

City Council Regular Meeting Transcript – 10/03/2019

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[10:09:10 AM]

>> Mayor Adler: All right. I think we're ready to go ahead and start. It's our custom to start our meetings with a peaceful moment by inviting different people from walks of life and different faiths to share prayers or moments of reflection. This is an important way that we celebrate the diversity that exists in our city. And we begin our meetings with everyone focused and aligned for the greater good. Today we have with us a sheik from a mosque. Sir. And as you begin, our thoughts and prayers remain with the sheik.

>> May peace be on you, with

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you, and may you all be the source of peace and comfort to our community. I begin with the name of god, the most merciful, the most gracious. We begin our meeting with this prayer, for indeed, the name of god will always begin and end our efforts. Indeed, any efforts or acts that begin with the name of god are blessed and successful. God says we sent messengers with knowledge and wisdom to maintain balance on Earth and uphold justice among people. God, let us be of those messengers. Bestow upon us from your wisdom what will enable us to unlock the doors of goodness and opportunity for our community. Allow us to lock and close any doors of evil and anything that brings harm to our community. O god, you created us diverse, but you reminded us that as

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diverse as we may be, we came from one home, the home of Adam and eve, united upon one purpose, working towards one cause. O god, we ask you to unite our efforts, purify our intention and guide us to do that which pleases you and serves our community. And keep us away from anything that displeases you or causes hardship or harm to our community. Thank you.

>> Mayor Adler: Thank you, sir. All right, council. It is Thursday, October 3rd, 2019. We have a quorum. It is 10:11. We are in city council chambers here at 301 west 2nd street, Austin, Texas. I'm looking at changes and corrections. Item number 6 is to approve an ordinance amending two other

[10:12:15 AM]

ordinances and ordering a special municipal election. But it's on November 5th, not November 6th. That would have been tough. Items number 9 and 69 postponed until October 17th of 2019. Item number 37 was recommended by the parks and recreation board on September 24th, 2019. Item number 50 is setting a public hearing to consider an ordinance to amend the land development code. And the suggested date -- the date we'll set the hearing for will be November 14th of 2019, not October 17th.

>> Mayor.

>> Mayor Adler: Yes.

>> Could I just mention that that particular public hearing

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is on atlas 14, just in case people with wondering if it was about the larger land development code rewrite. But it is just the portion that has to do with floodplains.

>> Mayor Adler: Thank you for that.

>> Mayor, on that as well as November 14th, is that a council meeting day?

>> Mayor Adler: I'm sorry?

>> Is that a new council meeting day? Because we don't have that on our -- at least I didn't.

>> Mayor Adler: I think that was the scheduled day.

>> I had the wrong --

>> Mayor Adler: Yeah. No problem. We have for pulled items today item number 13 I'm pulling. We have nothing that's pulled by speakers. Do we have any other items to pull? Yes.

>> Item 7, please.

>> Mayor Adler: Item what?

[10:14:19 AM]

>> 7.

>> Mayor Adler: Okay, item number 7 is pulled. Anything else to pull? Item number 12 is being pulled because it has to be taken up with zoning. Item number 76. So, the consent agenda is item 1-51 and also 97 and 98. Not only do we not have any speakers pulling anything, we don't have any speakers signed up to speak on the consent agenda either. Item number 8 -- was there a number that you wanted to read into the record on item number 8? Do you want to read a number into the record?

>> I'm with the law department. The settlement amount is

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75,000.

>> Mayor Adler: Thank you. 75,000 is the number to be put into item number 8. I'm sorry? I pulled 13. So, the items that I'm having pulled -- showing pulled on the consent agenda, appear to be 7, 12, and 13. Any further discussion on the consent agenda? Yes, councilmember alter.

>> Alter: I wanted to make a couple comments. Item 6 is about the election. And I really wanted to point out that earlier this year the state passed hb1888 which effectively ended mobile voting in Travis county and throughout Texas. I wanted to highlight why folks will see a change in their available voting stations in 2019. It is not a decision that this council is making to remove mobile voting, but it is a decision that our state government made.

[10:16:21 AM]

Access to voting is imperative to sustaining a healthy democracy is and Texas that has closed more polling stations than any other state since the shellby supreme court decision. I urge our counterparts to make voting access a priority. And then I also wanted to comment briefly on item 19. I'm really pleased to see the curbside composting program has continued to expand, particularly in the recent weeks. I just received my bin. I'm thrilled to incorporate organics recycling into my family's daily routine. It will be a learning process for those of us not used to composting, but it is a very important step to achieving our zero waste goals and I look forward to the full citywide rollout. And then I also would like to be shown voting no on 97, the piatra contract.

>> Mayor Adler: Further discussion? Is there a motion to approve the consent agenda?

[10:17:22 AM]

Mayor pro tem makes the motion, seconded by councilmember Ellis. Any discussion? Those in favor please raise your hand. It is unanimous on the dais, with councilmember madison-harper off. Let's go ahead and discuss the items that were pulled. Item number 7, mayor pro tem, you pulled this.

>> Tovo: I pulled it.

>> Mayor Adler: Yes. I recognize you, if you want to say why you pulled it.

>> Tovo: Thanks. I have some questions about -- we had asked some questions through the q&a. I want to understand how the amount -- how the transfer to visit Austin has changed over the last couple years, and the source of funding I assume -- I think this is probably a question for our convention center staff. Thank you for being here.

>> Sure.

>> Good morning.

>> Tovo: Good morning.

[10:18:22 AM]

>> Hi.

>> Tovo: Thank you for being here.

>> Sure.

>> Tovo: Could you help -- thank you for the information you provided. Can you help us understand how the transfer to visit Austin has changed over the last several years, whether that was -- it's my understanding it was an increase. And if so, why and what the source of the funding is, please.

>> So, in total I believe the amounts have increased as the hotel tax has grown. Not sure it was an increase in terms of the approach we've used. When council made the decision in 2018 to start funding historic preservation at the full amount, the convention center then took an approach to fund visit Austin's activities directly related to convention sales and services through an operating budget item within our operating budget. That was 6.8 million in 2018 and it has grown now to -- 6.62018 million, now 6.8 million

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in 2020.

>> Tovo: And that was a direct response to the council's assigning 15% -- the full 15% to historic preservation.

>> Yes. As staff, we found the mechanism where we could still make the appropriate funding amounts for visit Austin to continue their work, and the H.O.T. Allocation changed to directly fund historic preservation 15%.

>> Tovo: And so what had -- what was the -- did that adjust to the percentage that went to visit Austin in 2018 from, say, 2017, 2016?

>> For the hotel tax allocation directly? I'm going to get it wrong. It was 22.7% I believe thereabouts was their direct allocation in 2017. The direct allocation is now 5.7. And then the rest of their funding comes from the convention center, both through

[10:20:25 AM]

the convention sales and services amount in the operating budget, and a supplemental transfer of \$3 million for fy20 that goes to visit Austin.

>> Tovo: Has the allocation -- has the total allocation increased from 2017 to 2018?

>> No, it has not. I don't have that allocation off the top of my head. But how we've approached determining that supplemental transfer, we look at what their amount would have been had there not been a change. And back when we first made the change to fund historic preservation and find the mechanism to fund visit Austin through our budget, they agreed every year we would start with the amount that they would have gotten and take 2 million off of that amount and then fund the rest. So they're contributing, in essence, \$2 million to that historic preservation funding through that calculation.

>> Tovo: And is any portion of this -- there was a time during our budget where some portion of

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this funding, I thought, was going to visit Austin and paying for security during spring festival. Is any portion of that accounted for within this transfer?

>> No. That was a onetime decision council made for fy17, I believe.

>> Tovo: So that has not continued.

>> That has not continued. That was a onetime allocation.

>> Tovo: So those security costs currently come out of our general fund.

>> I would probably have to ask, but I believe so.

>> Tovo: Thank you. Okay. Thanks for explaining that. One last question, I guess. If the convention center did not make this transfer to visit Austin, I assume those funds would flow into the pool of money that's being reserved for the convention center expansion.

>> Yes. It would flow into our capital fund.

>> Tovo: Thank you so much for that information.

>> You're welcome.

>> Mayor Adler: Okay.

>> I have a comment.

>> Mayor Adler: Yes, councilmember alter.

>> Alter: In reviewing -- this

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is not necessarily a question, but a comment and observation for my colleagues and the city manager in particular. The visit Austin marketing plan on page 3 describes the implementation of the convention center expansion and page 9 references city council's approval to pursue the expansion. I am concerned with this characterization on the may vote on the district master plan. It is my understanding that our vote in may was to direct the city manager to report back on a proposed design, including associated financial considerations to better inform the decision before us. We have yet to receive the initial design work, as well as any financial analysis. Without this information, I do not feel comfortable with the may vote being interpreted to be full support of expansion of the convention center. The proposal must make sense and be given full consideration when all the information becomes available. I will be abstaining on this vote because I am uncomfortable with that

[10:23:27 AM]

characterization. That is not to mean that I don't support visit Austin, but I do not believe that that was the vote that was taken. We still need to have a design. We still need to have the financial analysis in order to move forward with such a big investment. And I think we need to be very clear, there's a lot of confusion out there in the community. And our vote is being claimed to be a unanimous vote in favor of expansion. And we're just not there yet. I hope that we'll be able to be there. But I think we need to be very clear about not putting the cart before the horse.

>> Mayor, did you want to --

>> Mayor Adler: Councilmember Flannigan.

>> Flannigan: The plan says pursue. That is exactly what we did in may. You know, individual councilmembers may want to reconsider the votes they took in may, but we did take a unanimous vote in may to pursue the expansion of the convention center in the context of all the

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other things that was in that resolution. I find it pretty difficult to understand how some councilmembers might want to have a double-speak conversation with the community about well, I voted for it but I don't support it but I might support it. You know, this is politics from the dais that is inappropriate. We took the unanimous vote in may to pursue the convention center. There is -- in no uncertain terms can you go back and pretend that you voted differently or imply that the vote was different, or especially imply that the council agrees with you on that vote. If you want to say you believe a certain thing, that's fine. But do not say it as if the council agrees with you.

>> Mayor Adler: So, direct the comments that you make to us generally, not to individuals. Leslie. Councilmember pool, sorry.

>> Pool: I'm abstaining on this item as well for the same reasons that were articulated by my colleague, councilmember alter. Thank you.

>> Mayor Adler: Is there a

[10:25:27 AM]

motion to approve this item number 7? Councilmember Flannigan makes a motion seconded by Mr. Renteria. Any discussion?

>> Alter: I believe I asked --

>> I was going to look at the document itself, and if there are any tweaks to the characterization of what the vote was, we'll work with staff to make those changes.

>> Alter: Thank you.

>> Mayor Adler: Go ahead and take a vote. Those in favor of this item number 7, please raise your hand. Those opposed? Those abstaining? Abstaining are alter and pool, the others voting aye. Again, councilmember Madison -- harper-madison is off the dais. She's not with us today. So obviously won't be in any of these votes. That gets us, then, to item number 13. I just had some questions for staff on that.

[10:26:28 AM]

>> Casar: Mayor, as you call up 13, I've gotten distracted and missed that we voted on item eight, which oftentimes we don't do -- consent. I just wanted to thank the council and the manager and law department for doing hard work there and apologize to Mr. Perkins for what happened. And so I'm glad that we settled that case.

>> Mayor Adler: Okay. Thank you. So, would you tell us, what item number 13 is?

>> Good morning, Stephanie Hayden, director of Austin public health. This action expands a pilot that we have currently in the department. It is an agreement with family elder care as the fiscal agent to contract with the other ones foundation. And at the heart of this contract, basically the work is homeless people are hired, they

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are paid \$15 an hour, they are paid daily, and they are paid in cash. And they are able to provide cleanups for us in parks locations. And they have been -- the program has been very successful. In addition to hiring homeless folks, they have also placed 22 people in permanent housing. So, it has been a really positive program. And this action will add two additional crews, so that will bring us up to three crews for the total of \$720,000.

>> Mayor Adler: So, this is an action that follows from earlier council actions. As we look both at trying to find opportunities for people who are experiencing homelessness as well as trying

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to meet community needs and benefits, like cleaning up the city. And the actions go back to the last council before. So it's good to see that this is happening. What areas are going to be policed or cleaned up under this program?

>> So, initially the pilot started in south Austin. It is going to expand to north Austin. And so what we're collaborating with parks and recs and the director is here, and she can give you any more specific information about those parks in particular. But the focus is primarily on large and medium areas where we are able to really, really clean out those encampments. But before the encampments are cleaned, we do have folks that

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are doing outreach that are checking on the people and connecting them to services and making sure that they are a part of the federal homeless management information in that system. And so all of the efforts are coordinated. So it's not just coming and just cleaning. It is making sure that social services are offered.

>> Mayor Adler: That's good. So the question that I probably ask both of you is, obviously there's some interest in our community in making sure that we're providing, you know, needed sanitation in our community. Obviously we have some greater visibility of our neighbors that are experiencing homelessness now than we might have had before, as people are moving out of isolated areas. Primarily I understand from

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echo, because they are safer to be in a more visible area than to be alone in an isolated place. I doubt -- and it wouldn't seem possible -- that we're creating more trash or waste today than we were six to eight months ago, because we didn't make new people. We have the same people. And they're doing the same things, just in different places. So it's not like we have more trash or more waste, we just -- it's more visible now. But it is more visible now. So, we may have had a community that had they known that there was trash accumulating in other parts of our city -- not necessarily visible -- they would have been clamoring for all of us to immediately do something about all this activity that's happening in places in our city. But many people didn't know about it. So they didn't know to be on

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social media a lot telling us that we need to act. But, now that that's more visible in some places, certainly people are raising what I believe to be very valid concerns to make sure that citywide we're doing everything we can. So, my question on this is, you know, there was a newspaper article that said yesterday that the state's contribution to Austin was something like \$670,000 to help with homelessness. And I want to thank the state for that support. We could use every bit of the state support we could possibly get. In fact, we'd like to make the argument for greater support than the \$600,000. The state support doesn't quite pay for this program, because this program by itself is 700 and some odd thousand dollars. My question is, should we be doubling this number? Should we be expanding this pilot more than we are expanding

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it? And should we just be focusing -- sorry. Should we just be focusing on park areas, or should we be also expanding this program to include overpass areas or other areas? So, I guess my question is, should

we be expanding the program? And second, what's the process for identifying or prioritizing where these monies should be spent?

>> So, as you may know, this current action does add two additional crews. And so we initially talked about -- we convened city staff and we talked about what would be prudent is to, over the next six months, to be able to look

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at -- evaluate the number of cleanups, how the program is working, how we were able to get ramped up and then kind of be able to prioritize during that time as well. And so in addition to that, we want to make sure to have a holistic conversation, because cleanups are happening not just with this program, they're happening with public works, with the underpasses. They're also happening with Austin code. So we want to have a comprehensive conversation where we have all city partners at the table and we are prioritizing specific areas, but we're also making the best use of the resources that we have right now. So, we would suggest doing that over the next six months and returning with a report to provide that information to you.

>> Mayor Adler: Okay. Manager, I hear that. And I think it's really important to pull that together. If there was a way to get that report in the next two weeks as to where all this -- I mean, I

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don't think we need to wait -- I think the community wants a more immediate answer. If there was a way to get an answer next week that would be helpful, just find out from different departments what they're doing. And then to have somebody that can look at all the cleanup programs that all the different departments are doing to make sure we're being as strategic as we can be across the city on those. I think that it would be really nice if we could start talking about that next week, if possible. And I think as part of that conversation, we should take a look at whether or not we need to extend beyond the resources that have been allocated in the departments now. If there's a reason for us to go beyond that, then I think it would be really helpful if you came back and made recommendations to us on that.

>> Mayor.

>> Mayor Adler: With respect -- one last question, then I'll pass it down. With respect to the cleanup programs we have, there was some

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earlier conversation about -- and I think we did it in a work session -- about a way to fund these programs. I talked about a program in San Jose that the mayor had initiated where Mastercard was providing debit cards to people in their community that were experiencing homelessness. And then the city could put credit on those cards and even put credit on those cards remotely, or in real time when they were with community members. And I had urged that we take a look at that program that Mastercard was doing. Subsequent to that, we determined that there was a local company that had the capacity to do that as well. And I've given that information, manager, to you. And I don't know if you've had a chance yet to look at that kind of program associated with this. It might be a more direct way to link work being done with maybe

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a greater community of people that might be less expensive and might be more efficient than putting work crews together. And it's a program now that we can actually see. I would hope that, with the offers from both of those companies, both national and local to just do it, that it might be something that we could also move toward right away to at least pilot that to see if that was something that worked. So, when you report back next week or as soon as you can on that issue, if you could also report back on that concept, I think that would be helpful.

>> Okay.

>> Mayor Adler: Thank you. Other people have questions on the dais as well. Councilmember pool.

>> Pool: Yeah, I just want to take a moment to thank our parks and rec department and our public health staff for supporting the program. I'm really pleased that we're expanding it. It's transformational. And I also wanted to note that

[10:37:39 AM]

my staff and I had worked hard on this program expansion as a budget amendment this year with my cosponsor councilmember kitchen. And I think we can all agree that the program represents the kind of solution-based and holistic work that we as a community need to do on the homelessness issue. And I also appreciate the mayor's comments about expanding the program further to serve overpass areas and alleys and rights of way areas. I appreciate the conversations our departments are having along those lines as well, and our friends and neighbors in the community. And I'm looking forward, city manager, to seeing the report come forward. I also applaud any additional help the state and the federal government can bring to us. We are in a unique position to deliver services. We have systems and services in place that we are rapidly expanding. So we are building our own capacity as a city. But the resources are what we really need. And I'm glad the governor is noticing that we have these challenges in Austin. And I ask him, please to step up

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to the plate and bring some action in the form of financial support for the work that we are laboring to do for all of our residents to keep them all healthy and safe, which is also the state of Texas' responsibility, to keep all residents of the state both safe and healthy. Thank you.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: Yes. And I want to thank councilmember pool for bringing this forward as a budget amendment during the budget process to expand this pilot. And I want to thank my colleagues for supporting that, and the mayor of course for supporting that. So -- because basically what we're doing with this program is taking a pilot, as you mentioned before, and expanding it. And that was -- you know, we've been doing a range of different cleanups for a while now. And I'm really happy to hear that we'll be reporting back soon on how those are coordinated, because -- and what's great about this program

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is it introduces the workforce element to it, because we're expending dollars for cleanups. We can be effective if we are combining those cleanups with a workforce program. So, I appreciate that. So, when you come back and report -- and I echo the mayor's concern about reporting as soon as you possibly can -- I'm sure you're planning on doing this, but what would be very helpful to understand, and for the public to understand is the schedule for cleanups. We've been sharing that information with our -- you know, with our district for a while as we understand those cleanups, primarily under the underpasses from public works. So -- but it would be helpful if the city as a whole had an understanding of the cleanup schedule across all of the departments. So that would be a good way to coordinate in terms of communication with the public.

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The other thing I would just say is the understanding better the purple bag program would be good, which is another good pilot for making trash cans -- or making garbage bags and hopefully soon trash cans available in areas. So, speaking to that would be good. And then finally, I would say that the frequency of the cleanups is a challenge. And as has been done in the past, they are not frequent enough. And so I think that speaking to that issue -- and I think that that issue is starting to be addressed with things like the purple bag program, which is providing garbage bags and trash cans so that people have the resources to clean up their own areas. But I think we need to

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acknowledge that although our various staff and various departments have been working very hard on cleanups, it's still, as many of us have seen in our districts -- I know councilmember Renteria has seen it and others have too -- there's still quite a bit of trash. Thank you.

>> Mayor Adler: Councilmember tovo, and then I'll come back to you.

>> Tovo: Thanks. I want to also add my appreciation to councilmember pool for her leadership, as well as I can't remember which colleague brought forward the initial resolution, but I think it was a very strong direction. And then others of you. I do want to ask -- I know animal services is also part of the program. Are they not part of this contract, or are they just part of a different contract?

>> So, we're starting, kind of, initially with pard.

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As you know, we have a new animal services officer. And so we are going to bring him into the conversation a little bit later. But we want to establish initial priorities and kind of cost out what that would be, because the clean community fee cannot be used at aso.

>> Tovo: I see. Okay. But that's part of the eventual build-out. When we talked about this in our budget conversations, and I had kind of made the request to have some sense of really what's been reiterated here today, all of the different programs and, kind of, what areas they're focusing on and who's funding them, I had also asked if that conversation or memo that comes back to us could also help us better understand what txdot -- what their role and their work -- how that fits into here, too. And I know they continue to have those conversations that councilmember kitchen's office and my office are involved in about the underpasses.

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And again, it's not entirely clear how they fit into this network of work options. I think they were working with the Easter seals to do some of those cleanups and also employing individuals who were formerly experiencing homelessness. So I'm interested in that. And lastly I know one of the questions I had in looking at the agenda is why family elder care was listed as the recipient of the contract. And it was explained to me that they're serving as fiscal sponsor for the other ones foundation. I thought that would be helpful for the public to understand it's not actually family elder care that's doing this work.

>> Yes.

>> Tovo: Okay. Thanks so much.

>> Thank you.

>> Mayor Adler: Councilmember Renteria.

>> Yes, mayor, thank you. This past January, I went on a trip with our police officers to go down into the underpasses there along Riverside.

[10:44:46 AM]

And I was very alarmed with all the trash that I saw, especially the trash that was going into our creeks there that was getting just washed down. And so this is nothing new. This has been going on. But now it's out in the open where people can actually see what's happening. So I really want to thank my colleagues for putting this funding in so that we could get this cleanup and get it done so that we can make Austin beautiful again, and our creeks and everything else.

>> Mayor Adler: Councilmember alter. And then councilmember Ellis.

>> Alter: Thank you. I wanted to follow up on councilmember tovo's request for getting clarity on what txdot is going to do or not going to do, city manager. We have been experiencing a lot of trash on the right-of-way of 183 and had to go through lots of different hoops to figure out who's responsible. And the state, it is my understanding, is responsible

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for the right-of-way, ctrma is not responsible for that right-of-way. So a lot of mopac is very clean because ctrma is doing it. The underpasses are the city responsibility, but the right-of-way is txdot. And they have so far been unresponsive to our office, who's raised an issue. The underpasses seem to be relatively clean, but the right-of-way does not look well. So if you can provide some clarity and, you know, if nothing else, please let us know who our citizens need to call, in addition to us, if they're concerned about that. Because if we don't have that responsibility, then we need txdot to do that.

>> Mayor Adler: Councilmember Ellis.

>> Ellis: Absolutely. I'm echoing a lot of these sentiments. I'm glad we brought up the clean community fee. I brought that up as a budget amendment. I'm glad to see we're able to reevaluate that and make sure if we're making any adjustments that the cost of service is matching some of the needs we have in the community.

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And I believe if I'm remembering this correctly it was my predecessor, Ellen troxclair, that started the workforce program. I think it's a fantastic program. I was so happy to see councilmember pool and the

others fighting for it as well in budget. I think it's important where we can, you know, come together even if we have differing political ideologies, I think we're all in agreement that we're headed in the right direction. So I really appreciate your work on this topic. Thank you.

>> Thank you.

>> Mayor Adler: Thank you. And just to close, and then you all can sit down -- in fact, you all can go ahead and sit down. I like all the points that were made. You know, we put off the clean community fee issue. It may be that we want to pick up something that was a lot more ambitious than what we had talked about before. A report on that so that the community can know, if that could be part of the same report that would be wonderful. And I know that the state sometimes, just a few months ago

[10:47:48 AM]

stopped cleaning under our overpasses. I understand they didn't want to do the work anymore. You know, it's part of our conversations with the state. I think we should at least ask them, even if we do the work, if they'll pay us for what it was costing them to do that. I don't think the state was intending to try to get a cost savings by no longer cleaning under overpasses in our city. It was just work they didn't want to do. So if we could figure out if they'll continue to fund the work rather than looking at it as a cost-cutting, cost-saving measure, that might be really helpful for us now that we're the ones that have to pick up that work for the state. So, thank you for this. Look forward to hopefully next week hearing something back. Is there a motion to approve this item number 13? Councilmember pool makes the motion seconded by councilmember kitchen. Any discussion? Those in favor, please raise

[10:48:49 AM]

your hand. Those opposed? It's unanimous on the dais with harper-madison off. Okay. I think that takes us through the entire consent agenda, with the exception of item number 12, which has to be taken up with zoning case number 76. That gets us, I think, to items we can still take up. Items 52, 53, 54, 50, and the eminent domain items through 63. Is there a motion to approve item 52, which is a bylaw amendment for the joint sustainability commissioner committee? Councilmember alter makes that motion, councilmember tovo seconds that.

>> [Off mic]

>> Mayor Adler: It came from a committee. Does anyone want to explain real briefly in one sentence what this is? You're not limited to one sentence, but because it's a

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committee action, we need to -- it's best if we just address it. So this is a bylaw amendment that was proposed for the joint sustainability committee. It was something that came from the committee itself, recommendations. There was a briefing by staff on this in front of the audit and finance committee. It was considered and discussed in that context. Does anybody else want to say anything else about it? Okay. Those in favor of item number 52 please raise your hand. Unanimous on the dais, it passes with harper-madison off. Similarly, there is an amendment proposed with bylaws to the commission for women. Does anybody want to lay this out? Councilmember alter?

>> Alter: I move approval.

>> Mayor Adler: Councilmember pool seconds. Again, this was something that came from the commission, a recommendation for us. It was laid out at the audit and

[10:50:52 AM]

finance committee.

>> This was laid out at audit and finance, proposed by the commission for women, which has been a really strong advocate for women and girls in our community. And they have been working on their strategic plan and wanted to make their mission as a commission reflect the work that they're doing. So it now says that the purpose of the commission is to serve as an advisory body that inspires the council to prioritize women's quality of life so Austin becomes the most equitable city in the nation for women and girls. I applaud this approach and want to commend the commission for all of its work and advocacy. There's some other cleanup so that it's called a commission rather than a board and some minor things of that nature as

[10:51:52 AM]

well. It talks about committee assignments and some other things like that that are just kind of procedural fixes.

>> Mayor Adler: It's been moved and seconded. Those in favor of this item number 53, please raise your hand. Those opposed? It's unanimous on the dais with councilmember harper-madison off. That gets us to the imminent domain items, which are 54 through 63. And with respect to these items 54, 55, 56, 57, 58, 59, 61, 60, 62, 63 being nonconsent items, is there a motion to the effect that the city of Austin authorizes the use of the power of eminent domain to acquire the properties set forth and described in the agenda for the current meeting for the public uses therein described for those enumerated items? I need a motion. Councilmember alter makes a motion. Is there a second? Councilmember tovo seconds.

[10:52:52 AM]

Any discussion? Those in favor please raise your hand. Those opposed? It's unanimous on the dais with councilmember harper-madison off. So -- sorry. That gets us to the Austin housing finance corporation meeting.

[See separate transcript for Austin Housing Finance Corporation meeting]

I'm now reconvening the Austin city council meeting, also at 10:54. It continues to be October 3rd 2019 and we're still in city council chambers. I think that takes us to the public hearing issues that we have. The first one of those is item number 65. Is there a motion to approve item number 65? Councilmember kitchen makes that motion. Is there a second to that motion? I need a second. Councilmember pool seconds the motion. Any discussion? Those in favor of this item,

[10:54:53 AM]

please raise your hand. Unanimous on the dais with councilmember harper-madison off. Let's -- what -- I'm sorry, do we have a speaker on that?

[Off mic]

>> Mayor Adler: If we did, I'm sorry.

>> I simply came in case there was any need for additional explanation, if the council is approving this, I respectfully appreciate it.

>> Mayor Adler: All right. What's your name, please?

>> Derek, I'm the owner of the property in question.

>> Mayor Adler: Okay. It looked like it happened.

>> Thank you.

[Laughing]

>> Mayor Adler: Sounds good. All right. That gets us then to the casa appeal, unless we want to take a quick vote on the annexation, item number 68. 69 has been postponed until 10/17. Is there -- number 68, are you going to want to discuss that,

[10:55:56 AM]

mr.flannigan? It's the annexation issue.

>> We're going real fast.

>> Mayor Adler: If you're not ready --

>> Flannigan: I'm ready for it, it's fine.

>> Mayor Adler: If you're going to discuss it I'm going to go to the appeal first.

>> Flannigan: Fine.

>> Mayor Adler: So let's pull up the casa de Luz appeal. So, this is an appeal to staff, lay this out first. Is that where we start?

>> Yeah. Oh.

>> Mayor Adler: Hmm?

>> Kitchen: Mayor.

>> Mayor Adler: I don't have the script or the description of the sequence of events. Let me see if I have it. I think I actually do have it.

>> Assistant city attorney for city code, the sequence of today's hearing is a report from city staff, a presentation from the appellant, comment by

[10:56:56 AM]

persons supporting the appeal, comments opposing, and rebuttal by the appellant.

>> Mayor Adler: Okay.

>> Kitchen: I have a question.

>> Mayor Adler: Yes.

>> Kitchen: There are two items as part of this. So, is the sequence of events to take them up -- I understand they're interwoven. Is it to take them up together or separately? How is that done?

>> Mayor Adler: Together, unless there's a reason why we can't.

>> As long as the appellant is okay, I don't see an issue.

>> Mayor Adler: Is the appellant okay? The representative is shaking a head in the affirmative. We're going to take them up together. Both items 66 and 67 will now be taken up. We're going to let the city talk to us first. I'm going to give the same amount of time to the appellant as we're giving to the city. Is five minutes sufficient to lay out, do you need more time than that?

>> I believe we'll need more time than that.

[10:57:56 AM]

>> Mayor Adler: Okay. Does ten minutes work? Do you want more time than that?

>> I think 10-15 minutes should be sufficient.

>> Mayor Adler: Hmm?

>> Kitchen: There's a fair amount of detail. I think we need to hear that.

>> Mayor Adler: I'll give you and the appellant 15 minutes.

>> Okay.

>> Mayor Adler: Go ahead and start.

>> Good morning, mayor and council, I'm Beth, the building official and an acting assistant director for the development services department. I do have a presentation that I'd like to pull up that walks through the staff report. So you all should have received the staff report. And you can follow along if needed. Can you pull that up? For item 66 and 67. Can you all hear me? Okay.

>> Mayor Adler: Yes.

>> So, while they're pulling up the report, this is for casa de Luz, on Toomey road.

[10:58:58 AM]

And for and for context for those who may not be familiar, south Lamar is to the east, Barton springs road is to the south and it's indicated on this map where that location is. The casa de Luz site is a multi-use site and includes a separate dining facility. And so the appeals that we're here to talk about today are the suspension of the certificate of occupancy, which is item number 66, and the imposition of the fire watch, which is item number 67. The certificate of occupancy was suspended because the site lacks the proper fire protection. The temporary fire watch was imposed because the site continues to lack the proper fire protection. So some history about this site. The 1960s permit for the

[10:59:58 AM]

original building was for a Texas meat purveyor's packing plant. In 1991, the use changed to a private education facility along with the school kitchen and eating area. At that time the 1988 uniform building code was in place and that would have required the buildings to come into compliance with the codes at that time. This means that when the use was changed from the meat packing plant to the private education facility with cafeteria, they would have been required to provide a fire apparatus access road within 150 feet of each structure. Alternatively, fire sprinklers could have been provided. The property at that time did have access to the site and from the information we have it complied with the code at

the time. Following a fire in the cafeteria in 1996, permits were required to remodel the school cafeteria. We issued a certificate of

[11:01:02 AM]

occupancy for a school cafeteria and occupant load. The certificate of occupancy permits the use and occupancy of the building. Whereas the occupant load card indicates the number of persons that can occupy an assembly space at any one time and it's by the area for which the means of egress has been designed for exiting the building. In 2003 or by 2003, a covered entrance gate was constructed and that blocks the fire apparatus access to the site. And by 2009, that area was vegetated where the fire apparatus access lane was located. So far some more context, these are two aerial photographs of the site. 1997 is when the certificate of occupancy for the school cafeteria would have been granted after that

[11:02:02 AM]

renovation. And so you can see that at the bottom of the slide on the 1997 aerial and the fire apparatus access lane is located from Toomey road to that school cafeteria. In 2003 you can see the presence of the covered entry gate and the fire apparatus access was blocked. And it was later on vegetated at this point. There is still some pavement from the road there. So a time line of the actions that have been taken is on the next slides. So for several years city staff did attempt to get the property owner to remedy the fire protection issues at the site. However, the property owner failed to take action to remedy the violations which are life safety issues. So city staff issued a notice of intent to suspend the certificate of occupancy in 2018. Because life safety was the priority issue, we did agree to allow the owner's

[11:03:05 AM]

representative to submit a site plan exemption in lieu of a full site plan. Site plan exemption would allow the property owner to begin the fire sprinkler installation process and that was intended to encourage a quick resolution to the safety hazard. So the standard process in order to obtain a permit for the fire springers would be to submit the site plan exemption and receive approval which includes a fire tap plan. Once approved, they can then apply for a building permit and all the associated trade permits, they can start the construction and inspection process. And then submit the fire sprinkler shop drawings to the fire department. In this case the order of sequence for the approval has been in different order than typically handled. So they did submit the site plan exemption application in July and August of 2018, which included the fire tap plan. Both of those were approved in December of 2018.

[11:04:06 AM]

In the meantime, in October 2018, the interior fire sprinklers were installed without a permit and shop drawings were submitted to the fire department. The fire department did issue comments in October 2018 indicating deficiencies that needed to be corrected and resubmitted for the fire sprinkler shop drawings. In December and January 2019 after the site plan exemption and permits were granted for the exterior waterline, work began on the exterior waterline. At this point there is still no permit for the interior fire sprinklers that had been installed without a permit. Since there still was delay in obtaining the permit and completing the work for the fire sprinklers, on February 27th I issued a notice of intent to suspend the certificate of occupancy giving them 60 days to complete the corrective actions. On March 25th we received the fire sprinkler application, we issued

[11:05:07 AM]

comments on April 2nd. The issues were still not resolved after the 60 days and so on May 2nd I issued a notice of intent -- or I issued a notice that the certificate of occupancy was suspended and an issue -- and issued a notice of intent to revoke the certificate of occupancy within 30 days if the corrective actions were not completed. The appeal was -- the owner appealed the suspension to the director of the development services department. After the director reviewed and denied the appeal, the owner appealed to the building and fire code board of appeals. On May 29 the building and fire code heard the appeal and took no action to reverse the suspension. The suspension remains at that point. The fire code violations noted on the suspension of the certificate of occupancy were not corrected within the 30 days. And so on June 3rd we did not revoke the certificate of occupancy, it was pending

[11:06:07 AM]

this appeal. But we did issue a notice requiring a fire watch to have that in place when the cafeteria is occupied. That was to begin on June 10. We delayed as that was also appealed. Without operable fire sprinklers and proper fire apparatus, the fire hazard still exists for the structure, adjacent structures and occupancy and emergency responders. While the cafeteria remains in operation, fire watch duties have been required until the structure complies with the fire code. Fire watch for those who are not familiar are duties performed by a licensed security company and are required during the hours the dining establishment is occupied. It includes providing early detection, early local notification, early response notification and assisting with evacuation. It does not include fire fighting activities. Moving on to when the appeal was heard for the fire watch

[11:07:09 AM]

August 28th, the building and fire code heard -- board heard the appeal and they denied the appeal 6-0. We began enforcement on the fire watch in conjunction with the fire marshal and the fire watch did become active during the month of September. And since we issued the staff report for this council meeting, an update has been submitted to the building permit application. It was submitted on September 26th. Some of the issues were addressed, however not all of them, so there's still remaining issues to be addressed to demonstrate compliance with the code before we can issue the permit. So to sum up the compliance issues, there's the covered grants gate constructed without a permit which prevents the fire access. The fire -- has been

[11:08:11 AM]

converted to landscaping and due to lack of permits and inspections. The compliance remedy is to complete addressing the plan review comments and submit updated plans to obtain the permit necessary for the fire sprinkler system, to address the fire sprinkler shop drawing comments and submit updated documents for Austin fire department approval for the system. Again, this happens after the permit has been granted. And then to finalize the permit inspections necessary to operate the fire suppression sprinkler system for the dining facility. Once the fire sprinkler system is inspected and operable, we can reinstate the certificate of occupancy and we will lift the requirement for the fire watch. If the violations are not corrected in a timely manner, I may move forward with subsequent actions regarding the certificate of occupancy. And so we're available for questions on the

[11:09:13 AM]

presentation, I believe after all of the hearings are complete.

>> Mayor Adler: While you are there, let's see if there are any questions at this point. Does anybody have any questions at this point? The way we're going to do this, after this we have a presentation from the appellant. We'll let other people that are here to speak for or against the appeal and then both sides have rebuttal opportunities. Yes.

>> Tovo: A couple questions that may be answered -- I wanted to go over a couple of the slides. Can you tell me, I don't see that up here on the dais and is it in the backup, your presentation?

>> The presentation has been -- I gave it this morning to Katy to give to the clerk. So it was not in the backup, but the information in the presentation is in the staff report. With the exception of the September 26th resubmittal.

>> Tovo: That was the slide I was -- would you mind pulling that up. It will be available on the

[11:10:14 AM]

online agenda, it's just not up there yet.

>> Correct.

>> Tovo: I just wanted to look over the last slide.

>> The last slide?

>> Tovo: The last slide or the second to last slide. I'm sorry, this one is good, but the one right before it, please, where it had the September -- what had happened in the last -- there we go. Thank you. And so just to be clear, the fire watch has not been -- has there been any fire watch in place during this period of time?

>> Yes --

>> Tovo: Since the requirement.

>> In the month of September they did start the fire watch so that is in place now.

>> Tovo: Okay. Thank you. And then -- but the sprinkler, can you just take us through where they are in their permitting process for the interior sprinklers that were done without a permit?

>> Yes, so they -- we issued comments in March -- or we

[11:11:15 AM]

reviewed it in March, issued comments on April 2 which included plumbing review comments and there was a comment indicating there were outstanding fire sprinkler comments from the shop drawings that were submitted early. So those still need to be submitted, but that's after the permit has been obtained. So the corrections that we received on September 26th address one of the plumbing comments. There were two comments. However, it was not in a manner satisfactory to the code.

>> Tovo: So the September 26th submittal continues to leave some issues continued to be pending -- there needs to be an additional submittal. That was not -- as you said, it was not sufficient from perspective of the building.

>> Correct.

>> Tovo: Thank you.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: To just to confirm my understanding, the sprinklers are not operational, right?

>> No, the fire sprinklers cannot be operational until we identify that they do meet all the code

[11:12:15 AM]

requirements. And then they will be allowed to connect and turn them on.

>> Kitchen: Okay. So the sprinklers are not operational. The fire watch is sort of a -- that's something that put in place because the sprinkler system is in the working?

>> Correct. We -- not working.

>> Correct, we offer that as a way for them to continue to occupy the building even though it doesn't meet minimum code.

>> Kitchen: So they never stopped their service, they are still doing the restaurant service.

>> Correct.

>> Kitchen: They are doing the restaurant service in a building where they haven't complied with the sprinkler system and the reason is because of the fire watch program?

>> The fire watch does allow that to continue, correct.

>> Mayor Adler: Councilmember Casar.

>> Casar: I'll probably have more questions, I think I missed this at the beginning of the presentation. Is the sprinkler requirement independent of the issues with the gate and the fire

[11:13:17 AM]

lane? Or if those -- it seemed like one way for this to be addressed is for the sprinkler system to be fully permitted and operational.

[Buzzer sounding]

>> Mayor Adler: Go ahead.

>> Casar: I didn't think I talked that long.

>> So there are -- there's two options. There either needs to be the fire lane present, but the code since 1988 when the site was changed to cafeteria has allowed for fire sprinklers to be an alternate option. So you can either provide the fire lane or provide the fire sprinklers. So they do have the option to remove the gate, but it was expressed early on that they preferred the fire sprinkler option so they can leave the gate in place along with the vegetation.

>> Casar: The idea being there are, in your view, two paths to getting this -- to use -- you feel comfortable with them having a certificate of occupancy. Either the sprinkler system becomes operational and is up to code, or B, they

[11:14:17 AM]

address the gate and the fire lane issues so that there can be fire access on that lane.

>> That's correct. The code provides two options.

>> Casar: That is helpful. But the sprinklers are currently installed but not permitted and up to code.

>> Correct.

>> Casar: When you say comment, sometimes we hear about small comments versus big comments, all comments are important.

>> Yes.

>> Casar: Can you give us an example of these things are holding up the sprinkler operation?

>> Yes, the fire sprinklers, there's a riser where the pipe goes vertical and then it enters the building and that requires the fire riser room and it requires a drain for testing the system so that the water has a place to go. That drain was not present in the original submittal so they did submit a drainage system, but it included this ejector pump, which is code requires it to be gravity fed whereas the injector

[11:15:18 AM]

pump would be mechanical means versus just gravity pulling the water. The second comment is that the fire tap plan that was submitted shows the fire riser room in a particular location. It was not actually installed in that location and the permit plans don't match. So we need the plans to match one way or the other, either to move the fire riser room to where it was indicated on the fire tap plan or vice versa. So those are the two outstanding comments.

>> Casar: So it has to do with the ejection versus gravity on the water.

>> For the drain.

>> Casar: For the drain. And then the riser room matching up on the plans.

>> Correct. The two permits match.

>> Casar: Okay. Thank you.

>> Mayor Adler: Okay. Anything else? Thank you.

>> Thank you.

>> Mayor Adler: We'll call you back to rebutt in a moment.

[11:16:25 AM]

You also have 15 minutes.

>> Thank you, mayor, members of the council, Stuart Harry Hersh on behalf of casa de Luz. If what you just heard from the staff and what is included in the backup were a complete picture of what has happened at 1701 Toomey road, I would not be representing this case today. But based on the information we received prior to and subsequent to the attorney general's opinion on release of city records in 2018, I continue to represent casa de Luz proudly. I'm here today to ask you to grant our appeals and allow us to complete the voluntary installation of a sprinkler system for our dining facility that will make our building safer. The tragedy of this appeal is that the staff and the owner agree on what the problems are on the site. The staff and the owner agree on what the solution to the problems are on the site.

[11:17:27 AM]

This appeal is about errors made on both sides along the way and why we are not enjoying the benefit of the design and installation of the sprinkler pipes on the site one year after we first started installing them when we closed down for ten days during Austin city limits to demonstrate good faith. And I asked the owner to do that because I told them in October of 2018 that if they didn't start installing sprinkler pipe, they risked a hearing before the building and standards commission ordering the vacation of the building, and in fact the very next month in November 2018 we were notified that there would be a hearing at the building and standards commission to consider declaring this building dangerous and ordering vacation. We appeared to the the December 12, 2018 meeting of the building and standards commission. The staff did not recommend

[11:18:30 AM]

vacation. No citizen asked for vacation. And the commission did not order vacation. I began to be involved with this in 2013. Because both people who dined at casa de Luz and people I used to work with on city staff knew that I why -- that I used to answer all the complaint letters and if anybody could - I went to the owner and said you perceive from what you've told me that you got all the approvals you needed to have in order to have this building in place when you got your certificate of occupancy in 1992 and when you got your certificate of occupancy in 1997, and when you got your occupant load

card for a restaurant with 85 seats down from the 144 seats you previously had, and as far as you knew everything was okay. And according to the complaint files we've

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received from the city, everything was okay until 2008, when someone on city staff beard the the records that -- entered into the records and said we didn't have a certificate of occupancy. That's partially true because we had two. So we didn't have one, we had two. And it allowed for an 85-seat restaurant, which is what we have today. And after I took over the case, I went to the fire department and the building inspection department and created a document for the owner and for the staff called sitting and dining in Austin, Texas. That explained not only what they could do with the 85 seats with the kind of aisle spacing and exiting that they had to have based on what the fire department and the building inspection department told me. The problem has been that we submitted under oath under penalty of perjury to the building and standards commission in September of

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2013 a request to allow us to proceed with the installation under a temporary building permit of a sprinkler system so that the issue of the fire department access and the removal of the gated entrance would all go away because fire staff agreed if we took that the issue would go away. Instead of arguing whether the original permits were lawful or not just to address the safety issue and be done with it. From 2008 when that data entry that you have in front of you occurred, until January 4th of this year, some of the city staff said we had cos and they were going to suspend or revoke them, and other parts of city staff said we could not apply for a building permit to install a sprinkler system because we didn't have cos. So depending which city staffer we talked to, we

[11:21:32 AM]

either could get a permit to signal a sprinkler system or we couldn't. We asked for permission to pay for the fire department to review for the sprinkler plans that we wanted to install, and we got our first set of comments back in October of 2013. We resubmitted based on those comments and got another set of comments back, very short list, and once again asked the city staff whether we could get a building permit to install the sprinkler system. They continued to say we will not accept your application because you do not have a certificate of occupancy. And we told that to the building and standards commission. One of the unique features of that commission is not only all our testimony under oath under penalty of perjury, we have a right to cross-examination and we exercised that right in December 2013 to verify that if we sprinklered the building, that the issue of the fire department access

[11:22:32 AM]

road would go away. And on January 4th, 2014, we got a confirmation in writing from the building standards commission coordinator from the city staff that our understanding of the code is true. This is all about what codes were in effect when. Most people make the mistake with the building code or with the fire code of thinking that when you change the use of a building, you have to comply with new code. I've heard that sort of nonsense since I first walked into work here at 301 west second in 1977. But we have adopted codes by references specifically since 1988 before casa de Luz filed its first permits called the uniform code for building conservation and the uniform code for abatement of dangerous buildings. And I've included some of the dangerous building references in your backup. And those codes said you do have to bring it to new code if you make the use more

[11:23:33 AM]

hazardous. But based on the tables that are in the uniform code for building conservation, and the tables that are in the code you've currently adopted by reference called the international existing building code, you can change a use of building as long as you comply with the tables in that code. The back building was built in 1967 and it was not built in violation of the fire code because Austin didn't adopt the fire code until 1974, according to rule r161-1504 adopted by the city staff and submitted to the city clerk on June 3rd, 2015. So everyone agrees what the code standards used to be when casa started and what they are now. We have paid a lot of money for design and sprinklers, and originally we were told we would have to take the pipe all the way to Toomey road. But we hired a new engineer when we couldn't get our plans through the process,

[11:24:34 AM]

and our new engineer discovered that there was a utility easement on the west side of the property. That instead of running the pipe more than 150 feet, we could run it less than 20 and be hooked up. We submitted a set of plans reflecting the fact we could do that. After we got our water tap permit last year, we went -- we got our pre-construction hearing, our neighbors got notified, and we literally connected the pipe to the water supply. And after we got our plumbing permit to connect that tap to the pipe in the building that we had installed without a permit during a/c last year, we got all the visual inspections that we were allowed to have and we were done. So the last step remained physical connection of those two sets of pipes with the pipe in the building. Which we're not allowed to do unless we pass certain tests and the staff won't allow us to have those tests until we have a building

[11:25:35 AM]

permit. Now, my experience, I work in affordable housing, as you well know, and my experience has been that if you get approval for where the sprinkler systems are going to go and the fire department and the building department sign off on those approvals, you get your building permit and you have to correct your plans to reflect on-site conditions before you request your final inspections. That's when we expected to happen -- what we expected to happen here. My experience dealing with site plan exemptions and I've dealt with a few of them as a staffer and pro~bono consultant since I left is you get -- once the staff says they are going to approve the site plan exemption, you get it in usually about a week. But in our case we got staff agreeing but we didn't get our site plan exemption until December 28, 2018. Again because some of the staff was saying that you don't have a co, therefore

[11:26:35 AM]

you can't get a site plan exemption, therefore you can't get a building permit. So all that we're simply here today to do is ask you to lift the suspension, let our permits be issued, let the city staff come out and tell us if there's anything wrong with the installation so we can correct it, and let us turn the valve on this system that we've paid for so that our fire watch goes away and our sprinklers are operational and we don't have to tear out all the vegetation and reasphalt it like it was when the owner required it, and we don't have to tear out the front gate because tearing out the front gate isn't required if the sprinkler systems are in place. So I know the backup is extremely complicated, and one of the people who I eat with at casa de Luz when I go over there from time to time said, Stuart, go listen to the tape that's on the building and fire code board of appeals.

[11:27:35 AM]

And it tells the story real clearly. It's not on your backup today, but it is on the backup for that board hearing. And what is so significant -- and I've never seen this before in my career and I've been showing up here at 301 west second for over 40 years. No one on the building and fire board appeals on the may hearing voted to uphold the decision. No one. And what I learned yesterday at the special called meeting of the building and fire code of appeals is while it was reported there of a 6-0 vote to deny our appeal on the fire watch, the corrected minutes that the board approved yesterday afternoon indicated that only five of the board members voted to uphold the appeal, after therefore there literally was no action because it takes a quorum vote of six. But I don't want to get in the weeds about all of this. I am prepared to answer your questions. I am proud to represent a

[11:28:36 AM]

client that has done everything that they've been asked to do even if they don't believe and I don't believe that it was required by code. Because they want to make their property safer and there's a lot of things that could be improved on that property and the staff has given enough sessions and the owner has agreed to pay for them all. What I'm asking you to do is reflect on what I included in your backup which is the language first in our first building code in 1931 and in the city auditor's report of 1986 that said if you don't have a robust appeal process and you totally rely on what the staff tells you, you risk manifest injustice. Because those of us who work for the city are capable of error just like every other human is. And when you tell people you will not accept a building permit application for a sprinkler system that will

[11:29:38 AM]

make -- everyone agrees will make the property safe and all the code compliance issues that relate to that back building to go away, and you refuse to issue it for five years, that is manifest injustice. You are created as an appeal board because we as staff felt that not only should the building and fire code board of appls hear appeals, but by time you adopted the 1985 codes in 1988, that the city council should be able to hear appeals as well. And I'm proud to say I was on the code committee at the brown building that did that and I was the chair of all the rules committee that developed all the criteria manuals to make sure that happened, and included in those documents was a provision related to the dangerous building code, the uniform code for abatement of dangerous buildings that said when you are in an appeal process, all enforcementment is stayed. Those were the rules in effect when I came on board

[11:30:40 AM]

in 2013 and they've been subsequently repealed in 2015. So technically we know that the staff has the authority to suspend if you don't approve our appeal, they have the authority to revoke if you don't -- if you don't honor our appeal. They potentially have the authority to disconnect our power without getting an order to vacate from the building and standards commission because those are two separate codes and two separate commissions. And from what I've heard in the meetings and in the building and fire code board meetings, they intend -- they intend to potentially do all of those things. To cut off our power, which fundamentally gets us to vacate the building without a vacation order from the building and standards commission. So I'm asking you to grant our appeals --

[buzzer sounding]

-- Because it's consistent with intent of code. I pause to answer any of your questions following testimony of others or now

[11:31:42 AM]

if you so choose.

>> Kitchen: Mayor, I have a few questions.

>> Mayor Adler: Hang on a second. Councilmember kitchen.

>> Kitchen: Thank you. I have just a couple of questions and I may have more -- others. But the -- our staff just laid out the next steps that have to happen and that have not happened. And so I want to ask you two things. Whether you disagree with the next steps that the staff is waiting for, and then the second question is why haven't you all taken those steps. Because my understanding is that what it boils down to is on September -- September 26th, there was a submission -- an additional submission, but that it didn't comply and that there were requests that it comply. And so the next step is to comply with those requirements. And I think councilmember Casar asked specifically

[11:32:42 AM]

what those were and staff responded. So are you saying that you don't agree that those are the next steps, and then the second question is why haven't those steps been taken? And you know there's steps --

>> We agree that we have to clear the comments that we've received. There's no doubt about that.

>> Kitchen: Okay. So why haven't --

>> And one of is a plumbing comment. If I may, I can speak about that.

>> Kitchen: Well, I don't want to get into all the nitty-gritty details. From my perspective those standards are required and -- for safety. And I don't want to get into whether you think they should be required or not, I just want to understand why those steps haven't been done and when you would anticipate getting them done.

>> The -- one of the comments was not safety related. It related to the fact that

[11:33:44 AM]

what we had submitted that we were going to install and the way we were going to install it and connect the lateral pipes to the vertical pipes occurred outside the building to not reduce seating instead of inside the building to reduce seating. So that was not a safety issue, that was a revise your plans to reflect what's on the ground. What is on the ground is, from what our engineers tell us safe, and I've heard nothing to the contrary from city staff. The other comment relates to a test we have to do

a year after we get our CO and that's a testing of the lines to make sure they don't leak and they meet all the standards. So the opportunity was there to issue the building permit and allow us to have that in place before we request final inspections, which is normally what occurs in the process. And so part of our appeal was to be allowed to go through what we perceive to be normal process, which clearly has not happened for the six years that I've been

[11:34:46 AM]

involved in place. So if we were allowed to have our building permit and make all the connections and then hook up the new sink that they want, which we're going to do, and a new drain line, which we're going to do, then all of this could be -- and those issues have nothing to do with the operation of the sprinkler system. So we agree we have to do everything the staff told us. It's the sequence in which we have to do them.

>> Kitchen: So in other words, the two steps that the staff have identified as the next steps that you need to take, I'm still not quite understanding you. Are you saying you can't take those two steps?

>> No, we've made submittals and when we get corrections back, we then revise the plans to reflect the corrections. That's what we're supposed to do and that's what we would like to do. The staff does not want to issue us a permit in the interim to hook up the sprinkler system and we want

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a permit in the interim because we want the building to be safer sooner rather than later.

>> Kitchen: So the two steps being requested in response to the September 26 submittal that you made that the staff responded on the same day, you are saying you agree those two steps need to be taken, okay, I got that. But I don't understand -- well, I guess -- so it's October 2nd. So when would you have those two steps done?

>> After we get our new submittals back in to reflect the comments we got rejecting the plan.

>> Kitchen: When would that happen?

>> Hopefully in the next week or so.

>> Kitchen: Okay.

>> Then staff will review them and tell us we're right or what else we need to do. But in the interim if our power is cut off, then we will have to make other decisions.

>> Kitchen: We'll talk to staff in a minute about their time line, but the point is -- the point I was trying to understand is that you agree with the two steps that need to be taken and you are planning on doing

[11:36:47 AM]

that.

>> We're trying to do that, yes, ma'am.

>> Kitchen: And you think it will take you another week or so?

>> Hopefully sooner than that, but I don't control how busy our engineers are and staff reviewers.

>> Kitchen: I'll ask staff when it comes back, you know, well, from a safety standpoint there's reasons for not granting a certificate of occupancy until -- until compliance -- until there is compliance. So ...

>> We're not asking for a certificate of occupancy today. We're asking for a reversal of the suspension.

>> Kitchen: I misspoke.

>> [Inaudible]

>> Mayor Adler: Councilmember pool.

>> Pool: Thanks. Thanks for being here. Mr. Hersh. I was curious, in your recitation you talked about the first time the certificate of occupancy was determined not to exist whether it was kind of a

[11:37:49 AM]

feedback. You were hearing one thing from one staff group and something -- opposite from a different staff. Was that 2008 or previous to that?

>> I didn't have that document then. I have that in my preliminary meetings with the city staff and with the owner that -- that's how I -- when I listened to both of them, it was clear that they disagreed whether there was a certificate of occupancy exist or not. After I made my open records request, it became apparent when that problem started and that was the 2008 document I've handed you today from Austin code department.

>> Pool: Would you say that the beginnings of this difficulty for casa de Luz has its origins in what appears to be a disagreement over the certificate of occupancy?

>> No, ma'am. The problem that casa de Luz experiences is after ten years of being in business, one of our neighbors applied for an alcoholic beverage

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permit. And the parents and the school didn't want another alcoholic beverage permit that close to the school. And so they opposed -- and I got this from city staff who worked on this longer than I did. So they -- the neighbor -- the school parents opposed the alcoholic beverage permit. The city council rejected that application and upheld the school parents. And shortly thereafter some of our neighbors began complaining that we lacked a certificate of occupancy. And that's what the city's records reflect, that's what staff told me and I believe that's the case.

>> Pool: So there's a story obviously around the certificate of occupancy, but I want to focus in on the fact there is disagreement whether casa de Luz back 11 years ago had the certificate of occupancy. You are calling it a co. I'm going to call it certificate of occupancy because co has a different

[11:39:50 AM]

application in zoning and we are accustomed to seeing you in zoning cases. On the occupancy certification is from what I gather a pretty important key element and action around which this disagreement and the whole issue has circled. So my question, and you may or may not be able to answer it, I know -- but you are the agent and representative for casa de Luz, why didn't -- why hasn't that certificate of occupancy question been firmly determined? Because it seems to me all of these problems are flowing from that, so if it was in fact a disagreement perceived one way or another from your -- from the party that you are representing, why didn't they make the effort to try to get to the bottom of that and get a final firm determination?

>> They finally did on January 4, 2019, for the first time. I sat in a room with ten city staffers. Some said we didn't have a

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co, some said we did, and by the end of the meeting everyone agreed we have a certificate of occupancy. Then a few months later we were told it was going to be suspended.

>> Pool: So basically you don't know why they didn't in 2008 try to get to the bottom. It was 11 years later that you got to the bottom of the certificate of occupancy.

>> You would have to ask them.

>> Pool: And you are here as their representative, which is when I first began my remarks, I acknowledged that you were not involved at the time, but you are representing them. And so that -- that's why I'm asking you that question.

>> My understanding is that they couldn't get an application for a new certificate of occupancy for a restaurant without filing a variance, parking variance case at the board of adjustment. And so they hired an agent, went to the board of adjustment. The neighborhood opposed the parking variance.

[11:41:50 AM]

The board of adjustment approved the hardship variance, and some of the neighbors sued and it went to district court and the district court upheld the decision of the board of adjustment. And several years after I became involved, the city staff came to me and said, Mr. Hersh, would you go now and try to get a different variance from the board of adjustment based on the fact you have now secured over your neighbors opposition along Toomey road and ballfields and now there's lots of parking across the street including accessible parking and maybe the board of adjustment will give you one to clear up those parking issues. I said sure, I'll do that and we paid our fees and we lost at board of adjustment and district court. Fortunately we found a different solution to parking which is not holding up the potential issuance of eventually a building permit application to convert our current school cafeteria certificate of occupancy

[11:42:51 AM]

into a new certificate of occupancy for a restaurant or dining facility, what the staff wants to call it.

>> Pool: Thank you. I know that the issues for casa de Luz on Toomey is a long and tortured history, absolutely. I've been here a long time and recall it, have even eaten at casa de Luz. But I come back to the point sounded like the city was pretty clear on the various things that were happening at casa de Luz whether you were representing them at the time or it was before that on what would ensure that patrons of their restaurant would be safe from a fire hazard. And the gating of the driveway and the vegetating of the driveway closed off, literally closed off one avenue of compliance, which would have left them just with the sprinkler system and the fire watch. And so I just would urge -- I'm

[11:43:52 AM]

I'm trying to really understand what the reluctance is on casa de Luz' part to simply complying with some pretty straightforward requirements that our fire department expects and our code absolutely anticipates that everybody else has to follow. And I don't really expect you to answer that. It's more rhetorical. But I will say that if I'm expecting all other businesses to comply with our safety regulations, I certainly would urge and encourage and plead with casa de Luz to do the same. Thank you.

>> Renteria: Mayor.

>> Mayor Adler: Sir.

>> Casar: So I think that no one here wants to unnecessarily take anybody's certificate of occupancy, and I think nobody here wants to have a building that folks feel is dangerous, below standard. And so what I'm trying to figure out is, is it a

[11:44:53 AM]

procedural issue where just the process overall of this time has led to challenges, or is it that we're facing a safety issue that isn't being rectified and that should have been rectified? I'm just trying to figure out which of those two situations we're in. And so -- and I assume, from your presentation, that you think we're in a procedural loop as opposed to a we're not getting safety and -- because -- situation. So what I'm trying to understand is, either the fire lane issue gets cleared up but the fire lane is where that -- where your main gate entrance is with all the plants, right? Is that what they're talking about when you enter casa de Luz and it's the -- and you've got the beautiful plants all around you and that little gate, is that the fire lane that they're talking about.

>> My understanding from staff is there is no fire lane issue if the building is allowed to be

[11:45:55 AM]

sprinklerred.

>> Casar: There's the sprinkler and there's the fire lane. The fire lane is off the table because that's y'all's --

>> Choice. To demolish all the front gate and go back to the way the property looked like in 1991 and asphalt it. That's not an appropriate aesthetic for casa de Luz.

>> Casar: I understand. I'm trying to understand if the fire lane that I'm understanding is -- when I think of the building where the little trellis is and the entrance and it's the pretty walk into casa de Luz, that's option a, demolish all of that, which I would understand why that's not the preference. I just wanted to understand that first.

>> I think there's a basic difference about which code applies because when the building was built it was built before fire codes. If that building was torn down and built today, the uniform -- the international fire code clearly says that you have to put in either a fire lane or a sprinkler system.

[11:46:55 AM]

>> Casar: Understood. So it sounds to me like the staff is presenting two options but you're saying that there's a third. So the staff is presenting either you demolish the existing entrance and pave it for a fire lane. The staff is saying you clear the two comments on the shrink letters and you're saying there's a third, the newer fire code ask not apply to that building because of how old it is?

>> No. That's not what -- what I'm saying is the sequence on which you approve the building permit can get the compliance done sooner rather than later. The two outstanding comments have nothing to do with safety. They have to do with testing a year from now, and they have to do with matching what you've done on-site to what your approved plans say. We got a set of plans approved that don't match up to physically what we've done, so we have a duty, as the applicant, to revise our plans to accurately reflect what's on the ground. And we don't db e -- deny that but that shouldn't hold up our ability to get a

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building permit, connect all the pipes in our system, test the system and have a safe building sooner rather than later.

>> Casar: I hear you. I'm asking these not to cross-examine you but to get us to see if there's a resolution.

>> I don't think I have the authority to ask you to issue the building permit. I think I have to go through a different appeal process to do that so I'm not asking you to do that today.

>> Casar: Bear with me for a second here. So on the sprinkler -- so clearing the fire lane thing, pretty significant change to casa de Luz. On the sprinkler issue, it sounds like two issues were raised, and I'm trying to -- the way you're explaining it is hard for me to understand so let me ask it again so that I can understand it and maybe it will help others. On the sprinkler issue there's two outstanding comments.

>> As far as I know.

>> Casar: As far as the staff testified here a minute ago, too. One has to do with the draining and whether it's grafted drained or objection drained, maybe that's not exactly the right words but

[11:48:55 AM]

it has to do with the drain. Is that lives to do with the testing later as well, is that the same?

>> Yes.

>> Casar: And then the second one has to do with your plans matching up with the reality on the ground. Is that the -- is that --

>> That's my understanding. I'm not an engineer, but that's --

>> Casar: Having to do with the Reiser, rise.

>> You have people that goes vertically that ultimately connects into the pipe inside the building, called a riser. We initially proposed a riser inside the building, we put the pipe outside the building which I understand we're allowed to do but not without revising our plans to reflect the fact we're doing that. Until our plans catch up with the reality on the ground and it gets confirmed, that comment remains in place.

>> Casar: What I'm going to be interested in finding out from the staff is, if that is the remaining issue but in the end as long as your

[11:49:56 AM]

plans match it's on the outside and it's fine for it to be on the outside, that doesn't seem to me like a safety issue. That seems to me like a process/procedural issue. The drain issue, explain to me what the conflict is in your view because we'll ask the same thing of the staff on the drain.

>> We have to do what they told us the plumbing code requires and so far our submittals have not matched up to their understanding of what the code requires. And they have to. We have no choice in that. I'm not appealing that.

>> Casar: So you would change the drain system that you chose?

>> It's a timing issue. The folks I met with in plumbing plan review told me the purpose of the drain and the additional sink they want on-site is that a year after the system has been operational you have to test it annually.

>> Casar: So the idea would be that the drain is not a safety issue for today, it's something that you would certainly have to get fixed within some period of time before the test?

[11:50:58 AM]

>> Before we could get final inspections, yes, sir.

>> Casar: So I think my question for the staff when they come up is going to be are there actual safety issues on the site or is this just a processing/paperwork thing with the riser being outside verse inside and when does the drain have to be tested? I want to understand if we actually have a unsafe building or not. People can turn on their microphone and disagree. What I'm trying to understand is is there actually a safety issue at the building? I don't want us to have an unsafe building. I also don't want -- I don't think anybody wants to revoke a certificate of occupancy unnecessarily. And so in your view, if there was a way for us to address all of these issues, if you were to suggest to us sort of mediated compromise place where we make sure it's safe and we got all the paperwork fixed and put the past behind us and just get those things fixed, what would you suggest that fix is? If it was to be a modest

[11:51:58 AM]

fix?

>> Get the staff out there to confirm that the piping that they haven't looked at yet that they look at and tell us whether it's right. They issue a building permit so when we make corrections we're doing it with a permit instead of doing it outside the permit and get cited again for lack of permit. And if they believe in the interim that the building is truly dangerous and needs to be vacated then let's have the hearing that the state legislature created through the building and standards commission and have that hearing like it was scheduled last December. If we lose and the building and standards commission deems that it's a dangerous building and needs to be vacated, then we don't come back to you. We have to go to district court that's a very high bar to prove. And so we think all you have to do today is lift the suspension of the certificate of occupancy, encourage the staff to give us the permit that clearly we need, encourage the staff to go out there and tell us

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if anything is wrong with the pipes so we can fix it, and let us do our tests and turn our valve and make our hundred thousand dollar plus investment in both review and in infrastructure actually to make a safer building, which is what we all want.

>> Casar: I think what we need to figure out is potentially, depending on the discussion, what -- in the next few weeks were people to actually go out there, unless staff can tell us now, whether the building is safe or not, but we'll keep inquiring into that.

>> Garza: I feel like we're getting into the weeds of how to get them in compliance and I'm trying to understand the scope of what's before us. I feel like there's a lot of irrelevant information being discussed. My understanding is this is purely about whether the certificate of occupancy was properly suspended or not. It's not about that other stuff. I guess I appreciate how we're trying to get them where they want to be, so I just maybe want to

[11:54:00 AM]

understand from law what kind of record are we creating here? If -- we want to get them to compliance, but that's not really what we're -- what this process is about. So should this purely be about -- and that being said, I don't think staff's presentation concentrated on that part of it. It kind of gave us a time line of what has happened and how they come into compliance, whereas Mr. Hirsch kind of went into the details of that back history. At first frankly when you were saying that I was thinking that's not really

relevant but now I'm thinking that was the most relevant part for this item that's before us. So this is purely about whether they -- the city should have removed the co or not. Is that right? Or suspended?

>> You've outlined the scope and Trish link will help us walk through exactly what you're here to talk about today.

>> So the appeals before you today are, one, the building

[11:55:03 AM]

official's decision to suspend the certificate of occupancy. The building official can suspend the certificate of occupancy if a structure does not comply with city code or if a permit was issued in error. The other issue before you is the fire watch and whether it was appropriate for staff, the building official working with the fire marshal, to require a fire watch until the property meets city code requirements.

>> Garza: So my understanding is -- what you're saying, Mr. Hirsch, is that because the co, in your opinion, was improperly taken, it has created a different sequence that's making it harder for you to come in compliance. Is that right?

>> Yes.

>> Garza: Okay. So I guess this is where councilmember kitchen was going before, but I guess I'm trying to -- our ruling -- I don't feel like we've gotten enough information on that issue, on whether it was taken. Because, again, staff's presentation was more about time line and not so much

[11:56:05 AM]

the history of which code was followed or whatever. I don't know if we're -- so what is --

>> Mayor Adler: In a second you'll have staff respond to what Mr. Hirsch has said.

>> Garza: Okay. So maybe I'll let that happen but I'm wondering what authority do we have as direction? Because it seems like there's agreement that -- well, one more question for you, then. Is doing the compliance part the way that staff has suggested -- how does that -- does that create a hardship and what is that hardship?

>> The hardship is that, as I understand it, if you uphold the staff's suspension, the staff has the ability then to revoke the co next and disconnect our utilities and make us start over as if we were doing the renovation that we began doing in 1992. There's no authority for them to do that. It also creates the

[11:57:05 AM]

potential for them seeking a demolition order of the pipe inside our building that's instead of inspecting it, so seek a demolition order of that pipe because it was installed without proper permits.

>> Garza: We have the ability to pause that revocation and give you the time to do what you need to do. You don't really need a decision on whether the co was done or not?

>> If you postpone, I think we can get the time to get this finally resolved.

>> Garza: Okay. Thanks.

>> Kitchen: Mayor, may I just --

>> Mayor Adler: Yes, councilmember kitchen.

>> Kitchen: Okay. So I think there's a little bit of an inconsistency in how you answered my question and how you just answered councilmember Garza. Maybe I just didn't understand it. Because -- and I'll ask staff a question, too, but I was focusing in on the -- my understanding is that there's two actions that you need to take in response to

[11:58:07 AM]

the permit, and I thought I heard you say you could take those two actions and you could do them, you know, within a week or so. And my understanding -- and I'll ask staff this, too -- is that those are the two actions that are being requested in order to lift the suspension. And so what I hear you saying is you are afraid that the staff, instead of lifting the suspension, will shut you down. So are you saying if you don't -- are you saying either that you can't complete those two within a week like you said or that you think within the next week the staff is gonna shut you down even though you have said that you're going to bring -- you're going to comply with what they've said? Is that what you're saying?

>> I'm saying two things. One is, we submitted corrections, and those corrections will either be approved or they won't be.

>> Kitchen: So since --

>> If they're not we will then have to redesign those plans and resubmit, and that time line is not in my

[11:59:09 AM]

control.

>> Kitchen: May I ask a question?

>> Sure.

>> Kitchen: So you submitted again in response after September 26? Because the last information we have from the staff is you submitted on September 26th. They responded the same day and identified the two additional things that need to happen, which I canned you about a little bit before. So are you saying you've now submitted after that?

>> No. I'm saying those two issues were what we were told we needed to do before we made the September 26 submittal.

>> Kitchen: Okay.

>> If the September 26 revision didn't result in approval of the plans, which from what I'm hearing today it didn't then we're gonna have to go back and revise the plans again to be responsive to the latest comments we got.

>> Kitchen: That's what I asked you about earlier and you said you agreed that y'all could do that and that you thought you could do it in a week or so.

>> That's what I've been told.

>> Kitchen: So you're not changing that?

>> No, I'm not changing that.

>> Kitchen: Okay. Thank you.

>> Mayor Adler: Anything

[12:00:09 PM]

else before we here from the person that signed up? We have one person signed up to speak. Thank you, sir. We have one person who signed up to speak. Is Lorraine -- Lorraine Atherton here? No? Okay. Does the city want to reply -- I'm sorry? Why don't you come on down then.

>> [Off mic]

>> Mayor Adler: I'm sorry?

>> [Off mic]

>> Mayor Adler: I called -- citizens communication -- we're not on citizens communication yet. Sorry. Does the city want to respond or rebut to speak to what Mr. Hirsch said? It's 12:00? Do we want to stop this or keep this going and resolve it? There's no other people to speak. It's just the two rebuttal folks.

>> Garza: How many people for citizen communication?

[12:01:14 PM]

>> Mayor Adler: Four. Want to take the four people to speak and then see where we are with this?

>> Tovo: Mayor, I think so because people take time out of their lunch break to come potentially and I hate to make them wait.

>> Mayor Adler: Why don't you hold here for just a second, think about how you want to respond. Let's go to citizen communication. We'll pull this matter right back up before we take off. So citizen communication, the first speaker we have is Jessica Wilson. Is Jessica Wilson here? Why don't you come on down. You'll have three minutes. Jeannie Ramirez is on deck. You'll be next. Go ahead. You have three minutes.

>> Thank you. Thank you for your time and thank you for your service. My name is Jessica Wilson. I've lived in district one more than a decade and my child started kindergarten at Brooke elementary in district 3. It's one of the 12 schools on the proposed aid closure list. If the proposal goes through in November, it will create major issues for the city. We use Brooke as an example but my comments could apply

[12:02:14 PM]

to all 12 schools. I have two requests. One, take a holistic view of the properties in question. Neighborhood housing is evaluating the properties, but the city has the ability to provide more resources to make sure an aid proposal promotes our community values. The proposal to close Brooke is against the govalle Johnston terrace combined neighborhood plan and future use land map council and the planning department adopted. I understand that ldc will change how neighborhood plans are applied but the development of the neighborhood plan was a major undertaking and it underlines that Brooke should be a civic, not sf-3. There's opportunity to create a joint use agreement between the city and aid to use Brooke as a green school yard park, which would ease the pathway for the city to invest in the property, align with the adopted neighborhood plan and reach the park department's strategic goal of creating walkable parks in the urban core. One of the main points is maintenance cost in a 2016

[12:03:15 PM]

assessment. The city seals to responding to natural crisis. I view the potential disclosure and displacement of thousands of kids in dozens of schools as a crisis in our community and I think history will look back on how we make decisions today. Some of the schools do have major issues like foundation problems. For Brooke the issues identified were parking and lighting. I think the city could provide support to create a multimodal transportation plan and take a broader look at what parking means for this area. It's on two -- on bike lanes, across from capital metro's headquarters and a lot of families walk or cycle to schools when you have these neighborhood schools in place. Brooke has had electrical work done. The other issue was lighting. It also on the utility dashboard it's listed as the

seventh lowest energy usage per square foot. I think nearing could provide support with things like weatherization, solar power to help the schools

[12:04:15 PM]

out. And the second big ask I have for is you to visit these 12 schools. I know there's been some participation in community meetings. I would love to see more of that. I would also like to see councilmembers visit these schools just to see what it is like on a day-to-day basis. Brooke families are hearing from media they're underperforming. The third graders' math scores tied for second in the entire district. Even if their demographics would lead you to believe otherwise. When we tell students that if they increase their academic performance their school will not be closed they exceed all expectations and we close their school, we send those kids a message they aren't enough.

[Buzzer sounding]

>> Mayor Adler: Thank you.

>> Thank you.

>> Mayor Adler: Misramirez, why don't you come on up. Is heiwah Salovitz here? I don't see him. What about Koo Hyun Kim?

[12:05:16 PM]

Go ahead, ma'am. You have three minutes.

>> Hi, there. I'm a political activist, also a musician for 30 years here in Austin. My new project is called singing lady revolution. I have a new video called the man. We're gonna play a snippet of it in a little bit. I was at the forum for the homelessness and of course the St. Edwards that got really heated. I feel like I felt, you know, racism, hatred, and a definitely financial divide here in Austin. It was scary. But there were people there at the last one that, you know, were trying to take over and I just -- ended up in a screaming match and I apologize for that, but it's what happened, you know? I feel like mayor Adler put up with a lot, like going into lion's den but I'm glad you were there, I'm glad all of y'all were there because

[12:06:16 PM]

it takes guts to get in there even when everyone is angry. But I felt racism there. And before I get into that I want to tell governor Abbott he needs to butt out of Austin's business, first of all, city of Austin, last time he butted in city of Austin Lyft and Uber, they left and came back and now we have 20 some

cases of rape announced. Governor Abbott, if you can hear this, you need to get out of city of Austin business. But, anyway, the racism is trickling down to the music industry. Acl -- in case people don't know this there's a compa called c3 that runs acl getting ready to start tomorrow, and we have no minority presence there. None. The last Latino that showcase interested was little Joan Familia like 13 years ago. We have five local bands that are playing this year, all white. I sing rock and roll.

[12:07:17 PM]

We have a lot of Latinos that sing country, jazz, you name it. We are trying to get your music and press clip these to a talent buyer from c3 is like trying to talk to god. This is unbelievable. It's unacceptable. I'm tired of taking crimes. By the way the last time I saw all of y'all I was getting ready for radiation for stage three breast cancer. I just found out a week ago I'm in remission.

[Applause] Thank you. I am -- I'm gonna be 56 November 1. Can you play my new music video? So if somebody thinks -- and I am grandma for the first time, a year old. If you think I'm this has been rock and roll singer, that's me. We just recorded this two months ago, a 15-year-old film maker made this. I fit in. I want an audition. I want to have an opportunity at that stage down there.

[12:08:18 PM]

Okay? Enough. I'm tired of taking crumbs. We have a right as minority artists. The black community, they get presence at acl. Anyway, I'm not just grandma. I'm a badass, okay? Thank you.

>> Mayor Adler: Thank you very much. Thank you. Is there anyone else signed up to speak in citizens communication? I think those are all the people we had. That gets us back then to items 66 and 67. Does the city want to address the issue?

>> Thank you, mayor. We do have a couple of items I'd like to address. So the intent to revoke the certificate of occupancy, that is not something that we would move forward with immediately following your decision, should you decide to uphold the decision to suspend the certificate of

[12:09:18 PM]

occupancy as well as to uphold the decision to have the fire watch in place. The requirements by the code are to set a reasonable time frame to come into compliance. We felt we did that with the original notice of intent, as well as the second notice of intent that was sent this year. So what we would do is take a look at what is the reasonable time frame to come into compliance based on the remaining items on the site, and then we could establish a new date in which we would then, if compliance was not obtained by that date, we would look into further actions with the certificate of occupancy. The

remaining issues with the fire sprinkler system that are not allowing them to be turned on, it actually does extend past those two items in the plan review so I want to make sure that that is also clear. I think that the location on the site plan, we could look into, you know, is that an issue that we can work out during inspections or not. I can't answer that question today if that's possible but that's something we'd be willing to consider based on what we've heard. And the drain does need to be in place. I would like actually the

[12:10:19 PM]

fire marshal to be able to speak on that. He has better knowledge of what the fire system requirements would be. However, the testing, the acceptance testing for the system does require the drain to be in place, not just the test a year from now. He can confirm that. And then there's also three remaining critical items for the fire sprinkler system shop drawings, which that is required to be submitted once the permit has been approved. So there's six total comments that were on that fire sprinkler shop drawing review. Three of them are critical to make sure that they are in place prior to activating the system. We want to make sure that the system works properly all year long and not just put it together and finish it up a year later. But we are willing to work on any items that we can on-site. We feel that we have provided that opportunity to the owner's agent, to casa de Luz. Our focus is since the issues on the site are complex and they do extend

[12:11:20 PM]

beyond what is going on right now with the fire sprinkler installation, we do feel when we separated those issues from this fire sprinkler issue in 2018 last year in March, where we allowed them to get a site plan exemption, the intent of that was to help us get to a quick resolution for these life safety issues. And so we have been working toward providing the assistance that they need, the building and fire code board did also point out they thought maybe we should do a little bit more to help them get through this process, and so we feel that we've done that. We've met with them on several occasions. They've met with our staff to go over comments. The rejection that happened on September 26th, that was communicated to them that that wouldn't have been an acceptable solution. That was communicated to them in July but it was turned in anyway. But that won't preclude us from continuing to help them through this process and work with them to get a solution, as Mr. Hirsch indicated our goal is the same, is to have a compliant

[12:12:21 PM]

building and to protect the safety of the occupants of that building. So I want to make sure that it's clear that I don't have an intent to revoke the certificate of occupancy if they're not complete in one week. I

don't have any intent to disconnect their utilities. We indicated that we may be able to do that, but we didn't indicate that we intended to do that. But, again, we will give them a reasonable time frame to come into compliance following whatever decision that you make today.

>> Pool: Mayor, I have a question.

>> Mayor Adler: Questions. Councilmember pool.

>> Pool: I'm curious about the pipes for the sprinkler system that they have in their plans on the exterior of the building as opposed to on the interior and I wondered about whether we still get some freezing temperatures in Austin, and I would like to know -- because it seems like it would be more -- better insulated if those pipes were inside rather than outside.

>> I'll allow the fire marshal to respond.

>> Pool: You.

>> That's one of the

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comments we had initially with the sprinkler review, that if we -- is it not on?

>> Pool: Just speak a little closer to it.

>> I thought maybe it wasn't on. Sorry. One of the comments we had initially on our review of the sprinkler system that was installed prior to us seeing the plans is that when you.

[Buzzer sounding]

>> Mayor Adler: You can keep going.

>> When you move from the outside to the inside, we need a registered engineer to check off on your system that we do have proper freeze protection or that the pipes are capable of tolerating the freeze. So that was one of the actual comments. As far as the other comments with the drains, some of the things with the drains for us, as far as the acceptance goes, that we need to be able to float system and need to be able to test the system prior to accepting the system so the drain is a piece of that as well.

>> Pool: And do you both think that the city has been pretty clear in the direction that they're looking for as far as compliance for casa de Luz?

[12:14:22 PM]

>> I do. And I think that, you know, the comments that we have and some of the comments we still don't have addressed were issued October 12, 2018, with our initial comments on the sprinkler system.

So, you know, without getting into all the things that happened before that, for me the start point is the March 2018 letter that kind of redefined everything and said this is a fire code issue and this is what we want to focus on without, you know, getting into all the other items. And so for us and for me from the fire department, you know, that focus on that piece I guess our frustration is that we've moved this far down the road and we still don't have resolution.

>> Pool: Right. I agree on the life safety and frustrations around having compliance in those areas. They're pretty clear-cut and not new. The issues with regard to the certificate of occupancy have been pending for a good decade and more, and I really, really would like to

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see casa de Luz comply. And I do not understand why they haven't. I just don't understand. And I know that Mr. Hirsch can't answer that because he wasn't there at the time. But I fully support the city's efforts at issuing clear instructions as to what would constitute compliance. And I support the efforts that staff have put forward, including allowing casa de Luz to have a little bit more time to try to come into compliance. But they really need to. And it's been too long that they haven't.

>> Mayor Adler: Then we'll come back.

>> Garza: So this action is before us simply because of the appeal, right?

>> Could you repeat that?

>> Garza: This action is before us because of the appeal by the appellant?

>> Correct. The appeal of the fire code

[12:16:23 PM]

board decision on the item.

>> Garza: Had this not been brought what would been your course of interaction would you have continued working with them to get into compliance? Was there revoking and shutting off utilities anywhere on the time line?

>> When I issued the suspension of the certificate of occupancy we did give them 30 days with the intent to revoke the certificate of occupancy. At that time we had been told that it appeared that the work would have been completed in may and then indicated possibly June. When we talked to the building and fire code board, they thought that the work would be completed in July. So we may have gotten to that point, but because of the timing of the appeal we actually stopped considering revoking or looking into utilities further during the appeals process. We have with the other issues on the site as

well reevaluated and are providing additional time to come into compliance. So I feel that, you know, we've been pretty reasonable, especially with

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the requirement put in place and allowing them to separate the site plan issue last year. That, you know, it's now been over 500 days and the issue has not been resolved yet, but it's getting very close. Fire watch provides an extra layer of -- for peace of mind that the occupants are being protected.

>> Garza: Okay. This isn't something staff brought. This is because there was an appeal -- made and now it's risen to this level, if there's clear direction from council to not revoke to give more time to do what needs to be done. My suggestion would be we take no action with direction to staff they continue to work with them to get in compliance.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I would agree with what councilmember Garza said. That would -- I think what that would do is reiterate what I think is staff's intent in the first place,

[12:18:23 PM]

to continue on a reasonable course of action. So councilmember Garza, if you want to make that kind of motion, I would support that. So I just have one question for y'all. So I'm understanding and -- this is for the fire marshal, I'm understanding that in y'all's opinion that the six items, I guess that's the right number that, those additional items that compliance with them is necessary and that from your perspective this is a fire safety issue.

>> Yes, ma'am. So, I mean, it all works together and we need all the pieces to fit in order for the sprinkler system to be turned on and that's our biggest issue, is that without the access we need the sprinkler system, and so --

>> Kitchen: Okay. Thank you.

>> Mayor Adler: Yes, councilmember tovo.

>> Tovo: I need to ask law, what does it mean to take no action on these?

>> Mayor Adler: Does that

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does that mean we're upholding --

>> I think the suspension will stay in effect until you take some kind of action.

>> Tovo: Okay. All right. Thank you.

>> Mayor Adler: So the -- so for me, I'm still trying to understand here, the -- if it looks like the decision to keep the fire watch in place, it seems to me to be for me a no-brainer. If it's not done, that should stay in place. I would deny the appeal with respect to that point. It should stay in place for however long it takes if there are people there. Then the only other question is getting the work done, and I think that we're all wanting to give the property owner the ability to be able to get the work done and we don't want the building shut down if they're moving forward. Our staff is saying they're not going to do that even though they have the ability to do that if we uphold it. And the question is do we

[12:20:26 PM]

trust our staff to give them a reasonable time to be able to fix it or do we want to postpone it so that it has to come back to us? It's been going on for a long time. I'd be comfortable in denying the appeals with an instruction to staff to give these folks sufficient time to be able to fix it so long as they're moving forward to fix it and then it doesn't have to come back to us. Under rules of course under the state it would get it open up again for discussion and additional time and I don't think we need that. So I would trust our staff to be reasonable in that and to give them a reasonable time. So for me, I would be comfortable voting to deny the appeals today on both counts. Councilmember Flannigan.

>> Flannigan: I'm comfortable with what you laid out, mayor. And I would just state the obvious, which is this is a local business. This is someone -- a business that has been a value to the community for a long time and I know staff knows that. This isn't the first time I've heard weird things happening with staff

[12:21:27 PM]

regulation on this property, and I just want to make sure that we're making it very, very clear that we want to see this business survive but we also need it to be safe. So however quickly we can expedite this process for them and for us is what I'm hoping to see. But, mayor, I think that is the right action to take today.

>> Mayor Adler: Further discussion? Yes, councilmember tovo.

>> Tovo: Yeah I would support the action as you laid it out. I just want to say, you know, I share my colleagues' -- my colleagues' support for making sure that we're supporting what is really an ionic set of businesses, both parkside elementary as well as casa de Luz, but I also want to recognize that our staff has worked for a long period of time with casa de Luz and its property owners trying to help them come into compliance. And so, you know, that's one reason why I'm going to support the previous action and I'm supportive of the direction but really look forward to the site becoming

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compliant with our building and safety codes really soon because it has been going on a very long time.

>> Mayor Adler: Okay. Councilmember kitchen.

>> Kitchen: So do we need a motion?

>> Mayor Adler: A motion to deny the appeal on item 66 and 67 I think would be in order.

>> Kitchen: Okay. I'll make that motion.

>> Mayor Adler: Is there a second to that motion? Councilmember pool seconds. Any further discussion? Councilmember Casar.

>> Casar: I think all I want to understand or make sure and maybe both sides to speak to this, on the fire watch I think keeping it in place makes sense. I think everybody has the same goal of getting the sprinkler issue sorted out. I want to make sure that denying the appeal and I probably want to hear from staff first but would be interested in what the applicant says, but if that is gonna create any roadblock towards getting it fixed? Because I understand that I'm sure there have been things that casa de Luz could have done better. I wouldn't be surprised if it's also been very

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complicated from the time line on talking to different departments whether you have a co, whether you don't. So I just want to make sure if our goal is to get them into compliance by this vote we aren't creating an additional hurdle they have to clear for us to be able to turn the sprinklers on, which I think is what everybody wants to see happen.

>> I'm not away of an additional hurdle in place based on if you deny the appeal, which then upheld the suspension or the fire watch. The remedy to both of those items is to come into compliance.

>> Casar: Will you hold tight there? Mr. Hirsch, will you --

>> Mayor Adler: Would you answer that question too, please.

>> I plan to address this in rebuttal but I don't need to rebut. The owner has clearly indicated to me in the event that you either postponed or denied our appeal they would continue to follow the fire watch under the rules that we've been given by the fire department. And that would remain in place until we had all our plans approved, all our

[12:24:29 PM]

permits issued and passed all our final inspections and, finally, everybody agrees the violations away.

>> Mayor Adler: What about the other question? If we deny the permit today, does that make it more difficult for you to come into -- your time --

>> No, mayor, council, it does not.

>> Mayor Adler: Okay. All right. There's been a motion and a second. Any discussion? Those in favor of denying the appeal please raise your hand. Those opposed. It's unanimous on the dais with councilmember harper-madison off. It is 12:24. The only item that we have on our agenda that we can take up before 2:00, I think, is the uno public hearing. Is that being postponed? I've heard that there's a postponement request? Can staff speak to that issue? Yes?

>> Good afternoon, mayor, council, mark Walters, planning and zoning

[12:25:29 PM]

department. There's been a request from a neighborhood group to postpone it to some point in November. Though in a subsequent email exchange with the person who authored that the assumption that they were under was that staff had somehow changed its recommendations regarding the uno, and I informed him that we had not, that the materials in backup were actually a reflection of the planning commission's actions which we were obliged to bring forward as well as offering staff recommendation. So that's where the request stands at this point.

>> Mayor Adler: I'm trying to figure out if it's a contested issue we need to discuss after lunch or not contested? Yes, councilmember tovo.

>> Tovo: I don't see any of the parties here who wanted to participate. I think it was a lot of their assumptions that it was going to be postponed since it was a first request for postponement and I would suggest that we honor that first request and postpone it today.

>> Mayor Adler: Okay. Is the applicant here to speak to that issue?

[12:26:30 PM]

>> I don't see any of the people who -- Jerry?

>> Mayor, there is actually no applicant in this case. It was a planning commission initiated code amendment at the request of some citizens. I believe there is an individual who would like to speak to the postponement here.

>> Mayor Adler: Do we want to pick this up after lunch or hear this now?

>> I have a question that might help if someone is going to speak on it. Why are we postponing it so far? I am in support of giving people a postponement if they are wanting it. But I was just curious why it was so many meetings away.

>> Tovo: Mayor, I think I can speak to that.

>> Mayor Adler: Councilmember tovo.

>> Tovo: Part of it was I think Mr. Mchone, if he's here, might be able to address some of the stakeholder work that has gone on over the last year and then was pretty radically changed by the

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planning commission amendment I think has necessitated the need for more dialogue. But just in looking at the calendar, I think part of it was in recognition that the 17th is already a long agenda with some potentially very complicated issues to discuss. The 31st we've committed to make a very short meeting so that was the reason for the November meeting.

>> Ellis: Okay. I just was confused.

>> Tovo: I appreciate the question. I think ordinarily it would have come back sooner but we have a unusual October with those two meetings, with the super short one on Halloween and the 17th already kind of at capacity.

>> Mayor Adler: Okay. Do we have anybody here that wants to speak to the postponement?

>> Yes.

>> Mayor Adler: Come on down. Introduce yourself please.

>> I'm [indiscernible] Housing policy director and a member of the west campus neighborhood association. I understand there's been a request from a Ken pack to postpone this. I'm supposed to be a member of canpac and did not

[12:28:33 PM]

receive any communication about this. West campus neighborhood and the [indiscernible] And our association, we're amenable as a compromise maybe postponing it one meeting to the 17th, but postponing it so far in advance would only serve to hurt participation and frankly there is no request for postponement from the actual residents. So thank you.

>> Mayor Adler: So who is requesting it?

>> We received an email from Bart Wadley. It had no date.

>> Mayor Adler: On behalf of?

>> He said it was on behalf of the west campus -- on canpac, the central Austin neighborhood area something.

>> Pool: Mayor?

>> Mayor Adler: Yes.

>> Pool: I think how many groups are members of canpac and uno?

[12:29:35 PM]

Aren't there eight different groups.

>> I would say tenish, I think.

>> Pool: It stands to reason it may take a little bit of time for requests to firm down to all of them and to come to the attention of all the focuses. It doesn't sound to me like anybody is deliberately being excluded from notification in answer to the gentleman who spoke before you. So I think in -- to respect the first request that has come on this item we should definitely approve it. And thank you, sir. I'm not calling you back up. Yeah thank you.

>> Mayor.

>> Jerry, did the request for postponement say why?

>> It was the issue about the fact that

[indiscernible] Between all the parties involved and the staff and then when we went to the planning commission the planning commission made changes to the recommendation and so they feel that they need time to address the planning commission proposed changes. There was a little bit of confusion. They felt that the staff had changed our recommendation

[12:30:37 PM]

to match the planning commission recommendation which was not the case. There are certain parts we're not opposed to. They felt we had wholesale changed our recommendation. We had not. It's just their recommendation is different from what the three parties went into that meeting with.

>> Flannigan: All right. I don't think postponement is necessary if all the postponement request is that they like the staff recommendation and then it's up to us to deliberate between staff and PC as we normally do so I don't support postponement.

>> Tovo: Mayor, we typically on our postponement requests when it's the first request, canpac has requested it, some of the parties have been involved negotiating this for the last nine months are not here yet because they were thinking it was coming up later. When we have -- this is unfortunately, you know, you had agree. Among all of the parties involved and the planning commission took a very different approach and now it's caused a need for further stakeholder involvement, including among those parties who have been most critically involved and active in this area for many years. And so I'm gonna request -- I'm going to honor their

[12:31:37 PM]

request and make a motion to postpone this to the date requested on November 14 and ask my colleagues to afford this request the same courtesy that we did when councilmember Renteria and others on the dais on Tuesday outlined their postponement requests for cases within their area.

>> Mayor Adler: So I tell you what I'd be most comfortable with. I would be inclined to support the postponement for the reasons that councilmember tovo laid out, but if we could I would ask that we postpone taking that action until after lunch in case somebody has a reason to oppose it that we haven't heard as we call it up here right at the end and we haven't heard from. So absent hearing something else, I think we should be honoring the request for postponement. I'm just uncomfortable that there's -- I'm not sure we're giving opportunity for somebody to be able to respond to that. So I would hold off the vote until after lunch if the council wants to go ahead

[12:32:38 PM]

and [indiscernible] They certainly can. Councilmember Casar.

>> Casar: , Mayor, I think it can be useful if there are issues on a zoning case -- I heard about how this might impact construction on cooperatives in the positive and negative. I don't think we've heard that now before us. I heard there was a postponement request and assumed it would get postponed so it would give me a chance to chase some of that down so I'm comfortable with postponing and agnostic on the date that we set it at based on on what people feel most comfortable with.

>> Mayor Adler: Given that I'd change my vote and support the postponement because there's a grounds from it coming from the dais. Any other discussion? We have a motion to postpone until the 14th. Is there any -- is there a second to that motion? Councilmember Renteria seconds that. Any discussion? Councilmember alter.

>> Alter: I think there was grounds expressed previously. I support the postponement and let's just take that

[12:33:38 PM]

vote.

>> Mayor Adler: The grounds that were expressed earlier were just the fact that we ordinarily grant those postponements, which I agree with. I just wanted to give somebody a chance because as we do in those instances, but every time there's a request coming from the dais for additional time because of a concern raised on the dais I supported it and would continue to do that. Any further discussion? Those in favor of the postponement please raise your hand. Those opposed. Councilmember Flannigan voting no, others voting aye. Councilmember harper-madison off the dais.

>> Tovo: Just to clarify, the grounds that I did offer just to reiterate them are that there was a nine month stakeholder process that many participated in. There was agreement and then the planning commission shifted the direction. So just to underscore, I did offer grounds and those were the grounds.

>> Mayor Adler: Okay.

>> Flannigan: Mayor since apparently we're repeating ourselves, as I said that there was -- I appreciate that there was a nine month

[12:34:39 PM]

stakeholder process. That's what the staff recommendation is and as we often do we have to deliberate between what our planning commission recommends and we don't have to take it and I think it was appropriate to move forward but I understand I'm in the minority.

>> Mayor Adler: Got it.

>> Casar: Before we break for lunch. We had screwed up and accidentally left off my environmental commissioner filling in and if we get a chance to reconsider and put him in, that would be great.

>> Mayor Adler: Okay. We also have item 68, the annexation issue that we could also do. There are two things. We would need to reconsider to be able to add the environmental commission member because the handout came after we had done that. We can pick up that right after when we come back. And then we have the annexation issue that was the only other thing we could take up before 2:00. Mr. Flannigan, you said you wanted to be able to address that. So let's come back at 2:00.

[12:35:40 PM]

You have a phone call at 2:00 is that true? How much time -- I mean, if we take up the annexation --

>> Mayor, that's okay. I can miss it. But if you take longer I'll take the call. So --

>> Mayor Adler: I don't know how long are you here for the annexation issue? Is that yours?

>> No. I think Virginia can handle the annexation.

>> Mayor Adler: Okay. So let's come back at 2:00. We'll do the annexation issue first, the environmental commission, unless you think we need to take the annexation now. I just don't know how long it's going to take. We have staff here. Is that a question you think you could ask now? What do you think?

>> We're hungry.

>> Flannigan: I could try.

>> Mayor Adler: Do you want to try to take annexation or come back? We're gonna come back. 2:00. This meeting at 12:36 is -- I'm sorry? All right. City council will now go into closed session to take up pursuant to 551.074 of the code, personnel matters related to item 73, employment evaluation of the

[12:36:41 PM]

city manager. Without objection we'll now go into executive session. No objection.

[Executive session]

[2:45:23 PM]

>> Mayor Adler: It is 2:45 P.M. The city council meeting coming back from executive session. While we were in executive session, pursuant to 551.074, we discussed item number 73, a person Nell matter.

-- Personnel matter. If there's staff that's looking, I don't think I turned off the recording equipment back in the executive session, so somebody should probably check that and turn it off. Item number 48, councilmember Casar, you wanted to move to reconsider item number 48. Councilmember Ellis seconds that. 48 is going to be reconsidered. Councilmember Casar moves passage of 48 but with the inclusion of Ryan nill being nominated for the environmental commission. Is there a second?

[2:46:24 PM]

Councilmember Ellis seconds that motion. Any discussion? Yes.

>> Tovo: I have a question on that since it's come back up. I wanted to ask, there are two members of the urban renewal board being appointed and looking for their names, Daryl pierce and [inaudible] And we're being asked to waive simultaneous service. Can you tell me which members you are suggesting be replaced?

>> Mayor Adler: I'll have to get that information for you. If you want to hold off and we'll take up the next item and we'll come back to this. Let's address the annexation matter. That's in front of us. Let's see if I can see what number that was.

[2:47:26 PM]

>> Flannigan: 68.

>> Mayor Adler: All right. Calling 68, annexation. Mr. Flannigan, you pulled that.

>> Flannigan: Yes. We talked about this in work session T backup materials indicate there is no fiscal impact to the city, but with every annexation agreement there's another document that lists all the services the city is now going to have to provide. I've had this kind of concern for all of the annexation we've done where the analysis about what the cost of those service provisions will be is either too difficult to provide or unable to be provided for whatever reason. It's not clear the benefit of doing this annexation, but for now the requirement of city staff to have to respond to issues on this new property, so I can't support this. I don't feel this is a compelling case.

[2:48:27 PM]

>> Mayor Adler: Further discussion? Is there a motion? On this item 68? Do you want staff to address that question?

>> Ellis: I'll make a motion.

>> Mayor Adler: Councilmember pool moves to approve item 68. Is there a second to that item? Councilmember Ellis seconds that item. Staff want to come up and address that?

>> Virginia Collier, planning department. This is a school district property, a bus barn. The site is currently built out. There's no additional right-of-way or anything else that's being annexed. The school district owns two properties here, one is 15 acres in the full purpose jurisdiction. This is a corner lot, it's got full-purpose jurisdiction to the east and south and the school district has asked we bring

[2:49:27 PM]

the entirety of the property into the city limits so when they come in to make modifications to their facility it will all be under the same jurisdiction.

>> Mayor Adler: Okay. Any further discussion? Yes, councilmember pool. You made the motion.

>> Pool: I just wanted to confirm, pflugerville ids is making this, they are not opposed.

>> [Inaudible]

>> Garza: I didn't hear councilmember Flannigan's concern or disapproval?

>> Flannigan: My objection similar to other annexation is that we are told there's no fiscal impact to the city, while there's a document that lists all the services the city will be required to provide this site. It's also maybe these documents need to be updated because it includes electric utility service which I don't think is automatically provided upon annexation. It also has an item that says the operation and maintenance of any other publicly owned building or

[2:50:29 PM]

service, but I don't think we're taking on the obligation of maintaining a school facility. These documents seem to be difficult to understand. I also would have assumed because we have a separate development agreement with the school district that governs our development relationship with the district that that would be the governing document regardless. It's not clear to me why this is even necessary to do for the school district. Without sufficient answer about the obligations we're taking on for properties that will not pay property taxes, I can't support it.

>> Mayor Adler: Do you want to respond to that?

>> Mayor, council, some of the items in the interlocal agreement relate to changes made to the city's zoning requirements. Zoning regs and uses. So in order for the Ila to be able to change those regulations, zoning would have to apply, which would only apply to full purpose.

>> Mayor Adler: There's been a motion and second on this item number 68.

[2:51:30 PM]

Is there any further discussion? Those in favor -- yes, councilmember alter.

>> Alter: This might be for Jerry. Are there any -- so there's different zoning right now. Is all of the zoning that we would be applying better than the zoning they would have if we're not annexing?

>> We would apply interim zoning, but frankly the Ila, the interlocal agreement with the school district, would supersede the interim zoning that we would apply. It's just we would be able to apply the interlocal agreement, which is really the reason they are asking for this is to have the entirety of their properties be subject to the pflugerville agreements.

>> Alter: In the absence of doing this, is what they could build somehow worse according to some criteria --

>> I think it would be more complex because they would have to require the county rules for a portion of their entire site and the city rules for another portion. They are asking for one set of rules across the board.

[2:52:32 PM]

>> Alter: Okay. Thank you.

>> Mayor Adler: Are we ready to take a vote? Those in favor please raise your hand. Those opposed? Mr. Flannigan voting no, the others aye, with harper-madison off the dais. Councilmember tovo, we had appointed Patrick Howard last week, but by law he's not able to serve so this is a replacement for Patrick Howard. And Megan Ellis, her term has expired and we made an appointment in the alternative.

>> Tovo: So Megan Ellis is not being reappointed, the current chair, who is being appointed in her place?

>> Mayor Adler: Either meet matwani or Daryl

[2:53:32 PM]

pierce.

>> Tovo: I'm going to abstain on that item because I think Megan Ellis has done a very good job. We've heard from community members support for the leadership of that -- of the urban renewal board and a lot of interest from the community and from others in making sure that the urban renewal board is making good progress and taking the actions and I think having that continued leadership would be really important, so I'm going to abstain on that portion.

>> Mayor Adler: Councilmember pool.

>> Pool: Yeah, I am actually at a point I would vote no on that if we knew which one of the two you are appointing and asking for our approval on. I thought Megan Ellis did a really good job when she came to defend the work that the urban renewal board has been doing. Her leadership has been, from what I can gather, without any complaint, and I believe from the emails that I've gotten, people in her

[2:54:32 PM]

community, her neighborhood and those who have worked with the urban renewal board are supportive and respectful of her leadership and there doesn't seem to be any reason not to reappoint her. So I would oppose her being replaced.

>> Mayor Adler: Okay. That said, let's take a vote. Those in favor, those in favor please raise your hand, with abstinence noted. Those abstaining? Otherwise it's unanimous on the dais. The other votes voting yes in that regard with harper-madison off the dais.

>> Pool: Just to be clear --

>> Mayor Adler: You voted --

>> Pool: I would vote to abstain on the one who is replacing the gentleman who was not able to serve, and I would vote in opposition to the appointment for the replacement to Megan Ellis.

>> Mayor Adler: So noted. Yes.

>> Alter: I don't think I

[2:55:33 PM]

was properly noted. I'm going to abstain on those because I didn't have advance understanding of this and I just feel more comfortable that way.

>> Mayor Adler: Seven in favor, three abstaining or voting against. It passes. Let's go to the next item.

>> Tovo: Mayor, I'm also given that one of those appointees also serves on another board and we are being required to waive the requirement, I'm going to vote against the waiver.

>> Pool: As am I.

>> Mayor Adler: Okay. So noted. Let's go to the next item. I think it would be zoning.

>> Jerry rusthoven, thank you for indulging me. Item 75, this was mistakenly placed on the agenda. No action. Item 76 the river place case, discussion.

[2:56:36 PM]

Item 77, this case has an indefinite postponement request by the applicant. This is related to item 78, which is a zoning case. C14-2018-0080. This case is ready for consent approval on first reading. The applicant has amended the request to cs-co-mp. That's the reason 77 is being postponed, it is no longer needed, but offer 78 for consent approval on first. 79, 2323 south Lamar, a discussion case. Item 80, this will be a discussion case. No? We can offer that for second and third readings. Item 81, staff is requesting an indefinite postponement of this item. Item 82, also a staff

[2:57:39 PM]

postponement, indefinite postponement on this item. Item 83, this is a postponement request to October 17th by the applicant. Item 84, it also a postponement request to October 17. Item 85, this is a postponement request to October 17th by the neighborhood. Item 86, this case is recommended for consent approval. Item 87, this case is road for consent approval on all three readings.

>> Mayor Adler: What was 86? All three readings?

>> No, it's a restrictive covenant so consent. 88, this case is ready for consent approval on all three readings.

[2:58:40 PM]

Item 89, this case is ready for consent approval on all three readings. Item 90, this case is also ready for consent approval on all three readings. Item 91, this case is ready for consent approval on all three readings. Item 92, this case is ready for consent approval on all three readings. Item 93, staff is requesting indefinite postponement of this item. Item 94, this case is ready for consent approval on all three readings. Item 95, the all points construction service, we have a postponement request to October 17th by the neighborhood, but I believe the applicant is here in opposition so that will

[2:59:57 PM]

to October 17th.

>> Mayor Adler: I'm showing the pulled items 76 to 95.

>> I'm showing the pulled item are 76, 79 and 95.

>> Yes. I would like to make a quick correction on 96 the most pronement was to November 14th rather than October 17th.

>> Mayor Adler: Okay. Do we have anybody signed up to speak on any of these items? No? 79 is pulled, item number 80, we had one person signed up to speak. Cody Carr. Does Cody wish to speak on the item that's otherwise being approved on consent? I think it's going to be approved. You can certainly speak if you want to. You show as being for it.

[3:01:08 PM]

Come on up.

>> Good afternoon, mayor, fellow council members. During the first reading the item was considered as possible grco. There was confusion, so staff had questions. So I wanted to go back through what we

were proposing. And, yeah. If you could take a moment. This is 1900 west William. This was an adapted reused project. We were trying to convert an existing bank drive-through to a health food, or a coffee shop. And so, hear you can see the item was originally limited office. We were asking for general rereally. Or gr. As I said, it's an existing drive-through Wells Fargo bank and we're proposing to keep it as a drive-through restaurant. Arce I mentioned in the first reading, the benefits of keeping this here was if we can renovate the building with a drive-through, it would allow

[3:02:09 PM]

sustainability. We woulding actually be reducing impervious cover and we would get the property back up and running from its vacant condition. I wanted to show you an aerial view of the bank, and I wanted to talk about some of the concerns. So, essentially, during the first reading at council was concerned about having a possible drive-way to Canon lake. Since then staff has provided information that there's a restrictive covenant and we are happily not proposing a driveway to Canon lake, so I think that concern has been addressed. In addition, council member Flanagan had proposed a possible co as a traffic limit. And we were -- we're totally open to that, and -- and so why gr and lot lr. We wanted to talk about the problem with going to lr with this item. If we get lr, we need to go back and get a conditional use permit

[3:03:11 PM]

that would put us back in line. We spent six months getting to this point. To get a conditional use, puts us back in line for -- staff this morning estimated another six months, so we would spend a year essentially drying to get a drive-through. Actually I wanted to point out the cost of getting conditional use is \$6,988. This a small business. We're talking about the coffee shop. The budgets are tight to make this work. So I really ask that the council memories consider the item for gr so we can move forward with the small project. We believe that otherwise, if we can't move forward with this kind of project, then the next property owner or developer would likely have to build a much larger structure. So, with that, I wanted to show you one more time the natural barrier from cannon to the property that's already there we're planing on keeping. It's got a big beautiful tree. And that's it.

[3:04:11 PM]

Thank you.

>> Mayor Adler: Thank you. Further discussion or a motion on this -- actually no, it is on consent. It is on consent. In that regard it would be the staff recommendation, which is the lr-vco. Do we have a motion and second on the consent? I don't know that we did. Council member alter moved to pass the consent agenda? Council member pool seconds that motion. The consent item everything from 76 to 96 with the

pulled items being 76, 77 and 95. Those opposed? Passed with Harper Madison off. Let's pull up the pulled items no. 76 and no. 12, which is

[3:05:19 PM]

river place.

>> Staff want to lay this out. Case c14-2018-0124

>> River place. This did pass on first reading on, let's see, I guess it would be August 8th. I believe the issues that we discussed at the time had to do with the number of units. The staff recommendation, if you recall, was sf-1. The first reading vote was for sf-6 and question we were discussing had to do with access, number of units and wildfire issue, with that I'm available for any questions.

>> Mayor Adler: Does anybody want to make a motion or discuss this, council member Flanagan?

>> Flannigan: I've handed out a C.O. For this case. I'll lay that in a second. With your permission, I move sf-6co with the co I've handed out on the dais.

>> Mayor Adler: Mr. Flanagan

[3:06:20 PM]

moves sf6-co. On item number 76 is there a second? Council member Casar seconds. Mr. Flanagan?

>> Flannigan: What we've got here is kind of a first draft attempt at addressing development in wildfire risk areas. In some consultation with law, and to be clear, mayor, my motion is on second reading only.

>> Mayor Adler: Okay.

>> Flannigan: Since we'll need to have this codified through law before the third reading. We've got the definition of building materials that is substantively from the code. We've got wildfire fuels restrictions that is substantively from the fire wise requirements putting this in the requirements. You have section "C" which is water pressure requirements also defined from the code. All three of those things are the types of requirements that we don't currently provide. Hopefully we'll be able to

[3:07:20 PM]

provide those more broadly in the future, but as we use this unit to think through which types of development we're going to be able to support in areas facing wildfire risk areas within our ability to do that under state law. That's what the first three are for. The last two, D and E relates to streets. D talks

about state width. The key here is that any access roads or other streets he have two full travel lanes in event of emergency. One lane that fire equipment can come in and one lane emergency evacuation can go out. In the case of roads that are too narrow to provide that when there's parking staff would be restricting parking one on both sides of the street in order to maintain full access or the developer could build those streets wider to accommodate

[3:08:21 PM]

that. In any event we want to get the equipment in and get the residents to be able to exit. On the connectivity section this is the more complicated piece. It divides it into three sections. Sub section B which says that you have to have two access streets that connect two different external streets in the case of this development that would mean a full public street to 2222. In addition to the existing street milky way that connects to the boulevard. If you have those two you can go through site process under zoning. In this case the developer worked 0 you the that roughly equates to 100, 210 lots giving the site constraints the fire wise constraints and other things we laid out here. Part "C," if you can't provide that full access and you can't provide emergency and all you have is the one access street then we default to the 30 residential units cited in the

[3:09:23 PM]

subdivision code that's where 30 comes from and part "D" is this middle point which is if you have the one access street and are able to provide full emergency access which again requires two lanes, one for equipment to come in and one for folks to exit out then the guiding limitation would be the service level of the one access street, in this case, we're citing an existing straight can have a trip count of 1200 vehicles a day. That's what we have laid out in the co. I want to thank the fire department folks for heing us work through this and the work they've done over many years. There's a report that came out about development of wildfire areas in 2016 that did a lot of this work in advance and I want to thank the community members who have been in constant communication with my office trying to work out exactly how all of these pieces will fit together. >>

[3:10:24 PM]

>> Mayor Adler: Okay. Thank you. Does someone want to talk? Yes, go ahead. I thought you were pointing.

>> I just -- the wuwi piece the motion, I'm not 100 percent sure that will fit into a co and would it be okay if necessary that we prepare aid public restrictive covenant and worked with the applicant to get that executed?

>> Flannigan: The reason we're doing second reading only is to lay out in this format exactly what we want the outcome to be and that gives us time with law to work out how all of these pieces are going to be codified and enforced.

>> Mayor Adler: We have a group of people to speak from the public. Do we want to hear from the public first? Let's go ahead and do that. In this case, first we'll invite the applicant. Applicant can open if he wants to, five minutes.

>> Thank you, mayor, good

[3:11:25 PM]

afternoon council members my name is Jeff Howard I represent the applicant. Garrett martin donated time to me as well. I don't know if I'll need it but just for the record. As mentioned, you all passed this on sf-6 on first reading. At that time there was quite a bit of discussion about fire issues and fire safety and if you recall, in a direct question from mayor pro tem Garza to also fire department indicated that when this project comes up for subdivision or site plan, if it asks for more than 30 units the fire department would not support it unless there's secondary access. I want to remind you at sf-6, at first reading when sf-6 was granted without. You asked the question if that's the site plan and we think that's the case. With respect to the overlay

[3:12:25 PM]

council member Flanagan laid out, a couple quick comes. As relates to building material week agree with this. We would like to see a couple additions related to the code, related to windows and doors and the purpose is they have slightly non-combustible standards. I think the fire department is okay with that change because it's in accordance with the code. With firefighter skills we would like to to see clarification that we don't have to destroy any protected trees. Our code does not allow that and our code does not allows us to disturb cef buffers so we would like to have that carved out of a 100 foot zone as well. We agree with the water provisions. We also agree with the street provisions and think those make good sense. On the connectivity piece, I think our preference is that this not be included.

[3:13:26 PM]

We under that council may decide otherwise. I think our feeling is that the co, in this case, is not necessary, given the answer, to mayor pro tem's question that access limitations will be addressed at subdivision and site plan. However, if it is council's will to pass the co with that connectivity provision, then our request in C, which is on the last page that deals with no more than 30e residential units, our request would be that be changed to 45 residential units. That is consistent with the staff

recommendation which has 45 units and of course, if a lower number were required by the fire department at subdivision and site plan that would still be the case, so, if the fire department determined that the number could be 30 units at subdivision and site plan that would be the waste but we won't have to have a zoning ordinance say 30 units so our request there would be that be 45 residential units for the purposes of zoning.

[3:14:27 PM]

And with that, I'll be happy to answer any questions you all may have.

>> I have a couple of questions. "If you can show me on the map. This a cul-de-sac. Right? Let me put up the mat.

>> That would be great. Council member pool. Ky cycle through and show you several maps if -- here's one. The blue try angel is the property.

>> Pool: My question is, milky way is a cul-de-sac. Is that correct?

>> Yes, ma'am.

>> Pool: You're proposing adding on to the cul-de-sac, the condition you're proposing is that an extension much the cul-de-sac?

>> We will be adding a

[3:15:28 PM]

subdivision at the end of milky way, which will have effort -- it's a large enough piece of property to have several street and connections internally and there will be another road extended to the north to where the autism tract is.

>> Pool: Show me where that is. This is alternative emergency access you're talking about? I'm looking for how if someone were to purchase property here, and milky way was impassable for whatever reason, what is the release valve for somebody needing to get out of that new development.

>> We would have to get, at a minimum, secondary access for emergency, and for evacuation, and for emergency vehicles. Weed very to have that to the north.

>> Pool: You don't have it?

>> We believe we do. As I mentioned at first reading we do believe we have access right as cross the autism fellowship tract. That might require additional

[3:16:31 PM]

documentation that we might provide.

>> Pool: I remember we talked about that at first reading but you still don't have that documentation?

>> I believe that based on the prior history, that there is absolutely an access right.

>> Pool: Do you have that documentation?

>> We have some documentation that would suggest that and support that. It doesn't say the words "Joint use access easement" but we do have documentation to support that, yes.

>> Pool: So, the offer here in the proposed draft from council member than Flanagan, d2 talks about the access street does not exceed 1200 vehicles per day as required by land development code and subchapter 25, et cetera, is that the count -- where is that count? Where could that count be taken? Would that be taken at the beginning of the new road, the new extension of the cul-de-sac on milky way or is that where it

[3:17:33 PM]

intersects with -- that's 2222, is that right, or is that city park road? Which road is that?

>> That's river place boulevard. Ef

>> Pool: River place boulevard.

>> Yes, ma'am.

>> Pool: Where is the 1200 vehicle count counted? Where would that be established?

>> That may be a question for council member Flanagan but I believe that is for milky way.

>> Pool: At which point on milky way?

>> I guess river place intersection.

>> Pool: Do you know the count today?

>> According to nta, the existing count, all although I'm not sure how reliable it is, I believe the existing is 417 -- excuse me, 407, 407.

>> Pool: The current residents say it does back up there today. Is there a stop light at milky way and river place boulevard?

>> I don't believe so. I believe it's a stop sign.

>> Pool: Okay. I was curious, you talked about -- Mr. Howard, you talked about the additional 45 units that you'd like to have -- that

[3:18:36 PM]

your party would like to have added to this, and that that was more than the 30, which is what the recommendation is from staff. Is that correct?

>> The recommendation from staff is 45 unit. They had st-1, 45 units.

>> Pool: That's the point I wanted to get to. You have bulked up the zoning on this to ff6. But staff had recommended the 45 at sf-1. Can you explain why you have requested increased density while seeming to indicate this is the same as what staff has recommended?

>> Well, the -- the reason for the sf-6 was to bring council additional choices not just have sf-1 with 45 units. I think there was some interest on council and it was confirmed at first reading by the vote. That sf-6 if we get additional

[3:19:39 PM]

density, that's a good thing, and as long as the fire issues can be addressed. So the sf-6 gives the city the flexibility to have greater density. To have I asite plan design, but I think council member Flanagan's proposed motion today would just address if emergency access could be obtained and if it can't be obtained then what do we do. And so, I was responding to the -- then what do we do part if there is no emergency access, if you're going to pass this then maybe a 45-unit cap which is consistent with the staff would work.

>> Pool: But that is not consistent with what staff's recommendation was. The 45 is the same but there's was at a much lower density intensity.

>> That's a fair point council member, you're correct. My suction was, if we're going to have this conditional -- or, this conditional overlay that has a limit of the number of

[3:20:40 PM]

residential units, in the event there's no additional access obtained, that if you moved it to 45 units kept sf-6 you'd still have essentially the same unit count staff recommended.

>> Pool: I condition to be very uncomfortable with this case. You continue to talk about conditional access in additional terms while when questioned directly about it you state you believe you have a document that should give you those approvals but that isn't in fact a definitive statement. Is, my concerns about this continue. And I'll let some other folks do some questioning as well, but that's pretty much where I'm at. I continue to be very uncomfortable with this case. I think that's way too much

density to allow in this particular location. It is not recommended by staff. The alternative resolution solutions that are being offered do not go, in fact, to the point about access that would preserve

[3:21:41 PM]

life safety for folks who may choose to live up milky way from an existing neighborhood.

>> Flannigan: Mayor?

>> Mayor Adler: Yes, Mr. Flannigan. That's why we structured the co in in way. We're not taking anyone's word that they have emergency access. That's where it's structured to three levels the level where they don't have access and a full road and in which case the layout is more restrictive. We are saying 30, they said 456789 the reason staff said 45, is because at that stage there was no conversation about what emergency access or additional full access would mean. By laying it out in this way, we're saying that if you have additional full connectivity, then it can support the 100, 105 units that you could get on this site. Because those -- that their would be that full additional access, if you can't get full

[3:22:42 PM]

additional access you can get emergency access. This is the ability for milky -- what is the limitation on milky way which has 25, 27 units, something along those lines. Some big home on that road. What is the apropose level of usage for any neighborhood street of the code defines that, a 30 foot street as 1200, and that's kind of where this is headed.

>> Mayor Adler: Further discussion on this item number 76. Council member Ellis?

>> I've got a question. Not sure it's legal or other staff department. How do these building materials overlay, I know we were told recently with the legislature we can't overregulate materials I'm not clear if there's national standards for fire safety if those count as something we can. I agree with where council member Flannigan is headed if we're looking add the wuwi code and adopting best practices for

[3:23:43 PM]

safety, I wasn't sure what we can prescribe for additional overlay for materials.

>> We'll definitely be looking at that. As I noticed proposed language from council member Flannigan does not state the type of material. It says fire resistant but doesn't say it has to be slate or -- it doesn't say the specific type.

>> Okay. As long as it's a material that meets national standards that does this, we should be good?

>> That is what we were, assuming. We will look to make sure we are not in violation.

>> I'm also more curious as we move forward with the code to understand how that's going to work. I think that's the only question I had. Thank you.

>> Mayor Adler: There's a motion -- more speakers. Got you.

[3:24:56 PM]

Thank you.

>> Mayor Adler: All right. The next speaker we'll call will be Randall Jamison. Mr. Jamison here? You have time that's been donated by Mark both? Is there both here? Thank you. And Robert around. You have three plus two plus two or seven minutes.

>> Thank you very much. Mayor Adler. And council members. My name is Randy Jamison, I am the fire wise director for river place. Pimm' very involved in the city with the Austin fire department, all things fire related. And I would like to point out a couple things here today. First of all, just a comment before I start on Howard's comment that additional density

[3:25:56 PM]

is a good thing. In this particular case, additional density is not a good thing. I'm show you why. Council member Poole's comment that sf-6 is too much density for this, I agree wholeheartedly with council member pool. I want to talk about risks. We'll talk about voids in the city planning process as I see it and recommendations that council I think should consider. This is Austin wildfire risk map. You've probably seen it before. In the center it's white. That's the core. That means there's not a high wildfire risk in that central core. It's very well populated with streets. West Austin is opposite. It's in the highest wildfire risk areas. Also east augusten is a high

[3:27:00 PM]

wildfire risk for different reasons. When you look at imagine Austin, 300-some pages is a formidable feat and a lot of great ideas. However, in those 300-some pages, there a few pages that I think are missing. The imagine Austin does not address the wildfire risk or evacuation risk that is present for us in Austin. As identified. Austin's vision of being a robust city requires understanding of the community's village wildfire. I don't know if any of you have been to the site. This is the picture of the site that's being discussed here, the triangle, of course. You can see it is not just near it. It is very dense, vegetated location. That's a plateau that sits atop three canyons.

[3:28:00 PM]

When you do -- when Austin fire department did the risk profile for this property, every metric that's identified is on the highest or high evidence at measure. Smoke density, flame length. The flame length is as high as this room. The flame length will be 30 feet as high of this room. What do we know from what we can hear, what we're learning from some partners that California department of forestry and fire protection states that stating high density primary structures is very difficult, that are located near the wildlands. It's dangerous, the configurations pose significant threats at the Walt doe canyon fire. This is post audit of Walt doe canyon fire. These are prone to higher densities of early editions from passage of the main fire front. Also areas basically had no defensible space.

[3:29:00 PM]

During the passage of the main front, allowing no possible defense by first responders. That is the very important thing to keep in mind. This is an example of what that means. So, you see you've got a big canyon coming up to the houses right on the ridge. There's no way the fire department can get down that ridge to stop the fire and there's no way they can defend those houses on the crest. In this particular case, all of the houses are on the crest, basically this is a fire simulation done with wildfire by the Austin fire department. One of many that have been done in the Austin location, I'm sorry, in the river place location, and this shows -- the short story of this, it shows that if there's a fire immediately east of this piece of property, not only will it be engulfed in fire in about 15 minutes or so, but river place boulevard would be completely blocked by fire in under an hour. We have other simulations that show that river place can be blocked in two locations, north and south in under an hour.

[3:30:02 PM]

So, what do we learn? Here's a piece of research from the Louisiana state university, talks about the traffic delays or congestion, and that it delays emergency response. Interestingly enough, it makes sense it increases the average monetary damage from the fire. If you can't get to the fire to put the fire out, then you'll suffer more asset loss. This is a map, rough map. Of sort of the evacuation route out of river place, shows the milestone property on the center right and those round circumstance of's show all of the choke points of all of the traffic trying to get out. If you see the set of black arrows, that's the proposed alternate exit by a milestone. You'll remember in 2011, this is what it looked like at dusk at the steiner rank fire which broke out in the afternoon. At dusk we still had 360

[3:31:02 PM]

wall-to-wall with cars. This is the proposed road that milestone has proposed for this area, if indeed they have any access. You'll see that there are three canyons, coincidental with those three arrow, and the fire that would come up those canyons, would race up the three canyons, would engulf the rode, the proposed emergency access road. So, you can't propose an emergency access road for firefighters to get into a property if it's going to be engulfed in fire and you can't use it for an emergency exit evacuation route if it's going to be in fire and that's identified in the wui code. So, I know years ago in 2016, council had a number of resolutions to address wildfire. From my perspective, I don't see a lot of resolutions that were passed coming to fruition and I think we need to focus on those again. I think there was a recent study

[3:32:05 PM]

that come on that as well. There were recommendations council was given to update zoning maps to direct growth toward safe areas. Avoid development in hazardous areas. Land policies could mitigation risks, we can even go beyond to other people where it chose planning requirements in wildfire locations is critical. Thank you.

>> Mayor Adler: Thank you. Next speaker is Scott stroud. Mr. Stroud here? You have time donated from Joanne Hargraves. Thank you. Is, you'll have five Americans Mr. Stroud.

>> Thank you, mayor. First, honorable council members, thank you for continuing to think through this. This is all above my pay grade but I thought it was important as a citizen of the district to come -- and resident of river

[3:33:06 PM]

place to come tell you about this. I'm Scott stroud I lived in river place for ten years my wife and myself are prefers he on U.T. Austin I teach on persuasion and methics. Some of the things that have intimated in the last few readings bugged me enough to come here even though I got in a late night flight from New York at 3:00 A.M. Pardon me if I say the wrong verb every once in a while. It's sad this important. But I'm not a resident of milky way. I live on skull creek over two miles away from the development. Okay. So, why I'm here is very clear. I do not want myself, or my family, to die in a scar, stuck on river place boulevard. Okay, I have family, like six or seven members that survived the paradise fire, luckily and that was an incident where there was one exit route. As much as I love my nice little jeep cherokee, I don'tn't was to die in it.

[3:34:07 PM]

This worried me when I've seen a number of compromises or proposed roads that lead people to the same road I'm worried about dying on. River place boulevard. I teach democracy, so I have faith in my representatives protecting me. I get three minutes or five minutes if I'm lucky. There's a lot more money and time for okay folks at sometimes maybe that's the way it should be. I'm worried about this. The dragging out over four years the last reading, I know some people took a day off work to come to this and that was taken away. These could be honest maneuvers or maneuvers of high paid council to crush it. I teach activation. This is stuff people fight against. So that wears me. I want to be here saying I'm not monetarily affected by this. I worry about safety on river place.

[3:35:08 PM]

My property development is not affected. These people are far away from my neighbors and I welcome them to the neighborhood and I'm worried about safety in case of evacuation. I remember packing all of our stuff in the little bag. During the steiner fire. Amazing how little you need to take. Shows how valueless all of the stuff is. This was real in 2011 and now I'm thinking more and more about it. You've seen through Randall's great presentation the unique situation of river place. It has one way in and out. That's the way everyone lives or die. If that fire went the other way. I was ready to drive that way. The other thing, it's surrounded by the canyonland preserve. My house backs to this. I love the warblers. I hate the cicadas. You should outlaw those. This is protected land. You can't get on to mitigate first damage in any way. This is a tinderbox.

[3:36:09 PM]

Again there's one way in or out. What I'm going to tell you is very simple. Other people that sit back there, they are going to tell you a lot more about the codes and new co that was just proposed, sounds like if they make the streets wide enough and there's a lot more cars they can jam right on to river place where I'll be stuck in traffic and they'll be stuck. My new neighborhoods from milestone development will be stuck in traffic with me. That's an important thing I want to emphasize, I think you as a democratic representative should try to ensure the safety of the present and future residents of river place, which obviously is going to include our new neighbors from milestone. Okay? Whether we know if they live right next door to you or two miles a, these are part of our community. That's what I'm concerned about, all of us getting out in the indicates of safety and I'm also concerned. Thank you my wife and myself have written a lot of letters. I know everyone's busy. Thanks to those that wrote back. One of the big concerns I have

[3:37:10 PM]

is coming up with compromises to have loopholes on wider streets and that will get people out of river place which it is. They put a lot of trust in the applicant. I also in my past I taught business ethics so I know there's very good reasons why it makes sense and is justifiable for businesses and attorneys that represent them to maximize their profit in any way possible. Look within the confines of the law. I agree there's a wonderful reason for this. But, that's their interest. It doesn't have to be your interest. That's for sure not my interest. That's not the interest of the city government. You so. I understand we want density. I understand we want connected density. But it floored my mind to see us bending over backwards to give thumbs up in a situation they're not clear they can do a road and not clear they can survive on river place boulevard if they had such a road. Thank you so much for your time.

>> Mayor Adler: Thank you.

[3:38:11 PM]

Next speaker is Scott Crosby. . Come on down. You have time donated from Jay Pearson thank you. And also Robert Williams. You have 7 minutes.

>> Okay. Thank you very much. My name is Scott Crosby I'm here representing the river place HOA. I've been involved in this particular development for four years, since 2015. After first reading, we asked for a little more time to develop a compromise. In that effort, we met with our city council representative, and asked basically for two things. One, a secondary public access to 2222, and to limit the number of houses based on the wildfire risk, et cetera. We received a first draft of the

[3:39:13 PM]

code a little over a week ago. And it contained that requirement for a secondary access. We hadn't really gotten around to talking about the negotiation for the number of units. But then on Tuesday, we received a second draft that basically started allowing options, a second option that allowed for an emergency access road only. And then this morning, we received a third draft that had yet another option that provided for no secondary access at all, and a limit on the number of houses. Obviously, we were caught off guard by that. There's still a lot of questions in terms of what qualifies as an access road, what qualifies as an exit road. And, you know, where the numbers all going to come out.

[3:40:13 PM]

We still, as Randall pointed out. This is an area developed -- or, surrounded by wildlands on three sides. It's at the top of steep slopes with run-off into an environmentally sensitive area. It allows two options that circumvent basically the subdivision code that would require two public or private access roads for a community of this density. It conflicts with the basic principle that you don't increase density the

further off of a main exit. It requires no coa police evacuation planning, for fear of legal liability. We've talked to the police twice and have been turned down. It allows access for both exit roads to 2222, which is, itself, a limited access road.

[3:41:13 PM]

It allows for emergency access through the wui. Basically, there will be more evacuation traffic volume than the exit roads can support. The requirements for the fire department are to fight home fires, not to fight the wildfire. It violates the stated city council goal of no wild fire related deaths. It basically assures more people in river place are going to die as a result of an evacuation. For those voting on this proposal today, that's what you're voting for. For those who understand that's not right, I encourage you to listen to a couple of the options that one of the other speakers, Bryan showers is going to recommend. Thank you.

>> Mayor?

>> Mayor Adler: Sorry, Mr. Crosby -- sir, sir.

[3:42:17 PM]

>> Sorry.

>> Sir, thanks for your testimony. I just wanted to -- if the option was between one access point or two, and -- because I want to understand from your testimony, the option was between one access point and two access points in the end, in your view, it is better for us to have two?

>> Two access points. That's what we're asking for, gentlemen. But still limit the number of units, based upon location, firewide risk and basically ultimate evacuation risk.

>> And I think we'll have conversations on second reading on exactly how those unit counts risk. I want to review council member Flannigan's outline he passed out here but ultimately the preference is get to two because that is safer than one. As we try to figure out the number of units which of course even after we set the number of units the applicant and fire department all of those folks and site planning can have an

[3:43:18 PM]

effect on the number of units but we rather -- neighborhood association, homeowners folks, generally it's better if we don't have to.

>> Yes, sir. That's what we asked for.

>> When you talk about access, there's different types of access, and you're actually asking for a second access route, not just a second emergency access.

>> Correct. A public road is basically what we're asking for. As I indicated there's a lot of questions about what is an access road. Is it public, right, can it be emergency only, and I'm not quite sure where the co exactly lands on all of those based on the fact that we've only seen the third draft today.

>> Mr. Flannigan, is the draft that you handed out, is that the one that they've seen or do we need to get them copies of --

>> No, it should be the one -- the only thing that we added yesterday was the defining --

>> We've got third draft.

[3:44:18 PM]

>> Flannigan: Yeah you got it.

>> I think that's the final draft.

>> Flannigan: Yeah.

>> I just want to make sure we're working on the right one.

>> Mayor, one more. Sorry, I didn't mean --

>> So, I just say to the manager, we've heard the issue about APD not being willing to do a fire evacuation plan or working with the community on that. I like you to follow up with APD. Whatever the concerns are did not seem to bow a concern for the sheriff's department that did this for the come man chi trail. I think it's fair all Austin eighths have public safety assistance to get an evacuation plan.

>> One other question and Mr. Flannigan might be able to help me with this. There was earlier discussion about the right documentation to make sure that emergency access, second access points can be created. Does that require collaboration of certain neighbors or property owners in the area. I'm not sure if you're the

[3:45:21 PM]

applicant.

>> Flannigan: Yeah, on first reading the fire marshal talked about what his expectation would be able to require. That's how it's written in the second to last item where it says emergency exits approved by the mire marshal.

>> Is it other property owners that that easement has to be acquired from.

>> Flannigan: Based on this it would require consent from adjoining property owner to get access to the main road.

>> I don't know who that would be. Acf, the search, autism, or potentially the school.

>> And you all are supporting with those folks working to the neighborhood if there's development that there be a secondary access point?

>> Yes, sir.

>> Thank you.

>> Mayor Adler: All right. Thank you. Is Brenda Langford here? Come on down. Is Paula Damore here?

[3:46:26 PM]

And is emframe Klein here?

>> My name is Brenda Langford. I'm a resident on milky way drive. Wasn't to thank you for your time. I want to make a few points and summarize some things. I like you to keep in mind this community has been dealing with this development over four and a quarter years. Same land, same developers, they keep changing the rules and we keep having to reinvent this thing. This proposal does not represent the best interest or safety considerations for the residents of this city. It does not protect the families who already established their home in river place or those whom move into this development. A very dangerous precedent is also being set by disregarding the staff report and just going outside of all of those expert advices on watershed, environmental, topography, traffic. Just disregarding that and going from sf-1 to sf-6. We understand that Austin has a

[3:47:27 PM]

housing crisis but the residents whose live in the current and future development should also have their safety considerations considered when this development decision is being made. The staff's reasons for recommending sf-1 included that this was consistent with the purpose statement for the district site. It looked into and considered topographical watershed, et cetera, specifically to this development. The zoning also should be consistent with approved and existing residential density. The existing residential density next to this development is sf-1. When we look at connectivity, we want to talk about connectivity and compactness and I think that's great. The walk score of this property is a 2, a 2. This area is completely car dependent. There are no urban trails no public transit stops. This property is not located along an activity corridor or center according to the imagine

[3:48:29 PM]

Austin growth concept map. They are asking for sf-6 as opposed to 2 or 3 or 4 because it allow them to circumvent the subdivision code which limit this to 30 homes. That's in the code. Somebody decided that is reasonable. We already have 25 home on this street. They're wanting to add 45 more and they are asking for sf-6 because it allows them to get around that barrier. At firsteading we also asked for a site plan. What does sf-6 look like, and I think a council member asked for that also. That still has Mott been provided. You guys don't really have any concept of exactly what they are talking about but they want a decision on what's fair. This development is going to be relied on as the model for future development in the wui. That's pretty scary to all of us that live there. A national report just came out that Austin is the fifth highest city in the nation for wildfire risk. You look at the Austin fire department's website, and river

[3:49:31 PM]

place, this property is the example for extreme high wildfire risk in Austin. All we see is council disregarding that risk and demanding to cram housing into an area that currently cannot properly evacuate due to previous poor planning and unmitigated continued development. The next thing I'd like to discuss is a valid petition. Is a valid petition actually a legitimate avenue for citizens to impact this process or just a smoke screen that's easily avoided by the developer? We had a valid petition on March 28th of 2019. It included a signature by the autism trust, which is the property bordering on the north. But, due to constraints that were put in the ccrs by this developer, to this attached piece of land, they had to rescind their signature, therefore invalidating the petition. We had additional piece of property that was connected,

[3:50:34 PM]

donated, to a member regardless of what Mr. Howard says. We did not go out and purchase this land. It was donated so that that border could also be considered in this valid petition. What did the developer do? They just went back and redrew their lions and invalidated that petition again. Is this really the type of behavior that this council wishes to endorse? Where residents means of voicing concerns of requirements of a super majority of just cast aside by shrewd and litigious developers? What about the precedent this council is setting with quid pro quos, we're go to give you annexation, originally they were going to make this more palatable by donating to the autism trust. They have nothing and don't support this. Now they're bringing habitat for humanity into this. I don't think those considerations need to be considered in the overall

[3:51:35 PM]

development plan and safety. Lastly, we've had our names for four years drug through the mud as elitists, just trying to build an exclusive enclave, just because we're trying to fight for reduced development that afors us some protection, those that already live there. We're less fighting fort people that will live there. We also need to pay attention to set better building precedents in the wui and give us more connectivity with full purpose roads not some emergency access that can be a 20-foot gravel road that is also going through the wui, and what they have right now, possibly just connecting right back to river place boulevard, so it really does not add any additional connectivity. I thank you very much for your time and I ask you to really consider these items and the precedent that you are setting in this zoning case. Thank you.

>> Mayor Adler: Thank you.

[3:52:35 PM]

Next speaker is Brian showers. Preliminary showers, come on down. Is Anthony shasha here? And Yvonne Sasha? You have 7 minutes.

>> I'm Brian showers a resident on milky way drive. I want to take a couple minutes talking by sf ever 6 is inappropriate and dangerous zoning and talk about compromises and paths forward to get what the city needs without sacrificing the safety of residents. Quickly on st-6 we don't have to look further than the staff report or definition of st-6 it says it's development for developments to contact streets that are not residence streets and transition from sf to multi family housing. None of those apply.

[3:53:37 PM]

Milky way is a local residential street and this development will transition from single family to protected bcpp land, nowhere in the fix is multi family. Furthermore, sf-6 is special in terms of zoning in that it allows a development to skip the subdivision process. And with that all much the codes and regulations that come with subdivision. In in particular, it allows the developer to build a condo regime which would not require the connectivity requirements of subdivision code. That code states simply any new development must have two full purpose access streets to it and that those streets must connect to two different external streets. The only way a new development could have single access point in a road like milky way without applying for variances would be if it doesn't go through a wildfire risk area which milky way does. If it is at least 36 feet wide which milky way is not.

[3:54:37 PM]

If it's not more than 2,000 feet in length which milky way is and only then if it supplement ports 30 or fewer homes which milky way already has 25. That's homes in total not each new subdivision you may tack on to the end. You don't have to take my word we can look at city staff and experts there. This was the comment returned to the developer from the subdivision staff when they applied for a subdivision permit earlier this year. It stated that this subdivision must have two access streets to two different external streets. Milky way drive provides access to subdivision which supports 30 more moments. In addition milky way provides access to 24 single family homes. Access is a sensitive issue in this part of Travis county give the 2011 wildfires in steiner ranch. It was after receiving this commentment that the developing amended application to sf-1 to sf-6 which allows them to do the

[3:55:38 PM]

condo regime. Moving forward and looking forward I want to reiterate we support rezoning and development on this site. We simply ask it we done in a safe way. If we look to the beginning the developer requested 45 homes at sf-1. As a neighborhood we thought 25 homes and 30,000 square foot lots consistent with milky way would be more appropriate. Given this we see two potential compromise paths that we think can move us forward, get development Austin needs without putting us at risk. The first is one we proposed which is to say we are absolutely willing to say, let's grant a more permissive zoning type as long as it still requires subdivision of the property and the safety requirements that come with that. In addition, we're willing to completely forgo all of the consistent lost size requirements we talked about the first time. The only thing we asked in return is the developer meet us halfway on the units. They wanted 45, we said 25 let's just meet in the middle at 35.

[3:56:40 PM]

The second compromise where you can also get behind this is the similar to what CM Flannigan proposed which allows the developer to skip the process what we ask for is co that adds back connectivity requirements that are part of the code. When this was first proposed we were excited and planned on being here and fully supporting the co. The first draft handed out seemed like a great start. In addition to the connection fr ektivty requirements it had the few wui requirements. However the latest draft built in significant lool holes which undermine the safety requirements in there. In particular it states if we have emergency access we can bypass all of the requirements from the subdivision code that is normally required from the single access. It can go through hey high wildfire area. Can bee more than 2,000 feet log. Doesn't have to be 36 feet long and can service more than 30

[3:57:40 PM]

homes. In addition the co doesn't have the requirement that the different road connect to a different street than the main access road does. The only limitation it adds is that the traffic shouldn't exceed 12,000 trips per day which is the engineering maximum for what a 27 foot wide administrative should be able to happen. That should be the upper bound on milky way regardless where it is in the city. In fact those are taking an averages, it applies to milky way and applies to something in the middle of the city grid. It doesn't look at specifics for this property, such as length of street, the walkability. Et cetera, et cetera. So, the question we would ask, if there is not going to be a second access that our subdivision code required. How many units should we allow. What should the trip limit be and look at other city of Austin codes requirements and guidelines for that. We've already seen the wildfire risk said in this area development should be avoided so does watershed ordinances so

[3:58:42 PM]

does imagine Austin plan. All say development should be completely avoided in this area. Zoning principles state zoning intensity should step down not up as you go further in. Transportation criteria manual said if you have a single outlet street over 1500 feet long. It should be 40 feet wide not 27 milky way is. And finally we said our development should be compact and connected which you've heard about today. We're not saying there should be no development on this. Despite what these lead you to believe but we think the limit should not be the engineering maximum for what a at the end of the days we need to make a decision here about what's right for Austin and we've already passed ordinance oz, codes -- ordinance codes and laws that say what is safe to do. The question we have to ask ourself today is if we're going to bypass those is it the safe and proper thing to do to pick and choose the ones which are convenient for what a developer wants to do or are we going to put safety at risk because those codes and ordinances

[3:59:42 PM]

requirements are inconvenient for what we're trying to accomplish. Thank you very much.

>> Mayor? May I ask the speaker, would you mind, there's a slide I wanted to capture before you moved too far off it. I guess you can't really control this. It was probably three slides back. Next, please? , Please -- no, if you could go sequentially, sorry.

>> Forward?

>> Tovo: Yeah. Sorry, one more. Next, next. It was where you started talking about what you saw as some of the challenges with the co that's been proposed.

>> Ah.

>> Tovo: This one, thank you. Thanks. I appreciate it. I just wanted to be able to read it more carefully. Thank you.

[4:00:42 PM]

>> Good. Thank you.

>> Next speaker is Greg stall. Is Greg stall here? No? Does the applicant want to close?

>> Thank you, mayor, Jeff Howard for the applicant. Couple of points. A bunch of this information that Mr. Jamison provided was already covered. I just want to remind you at first reading that was also discussed at first reading when council voted to vote sf-6. One of the items, our fire consultant is not here today but he did dispute that simulation he showed. I think Mr. Jamison's comments also point to the desire for best practices in this situation. And with all due respect to Mr. Jamison, I think the co that councilmember Flannigan

[4:01:42 PM]

does that, it incorporates the wui code, incorporates fire wise, incorporates streets, water requirements, and although, you know, our preference would not be to have the connectivity, it does address the connectivity issue. Second, to some of councilmember Casar's questions, Mr. Crosby, if this project -- this project can be the means by which we deliver secondary access, which means everybody in river place safer. I think perhaps this project is an opportunity to address fire safety and improve fire safety. I would also point out by the way just for the record there is a second way out of the river place subdivision, via city park road. In my discussion with the neighbors they indicated that's a route they often take to avoid traffic congestion so there is a second way out. I believe Mr. Crosby, in his letter to y'all, focused -- I think he said with respect to secondary access the

[4:02:42 PM]

focus was, quote, on evacuation, closed quote. I think the co addresses that. It addresses evacuation in the emergency access provisions. So I think that has been addressed. A couple of other points regarding imagine Austin, there is an activity center, four points activity center to the west of this property. There will be a park and ride there pursuant to project connect. Mr. Showers referenced a subdivision code. He didn't reference all the subdivision code. There's a subsection D that does not have a 30 unit limit for allowing single access streets. In any case, I think the fire chief already addressed this at the last first reading, where he indicated that they would not approve a site plan or a subdivision that had more than 30 units without emergency access. So I think that's already been addressed. In fact, I would go on to say that -- I would suggest

[4:03:42 PM]

that the conditional overlay suggested by Flannigan actually exceeds coat code requirements because it has trip limitations that are not previously there and has unit liegeses that are not

-- unitlimitations that are not currently say. Finally I'll say Mr. Showers referenced a lot of shoulds in the code and I said before this project will comply with all your current codes. Transportation, environment, fire code, environmental, floodplain, all of those current codes will be met.

[Buzzer sounding] With that I'm happy to answer any questions you may have. Thank you.

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: Do you have the draft site plan or an example site plan that we asked for?

>> Yes, I can pull that up.

>> Flannigan: Thank you.

>> Jeff Howard. Thank you.

>> Pool: Mayor, while we're waiting for that I have a

[4:04:43 PM]

question for Mr. Howard.

>> Mayor Adler: Okay.

>> Pool: I'll wait.

>> Sorry. Pardon me. There you go.

>> Flannigan: I think one of the things that you mentioned earlier about the fire wise and the tree canopy stuff related to the critical environmental features, there's a cef right on the property line south of where the entrance would be that intersects the fire wise distance. And so there's kind of an interesting question, policy

[4:05:45 PM]

question, about field mitigation in areas that are critical environmental features. And so is this something that we would want to see fuels removed or the tree canopy affected F it's within a critical buffer or is it not something we'd want to see? Because I think there would be at least one conflict

between the tree requirements we've laid out and the wildfire fuels and what staff may or may not allow within a cef buffer.

>> Mayor Adler: Okay. Yes.

>> Pool: So aisle I have a question. I don't know if Mr. Martin or Mr. Howard. Mr. Howard, you're saying the project will comply with all of the various ordinances, and you just listed them a couple minutes ago, the environmental and so forth.

>> Yes, ma'am.

>> Pool: But staff's report tells me that it doesn't so I would like you to Mr. Martin to please provide my staff with information

[4:06:47 PM]

that supports the claims that you're making.

>> Okay.

>> Pool: Thank you.

>> You're welcome.

>> Mayor Adler: Okay. Further discussion?

>> Flannigan: I have a question for staff.

>> Mayor Adler: Okay.

>> Flannigan: Jerry. Quickly, two quick things. There's been kind of an ongoing confusion about what the subdivision code and when the subdivision code applies and when it -- what would apply under a condo regime under sf-6. My understanding is that within sf-6 you could still decide to do subdivision and build a traditional development so if you did anything less than an sf-6 condo you would still have to go through that. In the event the developer decided to do condo regime, what are the requirements they have to abide by under site plan? They're similar requirements, are they not?

>> It's a different process. The site plan here is actually showing the buildings, the parking, those kind of things.

[4:07:47 PM]

The subdivision you're showing the lots and the streets. So it would be, like, a -- they're both similar review processes. One is administrative, one would likely have to go to the commission, but it's basically what you're looking at, you know, lots and streets versus buildings, ponds, parking, et cetera.

>> Flannigan: But staff would still be --

>> Staff would be reviewing.

>> Flannigan: There's not an end run around requirements?

>> No. It's just which process you have to go through.

>> Flannigan: Right. The other question on the traffic count, the 1200 vehicles per day, when it's less than 30 feet of pavement and 1800 if it's 30-40 and that's -- when I look at the code, 256116, those are described as desirable levels, not engineering maximums.

>> Correct. Those are levels that trigger certain requirements under what we call neighborhood traffic analysis, so what they say is that before -- if you're on a street over 50% residential, which milky way is, you have to have the developer before you submit

[4:08:48 PM]

your application has to get a count on the existing traffic on that road and if their traffic

[indiscernible] Existing traffic goes above those desirable operating levels, then it triggers a set of requirements where it says the city staff must not recommend the project unless they feel that that traffic has been mitigated. It's really a trigger mechanism for when you have to do a neighborhood traffic analysis.

>> Flannigan: So what we would be doing, at least in my version of the co, is saying that that mitigation process wouldn't be allowed, you've got to make it work under this cap that's designated as desirable?

>> Yes, you'd be using the same numbers as would trigger something else.

>> Flannigan: That was the intent to find a policy basis where these numbers come from.

>> Correct.

>> Mayor Adler: So there's a -- motion to approve this on second reading only, sf-him-co, is it to keep the public hearing open or close the public hearing?

[4:09:48 PM]

>> [Off mic]

>> Mayor Adler: That's right. Not on -- go ahead.

>> You can close the public hearing when it comes back there could be an opportunity for public meant but the official, the official required statutory public hearing would be closed. Public comment would happen the next time but it would not be the public hearing.

>> Mayor Adler: Okay.

>> And you could have different regulations with regard to what you required at that time.

>> Mayor Adler: Gotcha. For us to treat it the same. So keep it open. Councilmember alter.

>> Alter: Thank you. I have some questions for Mr. Rusthoven and then for Mr. Yanez. So, Mr. Rusthoven, I wanted to ask if you could remind us why staff recommended sf-1 and not sf-6 in the first place lazy.

>> It had to do with the purpose statements that were read to you earlier from one of the neighbors. It had to do with the

[4:10:50 PM]

existing development that's already out there along milky way drive and it had to do with the fact that this is an environmentally sensitive area and we felt a lower density was appropriate.

>> Alter: Okay. So I think Mr. Yanez is here. I hope I'm pronouncing that right.

>> [Indiscernible] Is here from atd to talk about traffic if you need it.

>> Alter: I had questions I wanted to understand about the code and I'm not -- I don't really care who answers the questions, but they're more about the connectivity requirements, kind of how they differ for sf-1 and sf-6. And under a condo regime. Whichever one of you is most appropriate I'm happy to have answers from either of you. So is a condo regime allowed in sf-1 through sf-5?

>> It's my understanding -- excuse me, Chris Yanez with the development services department.

[4:11:51 PM]

It's my understanding condominium regimes are allowed in sf-5 and sf-6.

>> Alter: Under sf-6 if the project is approved would the project be

[indiscernible] Same requirements that are required for sf-1, sf-2, and sf-3?

>> If they choose to go through the subdivision route and lay out streets and lots, the way a single-family residence -- sf-1 through sf-4 would lay out, then yes, they would. If they choose to simply subdivide as a single lot and then come in with a site plan for their layout then they would be subject to simply the fire code at that point.

>> Alter: What are the connectivity requirements that would be required under those zoning categories that would not be required under sf-6 with a condo regime? , Meaning what would be required under sf-1 through sf-3 that would not be required under sf-6 with a condo regime?

>> Well, it's my understanding that sf-1 through sf-3, then what we're talking about here is

[4:12:52 PM]

subdivision that lays out streets and lots and is therefore subject to the connectivity requirements if you're over 30 lots. Or alternative methods of compliance for the fire marshal's office, things like sprinklers if you're going over 30 dwelling units. But if you -- again, if you choose not to go through the laying out of public streets and lots and you go through the site plan route, then the connectivity requirements at that point become more of a fire code issue. Unfortunately, I can't speak to that, what those requirements look like.

>> Alter: So what are the connectivity requirements if you exceed 30 lots?

>> If you exceed 30 lots then you need a secondary access point, but there are alternative methods of compliance if the fire marshal's office can allow.

>> Alter: Okay. But you would required to have secondary access if you were over 30? If you did the subdivision

[4:13:52 PM]

but not if you did the condo regime?

>> That's -- it's difficult to be definitive there because, again, there is a limit. So if we're talking about 35 lots, 45 lots, there could be alternative methods of compliance that don't require a secondary point of access but I think as soon as we start exceeding those kinds of numbers, then the fire department, the fire marshal's office would likely say that the alternative methods of compliance would not be desirable and they would look for secondary access point at that juncture.

>> Alter: But there still would be the option of not having secondary access if they exceeded it?

>> Potentially, yes.

>> Alter: Would you be allowed to have more than 30 units in a subdivision without two access roads under sf-1 through sf-3 zoning? That might be asking the same question.

>> Yeah I'm sorry. Could you --

>> Alter: Would you be allowed to have more than 30 units in a new subdivision without two separate access

[4:14:53 PM]

roads in and out of the subdivision under sf-1 through sf-3 zoning?

>> Would you be allowed to have a secondary access points if --

>> Alter: No, would you be allowed to have more than 30 units in a subdivision without two separate access roads in and out of the subdivisions?

>> Yes.

>> Alter: Okay. Only by those alternative means?

>> Correct.

>> Alter: Okay. Would this property have been subject to the connectivity requirements under the original zoning application of sf-1-co?

>> I'm sorry. Try that again.

>> Alter: Would this property have been subject to connectivity requirements, say, of this secondary access road under the organize zoning application of a sf-1.

>> Yes, they would, yes.

>> Alter: Can we grant sf-6-co and allow sf-6 zoning while requiring to meet the connectivity requirements we have for

[4:15:53 PM]

sf-1 through sf-3 zoning?

>> I believe you can, yes.

>> Alter: Okay. So as I understand it, under sf-6 they can pursue a condo regime and instead of platting the lot the way they would under sf-1 or sf-3 they could instead do a single lot under a site development permit and in that scenario pursuing a site development permit they would not be subject to the same connectivity requirements and so I want staff to speak to what, if any, differences there are between what councilmember Flannigan has proposed and our existing connectivity requirements that we have in our code when a property develops as a new platted subdivision in this area.

>> Well, unfortunately, I don't think I can -- I can alone speak to those. I think we'd have to have a discussion also with the fire marshal's office. As I said when you go through the site plan process, there are a number of fire codes that apply that I am unfamiliar with that may require secondary access points that may not, that may simply ask for fire

[4:16:56 PM]

lane coverage, hose lay coverage, sprinkler buildings, and those are things I'm unaware of.

>> Alter: Okay. I think, city manager, I think that, you know, between second and third reading we're gonna have to get some clarity because we've been trying to get these distinctions clear and we're hearing multiple different things about what's required under different scenarios. I think we all want to make sure that we have the safety and the access, but we're hearing different things from different people, and it's making it a challenge to understand, and there's some distinction here that happens when they have sf-6 and a condo regime that potentially opens up a loophole where they don't have to do even the emergency access, and I understand that's partially what Mr. Flannigan is trying to take care of with his co, but we're not getting clear enough answers to know if we go in particular directions what we get. My understanding if we require the subdivision process for sf-1 to sf-3, we

[4:17:57 PM]

would be getting much closer to that for what we were doing. At this point, my preference would be to - we're going to allow sf-6 zoning that we maintain that same connectivity and evacuate requirements that would have been placed and required under subdivision in sf-1 or sf-3, and I don't really feel that where this draft of the co is it captures that. And councilmember Flannigan and I were in a quorum on that, but I'm not sure that I can support kind of where we ended up on that. So I'd like to introduce language that originated in an earlier draft of our work together and I'd agree that moving forward on second reading only allows us more time to determine the best way to arrive at an ideal outcome. But I really want to establish for me the outcome would be to ensure adequate health and safety in the

[4:18:57 PM]

efficient a wildfire and subsequent evacuation, both for the existing and any new residents. I think that would be best accomplished by requiring the site to meet the connectivity requirements they would have been subject to under sf-1-co which is no longerfully the case if we pursue sf-6 and they pursue a condo regime. So I'm going to pass that out. It's only meant to change section E of councilmember Flannigan's proposal and nothing more. We worked with legal. It's my understanding that what this does is change it so that they would have to follow -- if they were granted sf-6 zoning and chose the condo regime they would be required to meet the connectivity requirements that would be under the sf-1 zoning, which is what they originally applied for.

>> Mayor Adler: Councilmember pool.

>> Pool: I appreciate that additional effort on behalf of the applicant that

[4:19:58 PM]

councilmember alter is bringing here, but the issue for me -- and I don't need you, gentlemen. Thank you. But the issue for me continues to be the access. And even with an extension of milky way, that access ends up back on river place boulevard, so you've got all the cars entering milky way -- I'm sorry, river place boulevard from either end now of milky way. We don't know what the road would be paved with, whether it's gravel and how wide it is, but the end result is everybody is ending up on river place boulevard and from my experience with that, with that road, it's insufficient to handle the number of cars. All of whom, if there is a fire there, are gonna be panicked. And I cannot in good conscious allow this sort of proposition to continue on, including the fact that it's being built up at the top of a plateau and that is exactly where the fire would be racing up, is those

[4:21:00 PM]

slopes. I do not understand why Mr. Martin wants to build this development in those conditions. I don't understand why we would be considering at all putting people at risk. Much less like tripling the number of people who would be put at risk from what the original plan was because I think under the regime that you're talking about you could have up to 150 units, where staff was saying 30. So I will wait to see what additional information I get. I've asked Mr. Howard and Mr. Martin to give me their take on why they -- their claims that they are complying with all of our ordinances and regulations. I hope to see that well before the next time we have -- I don't know what date this will be coming back, but in plenty of time for me to review and analyze it. But, frankly, it's going to be really hard to convince me that this is a good play

[4:22:00 PM]

and that the life safety of people who -- the new people, as well as the people who live there now, would not be devastatingly affected by the circumstances that you are just exacerbating by this additional development at milky way.

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: So, councilmember alter, thank you for handing this out. I would have liked to have seen it a little earlier than right now, but nonetheless, if the -- the challenge here is that you have not included all of the subdivision sections, so what this does is limits the site to effectively five units because it doesn't include the alternative compliance stuff, which the reason why I wrote the

[4:23:01 PM]

conditional overlay the way I wrote it is that I wanted to remove alternative compliance and be more clear about what we felt alternative compliance looked like in wildfire risk areas. And for me you have kind of a base 30 unit development, which feels like the base that you can do. Then you've got, with emergency access you can comply up to the desirable use or the desirable level on milky way, and then with full secondary access you can do what is the kind of maximum build out, which is about 100, 110 units, not the 150 or 180 some folks have said just because it's in sf-6. When you apply the wildfire buffers you get down to about a hundred units. I don't know that I want to include this now but we can certainly continue this conversation as we approach third reading.

>> Mayor Adler: Councilmember alter.

>> Alter: So this was what

[4:24:02 PM]

your staff had written in a previous draft, and I just got the final version of what we were using. So I apologize for that. You know, I think we can also, as we've done before, provide direction to staff with the rewriting of this if we want them to follow those same rules, if we didn't capture the rules correctly, our direction could be that the co should state that they have to follow the subdivision rules as they would have under those other zoning categories and let them figure out how to write it, which is certainly different than where you landed. I'm fine if we want to say that this language may not perfectly capture that. I certainly didn't mean to limit them to five units, and I'm not sure how you get that. And I don't think we're going to resolve that right now. But I think we could also consider the option of saying that they have to follow those rules subdivision as they would

[4:25:04 PM]

for the other zoning categories.

>> Mayor Adler: Okay. We have a motion and a second on the table. Councilmember Casar.

>> Casar: The one other issue that was raised during the debate was whether the -- if there was no secondary access whether we would go with 35 units or 45 units in the zoning, knowing the fire department can handle that. Is that a question we could take up on third reading on the unit cap numbers? And sort of leave that question open about whether that should be 35 or 45?

>> Flannigan: Mayor.

>> Mayor Adler: Yes.

>> Flannigan: I think if law will give me a head nod, I'm comfortable with the numbers in my co but I think once we get to third reading and all the legal requirements are written, in like we've done in other

cases changing a number is not prohibited in third reading but we want to make sure all the legal stuff is buttoned up by then. So I think that could be

[4:26:05 PM]

handled later.

>> Mayor Adler: Further discussion. Councilmember alter.

>> Alter: I'm not sure if this is an amendment or direction, but perhaps we could make sure that we have when this comes back -- I mean, I'd like to make a motion that we change part E to be direction to do it with the -- with the subdivision requirements from the sf-1 through sf-3 to be what they have to follow, and then I'll have another motion if that fails.

>> Mayor Adler: There is an amendment to Mr. Flannigan's motion to amend E on connectivity to say as regards connectivity the subdivision requirements for sf-1 through sf-3 would apply. Is there a second to that amendment?

[4:27:05 PM]

Councilmember pool seconds that amendment. Discussion. You can discuss it first you want to.

>> Alter: I mean I think I've said my -- I don't want to keep us here all day. I've said my piece.

>> Mayor Adler: Councilmember Flannigan.

>> Flannigan: I would be fine if law were to have both options prepared for third reading so we could see the actual language and compare them and we'd at least be prepared to take either action.

>> Alter: I think we're thinking along the same lines. That was my second motion if that failed. If we want to just jump to that I think that might be a productive way to move forward. I think we all care about the fire safety. What I'm uncomfortable with is the notion that because we give them sf-6 we've created some kind of loophole, which we may or may not have, but I haven't been able to understand, that makes it so we don't have the kind of access that we really need to have for the number of people that we are talking about in this area.

>> Mayor Adler: So to that end we'll keep the motion the same but we are also adopting as part of the motion a direction for staff

[4:28:05 PM]

to come back with an ordinance option as concerns compatibility that would have the subdivision requirements apply as applied for sf-1 to sf-3.

>> Alter: With respect to connectivity.

>> Mayor Adler: With respect to connectivity, yes. Any further discussion? Let's take a vote. Any objection to the amendment? Hearing none that amendment is included. Those in favor please raise your hand. Those opposed. Unanimous on the dais with councilmember harper-madison not there. Second reading only. Councilmember pool is a no. Others voting aye. Councilmember harper-madison off the dais. Okay. Thank you.

>> Before I forget, item 12 was an annexation case related to the item we just passed. My recommendation would be we postpone item 12 to October 31 with the caveat that we will obviously need to have the legal documents prepared or this case on

[4:29:07 PM]

the 31. I know you want to end year that day so I suggest we postpone the annexation to the 31st and if --

>> Mayor Adler: Any objection to postponing item 17 to the 31st? Hearing none that item is postponed.

>> Next item is item 79, which is c14-2018-0127, 2323 south Lamar, rezone to grv-co, approved on first reading September 19, and I'm available for any questions.

>> Kitchen: Mayor.

>> Mayor Adler: This is item number 79. Is that right? Yes, councilmember kitchen.

>> Kitchen: I understand that there is an agreed-to letter. Just to remind everyone, we passed this on first reading with the understanding that there would be some conversations with the applicant, and from the two

[4:30:08 PM]

surrounding neighborhoods, and those have occurred, and there is -- there has been an agreement reached, which has taken the form of a letter, so I want to just acknowledge that agreement has been reached in -- there's a complication in terms of how that agreement is documented in our case, and so I have passed out -- I'm not sure it made it this way yet, but I have an amendment for discussion purposes. Yeah I'm sorry. I have an amendment for discussion purposes, which may have some challenges from a legal perspective, but I'd like to discuss it. And so at the appropriate time I will do that. The bottom line from my perspective is that we do have an agreement that addresses the concerns, that are focused on ensuring that there is housing at this

[4:31:10 PM]

site, there's sufficient housing in addition to the commercial space at this site. And so at the appropriate time I want to have a discussion about our avenues for documenting that agreement in either the ordinance or the attached restrictive covenant. I could speak to it in more detail if it would be helpful to do that now.

>> We also have one person in the audience here to speak and we would give the applicant a chance to speak so you decide. Do you want to hear from those folks first?

>> Kitchen: Yes, I'll just say that what I've passed out is my proposed amendment as well as the letter between the applicant and the neighborhood associations that I've been working with and that letter lays out what the agreement is they've reached. And so you'll have that in front of you, and we can talk about it in detail when

[4:32:10 PM]

we get to that point. But, again, the bottom line as I mentioned before is the goal -- the goal has been by the neighborhood associations -- and it's a shared goal, I understand from the applicant -- to ensure that there is certain minimum amount of housing available on this site, and this site is on a major corridor. It's on south Lamar. It's one of the key areas in the city that we do as much as we can to ensure that we have housing. Additional housing.

>> Mayor, council, if I could I know we're going to talk about it later but just so folks as they're looking at it can know, staff is okay with the second and third bullets. It's the first bullet we have an issue with.

>> Kitchen: My I understand was do you have an issue with it or is it an issue related to how it's documented?

>> It's an issue with we cannot have a minimum number of units we can have for somebody to build something.

>> Kitchen: It's not that you object to the content --

[4:33:11 PM]

or not object [overlapping speakers]

>> We always do minimum. We've never done minimum.

>> Kitchen: That's the conversation I want to have.

>> Okay.

>> Kitchen: Okay.

>> Mayor Adler: Okay. Do we want to hear from the public and the applicant? Is the applicant here? You have five minutes.

>> Members of council, Richard Suttle on behalf of the applicant. We have reached agreement on this case, instead of staff recommendation, planning commission recommendation and agreement with the neighborhood. Our agreement with the neighborhood reached earlier this week so we could go second and third reading today and we're hoping we can do that. If we can't, then it's a disappointment. But I understand the part about you can't prescribe a

[4:34:12 PM]

minimum number of units at our meeting with the neighborhood group it was discussed that a letter from the principals would suffice. It's a long standing big real estate firm in town, and they were willing to take that letter as part of it. And then the other pieces of it are agreed to, and I think could be placed in a pretty simple code today. So that's what we're hoping today is for second and third reading. That's why we had our conversations and came up with the agreement. Thank you.

>> Mayor Adler: Thank you. Is Lorraine Atherton here? You have three minutes, Ms. Atherton.

>> Hi, I'm Lorraine Atherton, I live within shouting distance of this site, and I'm here represented nobody.

[Laughter] As in nobody rides the bus. Nobody walks to the corner store. Nobody can survive without a car. Nobody understands the current zoning code.

[4:35:14 PM]

In 2008, this site was downzoned from the highest intensity commercial zoning CS to the lower intensity GR zoning appropriate to local retail businesses with lower parking demands. That decision on traffic intensity was reinforced by adding a 2,000 trip limit to the zoning ordinance. The trip limit allows more than 200 midrise vmu apartment units to be built with 23,400 square feet of moderate intensity local retail space on the ground floor, which is exactly what we all seem to want. In fact, those dimensions are proposed -- those are the dimensions proposed in the applicant's July 8 alternate traffic impact analysis, which may or may not be included in your backup. But they calculated a trip total of 3,458 car trips.

[4:36:20 PM]

Which is way over 1,500 car trips over the 2,000 limit. That's because they've reclassified the small local retail space as large high intensity restaurant space. Please understand that the removal of the 2,000 trip limit changes this site from a great location for 200 new apartment units with great bus service back to a high intensity traffic nightmare. By transferring all the traffic constraints into an ambiguous tie, staff has eliminated your ability to decide on the right balance between multi-family housing and ever-bigger, more expensive car-dependent businesses. At the very least the 2,000 trip limit should stay in place until we can all see how staff proposes to

[4:37:20 PM]

resolve this problem in the revised Idc tomorrow. And it sounds to me like councilmember kitchen has some good ideas addressing exactly what the neighborhood's would like to see. Happen, give us some mechanism to codify a level of housing on a commercial site. Thank you.

>> Mayor Adler: Okay. That brings us back up to the dais. Councilmember kitchen.

>> Kitchen: I think maybe the simplest way to do this is start with the motion.

>> Mayor Adler: Okay.

>> Kitchen: -- Sheet I put out, and then we can have the conversation about that. And I will identify what I understand the concerns are, and then I'll let legal

[4:38:20 PM]

speaking for themselves. So okay. So the motion sheet in front of you, what it does is it makes an amendment to the backup ordinance by adding the terms of the agreement from the letter that you also have in front of you. The key term there relates to the first bullet item, which is -- which documents an agreement with regard to the number of multi-family units to build. Setting a minimum amount would also establish what the goal is. So that's a minimum of 165 multi-family units with a goal of building in excess of 200 multi-family units. The second bullet relates to the tenant mix. It has to do with the commercial property, which is a component with this level of commercial property you could also do the residential. And then the third bullet just captures the fact that

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there's an agreement to meet the affordable housing requirements for this type of property. So I would like to see this -- these terms included in our amended ordinance. I understand that has not been our practice to set a minimum number of multi-family units. I would like to understand why whether that's a

matter of practice or a matter of law. I also think it could potentially be put into the restrictive covenant. There's also a restrictive covenant as part of this case that relates to the tia, and it's the restrictive covenant that captures the tia as part of the case. So I'd be open to this agreement being captured in either the ordinance or the restrictive covenant.

[4:40:22 PM]

I don't know which it's more appropriate for. And then, again, I understand that has not been our practice to capture the minimum number of multi-family units, but I think we have to find a route for doing so. This is a priority of council. It's something that establishes a priority. And I'd like to understand from law how we can capture it in a way that's enforceable. So is my motion acceptable?

>> Mayor Adler: Do you want to speak to the legal issue? Is there one?

>> The requirement of at least 165 multi-family units is not -- does not comport with the way our code sets

[4:41:23 PM]

up conditional overlays. Also, as a matter of practice, doesn't -- or when we do general zoning provisions, we don't -- we put them in the -- we put them in the you can't do more than generally as opposed to saying that you have to do at least. If you are going to do this, I would -- it would go better in a restrictive covenant.

>> Kitchen: Okay.

>> Than in the co.

>> Kitchen: Well, I'd be happy to put it as an amendment to the restrictive covenant that we have in the backup, if it's more appropriate there.

>> We're not posted for that right now, though.

>> Kitchen: What do you mean you're not posted for that? The restrictive covenant is part of the backup.

>> This is not a restrictive covenant case, though, is it?

>> Kitchen: Well, I mean, it's -- the restrictive covenant is part of the backup, so I'm assuming it's here for us to vote on. Do you not have a copy of that?

[4:42:23 PM]

>> Is this a restrictive covenant case, Jerry?

>> The restrictive covenant on in case simply states -- it's a cover letter if you will for the tia memo so we have a restrictive covenant that says this tia applies to this property.

>> Was there any notice that -- sufficient notice that something else would be amended or included in the restrictive covenant?

>> No.

>> That's my concern is that we don't have -- we don't have sufficient notice to conclude that right now on the restrictive covenant.

>> Kitchen: So can I ask a question or two?

>> Mayor Adler: Go ahead.

>> Kitchen: So the restrictive covenant, are you suggesting that there was no notice that there would be a restrictive covenant as part of this case --

>> I don't know what it was noticed for.

>> The case was notified as a general zoning case, and the restrictive covenant came about because it had a tia. So we added a restrictive covenant that like I said is a cover letter, more or less, for the tia memo, to make sure that the tia memo applies to the property.

[4:43:23 PM]

>> Kitchen: So my question would be, if we can do a restrictive covenant, that we have in front of us, can't we simply add to the terms of the restrictive covenant? I'm sorry to put you on the spot like this, had but I ask these questions ahead of time and we didn't get all of them answered so. . . If you want to think about it and come back to it. I'm asking the mayor if that's --

>> Mayor Adler: I think that would be fine. Do you want to think about it? Councilmember Casar.

>> Casar: It may be a bad idea, but just thinking back to cases from years before we were in similar situations, could we make it contingent that you don't access the entitlement changes as we have here until or unless you get -- you're applying for X number of multi-family units.

>> Councilmember Casar, I think that is a great idea. Our issue, councilmember kitchen, is not that we're opposed to your idea.

>> Kitchen: Right.

>> It's just the city doesn't have the ability to

[4:44:25 PM]

make somebody build something but we have the ability to stop somebody from building something. If somebody has something legally allowed by zoning but it's not residential I'd have trouble saying well you can do that but --

[indiscernible] I think if we do a trigger mechanism like councilmember Casar is referring to, which we have done in the past, not too often but have done in the past, to say something to the effect of this is mostly just a mixed use development but we could say commercial use is not permitted unless 165 units are built, I think that may get us to the same place, everybody.

>> Kitchen: Yeah. That a -- councilmember Casar, is that like a -- does it go in the ordinance or does it go as --

>> Mayor Adler: Goes in the ordinance.

>> Kitchen: Goes in the ordinance? Okay.

>> Mayor Adler: Does the applicant want to speak to this?

>> I think they're good.

>> That idea would work for us. We're just trying to get out of here today with second and third reading.

[4:45:25 PM]

[Laughter]

>> Mayor Adler: I think you might just have managed that. If you're okay with that.

>> Let me mention one other thing because traffic has been a big part of this. One of the problems with traffic on this site the corridor planners have said you're not gonna be able to turn on blue bon expert south on Lamar. The one piece we're all aligned on is we all think that's a bad idea. I haven't been able to get anybody to listen to that. That corridor plan needs to be changed. You've got a zoning case across the feet from us where you require everybody to come out and go to bluebonnet and that's gonna force them to go through the neighborhood. That's a separate issue. We're happy with this if we can get this triggered.

>> Kitchen: So I think what we're saying is with the amendment here, you would add -- where I've got -- it's a new C, and I say terms of a collective agreement as follows, this is -- you would add a phrase that would say -- and you'll have to help me, councilmember Casar, but

[4:46:26 PM]

would say [indiscernible] It would say to be triggered by or it would say -- what did you say?

>> My suggestion would be that a commercial use is not permitted unless built in conjunction with at least 165 --

>> Kitchen: How about this commercial use is not permitted unless the following provisions are met.

>> That's fine. I think we'll end up wordsmithing it any way with the law department.

>> Kitchen: Well, I think we need to do it right now, unfortunately. So it would go in front of C. Instead of terms of a collective agreement as follows, it would say commercial use is not permitted.

>> Casar: Unless 165 multi-family units --

>> Kitchen: How about this, unless the following provisions are met, then it gets all the bullets.

>> We're fine with that.

>> Casar: Sure.

>> Mayor Adler: Okay. It's been moved -- yes, go ahead.

[4:47:26 PM]

Councilmember pool.

>> Pool: Yeah. I just -- I would like to chase down the bluebonnet to south Lamar issue and see if there's a way that we can also accommodate that. I understand it's in the corridor plan and everything but is there something in here that we can list as direction or intent or preference or -- to highlight that?

>> I don't think in the ordinance. I think that's something you can mention, like --

>> Pool: Direction?

>> Direction. Then we can look into that from there.

>> Pool: And maybe Mr. Suttle can help us with some more specifics that he -- or maybe councilmember kitchen.

>> Kitchen: Yeah. This is an issue that we've raised with the corridor office a while back. And it has to do with how the intersection there is being contemplated for change in the south Lamar corridor plan and create some difficulties. We've highlighted it as an issue, and I know the corridor office has said they would look at it, and we don't have a resolution. Maybe you want to speak to

[4:48:29 PM]

that?

>> Austin transportation department. So when we looked at this particular development we looked at the entire south Lamar corridor plan, and we specifically looked at the intersection of south Lamar and bluebonnet, and if you look at that intersection, you would see that there is a significant challenge in the geometric. As we look into improvements for transit and modes along south Lamar, we're trying to keep the traffic moving along south Lamar to gain that efficiency and safety and to make it more efficient for all modes of transportation, we have to do a straight left turn out of bluebonnet so that what that will do is that will improve safety and also improve efficiency for traffic movement. So because of that, the direction is to

[indiscernible] And south Lamar intersection.

>> Pool: So I understand about the efficiency and so

[4:49:29 PM]

forth, but the efficiency and the safety also of those vehicles that are on the side streets also needs to be as much of a consideration, especially since it has been drawn -- so much attention has been drawn to it. I don't want to divert this conversation over into this area because we aren't actually posted for talking about this at this level, but I think this is a really important consideration, and I would be happy to help my colleague here with that effort. Because I'll probably need her help on some of those issues on north Lamar or burnet in the future. I do think it's a legitimate concern raised by the community and I would like us to address it, not just hear it but do something about it.

>> Absolutely. Thank you.

>> Kitchen: Thank you.

>> Councilmember kitchen, I will recommend that we change the language in all three provisions that says developer greed agrees and we will write them in terms

[4:50:31 PM]

of just requirements as opposed to developer agrees.

>> Kitchen: Okay. That's fine.

>> Mayor Adler: Yes, Mr. Flannigan.

>> Flannigan: Councilmember kitchen, I just have a couple questions, make sure I understand.

>> Kitchen: Okay.

>> Flannigan: The first bullet is because went to make sure that we're getting units on the ground, right?

>> Kitchen: Right.

>> Flannigan: Yeah. That's a conversation we've had in context of the new code so I think we're all in agreement that we want to actually get the units built so that's great. Help me understand the concern on the second bullet point about the grocer in excess of 12,000 square feet.

>> Kitchen: First off, this was agreed to.

>> Flannigan: You know how I feel about that.

>> Kitchen: I know. The applicant agreed to it too so he can explain it.

>> Flannigan: I don't understand the policy.

>> Kitchen: There's a relationship between the commercial and the residential to fit on this site. So but if you want to speak to -- if Mr. Suttle wants to speak to that.

>> Flannigan: That's fine. I kind of want to understand the policy objective we're trying to get to with this.

>> Different uses have different traffic

[4:51:32 PM]

characteristics. My N our conversation with the neighborhood, their concern was getting up to

[indiscernible] Gave them some concern. A grocer has a different traffic characteristic.

>> Flannigan: Sure.

>> So they were saying if you do a grocer, that's okay if it goes bigger. If you don't do a grocer we want to cap it at 18,000 feet, and we said that's fine because we hope to get a grocer there. If we don't, we're okay with capping it at 18,000 square feet, which in turn has a traffic impact that wouldn't that was favorable to the neighborhood.

>> Flannigan: So what that says, basically, that thing says is if you get a grocer you can go bigger than 18,000. If you don't have a grocer, you're gonna get capped at 18,000 of non-residential space.

>> Flannigan: Just feels like a weird way to get to a traffic concern, to be defining square footage.

>> And it is.

>> Flannigan: The third bullet point, is this what's required with V?

>> Kitchen: Yeah, that just acknowledges --

>> Flannigan: That's what V

[4:52:33 PM]

requires?

>> Kitchen: Right.

>> Flannigan: That's not new.

>> Kitchen: Correct.

>> Flannigan: Great.

>> Councilmember, if I could clarify, part of the property is already V with so we just want to continue it with the remainder of the property.

>> Mayor Adler: We ready? We have a motion including the amendment to add the trigger. Councilmember kitchen makes that motion. Is there a second to that motion? Councilmember Casar seconds that motion. Any discussion? Those in favor please raise your hand. Those opposed.

>> Casar: I'm sorry

[overlapping speakers] Unanimous on the dais with councilmember harper-madison not here.

>> The last case 95, c14-2019-0078, for located at 4507 Vincent drive. Requesting postponement to this case until October 17 and the applicant is in opposition. The applicant is in opposition to the

[4:53:34 PM]

neighborhood's postponement request. Both parties are here in the room.

>> Mayor Adler: Is this the first request for --

>> It was postponed at the last meeting, and if my recollection is correct it was a discussion postponement at that time as well. If I recall correctly, the applicant gave up and agreed to the postponement without us discussing it, and so my recollection was the neighborhood was asking the applicant agreed, but after we had been here for a while.

>> Mayor Adler: So the neighborhood requested the first postponement?

>> They requested the first postponement.

>> Mayor Adler: Is it the neighborhood again requesting a postponement?

>> They are. But at the last meeting the applicant said I agree to the postponement, and so we chalked it off as lay applicant postponement, but, again, it kind of, you know -- whatever the council would like to do as far as postponements go, but I know the neighborhood was asking and the applicant did reluctantly agree last time.

>> Kitchen: I think there's

[4:54:34 PM]

some other complications to that. Could I speak to that?

>> Mayor Adler: Yeah.

>> Kitchen: Actually, councilmember Renteria maybe more familiar workers' comp this. My understand is that the neighbors when they asked for the postponement, they asked for it for the date that they're asking for now. So this is not a new or a second request from them. Is that right, councilmember Renteria? I think?

>> Renteria: Yes. But I'm -- this week -- excuse me this week was the first time I actually seen the plan of what they were proposing.

>> Kitchen: Okay.

>> Renteria: And so I had requested that, you know, we postpone it for a couple more weeks so that we could have a discussion with the neighborhood there.

>> Kitchen: Okay.

>> Renteria: But I think one issue is for this proposal to not wait any longer. I think that's where -- my recommendation was to -- for them to postpone it a little

[4:55:36 PM]

longer, see if we could work something out.

>> Kitchen: Okay.

>> Renteria: And they chose not.

>> Mayor Adler: Go ahead.

>> Kitchen: I concur. I also have -- I know that -- I think the neighbors have appointments with several councilmembers to go around and discuss what you just mentioned, councilmember Renteria, and so I think a postponement is appropriate in this place to allow that time to happen.

>> Mayor Adler: Okay. Do you want to speak to the postponement?

>> My name is Bruce openerly, I'm the engineer for the site plan, and I wanted to give you kind of a history on whether the postponement should be granted or not granted. Two and a half months ago, we met with the neighborhood association and the neighborhood plan contact team. Since that -- at that

[4:56:38 PM]

meeting, we asked -- we brought the site plan for full transparency as it related to the zoning request. The zoning request is only to address the driveway, really. The rest of the zoning is kind of moot because it's allowed under sf-3. We do want a condo regime, though, so that's sf-6. At the meeting that was in late July, we asked if anybody had any questions or concerns. They had some questions. Not too many concerns. We left that meeting understanding they had a problem with the zoning upgrade -- or -- but not necessarily the project. In your packet, I saw that

[4:57:39 PM]

there's eight new handwritten issues with the zoning request. I've looked at all those. We can read them individually, but it looked like five of them were related to density, which is a zoning issue, I guess. Three are regarding aesthetics, not a zoning issue. One related to drainage, which is a site plan issue. And two related to safety on Vinson, it's a site plan issue. So what we would like to do is at least hear what the problem with the site plan is. We can't really address the problem with the zoning at this point because nothing they say relates really to zoning, other than we're afraid of the upgrade in the zoning. And it might set precedence with other people nearby. So I'm requesting that we

[4:58:40 PM]

don't delay, that we have the hearing tonight and keep going.

>> Mayor Adler: Okay. Is there a motion on the diagnosis? Councilmember kitchen.

>> Kitchen: Unless councilmember Renteria makes -- wants to make it.

>> Renteria: I would move to delay it. I really think we can come to a decision if we just sit down. I looked at the plan there, the site plan, and it looks pretty reasonable, but I still need to just talk to the people there. I do have concerns about the traffic, and I know it's not part of the zoning there, but it's a street with no curbs on, and it's an old country road there and it curves right there by the railroad tracks, split to the Bergstrom side. I really haven't had the opportunity to sit down and have a big long discussion with the neighborhood also.

[4:59:41 PM]

>> Mayor Adler: What would you be postponing it to? There's a meeting on the 31st, and a meeting in mid-november, on the 14th.

>> Renteria: I would like November, give us more time on it.

>> Mayor Adler: Okay. Administrator moves to postpone this matter until November 14. Is there a second to that motion? Councilmember kitchen second the

>> Mayor Adler: Is there any discussion on the dais? Ready to take a vote? Those in favor of the postponement, please raise your hand. Those opposed? Unanimous on the dais with council member Casar and Harper Madison off. I think those are all of the things we have on our agenda. With that, at 5:00, this meeting standing adjourned. There's music and proclamations for people to come back to. Meeting's adjourned.

[5:31:54 PM]

.

[5:34:19 PM]

>> Good evening, everybody, my name is Jimmy Flannigan, I'm city council for district 6, I have the honor of introducing the guest of the evening, as our custom in the live music capital of the world in city hall, we bring music into the same room where we deliberate policy and future of the city. The music we bring into this place is the much sweeter sound than the sound we make up on the dais, so it's always important to remember that this community has music to make that is helpful, that is healing, that is whole some, that is valuable to who we are as a community. Who we have here tonight, professor Raif and the fables an indy funk band from our own city. They appeared on KVUE and recognized as the chronicle as one of the top 18 bands in Austin. They serve a vibrant mix of

[5:35:21 PM]

bluesy bands and funky originals. They consist of siblings Avery Johnson, will Johnson, Jimmy Mercado and the professor himself Raef on base. Join me for welcoming professor Raef and the fables.

>> Hi, everyone we're going to play a song called new shoes off of our new ap, paint your name in red.

[Musing playing]

[5:37:22 PM]

[Music playing]

[5:39:24 PM]

[Applause]

>> Flannigan: An amazing performance, I think the most physical music performance we've had. Well done. That was quite spectacular. I have a proclamation for you. I want to remind everybody where they can find you online and where can they hear your music?

>> We currently don't have a website however if you're a fan of social media you're in luck. Find us on Instagram, Facebook and Twitter. Find us on professor Raef. We'll try to use that more. But, yeah.

>> All right. Check them out on social media.

>> Sorry, I forgot to mention, if you want to catch our music on streaming platforms we have five songs out right now type professor refer and fables.

[5:40:25 PM]

On all platforms, apple music. Geezer Spotify.

>> Flannigan: So I have a proclamation, be it known whereas the city of Austin Texas is closed with many creative physicians who talent extends to every musical genre, whereas our music scene preserves because Austin supports legends and newcomers alike and locals. We support our local artists therefore I Jimmy Flannigan, district 6, mayor Adler declare October 3rd, 2019 and professor Raef and fables day in Austin,

[5:41:43 PM]

Texas.

[Applause]

[Applause]

[5:46:16 PM]

>> Good evening my name is Alison alter, I'm provide to represent district 10 on city council. I'm here to proclaim digital inclusion week. This is a topic my office is working closely with the tell come digital

affairs office. We're focused on low cost internet options hoping students be aware of low cost internet options that our telecom providers provide. If you want to learn more look on the digital inclusion web page on the city of Austin and you'll find access to that information. Weekly' shared that with the school districts and at various different events. Today, having access to the internet is an integral part of being able to function and contribute in our society. It's really important that members of our community all over our city are able to access

[5:47:20 PM]

the internet and have the skills that we need to do so as their needs demand. So, today it is my honor to proclaim the following be it known that whereas, increasingly digital engagement is a requirement to fully participate in many elements of society, including education, health care, civic engagement. Job opportunities and social connections whereas the city of Austin vision includes every Austin resident have an opportunity to be fully engaged in digital society, accessing and using digital communications technology and whereas the city can leverage assets such as fiber networking to employee and support digital services in the most needed communities in partnership with other agencies in the private actor. Class Austin has several city community and resource partners to achieve digital inclusion, including Austin free net,

[5:48:20 PM]

Austin public libraries the digital empowerment and skill point. Whereas the city adopted strategic plan with purpose of addressing access and adoption of digital technology to serve as guiding document to serve to affect the city's goal to make sure all Austin rebs departments are served therefore I, on behalf of my colleagues do hereby proclaim October th through 11th 2019 as digital inclusion week. We'll be joined by rendella Hawkins.

>> Thank you, council member alter.

[Applause]

>> In addition to the groups mentioned here today are representatives from our Austin community and telecommunications commission. The chairman, can you come up here? Community tech network?

[5:49:22 PM]

Cami, Griffith. Goodwill industries of central Texas. And housing authority of the city of Austin. I think they are here. So, we're excited about the digital inclusion week. It will occur October 7th through the 11th with more than 350 organizations and 44 states participating. The week aims to raise awareness of

local solutions by addressing home internet access, personal community and mobile devices and technology training and support programs more than 12 local non-profits and city offices came together to coordinate over 30 events including basic computer skills in training in both English and Spanish workshop yore online jobseekers and public access TV. Which explains how folks can make content protection. Participate in all of this and more, call city office.

[5:50:22 PM]

Or you can go to the digital inclusion event calendar which is on the city's open data portal, data.austintexas.gov/forward/stories. Thank you very much.

[Applause]

[5:52:07 PM]

>> Good evening again I'm honored to present a proclamation today declaring October 2019 as dyslexia awareness month in Austin I'm joined by Heather Hardman of the dyslexia network along with students and families representing the chapter of international dyslexia association, decoding dyslexia. Dyslexia can cause challenges of identifying letters and sounds when reading. Estimated to impact one in five students and everyone in this room has a family member or friend impacted by dyslexia. Sadly many students are not identified early on and struggle with literacy for longer than necessary. This lack of understanding sometimes causes students to feel frustrated or inadequate despite trying hardest. It's important for students families and teachers to recognize how the right support

[5:53:11 PM]

empowers dislex ex-students to empower what they like. Raising awareness is crucial for families impacted by it and today is a part of that effort. It's important that we recognize the brings of dyslexics are unique. List lexia come was many gifts including imagination and space intelligence. Some of the most successful people in the world today struggled with dyslexia. When we shift away with the stigma we make it possible for students and families struggling with did this disorder for help. I'll now read the proclamation. Be it known that whereas dyslexia occurs on a continuum of severity affecting 20 percent of the population according to the national institutes of health and whereas the city of Austin honors the parent net

[5:54:12 PM]

work friends of dyslexia, decoding dyslexia and all organizations who struggle with dyslexia and learning difficulties these non-profits render support for manuellies that experience issues as a result of dyslexia, a disability neurological in origin and characterized lie recognition and poor spelling abilities and to seek support for services and represent individuals are provide was appropriate services now I, Alison alter on behalf of my league on the city council do hereby proclaim October 2019 as dyslexia awareness month. Healthier?

[Applause]

>> Thank you so much for

[5:55:13 PM]

recognizing this as dyslexia awareness month. It's so important for us to spread awareness not only with parents, educators and teachers, I'm here representing several groups this evening. My name is Heather Hardman I'm one of the co-founders of dyslexia parent network found on Facebook which is a general resource for parts, educators students as well. I represent -- or, we partner with several other groups, dyslexia, friends of dyslexia, deproceeding dyslexia, Austin chapter of dyslexia association as well as Austin independent school district. With that said there's a free conference coming up available to everyone. All you have to do is go online to register. On Saturday October 19th and this is the -- I believe the sixth annual year of the conference and last year we had over 1200 attendees. That was very exciting.

[5:56:15 PM]

Again as councilman alter mentioned one in five people identify as dyslexic and it's important to take the stigma out of that. There's a lot of resources and I encourage you to reach out to others and partner and spread dyslexia awareness. Thank you very much.

[Applause]

>> Thank you.

[5:57:46 PM]

>> I'm back, council member Jimmy Flannigan. We have a proclamation here. Anna Resnik, who the archivists of central Texas. You got to dig into the archives for that one. Nobody got the joke. So we have a proclamation. Be it known that whereas the archivists of central Texas in conjunction with the Austin

history center celebrating national archives event in most. Which are events to promote trends into the history. And archivists are Texas state library and archives, Texas general land office, Ibj presidential library.

[5:58:46 PM]

Harry ran some center. Austin seminary archives, Ards. Texas archive of the moving image and Travis county archives among others the mission of the archivists of central Texas is increase contact between archivists and promote archival activities in the greater Austin area. Archives moss raise awareness of function in society to diversify the documentation of Austin to highlight current local preservation efforts to provide hey free forum to discussion archive in Austin. I, Jimmy Flannigan and city council declare October

>> I think it's fitting I'm the one giving the speech because I think I'm the shortest one here.

[5:59:47 PM]

Again, my name is Anna Resnick, here on behalf of the arc vision vises of central Texas. Thank you, city council, for allowing us time to acknowledge the great and often invisible work performed in archives within the Austin area. Each October archivists across the nation celebrate archives month and promote the ways citizens have access to our past and can help shape the documentation of how people look at today. It is fitting that Austin does the same, as we are the site of the 1842 Texas archives war. For those of you who do not know there was a battle over government records and austinites found out president Houston was going to take the archives and put it back to Houston, and Joanna Everly depicted at a statue at sixth street, shot

[6:00:49 PM]

the cannon, scared them off and the government archives stayed in Austin so Austin is not a government town,.

[Laughter] It is a thriving government city. Behind me are some of the members of archivists of central Texas, a local organization who promotes the activities of more than 30 Eric institutions in central Texas, some of us are consultants, while others work for government, universities, community, religious and other subject-based institutions. Within our archives you can see the actions of the local, state and federal governments. Government transparency relies on the work of archivists in identifying, collecting and providing access to information, regardless of format, whether that's in paper, microfilm or in the increasing digital format. In our daily work we identify, collect, preserve, provide context and promote access to these materials that document this past and assist society in planning its present.

[6:01:51 PM]

Historians [indiscernible] Better understand specific topics, genealogies seek connections in our records to connect with their past. The legal profession locates materials related to the application of law and community searches for context on how the world we live in became the world that we live in. We also host various events throughout the year to help the public organize and preserve their personal photographs, their personal digital archives, and we just try to make sure that the public knows how to live enriched lives. So thank you again for your time, and be sure to check out archivists of central Texas for upcoming events going on throughout the year. Thank you.

[Applause]

[6:03:23 PM]

>> Flannigan: All right. Rest of the code folks, come on down. Where's Jose? Great. Another month, another October gets to be a lot of things, I guess. Here we go. Proclamation, be it known that whereas Austin code department provides for the safety, health and welfare of residents living in communities throughout the city of Austin, through education, collaboration, and enforcement of buildings, zoning, housing, property maintenance and other codes and ordinances, and whereas the Austin code department's code inspectors and staff are dedicated, well trained and highly responsible individuals who are committed to promoting the city of Austin's safety, strategic outcome of being safe in our home, work and in our community, and whereas the Austin code department responds and provides fair and equitable enforcement to more than 30,000 city-wide complaints per year and performs over 70,000 inspections and whereas with an intentional

[6:04:23 PM]

focus on prevention the Austin code department aims to proactively educate the Austin community on city codes and ordinances and organizing and attending more than 100 community events per year, and whereas the role of Austin code has expanded in recent years as they implement innovative solutions and establish new departmental goals to align with the city of Austin's strategic plan 2023, therefore, I Jimmy Flannigan, councilmember district 6 for mayor Steve Adler and the entire city council do hereby proclaim October 2019 as code month in the city of Austin, itself.

>> Good evening, my name is Jose, I'm one of the assistant directors for the Austin code department. On behalf of our director that couldn't be here today, Cora Wright, and the whole department, we thank you for this proclamation, councilmember Flannigan and the mayor and the rest of the regional. The mission of our department is to actually

[6:05:23 PM]

build a safer and greater Austin together, and when we say together, it's a partnership between us and the community. And we do that through education, we educate, collaborate and enforcement. It's a fine balance between compliance and enforcement but our staff is very dedicated and committed to the mission so I invite you to learn more about the code this month. We're gonna be celebrating this month with some events, so look out for it in social media, the website, you can actually see how we collaborate with the community in this effort. Thank you.

[Applause]

[6:06:50 PM]

>> Flannigan:okay. Come on up. Come on, Kevin. This is another important part of our city organization Kevin Williams, and an important awareness month for everyone. Here is our proclamation. Be it known that whereas the city of Austin recognizes that it has a vital role in identifying, protecting its residents from and responding to cyberthreats that may have significant impact to our individual and collective security and privacy and whereas critical infrastructure sectors are increasingly reliant on information systems and technology to support financial services, energy, telecommunications, transportation, utilities, health care, and emergency response systems, and whereas maintaining the security of cyberspace is a shared responsibility in which each of us has a critical role to play, an awareness of computer security essentials will improve the security of city of Austin's information, infrastructure, and economy.

[6:07:51 PM]

Now, therefore, I, Jimmy Flannigan, city council district 6, councilmember alter from district 10, mayor Adler and the entire city council do hereby proclaim the city of Austin is officially considering October 2019 as consumers.

>> I'm WBE for the city of Austin, appreciate the continued support of council of highlighting the performance of cybersecurity in the city. Now more than ever this is a critical topic. Just last month Texas was victim to one of the largest coordinated cyberattacks necessity history with over 20 cities compromised in a single day. Fortunately Austin was unaffected and I'd like to attribute that success in small part to our training program. Security is a problem that will never go away and never rest so for that reason our employees are our strongest defense and best sensors.

[6:08:52 PM]

If you see something, say something, give us a call, shoot us an email. Worst case it turns out to be harmless, no harm no, foul, best case maybe you're the first to let us know about a brand-new attack against the city. Thank you mayor and council for your continued support in this important matter. Thanks.

[Applause]

>> Flannigan:okay. Our public works folks, Richard, great. Come on down.

[6:09:57 PM]

We got a big crew. I love it. Always from public works, big crew. Okay. Be it known that whereas Austin public works was evaluated across 85 practices by the American public works association which required years of preparation, compiling and updating documentation and collaboration across city departments, whereas eight practices were identified as nationally recognized best practices and will serve as model practices for other public agencies and whereas the American public works association found Austin public works to be in full compliance with all practices and awarded the departments reaccreditation, now, therefore, I Jimmy Flannigan, city council member district 6 for mayor Adler and entire city council hereby proclaim October 2019 as Austin public works accreditation month in Austin, Texas. Richard, do you want to speak?

[Applause]

>> Thank you, councilmember.

[6:10:59 PM]

Richard Mendoza. Today is a very proud day for me to be your director of public works. I want to thank first and foremost the city council and the mayor for your support of the public works, without which this incredible milestone would not have been possible. It is the support we have received from our city manager's office and then of course all the employees of the public works department whose tireless workday in and day out maintain and build the public infrastructure of the city to keep this city as great as it is. Next I want to announce that we have a couple of important visitors to help celebrate this day with us. We have Mr. David Fabiano, the region seven director for the American public works association, as well as Mr. Eric dargon, the Texas chapt president of the public works association, and so with that, Mr. Fabiano, please share some comments with us.

[Applause]

[6:12:01 PM]

>> Thank you, Richard. Mayor Adler, councilmember Flannigan, all the members of the city council for the great city of Austin, Texas, also to manager cronk and all the other staff members of the city of Austin, Texas, this is a very important and wonderful thing to come together to celebrate. The American public works association is a group of over 30,000 public works professionals across the United States and Canada. It's been in existence for nearly a hundred years. Eric dargon is serving right now as the Texas chapter president of the American public works association. He's the chief operating officer for the public works department of the city of Houston, Texas. Eric is a wonderful, wonderful public works professional, and it's been an honor to know him and to be able to serve with him. The state of Texas has over 2,000 -- nearly 2,000 members of the American public works association. It's the largest chapter that we have within the organization. Thank you, Texas. You do everything big. With you.

[6:13:01 PM]

Austin is just a great city. There are over 8,000 lane miles of streets in the city of Austin, Texas. 8,000. You have over 2500 curb miles of sidewalk. That's a lot of walking you have to do to cover those. There are over 1700 bridges and drainage structures within the city of Austin. 431 of those are major bridges. Did you know that you have in the city of Austin nearly a million residents that every single day touch public works and they don't know it? Thesissable servants are there each and every day to make your lives better. Of the 14,000 plus employees of the city of Austin, in 48 departments, the public works department has nearly 600 members in three branches. Those three branches in multiple -- multiple divisions within those three branches, led my Richard

[6:14:02 PM]

Mendoza, whom you met, a great public works professional and an honor to associate with him. The straighten bridge operation has maintained all of those streets for everybody to drive on each and every day so that you can enjoy the commerce of your life, in whichever way you choose to enjoy it. Capital delivery, Jorge's team, they're delivering on billions of dollars of infrastructure for the city of Austin every single day. James snow and business enterprises in the public works department, I'm so impressed with everybody here, but especially there because the city of Austin is being so innovative and using data to drive everything that you do and make better decisions. This accreditation that you're being -- reaccreditation being recognized with is specifically how do you take all that information and data that you collect and how do you learn to deliver better, more efficiently, and make lives better for people? And most importantly, do it invisibly. There's a few other people. I got to meet with a number

[6:15:02 PM]

of the people that participated and helped to pull this altogether to make this happen today, and there's a few I wanted to recognize. In particular, Molly Bolte. She's accreditation manager for the city of Austin, Texas. Thank you, Molly. Shay is a process improvement supervisor, and she and her team were helping in so many ways to make this happen. And there's also another one that I really want to call out, nadjia, in 2015 when the city became accreditation, she was the manager that helped work that together at that time. There are so many things that happen in public works that we don't know about each and every day. We wouldn't be able to enjoy our lives the way we do without these professionals that are out there each and every day to make our lives better. State of Texas has more accredited agencies than any other state in the union. There are 11 accredited agencies in Texas. Congratulations, Austin, Texas. This is an honor that is well deserved, and it is

[6:16:02 PM]

humbling to be able to be here and present this reaccreditation to you.

[Applause]

[6:17:50 PM]

>> Pool: this is kind of cool. I'm standing here in front of a group of people that includes a boss and a coworker from a previous incarnation of myself. Really, really glad you guys are here.

>> Thank you.

>> Pool: Thank you so much for being here. So I'm Leslie pool, and I represent district 7 on the city council for the city of Austin. I've got a proclamation here for domestic violence awareness month, and this is a really important issue for women and for men. And I am just so grateful that our friends at Travis county have done such ground breaking work in this arena and I am pleased as punch to be able to present this proclamation for you all. Come in a little closer so you guys can read this while I do for you. Come on. And then in a bit we can get a picture. So proclamation be it known

[6:18:50 PM]

that whereas the problem of domestic violence is not confined to any group or groups of people, but crosses all economic, racial, gender, educational, religious, and societal barriers, and is sustained by societal indifference, and whereas important partnerships of Austin hedge, Austin police department

and municipal courts help eliminate domestic violence, promote justice for victims, enhance community safety, and improve the overall health of our residents, and whereas only a coordinated community effort can improve the systemic response to domestic violence and decrease its prevalence necessity the future and whereas domestic violence awareness month provides an excellent opportunity for residents to learn more about preventing domestic violence and we urge residents to actively participate in scheduled activities by the austin/travis county family

[6:19:51 PM]

violence task force, the safe alliance and other community organizations, and let us have the strength, the courage, and the resolve to stand up and speak out against domestic violence and promote safe and healthy relationships. Now, therefore, I, Leslie pool, councilmember for district 7 on behalf mayor Adler and the entire Austin city council do hereby proclaim October 2019 as domestic violence awareness month. Thank you all for all your efforts.

[Applause] We have a couple speakers. I think constable Lopez and kirsha and Elizabeth. Okay, you all take it from here.

>> Thank you. Good afternoon, mayor, council, and citizens of Austin, Texas. My name is kirsha ah haverlaw, I am the chair of the austin/travis county family violence task force.

[6:20:51 PM]

Thank you, so much, menlo councilmember pool for sponsoring our proclamation. It is my great honor to be here to recognize domestic violence awareness month. I have a couple of statistics to share with you. One in four women will experience domestic violence in her lifetime. Most cases are never reported to police. Boys who witness domestic violence are twice as likely to abuse their own partners and children when they become adults. Intimate partner violence results in almost 19 million mental health visits each year, 81% of women who are stalked by a current or fortunatelier intimate partner are also physically assaulted by that partner. 31% of those are also sexually assaulted. Although these facts and statistics are grim and the work is difficult we have incredible partners here today that help to prevent future violence. I'm so pleased to be here today with my colleague from Travis county, constable

[6:21:55 PM]

Carlos Lopez whose office serves 95% or more of the protective orders. We have Austin public health increasing awareness in our community. We have the director of victims services unit at the Austin police department and several of her team. And Elizabeth, whose own teenage daughter was killed by

an ex-boyfriend. Thank you again for this opportunity to shine the light on this underreported and very serious crime. And now I'd like to have Carlos say a few words. Thank you.

>> Thank you, kirsha. Thank you, councilmember pool. You know, it seems that I grew up in a very different world than we live in today. Now, today we hear about texting, inappropriate messaging and harassment through electronic means. You know, one thing that hasn't changed, though, is our values. Our family values. You know, ending domestic violence begins with a conversation on what a healthy relationship is

[6:22:55 PM]

supposed to look like. You know, men have an obligation to talk to our boys, our teenagers, our young men about what it means to be in a healthy relationship. Men need to be allies, to be mentors. They need to educate and they need to nurture our young men. But most of all, you know, men need to have the courage to protect people and support one another, build healthy relationships, be accountable, and most of all, speak up because it will matter. Thank you very much.

[Applause]

>> I'm Elizabeth persente. I'd like to add that teen dating violence is a part of this epidemic. When my daughter was 18 years old, Jennifer was

[6:23:57 PM]

dating the boy who ended up killing her. I searched widely for help for my daughter, and at that time, 13 and a half years ago, no one seemed to have resources or know where the resources were, and since I've had the opportunity to work in our community and to work with amazing advocates and organizations, there's so many passionate people that do this everyday, and it's always my honor to be able to work with them. We've come a long way. Resources are now required and used in schools. They're offered online and through many of the organizations and agencies. Thank you.

[Applause] Finally, you may see these posters we have here. We have two events coming up next week for domestic violence awareness month.

[6:24:59 PM]

We have the start-up for safe families paddle parade at the Texas rowing center on Wednesday, October 9, at 5:30. There is a Facebook page. Please check it out, stand up for safe families, Wednesday, October 9. Then on Thursday, October 10, at the Texas state capitol at 7:00 P.M., we have a documentary, a

domestic violence documentary called "Finding Jen's voice." The film maker and several survivors in the film will be here as part of a panel discussion that evening. You can find that evening on event Brite dyslexia month, -- [eventbrite.com](https://www.eventbrite.com).

[Applause]

[6:26:02 PM]

[Applause]

[Applause]

[Applause]

>> Thank you all for being here.

>> Pool: Yes.