool: I have a couple of questions for staff. I don't remember if it was Mr. Linesen or Mr. -- Linseisen or Mr. Herrington who made a mention about the creek crossing. Can you tell me what it's proposed to look like? Are we talking about a bridge or are we talking about a dam of the creek?

>> It would be a dam. They would impound what current is the creek to support the driveway, use that impoundment to become a wet pond where they would be treating --

>> Pool: Right. So can you tell me where in our code or previous practice we have ever approved damming up a creek in the city? For this purpose?

>> Certainly in channel wet ponds do exist, so in-channel detention facilities do exist.

>> Pool: As far as our environmental regulations are concerned.

>> It is permitted so it would be permitted within the critical water quality zone, compliant with current code --

[7:06:54 PM]

>> Pool: So you say that this is the best approach or would owe say that a bridge would be a better approach?

>> A bridge would be more protective of the creek, yes, ma'am.

>> Pool: So for environmental purposes the bridge would be the preferred approach? Thank you. And then I would like to ask -- I think this one goes to Mr. Linisen,seou mentioned about when you were talking about the 99-year piece, you said that the applicant had requested 99 years and staff accepted that. Can you please explain to us why or whether there was any negotiation of 99 years which becomes a perpetual -- it's essentially perpetuity and clearly none of us will be here in 99 years. So can you please explain to us why staff accepted applicant's request without negotiating that at a lower number of years? And how is that a benefit for the city of Austin?

>> Sure. When we brought this forward to zap, the original staff recommendation did not have a term of expiration. It was project complete -- it matched state law entitlements if they were successful that the project would complete when they finished the impervious cover. Zap asked us to take a look at that, said we think you could do better. We went back to Mr. Whellan and had discussions and he proposed 99 years, was not real keen on letting us change that to less. So 99 years, while it is a very long time, was an improvement over what we presented at zap. That was a step forward for us at having a time limit. We've had further discussions about that with them, but would look for direction on that from y'all.

>> Pool: I guess I would say that that really isn't any improvement because 99 years from now we have no idea what this -- what will be happening. So perpetuity is literally perpetuity. And this is a point that is of significant concern to me, as is the creek crossing element that I talked with Mr. Harrington, and I asked staff to do better.

[7:08:05 PM]



We need to do better on behalf of the city of Austin and this particular piece of environmentally sensitive property.

>> Mayor Adler: [Off mic]

>> Kitchen: I have a long list of questions, but I won't go into all of those because I am -- will be bringing an amendment or a motion to postpone, but let me just ask one. I wanted to understand a little bit more about the tree protections because I'm understanding that all we're talking about is protecting 25% of the her tangible trees. Is that right? Do I understand that correctly?

>> Yes, ma'am. That is correct. Again, under 82 there are no tree regulations. We went to protected trees at zap. Zap said do better. We went back to Mr. Whellan and we got to 25% of the heritage trees in the golf course district.

>> Kitchen: I really appreciate that and I appreciate all the work y'all have done. I'm looking at this through the lens of what would be required today and comparing to that, not comparing to 1982 so that's the way I'd like to think about it. So do we have information at the moment about what we're -- what we're really talking about in terms of impact? In other words do we know how many ter handling trees we're talking about or anything like that?

>> No, ma'am, we do not. The city arborist has been on-site with the applicants and taken a visual observation, looked around at the trees but there's not a tree survey. At this point they don't have firm development plans so they have not gone out and conducted, you know, an assessment of all the trees on the property.

>> Kitchen: Okay.

>> So we don't actually have that information.

>> Kitchen: Okay. Then just one other -- again--

>> Alter: I have something on the trees. I just wanted to follow up on the trees. So that's only 25% in the golf district so what happens in the marina district and what happens in the other districts to ter handling trees?

>> So they would fall under the -- as Chris mentioned earlier, a heritage tree is a protected tree.

[7:10:06 PM]

We would of course work with them to try to save it but we would not under this agreement be able to prohibit them removing it, they would have to mitigate for it. That's where we would be outside of the golf district.

>> Alter: And under current code what --

>> Current code heritage tree would be a formal variance process to be able to remove it and so that's definitely different.

>> Alter: I think I just want to second Ms. Kitchen's concern here. I don't -- it would be really helpful to have greater clarity on the number of heritage trees that we're talking about. You know, are there ten trees on the property or are there a hundred heritage trees on the property? It's really hard to understand what we're agreeing to, and that's a theme when I -- I'm gonna seat it back to Ms. Kitchen but really to try to understand what's in this agreement in the short amount of time that we have is a big challenge for us on the dais who work on this every day and then for the community who doesn't work on these issues. So we need a better understanding for that particular point on what we're agreeing to and how many trees and what the magnitude is and what condition they're in. They may not need to do a full tree survey, but we do need at least an order of magnitude here.

>> Thank you. We'll work with the applicant and see if they can provide us something along that line, I'm hearing you not a full tree survey but order of magnitude what are we talking about.

>> Alter: I'd like us to do better, it's hard for me to evaluate if it's bad when I don't know what it is how many trees we're talking about.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I'll make a motion. I have -- I'd like to move that we postpone and we ask our staff to go back and work with the applicant to try to address some of the concerns that we have raised -- to address the concerns that we've raised here.

[7:12:12 PM]

>> Mayor Adler: Is there a second to the motion to postpone? Councilmember pool seconds the motion. I didn't give the applicant a chance to speak. Do you have to have -- do you want to speak to the council?

>> Just to say thank you for the feedback. Obviously, we'll incorporate what we can and would like to come back on January 31. I think that should give us some time to -- for the board to convene again and consider the feedback and get back here.

>> Mayor Adler: Okay. Thank you. Mayor pro tem.

>> Tovo: I'll just say that I, too, have some additional questions that I'd like to work through between now and January 31 if that's when we postpone to and I'll support the postponement but I want to say there's several elements of this that give me great concern and one has already been identified by my colleagues and that's the wildly too long time period associated with this. So that's one of a number of things that I'm gonna be hoping to see adjusted.

>> Mayor Adler: Okay. Any further discussion? Yes, councilmember kitchen.

>> Kitchen: I'd like to make one other comment on the impervious cover difference. And, again, I think it's most appropriate to compare to current code, not to 1982. Under current code if I'm reading correctly we'd be talking about 18.83 acres and what's allowed under this is 35.93, which to my mind is

a significant additional allowance in impervious cover so that's one of the things I'm concerned about also.

>> Mayor Adler: There's been a motion, second to postpone to January 31 -- yes?

>> Alter: Did you have questions?

>> Pool: I was sitting here that January 31 is our first council meeting for us in the new year but also with our two new council colleagues and I'm wondering if it would be better for the applicant if we delayed it maybe to the second meeting, which would be I think a week later, the first of February, just in order to give our new colleagues an opportunity to kind of get their sea legs and get -- have some time to bring on staff and also talk with the applicant and get a fair understanding because it's a pretty complicated case.

[7:14:37 PM]

I haven't -- it just occurred to me that that might be a prudent approach, but I don't know if there's any support for that here.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: It's only one week later so I think February seventh would be appropriate. I wouldn't want to push it past that.

>> Pool: I think that would be helpful.

>> Mayor Adler: Councilmember alter.

>> Alter: So this is a complicated agreement, as these tend to be in my district and in this area. We've got lots of legacy of the grandfathering and I've seen several of these come back to bite us. And while the intentions I think of the Austin country club here are sincere and I understand what they're trying to do, from experience we have to really take our responsibility seriously on the dais to understand what we're agreeing to. And the reality is that we barely just received the latest copy. The public has not seen this. While we've heard some neighbors that they are supportive of it and they do have some level of understanding of the nuances, there's other folks who are just learning about it. We have at least one other neighborhood association that is concerned about moving forward this evening. And as I mentioned earlier when we agreed to consider this agreement or type of agreement, we had advocated for a public process. We had seen through many other cases how not having a public process led to poor decisions. And so I will take this time between now and February to be talking with my constituents to help them understand this. As soon as I finish understanding this agreement. And helping to look at some of the nuances. There are things in here that are really good for the city.

[7:16:40 PM]

Sop there's water quality improvements that are really good for the city. But the fact that we have to put these water quality improvements in here is symptomatic of the facts that the rules that were in place in 1982 are not very good for our environment and our health. There are some nuances in here with respect to new uses that I need to understand better. So right now the country club is not allowed to have regional multi-family or congregate living, and while we might have a decision that we want them to have it, I'm not understanding how this is interacting with the zoning process. I understand they have to get it rezoned but if they get a rezone then what code do they have to follow? Does everything revert to 1982? Or the little nuances that are advanced from 1982 in the agreement -- that seems like a big give. We might want them to have residential but I need to understand that. For the country club's own good we need to have a little bit more clarity on the intersection between the 360 entrance and the project that txdot is putting forward that's a \$76 million project that they're about to go into the design. We need to understand how those interact and in my conversations txdot wasn't aware so that's a loop that I want to close. There are a number of things -- we mentioned the trees that we need to know more. There's also the critical environmental features. I don't know how many critical environmental features we have on this property that we are giving up not having any protections for. There are critical water quality zone buffers. I don't know how many we are giving up through this process. There are other places where there are exceptions that it feels a little bit like those exceptions negate whatever we've gained, and I just -- I need to understand those more so that I can see the full package.

[7:18:45 PM]

I agree with my colleagues that have already brought up the issue of the project end date. We have seen problems with not having project end dates in other projects. I share the concern about the level of impervious cover that is allowed and the bridge for the creek. I think that we can get to an agreement, and I look forward to working -- continuing to work with Mr. Whellan and the neighbors and the country club to see what we can do, but we have a responsibility as councilmembers to really understand these details and parse it out, and for better or worse, the process that we've gone through with our information over the last ten days or so, I do not believe is sufficient. So I'm going to support postponement this evening. I appreciate all the questions from my colleagues. I'll look forward to working with the community and Mr. Whellan to see if we can come to an agreement and the staff. I think we can do better, and I'd like to give it a shot to see if we can.

>> Mayor Adler: It's been moved and seconded this be postponed until February 7. Any discussion before we take a vote? Those in favor please raise your hand. Those opposed. Unanimous on the dais. Councilmember Renteria gone. Matter is postponed. Let's pull up then item 68 and 69. Staff want to come up to this? Anyone who has signed up for this has indicated support for this project. I wasn't here when this project got pulled. Was it pulled for speakers? Pulled for speakers?

[7:20:46 PM]

We have 13 speakers. I'm trying to figure out if we can give these folks an indication as to whether or not -- is anyone anticipating voting against this? Mr. Flannigan?

>> Flannigan: I plan on making a motion for the staff recommendation, which is different than the planning commission recommendation.

>> Mayor Adler: Okay. So sounds like that's gonna be the issue, whether it's the staff recommendation or the planning commission recommendation? Okay. You want to bring this to us?

>> Good evening, mayor, council, Jerry Rusthoven, item 68 is npa-between-0018.01 known as the sekret theater, this is a change the future land use map from single family to higher density single family. The related zoning case, c14-2018-0074 located at the same address, the staff recommendation was to approve the sf-6 master plan zoning. Planning commission recommended to approve the sf-6-co-master plan zoning with two conditions, one a maximum of 22 new dwelling units on the property, 2-acre property, the second is [indiscernible] Footprints before 400 and a thousand square foot square feet. The city cannot have a minimum square footage because we cannot make somebody build something and these are not square footages, these are footprints so that would essentially translate to a minimum footprint of 1,000 square feet per unit on the building coverage. So with that I'm available for any questions. My understanding is that the applicant, although the 22 units did come from an agreement they made from a representative of the neighborhood, the applicant is okay not having the conditional overlay and the staff is of course because we recommended the case without the conditional overlay. We're okay with it not having the PC recommendation as well.

[7:22:47 PM]

>> Mayor Adler: Okay. Is the applicant here? Do you want to come on up? You have five minutes.

>> Good evening, mayor, council, city manager. My name is Matt Lewis with simple city design. Today I'm here to represent the sekret theater. It's a unique and authentic Austin project, again, located at 1145 Perry road and Mr. Rusthoven went over the request. The neighborhood, govalle Johnson neighborhood is a very mixed neighborhood with industrial, civic space, commercial and residential uses. As you can see by the neighborhood plan as well. The site is 2.03-acre parcel of land, sole subdivision you'll see on the screen there is directly adjacent to the parcel and the proposal is a courtyard neighborhood where the houses would be organized in a series of small structures fronting a central green, we'll be using rainwater harvesting to clean the water before it leaves the site. The other idea is to integrate most of the structures that are already existing on the site that have this great character and authenticity to them to be integrated in as community features into the site. Here's a rendering . Showing the illustrative drawing of the layout of the units. All of them would have 8-foot minimum front porches fronting into the central green and small network of houses to really create a true sense of community and sense of place. From the street edge it would maintain its residential single family character. This would be the house that's at the street edge currently. And the lot is a long linear deep lot, so the main purpose of our request was not to maximize density but to rear maken allowance for private drives so that we didn't have to tear this house down in order to meet the minimum widths of the drive aisles in order to meet the standards. When you walk into the new development this would

be reining on-site. This is a glass house Mr. Reichart build, all of the structures have been made out of reclaimed materials and created with real amazing architecture style.

[7:24:59 PM]

As you walk into the development this would be the entry feature of the courtyard of houses. Here's the community house on the property, 10x10 two-story structure, extremely unique, some of the materials harvested from all over the world to create very unique structures. Again, here's some that are reclaimed materials from the lower ninth ward New Orleans built into a Texas setting, integrated into the existing project on the site. There's another feature. Here's a sample of the organization. This is Danielson project in Seattle that we had toured and there's one of y'all's employees touring a bungalow cart in Seattle. We don't have this type of housing in Austin and this is a amazing opportunity to start to integrate small houses on small lots into the area so that it adds to the overall community feel and aspects of the property. We'll be using landscaping and buffering to provide a sense of enclosure from the residents so they have their own common spaces amongst their porches so that it's not overwhelming with the number of units. The units will range in a variety of building footprints, as noted from the conditional overlay. A variety of setbacks, trying to integrate the structures into nature, preserving trees and the existing character of the site. Parking, if located on-site, if not done in a collaborative structure, would be handled -- located in the rear. So all of the dwelling units would not have vehicular traffic come in front of them. All the vehicular traffic would be handled on loop street on the peripheral of the neighborhood. Again, a range of housing sizes to provide for wide variety of lifestyle choices into this area. We'll be using rain gardens to filter the water and we've got those targeted. The area is recommended for smaller lot residential development with high quality design standard encouraged for this area. This is directly from the govalle Johnson neighborhood plan, and this parcel in particular was identified as an underutilized site for the neighborhood and targeted for this type of development.

[7:27:04 PM]

We believe we're meeting the direct intent of the neighborhood plan and the intent of the council and overall goals of the community. Adding in a variety of housing types with diversity of sizes and, again, integrated into a courtyard so that it provides spaces. With that we're here to answer any questions. Thank you for your time.

>> Mayor Adler: Great. Thank you. Councilmember pool.

>> Pool: Thank you for that presentation, Mr. Lewis. I was curious, I think I read that the collection of historic structures, some of them maybe came from New Orleans Africa Trina. Do you have any information about that?

>> Yes, ma'am, the owner of the property is here to speak about that as well, several of the columns and the materials that were built into the structures were reclaimed from the lower ninth ward post Katrina, which is a great reuse of the structures and it creates such a wonderful community gathering space.

>> Pool: I like also how they kind of mirror some of the structures that we've had in east Austin but that we have maybe lost so that is returning some of those -- that era of structure back to our community so that's really great. I did have one quick question. I know that we can't require affordable units, right? But I understand that there was some conversation possibly about this that Mr. Reichart was willing to work on this with the govalle neighborhood and the contact team in order to ensure that there would be some affordability with these units. Is that accurate?

>> That is correct, yes. So the intent was to have maybe some artist residents, where the units would be available for a low cost so that they can come to Austin and live in the units, experience the place. If you haven't been out there we would love to invite you all to come experience it. It's got a magical feel, integrated into the heart of east Austin.

>> Pool: It is indeed a really special, magical place.

[7:29:04 PM]

I wanted to note for councilmember kitchen who has worked really hard on -- as has the mayor pro tem, on trying to create and retain housing for our artists to ensure that they can stay in our community, again, I think that's -- that is a really great opportunity here, and I thank you so much for that, Mr. Reichart, for being sensitive to that.

>> Mayor Adler: Mayor pro tem.

>> Tovo: Just to follow up on that, did you -- I missed if there was a particular commitment to reserve a certain percentage and, if so, what levels of affordability and for what period of time?

>> Sure. The proposal was to do four affordable units out of these that would be designated as affordable and artist residents on the property. As far as the structure of the overall unit mix, we're not quite there yet. We're doing this very incrementally. This is the first step in the process just to get the entitlements to create the allowance for Bo to take the site to the next step. Once we start running the numbers and figuring out the site plans and see how everything lays out it would ultimately determine the mix of affordability and unit cost.

>> Tovo: So if there are four, do you have a sense of what level of affordability and for what period of time those would remain affordable?

>> In speaking with Mr. Reichart, he'd like to preserve them. He wants to remain on-site so he sees this as his backyard as it is today with new neighbors moving in. He's anticipating remaining on-site and keeping the units -- I don't know if Mr. Reichart would like to come up to speak about this but he'd like to remain on-site and keep the units as affordable units and artist residents to grow local austinities. He's born and raised in Austin. He's got the pride and that's what he's looking to bring back to the community.

>> Tovo: Thank you.

>> Thank you.

>> Tovo: In terms of the units, do you have a sense at this point of what the bedroom count would look like? Are you aiming these at individuals or families and children and having multi-bedroom units?

[7:31:08 PM]

What's your thinking on that front?

>> Both. We were hoping we could do a range and that was why we had talked to the neighborhood to talk to them about 400 to thousand square foot. You'd have ad square foot footprint at two stories you have a 2,000 square foot house that would be adequate for a family. Even a thousand square foot. That was an average house size in the 1940s. So come back to that type of character. There are homes on-site right now that are approximately 200 square feet with a lot of that function well for -- as a dwelling unit. So we are hopeful that we can really challenge the market to build smaller units and to build that lifestyle in. If there's anyplace that's gonna work in Austin it's on the sekrit theater site, where the community is already in existence.

>> Tovo: So smaller units but multiple bedrooms?

>> Yes, ma'am.

>> Tovo: Good. Thank you.

>> Mayor Adler: Further discussion on the dais? Mr. Flannigan.

>> Flannigan: I'll move approval. I think we're just on first reading, if I'm not mistaken.

>> Mayor Adler: I think it's posted on first reading. Is that right, Jerry?

>> Flannigan: So I move the staff recommendation, which is sf-6 and [indiscernible]

>> Mayor Adler: Mr. Flannigan moves passage.

>> That's for both of them, right, both the neighborhood plan amendment and the zoning case.

>> Mayor Adler: Right, neighborhood plan and zoning. It's been moved and seconded first reading only. We have people that have signed up to speak. And I want to give folks a chance to speak if they want to. Dave Sullivan? Boreichart. Bo, you have time donated to you from David Geiger.

[7:33:08 PM]

>> Thank you. I think he had to go back.



>> Mayor Adler: What about Pete? You have five minutes.

>> Thank you for having me. This has been an interesting process and I've learned a lot. And it's kind of been fun. And thanks to a lot of people who have expressed a huge amount of support and my phone is ringing off the hook with people, oh, my god, this is the neatest thing, now we get to live in your backyard. I just want to take my project to a whole other -- to another level to where I'm there, I have an amazing backyard, the community that has surrounded the theater for ten years has -- you know, they're, like -- everybody is like family. And everybody is just so excited about it. And I think remove the conditional overlay and allowing two more units means I could -- there's plenty of room on the property to fit, you know, two more more hundred square foot units and that will bring the cost of construction down and allow for more people to enjoy the space. And, you know, I'm not trying to build a max density project. I'm really just trying to continue building community in a way that fits with, you know, all of the zoning rules and stuff like that. So I'm super looking forward to the next steps of sekret theater and I think it's gonna be an exciting architecture project and I just want to be creative and build something that I can be proud of and my friends and neighbors can be proud of because I live all around them as I'm not going anywhere. So everybody is looking forward to it. So thank you.

>> Mayor Adler: Thank you. It's a nt space you have.

>> Thank you.

>> Mayor Adler: Thank you. It's been moved and seconded. Does anybody who signed up want to speak before we take a vote?

[7:35:09 PM]

Then let's go ahead and -- yes, come on up.

>> Good evening, council, mayor, mayor pro tem. My name is Zachary Kent and I'm a funeral director and minister, and I just wanted to give a little brief background on myself. I was brought to Austin by my parents in 1982 and we had no TV, we were home schooled, born at home, so Austin as a community was what we learned to be community among myself and my siblings and that included my mom running the print making department there at hrc under Dechert turner and my father working for [ saying name ] And to that extent without any incrimination. And I remember fondly the indie society at UT screenings and next door neighbors with Kermit Fritz who was a pillar among the gay community and I remember him as may west on his birthday. For my childhood I helped Scott newton the photographer convert to digital for the first two years of the festival, and interviewed red

[indiscernible] On the nature of keeping Austin weird on my public radio show that I had with Dr. Martinez, the first immigrant daughter of Mack Martinez, first domestic violence chief at the district attorney's office. To that dry I hope I've established I'm heavily involved in serving the community and well credentialed with what weird is.

[7:37:13 PM]

And as a funeral director I attempt to serve every member of the community without any condition or preconception, and sometimes that means in wildly flexible ways, which my upbringing certainly contributes to an understanding of going into everything with the openness of spirit to attempt to achieve the vision without letting my own preconceptions get in the way. And Bo's efforts through the years have demonstrated that he's compassionate and considerate and community-building in a way that exceeds my expectations. He takes great effort in forecasting any possible imposition and airing on the side of peaceful coexistence with nature and the people around him and his community. And I've spent a considerable a time weighing my voice in this space because past, presence or future, I would not want any member of our community to feel that I spoke publicly in a way that disrespected my service to them. That said --

[buzzer sounding]

-- If I could have one more minute.

>> Mayor Adler: You can't have a couple more minutes but you can finish your thought.

>> I'm entrusted by the great state of Texas to act in an honest and trustworthy way in service to the community and that said I'm not here as a funeral director. I wanted to relate the amount of introspection I took before come here to say that I support it unconditionally and I ask you to consider my endorsement as representative of the wide spectrum of people who appeared to speak in favor today and weren't able to stay. And I urge you to allow weird to show Austin the way, particularly without conditional oversight.

[7:39:14 PM]

>> Mayor Adler: Thank you very much for being with us. All right. It's been moved and seconded. First reading only. Closing the public hearing. Item 68 and 69, those in favor please raise your hand. Those opposed. It's unanimous on the dais. Mr. Renteria gone. That gets us then to the last one of our zoning items. Item number 73.

>> This is case c14-2018-d 62, university of Texas law school foundation. This is to rezone the property at 2902 medical arts street to gr-mu-comp. Property is just under a acre, former home of the UT

[indiscernible] The staff recommendation was to rezone with some conditions, including removing some existing conditions from the property. One of those is to remove the condition that medical offices exceeding 5,000 square feet are a conditional use and the change of status of financial services from conditional to permitted use, as well as adding prohibited uses. The planning commission recommended the staff recommendation. The remaining issue on this property I believe is the feeling by some individuals that the medical services over 5,000 should remain a conditional use and the applicant is not agreeable to that condition. With that I'm available for any questions.

>> Mayor Adler: Okay. Thank you. By the way it's been pointed out to me we also have 85 that was pulled so we'll be hitting that as well. Is the applicant here to speak to this item 73? You have five minutes.

>> Good evening, councilmembers, mayor, Pam Madera here on behalf of the applicant.

[7:41:21 PM]

The applicant is the nonprofit UT foundation. Here is a photograph, Google rendering that shows you where the old university co-op sits in relation to the other buildings. The building is the old university co-op which is located across from the law school on Dean Keaton and medical arts parkway to one side. And it's just west of I-35. This building, which is sitting mostly vacant right now, is surrounded by medical and restaurant uses currently. On two of its sides and then across the street is obviously the UT campus and the law school. The foundation is asking for rezoning from the current I-1 and a modification of the conditional overlay to allow for just two things. Number 1 is the financial services use. And we are not asking for a financial services drive-through. That's actually -- the drive-through portion is prohibited by the conditional overlay and we're fine with that. We're simply asking for financial services. Secondly and really most importantly we're asking for medical office of more than 5,000 square feet. The problem that the nonprofit is having with this building is that it's about 11,700 something square feet. One floor alone is over 5,000 square feet. And so they've been unable to lease this building out for over a year. The potential tenants that come in typically want to use it for medical. It's just about a block away from the Dell medical facility. And the -- right now one floor is more than 5,000 square feet. And so they have been unable to lease this building out and it is currently sitting there completely underutilized. They're currently just using it for a little bit of continuing education and the like. You can see that the old -- or the building sits on a major 6-lane divided arterial roadway.

[7:43:23 PM]

As part of this request we performed a traffic analysis, and the city determined that -- mitigation is not required for this zoning change. This change actually does not contribute any additional traffic that would require any additional traffic mitigation. This -- these two additional uses are really important to the foundation so that they can continue the good work that they are doing in providing scholarships to students and others and so we respectfully request that you agree with city staff on their recommendation here this evening. Thank you -- on their recommendation here this evening. Thank you.

>> Mayor Adler: Thank you. Is Mary Ingall here? You have time donated by Walter Wokesh. Ms. Ingall, you have three minutes.

>> Good evening, mayor, mayor pro tem, and city council members and city manager. I'm Mary Ingall, spokesperson for the area, which is the central Austin neighborhood planning advisory committee. We are the seven neighborhoods that surround UT. We have that big density node. The one that has the

greatest density in the city. We are all unanimously opposed to a straight upzoning from Ir to gr on this property. We agree with the applicant's request of allowing medical offices greater than 5,000 square feet and financial services. But how do we get there? That's the problem. Kanpac is amenable to changes thing uses to conditional since the applicant has claimed nothing will change for the building footprint. They don't need the additional height that gr affords and they are willing to stay with the Ir 45-foot heimit. These changes would require a conditional use permit, which the applicant is saying is too cumbersome and lengthy.

[7:45:27 PM]

The applicant wants to avoid a cup, conditional use permit, because of the process. We can change our processes to make them more streamlined and this should be a priority of the council and the city manager. Furthermore, the upzoning of gr would abut single family and residential uses on Hampton road in the neighborhood. It's not good planning to place two categories smack up against each other in this fragile area. Not only that but gr in other words the property owner double entitlements for no stated reason. An increased impervious cover, far and building coverage. If they don't need this, why are they asking for it? Supposedly the conditional use permit process is the problem. Cups are reviewed by the transportation department. The reason for wanting to go avoid scrutiny by the transportation department with its review is to skirt basic sidewalk, safety and accessibility. This is acceptable. Transportation staff made it clear at the planning commission that this cup would require modifications only to a site if they're necessary for health and safety. This property is across the street from the university of Texas on Dean Keaton, although not a core transit corridor and medical around which is a busy intersection with cars, pedestrians, and now scooters. The safety of the university community should be a high priority for this council as you consider this case. Canpac supports with allowable uses. This could be a win-win for all parties if the right solution were granted. We could all be agreement if the right solution were found with gr with its increased entitlements at this property. So please deny the gr zoning and make these uses conditional that we've all agreed to.

[7:47:27 PM]

Thank you very much.

>> Mayor Adler: Is Betsy Greenberg -- is she here? What about David cann? Those are all the speakers I have listed. Anyone else? Okay. I'll give the applicant a chance to close. Do you want to close?

>> Thank you, mayor, council. So this property is surrounded currently by gr on one side and with Ir behind it. The conditional use permit process right now, I agree with Ms. Ingall, that our systems do need to be streamlined and permitting does need to be streamlined at the city, that currently the conditional use permit process is incredibly expensive and cumbersome and thus far has prevented this building from being leased out for over a year. So we respectfully request that you consider the gr zoning. Thank you.

>> Mayor Adler: Okay. We're up on the dais. Discussion? Mr. Flannigan.

>> Flannigan: I move approval. Are we only on first? All three?

>> It's ready for all three readings.

>> Mayor Adler: Motion to approve all three readings. The PC recommendation. Is that right? The same as staff recommendation. It's opinion moved. Is there a second to the motion? Councilmember Casar seconds. Any discussion? Mayor pro tem -- oops, Mr. Flannigan you getting to first if you'd like.

>> Flannigan: Sure. I pulled this Tuesday for conversation and even though I have some issues with what was laid out, specifically the challenge of compatibility as it relates to the neighborhood plan versus compatibility as a tool, you know, I think given all the considerations that happening right now, these are all processes we all know that need to be fixed.

[7:49:34 PM]

This is the right use in an area that is between two medical campuses. It's actually much closer to the -- is it St. David's to the north than Dell medical to the south. But that's why I'm willing to support this and not worry so much about the cos at this time.

>> Mayor Adler: Moved and seconded. Mayor pro tem did you want to say something.

>> Tovo: I'd like to make an amendment that meets both the applicant's needs as well as some of the concerns that I heard from the neig planning team.

>> Mayor Adler: What's your amendment.

>> Tovo: In the area. I'm getting to it.

>> Mayor Adler: Okay.

>> Tovo: It was --

>> Mayor Adler: Just trying to keep it --

>> Tovo: Again, the applicant has said that the intent is not to -- is really to make the site more marketable by dealing with the medical services -- medical office making it louder -- I mean, larger. And so I am -- my amendment is to limit the site development regulations to those under Ir currently. The co has already modified the height. This would modify the other site development regulations to those that are contained within Ir. Again, as we look through the testimony at previous hearings --

>> Mayor Adler: Hang on one second. Let me see if we can get a second. Again, the amendment was to do what?

>> Tovo: To hold the applicant to Ir site development regulations.

>> Mayor Adler: Okay.

>> Tovo: So to allow rezoning to go through with the condition -- with the conditions as staff have proposed them but the other site development regulations would be those under the current zoning. Lr.

>> Mayor Adler: To hold the -- I'm sorry. Your amendment is to hold the applicant to the site development -- to the Lr site development rules?

>> Tovo: Regulations, yes.

>> Mayor Adler: Okay. To hold the applicant to the Lr site development regs.

[7:51:35 PM]

>> Tovo: Limited to Lr site development regulations rather than hold.

>> Mayor Adler: To limit the approval to Lr site regulations.

>> Tovo: Development regulations.

>> Mayor Adler: It's been moved. Is there a second to this motion? Councilmember pool seconds this. You have the first chance to talk about it.

>> Tovo: Yeah, I'd like to speak to that. Again, as we went through the transcript and as you heard today, the intent is not to, as I understand it, is not to change the building or dramatically alter the structure, but to allow more flexibility in terms of their leasing. And so I think it's very reasonable to hold them to the same site development regulations that are in place now under Lr. Again, I think as Ms. Ingall on behalf of the neighborhood planning team indicated, there were two paths here. One was a rezoning, which is, you know -- brings with it many other entitlements other than the two they were asking for. So the other option would have been to go through the conditional use permit and alter it that way. That probably would have been preferable to a lot of people. I think the amendment I'm bringing forward allows for the rezoning to go through but provides an opportunity for the -- brings it closer in line to what the existing zoning in in the existing neighborhood plan while, again, facilitating what the applicant wants to do. Mr. Rusthoven, would you say that that's -- I mean how I've described it would achieve -- it does nothing in terms of overall of what they've been concerned about.

>> It does not change the uses.

>> Mayor Adler: Why was this not the staff's recommendation?

>> Because the staff feels that it's an appropriate location for gr zoning. It's not a major arterial or two arterials actually. The major difference so you know would be 90% of residences -- 80% impervious cover, not that big a deal, 60 versus 40 in the height which I don't think would be an actual issue because of compatibility.

[7:53:44 PM]

The main I think has to do with the far and it would be a difference between a .51 and one to one.

>> Mayor Adler: Thank you.

>> Tovo: Mr. Rusthoven, just to be very clear the compatibility is not what we're going at with the height because the staff recommendation include the overlay.

>> That's what I said. Even if Y didn't have that 40 compatibility would restrict it anyway so you wouldn't get near 60.

>> Mayor Adler: Discussion on the dais? Councilmember kitchen.

>> Kitchen: I'd just like to understand since we heard from the applicant a minute ago what their perspective is on the amendment.

>> Thank you, councilmember kitchen. The applicant, come to -- or mayor pro tem tovo is correct, we do not currently have any plans to remodel or make any changes to the building as it is now. Our goal is to just be able to lease the building out. But as Mr. Rusthoven has just mentioned, this does seem to be an appropriate area for gr. We have already agreed with staff to limit out all of the other gr uses except for medical of more than 5,000 square feet and financial. And also we have agreed to limit the height. So to me it seems like it's unnecessary to also impose the Ir regulations on to this property and you have yet another condition. So that would be the applicant's position.

>> Mayor Adler: There's been an amendment. It's been seconded. Is there any further discussion? Let's take a vote. Those in favor of the amendment please raise your hand. Mayor pro tem, Ms. Houston, councilmember pool, councilmember alter. Those opposed? It's the balance of the dais. The amendment does not pass. We're back to the main motion. Therefore any discussion before we vote?

[7:55:49 PM]

Thrower please raise your hand. Those opposed. It's the same vote that we had just a moment ago. This item passes. I think the -- it passed 6-4-1. No. It was intended to be all three readings but I don't think we had it. I think there were four people voting no on that. It was the mayor pro tem, Ms. Houston, councilmember pool, and councilmember alter. So the vote was 6-4-1 so it passes on first reading only. It will come back to us again. All right. I think that takes care of that matter. That gets us to item number 85.

>> Thank you, mayor, council, Greg Guernsey, planning and zoning. Item number 85 is case c14-2018-0107 for the property located at 8200 south congress avenue. The property just over 13 acres, zoning request is a multi-family zoning district. Moderate high density. Currently it is zoned industrial and general commercial services. It is used for vehicle storage and the property owner would like to redevelop for multi-family uses. It was recommended to you by the zoning and planning economics. They recommended the staff recommendation, which included a 50-foot setback from the existing li-zoned property in the area and zoning and platting commission add 6-foot solid fence with a 3-foot wide buffer adjacent to the sf-4a property, also a 50-foot setback adjacent to the property, finally a 255

building setback between developed with a multi-family use and a building developed on the small lot sf use, by consent on a 8-0 vote.

[7:57:57 PM]

The last part of that recommendation building face to building face, not necessarily property lines you would find under compatibility standards it's a different measurement from exterior building to exterior building. The applicant's agent is here, and she can address a little bit more the project and perhaps some of the agreements that have been made with adjacent property owners.

>> Mayor Adler: You pulled this one, councilmember Flannigan. Do you want to address it and then I'll ask the applicant to come up?

>> Flannigan: Yeah, I mean, this is the first time I've seen a 250-foot setback of any kind. Without the presence of some kind of hazardous material, which I think is the only other example I can recall off the top of my head. It just seems unusual and I don't understand why we'd do that. When I look at the map there's practically no sf-4 nearby. It's like in the very back corner is what it appears. Is that a blank spot where there's more sf-4 about to go in?

>> I believe that's a large detention.

>> Flannigan: So it backs up top a detention pond supporting sf-4?

>> And the applicant can address that.

>> Flannigan: Okay. Maybe -- okay.

>> Mayor Adler: We have no one signed up to speak on this but I'll ask the applicant to come up and address it. The question seems to be the 200-foot setback.

>> Sure, I'm with Drenner group here representing the applicant. I do have a full presentation but I think at this point I can answer your specific questions. I have a slide . That would probably be helpful which is three. Thank you. So this is the site, obviously, zoomed in. What you can see on the left side is the sf-4a subdivision and you can see that they have their drainage facility so it's zoned sf-4a but it's not the houses, it's the drainage facility.

[7:59:03 PM]

What they were wanting from us is for us to put our drainage facility on that back area of the lot as well, which is exactly where we would plan to put it, how the topography works. But they -- so we assured them we could do it but the way that we could kind of make sure that that would be where the drainage facility would go would be to set the structures apart. So we kind of agreed -- we agreed that we would not put any buildings on the back end of the property and that would mean that the drainage facility



would go there and that made them feel comfortable with the idea of having three or four story buildings that close to their single-family homes.

>> Mayor Adler: Councilmember pool.

>> Pool: I just was curious. Is it maybe a safety/security reason that the setback is so deep from the detention ponds?

>> The reason -- the reason we came up with that number is because we said, yes, we are already planning to do what you're describing, that's no problem at all. Of course the question always comes up, what if it's not you, becomes someone else? We said here's what we're doing. We can agree to this and if we put it in the ordinance everyone would have to agree to that and like I said everyone felt comfortable with that so we moved forward with zoning and platting.

>> Pool: That sounds like a good approach because it locks that piece in and can't be changed.

>> Right. That's where the drainage facility would go.

>> Pool: So everybody was in agreement with that, the applicant?

>> Mm-hmm.

>> Pool: Thank you.

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: So I'm sorry I didn't pull this Tuesday and have this conversation, but so it was just that they wanted the detention pond to be back there but they want it back there to keep your building at a distance?

>> They don't like the idea of tall -- which is not I think uncommon of taller buildings looking down into yards. One of the women we met with early on, she lives in just, like, the third house down from that cul-de-sac right there, so she was particularly concerned about it and I can show you a picture she sent me.

[8:02:14 PM]

It's slide 13. So that's looking toward the houses from the commercially zoned land. We spent time and that's how the vegetative buffer came up and the fence. She said is there some way we can put something there so that they don't see -- you know, they don't see the taller buildings? So between distance and vegetative buffer we came to the conclusion that that would make everyone feel comfortable. Right now the back of that lot is not developed. There's a wrecker on the front part but the back part is drainage and open space, green undeveloped area. So that -- it's such a big lot, it just didn't really change our design that much.

>> Flannigan: Yeah.

>> It felt totally like a very easy way to make everyone comfortable with what was going in.

>> Flannigan: I understand. I think that's where we often struggle or at least I often struggle about the difference between setting policy because the applicant didn't care because they weren't gonna do it anyway versus land use policy which I think is more our job. We're just always in this debate amongst ourselves. I really struggle with single family homeowners not even want to go see their apartment neighbors. It just seems weird. And that's okay I'm not going to ask you anymore questions. I'm more just kind of thinking out loud since I wasn't able to do this so much on Tuesday. I'm curious how this type of situation is gonna be addressed in the future. Because it may not matter right now because they're not gonna build anything in a way that seems to just anyone. They just want to codify it. I get the instinct to do that, but, I mean, in some ways we're building in costs to multi-family because I've got to do bumps now, limiting the future ability to use the property. Granted the drainage pond is not gonna use it anyway but are there future land use regulations that might preference the location of drainage ponds?

[8:04:18 PM]

I think the location is about topography, it's not about not wanting neighbors to -- I just -- I think this is probably fine to move forward because it reopens a lot of questions I think we all still have yet to answer about the best way to ensure compatibility, again, what is compatibility mean? I don't think 250 feet away has ever been how we've defined compatibility so it just seems like a whole stretch of precedent that I'm really uncomfortable setting.

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

>> Tovo: I just wanted to ask you a clarification question.

>> Yes, ma'am.

>> Tovo: Did you say that the request was because the single family homeowners didn't want to see the apartment complex or did you say it was because it would be so much taller that it would be looking down into their yards?

>> It was about the height. It wasn't -- the only reason it says multi-family buildings in the ordinance is because it's multi-family zoning so that's the type of building that would thereby. It was just about height. It wasn't necessarily about what the -- they knew it was multi-family use, in fact they were very happy about having it changed to multi-family use. It was about height.

>> Tovo: Thank you for clarifying that. I think it's important to characterize people's feedback appropriately and accurately.

>> Garza: I wanted to move zap's recommendation.

>> Mayor Adler: Zap recommendation has been moved. Is there a second to that? Councilmember Casar seconds that.

>> Flannigan: Mayor.

>> Mayor Adler: Any discussion?

>> Flannigan: Just to clarify what I thought I heard you say was they asked for the vegetative buffer so they wouldn't see the buildings. So if I misheard you, mayor pro tem, I think is a different shall -- that's what I was hearing. Just to be clear.

>> Mayor Adler: Okay. It's been moved and seconded to approve the zap recommendation. Any further discussion?

>> Mayor, to close public hearing and this is also ready for three readings.

>> Mayor Adler: This is for all three readings and close the public hearing, approve the zap recommendation. Those in favor please raise your hand. Those opposed. Mr. Flannigan votes no, others voting aye. It passes. Gets us to the last thing on our agenda, which is the P.U.D. Briefing.

[8:06:26 PM]

>> We saved the largest for last.

>> Mayor Adler: I'm sorry.

>> We saved the largest for last.

>> This case cd-2018-008, planned unit development assessment for 2,122-acre property located on both sides of highway 230 all the way up to fm969. This property in 2011 the Texas state legislature passed a bill authorizing the creation of the Rio divida municipal utility district or mud, requiring it be created by a certain period of time. I'm sorry, this is a different one. So that bill required that mud be created by a certain date. That date came and went and that mud expired before it ever officially was created. Last session, senator Watson and representative Rodriguez sponsored another bill authorizing creation of the mud provided that the city consent by February 2020. One of the conditions of the city consenting to a mud is the P.U.D. Be approved as well. So what we have here is the development assessment for the Austin green P.U.D., which is the property formally known as Rio divida, property owned by txi, bought by martin murieta, partnered with a group called ground works. The development is proposed to have 12,000 residential units, two and a quarter million of commercial space, 700 acres of open space and a 3-acre fire station. The development assessment has shown the staff we believe it will be meeting all the tier 1 requirements. In addition it would have to meet the tier 2 requirements. Over the next year or so the staff will be working with the applicant to achieve work towards superiority in the areas of environmental and drainage, arts, grade streets, community, amenities, transportation, affordable housing and local small business.

[8:08:35 PM]

We have not yet entered the heart of those negotiations but will do so once this briefing is complete. The applicant has mentioned that once this briefing is completely they do intend to file the actual P.U.D. Application next week. We have taken this application to the environmental board for briefing just as

we're doing here tonight. The environmental board stated they were concerned about issues such as dark sky techniques. The erosion sedimentation control, protection of the Colorado river, and the need to provide further information about the trees. I do need to point out that the area obviously because it's owned by txi is an active sand and gravel mining operation today. Even after the P.U.D. Is approved I think it is anticipated portions will continue to be an active mine. There is also obviously reclamation work that is proposed as part of this development. And the staff will be working with the applicant on trying to come up with exactly what should be the boundaries between the mining areas and future development areas as we go through the P.U.D. Process. With that I'm available for any questions. We do not need a vote. This is simply a briefing to inform the council this P.U.D. Is coming down the pike and to hear if you have any questions.

>> Mayor Adler: Thank you. Any questions at this point from the briefing? Ms. Houston.

>> Houston: Mr. Rusthoven, could you go back to the map and show us -- and point to where 130 is? Because it's hard to see yes.

>> It is the -- the spine running up the middle of the map. So it's slightly to the left there. It crosses the river. The river is the wide blue part towards the bottom of the map. And then it travels up. I'm sorry I can't point to it because it's been digitized.

>> Houston: But it looks like is it --

>> It's in the middle. This is on both sides of the street?

>> Houston: On both sides.

>> It's noted contiguous, it has broken pieces.

>> Houston: Okay.

[8:10:35 PM]

That's what I was having problems seeing.

>> Mayor Adler: Any further questions of this briefing? Seeing none, thank you very much for the briefing. Those were all the items we have. One last time, I want to just say, Ms. Houston and Ms. Troxclair, it's been an honor to serve with you. Thanks for being part of the first 10-1 council. And with that, it is 11 minutes after 8:00. Everybody have a good holiday. And we'll see everybody back in January. We're adjourned.

[8:12:40 PM]

