

City Council Regular Meeting Transcript – 11/14/2019

Title: City of Austin

Channel: 6 - COAUS

Recorded On: 11/14/2019 6:00:00 AM

Original Air Date: 11/14/2019

Transcript Generated by SnapStream

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[10:19:59 AM]

>> Mayor Adler: All right, I think we have a quorum. I think we can get started. S before we get -- so before we get to opening up the meeting, I think that we have -- and -- an opening moment here. Opening moment with meg Barnhouse, first unitarian universalist church. Would you come up, please? Thank you very much for joining us.

>> Mr. Mayor, councilmembers, it's my honor. To do the opening moment. Because this is Austin, I'm going to sing to you. I hope that you will sing with me.

[♪♪] May the life I lead speak for me. May the life, speak for me.

[10:21:04 AM]

When I'm lying in my grave and there's nothing left to say, may the life I lead speak for me.

>> May the friends I've made, speak for me ♪♪ may the friends I've made speak for me ♪♪ when I'm lying in my grave, and there's nothing left to say, may the friends I've made speak for me. if you are shy, just close your eyes, nobody will hear you.

[Laughter]. May the work I've done. May the work I've done speak for me May the work I've done speak for me ♪♪ when I'm lying in my grave

[10:22:05 AM]

and there's nothing left to say, may the work I've done speak for me. all blessing on your day.

[Applause].

>> Mayor Adler: November 14th, Thursday. 10:22. We're in city hall chamber, 301 west second street, Austin, Texas. A quorum is present. Let's take a look at the agenda. Councilmember tovo did you want to say something?

>> Tovo: I did, thank you. I just wanted to let the audience know as well as my colleagues know that today is Thursday here at city hall. We haven't had one in a while, fursday, the day our

[10:23:07 AM]

animal center brings it's mobile unit to provide you with an opportunity to interact with the animals available for adoption. They are right outside the city hall in the little media niche, thanks to Nicole Goldman on my staff for helping to communicate with the animal staff. I see one little puppy that really wants to interact with somebody. I hope at some time during the day you will have an opportunity to go out. I think they will just be here this morning. It's -- it's kind of cold and rainy, but you can go inside the van and interact and see if there's a pet who belongs in your family. Thanks again to the animal center for providing that opportunity for us here today.

>> Mayor Adler: Okay. Thank you. Changes and correction, item no. 5 lists district. It should not list district 10. Item 44 is postponed to December 5th, 2019.

[10:24:07 AM]

Item -- item 46, recommended by the airport advisory commission on an 8-0 vote with commissions sepulda and watrey absent. Item no. 55 should list me as a -- as a co-sponsor. Item 57 should list councilmember Ellis as a co-sponsor. The correct address on no. 81 is 2401 Winstead lane. Item no. 55, this is the -- um -- the ace funding, asking that we take no action prior to 4:00 P.M. We will take no action prior to 4:00 P.M. If we get to a place where we can take

[10:25:07 AM]

speakers before then, we will. We won't take any action or close speakers until after 4:00 P.M. . We have some items that have been pulled on the agenda. Councilmember tovo has pulled item no. 4. Item no. 16 pulled by councilmember kitchen and also by speakers. By the way, the consent agenda is 1 through 59 and also 93 through 100. We also have being pulled item no. 57 by -- by Flannigan. And we have item no. 93, which was pulled by the clerk, but I can read into the record the number so that we don't have to pull that item. Item no. 93, I have it in my hand -- item no. 93, in the special election the returns of the election show that

[10:26:10 AM]

there were 38,432 votes for, and 65,010 votes against proposition a. There were 41,994 votes for and 50,062 votes against proposition B. So the -- so the motion on item 93 would be to approve the resolution canvassing and accepting the returns for the November 5th, 2019 especial elections declaring propositions a and propositions B are not -- not adopted. And that item will remain on the consent agenda. Special elections. And I'm told that we need to have a second to that in order for it to stay on the consent agenda. Councilmember Casar seconds it.

>> I would like to pull item no. 100 as well.

>> Mayor Adler: Okay.

[10:27:14 AM]

Item no. 100 is pulled. Item no. 93 is no longer pulled. It looks like items 95 and 97 have been pulled for speakers. Um ... And then the Rainey street item, we have -- I think, two amendments that have been handed out on that, so it's pulled -- item no. 50. Unless there are no objections to the -- to the two amendments. Have people had a chance to see the two amendments that have been handed out.

>> I object.

>> Mayor Adler: So item no. 50 is being pulled. Councilmember Garza. So I'm showing pulled items being no. 4, no. 16, no. 50,

[10:28:24 AM]

no. 57,. Pulled by councilmember Flannigan, 95 and 97 and 100. We have some people that have signed to speak on the consent agenda. Yes, councilmember tovo?

>> Tovo: Mayor, I would also like to pull 30 and I would like to request a time certain for the uno item of 4:30.

>> Mayor Adler: Councilmember tovo pulls item no. 30 and asks again that -- or asks that -- which item is --

>> Tovo: 67. We talked about it at the work session at a 6:00 time suggestion was that we get it before dinner time. So after -- anyway, that's the request for time certain. So I requested a 4:00 for the ace item, 4:30 for uno.

>> With respect to 47 we won't take any action -- 67 we won't take any action or cut off speakers before

[10:29:25 AM]

4:30. 67 which is not on the consent agenda will not have action or cut off speakers before 4:30. Continuing on on the consent agenda, does anybody have anything before we ask -- before we ask the speaker to speak? Yes? Councilmember alter?

>> Alter: I wanted to flag for item no. 51, they a wonderful event on October 19th. There were -- there were \$1,395 in fees and myself, along with Flannigan, Renteria, Tovar and Casar waived and there's a balance to cover, I believe, mayor pro tem did you want to -- mayor pro tem has agreed to cover the balance of that. Fee waiver. The 445. So, thank you, mayor pro tem.

>> Mayor Adler: Okay. Let's hear from -- from

[10:30:30 AM]

William actually, 92 is not on the consent agenda so that doesn't get pulled. Is -- is -- two people on 57. Which was pulled. All right. Item no. 20 is Scott Johnson here?

>> Good morning, mayor and council, there's much to know about air quality planning and implementation in Austin. I support the scientific part of the contract that capcog is requesting regarding air monitoring, modeling and emissions inventory. Thank you very much to councilmember alter for asking questionsance of these that are on the q&a board -- questions in advance of the q&a board on the city council. The question was asked how many quality air improvement programs have changed or expanded in the past three

[10:31:31 AM]

years, the response from staff had to do with the community solutions program moving from -- from campo to capcog back to campo again. That's fine. Then also about cutting funding that is a stream from the state through the tceq to local entities and also about other things that don't relate actually to the programs that are part of the regional air quality plan, such as emissions testing for vehicles or vapor recovery for fueling chases and those type of things. What I can say, because I have attended most of the consequential air quality meetings from 1994 through 2016 and beyond is that we have not attempted to expand or improve any of the major consequential air quality programs, such as the emissions testing program. Why haven't we gone back to hays county, even though it's been recommended to see if they will join the

[10:32:31 AM]

program. Their miles travels are increasing at an extreme lie rapid rate. We tried in 2004 and failed for them to join the program at the inception, other programs can be changed or modified were eliminated. We could have eliminated five years ago the tail pipe testing that disproportionately impacts people of lesser means and color. That test is not effective. It's still going on. It's lapsing now because of the timeframe when it was effective. There are other issues that you need to know about. I have engaged prior mayors, such as mayor Leffingwell and others to have air quality hearings and testimony on this property. All roads lead to councilmember Ellis on this topic. When we committed questions in advance of the budget, they were not answered by your office. I'm not sure that's wise. So we have to find other people who are able to ask those questions. Please understand that we can do better. Air quality is the foundation for climate progress. If we're not doing well with

[10:33:32 AM]

the air quality program that you are funding and you are adding three additional 12-month addendums to, for some reason that's unbeknownst to me, ask what are we doing, how can we do better? Continuous improvement. That's what we need to ask at the advisory committee level, with staff from the transportation department, office of sustainability, that's what we need to ask at the clean air coalition meeting. And I've attended many of those meetings and the hard questions are not being asked. How is our money being spent? How can it be spent better? Thank you for your time.

>> Mayor Adler: Thank you. Also, 95, 96, 97 all concern the same thing, all of those will be pulled for speakers. The pulled items on the consent agenda, which is items 1 through 59 and 39 through 100 are 4, 16, 30, 50, 56, 57, 95, 96, 97 and

[10:34:38 AM]

100.

>> 55 not 56.

>> Mayor Adler: Um ... 55 is pulled by tovo and 56 has two speakers speaking in favor of it. So -- so 56 is pulled. Can we just take the 56 speakers? This is just to -- there's just two, can we take them now on consent?

>> Mayor Adler: Okay. Since there are just two, let's go ahead and do that, take it on consent . Is Constance -- I'm sorry, wrong item. Is Brandon waller don here, speak, do you want to come and speak? Jessica cone, do you want to come down and speak? Go ahead.

>> Good morning, mayor, Adler, city manager and city

[10:35:39 AM]

council meetings, I'm Brandon, I served as a district 10 on Austin's lgbq quality of life since its inception. It's with the commission's full support that I stand here in support of this item. We unanimously approved and in many ways mirrors -- it is estimated over 20,000 Americans will experience the harmful experience of conversion therapy in their lifetimes. Being lgbtq plus is not a disease, illness, disorder, deficiency or short coming. In an effort to change a person's gender identity can create irreversible emotional harm. At a time of violence, specifically against trans women of color, when lgbtqia plus likely to experience homelessness, estimated 40%

[10:36:39 AM]

of transgender adults reported made a suicide attempt and 92% reported attempting suicide before the age of 25. At this time, we know we must speak up, speak out against all injustices towards our community and specifically about the harm that the practice of conversion therapy continues to cause. In late 2018 the commission watched as Denver successfully championed and recommended a conversion therapy ban for the city of Denver. Months later, after the election of their first openly gay governor, the state of Colorado became the 18th state to ban the practice statewide, now over 55 cities, counties and municipalities have conversion therapy bans on the book, from Wisconsin to Bethlehem, Pennsylvania. During the 2019 legislative session it was advocated for a ban, but unfortunately the bill never made it out of

[10:37:39 AM]

committee. We recognize that true systemic change must happen at the state level where there is jurisdiction over licensing boards such as social workers, licensed professional counselors and marriage and family therapists. But we also know that Austin is often on the forefront of Progressive change in our state and hope this ordinance will not only reflect the values we hold true for our city, but will be a model for other cities across the state to do what they can to show that we will not support in any way efforts to perpetuate any form of violence towards our lgbtqia community. We must remember that our communities, specifically lgbtqia plus look for us to speak out for them. This will speak to our values of inclusion at a time when our community is needing to hear this message now more than ever. Thank you for your leadership and support. The commission looks for our -- [beeping]

[10:38:43 AM]

>> -- In the city we love, thank you.

>> Good morning, Mr. Mayor, councilmembers. Thank you all so much for having me today. I think when there's a resolution as important as this one before the council that it's incumbent upon members of the communities who are going to be most benefited by it to come out and voice their support. I want to show my support, not with facts, but by telling you a small piece of my story. My story starts when I was 10 years old. It's a story that can be told amongst many of the peoples of the lgbtqia community across the nation. For me, it started with special -- special after school programs. After that, I was shipped off to military school. Then, a behavioral therapy high school. All with the singular intention of trying to get the gay out. Unfortunately, there was -- sorry, fortunately, there was no success. Today, here I am, out and

[10:39:44 AM]

proud, still gay, telling everyone my story. I think it's important -- I lost my train of thought.

[Laughter]. Surprisingly it's actually a lot easier to speak from that side of the dais than this one. I think it's important for Austin to continue to be a leader when it comes to protections of minutes like the lgbtqia community. I just want to say again I strongly -- strongly support this resolution, thank you for your time.

>> Mayor Adler: This item will remain on the consent agenda. Sorry. Yes? Councilmember Flannigan.

>> Flannigan: I want to thank our speakers for coming down to speak today, especially the quality of life commission for their work on this resolution. When we -- when we created the commission as in the very first meeting that I got to serve on this dais, I'm really proud of the work that they have done holding

[10:40:44 AM]

community meetings and engaging the public, really highlighting the critical needs of our city. And for bringing this resolution for doing the hard work, for working with our state leaders for working with the community and bringing it to my office. I want to thank my co-sponsors for bringing this to the agenda today. This is an important issue. This is an issue that can be easily ignored and swept under the rug. But when you have a community whose youth are committing suicide at incredibly high rates, these are the very types of steps that we need to take as a city. I hope other cities take in Texas to show that every city, Austin especially, but every city is a welcoming place for everyone. And I'm excited to see what our state leaders do with this in the next legislative session and I encourage everyone to vote next November.

>> Mayor Adler: Okay. All right. So again the pulled items -- yes, councilmember alter?

>> Alter: Thank you.

[10:41:44 AM]

First I want to thank councilmember Flannigan and Brandon and the commission for their work on that item and I wanted to take a moment to highlight another item that's on our agenda. Item 22. Which is acceptance of about \$121,000 in grant funding from the state criminal justice department violence against women's act grant program. This will go a.p.d.'s violence Len against women investigative project funding which will allow the city to hire a full-time status investigator to assist can case work backlogs, hire a temporary status coordinator to identify high risk offenders and assist law enforcement and prosecutors with justice system improvements. This is the second year of the project in Austin, last year this funding was used to temporarily hire two retired investigators to assist sex crimes and child abuse detectives with case work backlogs resulting from

[indiscernible] On sexual assault kit testing from the

[10:42:45 AM]

district attorney's office. I want to thank the staff that is working on clearing our backlog and pursuing those cases and I'm pleased to see this year's funding will continue to support our backlog efforts, as well as invest in long-term systemic improvements to our justice system. I also want to take a moment to acknowledge that last week, my office, city staff and commissioners met with the teamworking on the comprehensive evaluation of how Austin responds to sexual assault. That project is now underway and I am optimistic that the team will deliver the transparent, inclusive and community focused recommendations our city is expecting of us. Overall, I'm encouraged to see this work continue to progress and I'm thankful to all who have briefly shared their experiences, however painful, in order to bring injustices to life and push for a better future. Thank you.

>> Mayor Adler: All right. The items pulled -- yes, councilmember tovo?

>> Tovo: Thank you, I need to add one more. That is item 2.

[10:43:46 AM]

I have a quick question about item 2. And then I also wanted to just indicate, as I mentioned on the work session, at the work session agenda on Tuesday, we did interact with staff about whether item -- 8 has any impact on our -- on temporary restrooms or the Portland loo model that we are hopefully going to have in place here soon. It's my understanding based on the conversations and information that I have gotten from staff that it does not mandate a requirement for diaper changing stations in those now or in the future and so -- so, are again, I just wants to thank councilmember Ellis for her leadership on that and looking forward to that -- having that kind of amenity available throughout the city.

>> Mayor Adler: Okay. Yes?

>> While we're talking about item no. 8, the diaper changing station ordinance that staff has brought back. I want to thank the co-sponsors that joined me

[10:44:46 AM]

on the original resolution that kicked off this initiative back in June, which were mayor Adler, mayor pro tem Garza and councilmember harper-madison and alter. This was personal for me because it was inspired by constituents who reached out and told me about the significant challenges. Often times we think of diaper changing stations as easily accessible in only the ladies room. As we know, Austin is a community that doesn't stick to those types of old-fashioned norms. We have many people in our community that participate in child rearing and this ordinance supports all caregivers, no matter their gender identity and upholds the responsibility that we gave ourselves as a council in our strategic plan. I want to thank the co-sponsors and for staff in working through some of the language changes to make sure that it was very clear as we are moving forward and adopting this into the city's ordinance, I'm very excited about it.

>> Mayor Adler: Okay.

[10:45:47 AM]

Thank you. Pull items are items 2, 4, 16, 30, 50, 55, 57, 95, 96, 97 and 100. Is there a motion to approve the asked? Mayor pro tem makes the motion, councilmember Ellis seconds it. Any discussion on the consent agenda. Those approving of the schedule please raise your hand? Those opposed? Unanimous on the dais. So we will now -- now proceed. Is ... I think we just have a couple of people that signed up on 95, 96 and 97.let's take -- and 97. Let's take that one first.

>> Let me take a brief moment of personal privilege. I hear a lot of sniffing and coughing. You guys probably hear us up here doing that, too.

[10:46:47 AM]

I would like to encourage everybody to feel free to fist bump and elbow bump. If I don't take your hand it's because I'm sick. Let's all take care of ourselves and each other today is what I'm encouraging.

>> Sounds good.

>> Mayor Adler: We have items 95, 96, 97 the new shelter. Is there a motion to approve items 95, 96 and 97? Councilmember Renteria makes a motion. Councilmember kitchen seconds that motion. Do we have some people --

>> Speakers on that item?

>> Mayor Adler: I'm going to call speakers. I wanted to get the item on the floor.

>> [Indiscernible]

>> Mayor Adler: Absolutely. No, no, that's okay. We have the item now on the floor. We have a couple of people that have signed up to speak on this item. I'm going to call them and

[10:47:48 AM]

give them a chance to speak. Let's pull up Constance methaney. Is -- while you are coming down, is -- is Henri here.

>> We are altogether, part of the same group. We will liked to come up all at once.

>> Mayor Adler: Come up. Either way. Go ahead.

>> Henri can go first if that's allowed.

>> We -- we are in district 3. Mr. Renteria. I just have a -- few comments to make on this

[10:48:48 AM]

item. I'm Henri, a resident of the 28-acre timber ridge townhomes and condominiums community as well as president of the homeowners association. Mark here is the vice president and Connie is one of our board members. So we all have the same thought on this process. I will speak and they can add their own commentary as necessary. Um ... So the -- what I'm concerned with, of course, is the purchase of the roadway that you all are considering. After consulting with local businesses and residents, I have concluded that the city of Austin's outreach to the district 3 community has been either ineffective or absent, that's the way we feel. The business owners and residents of the surrounding areas feel they have not had a say-so in this matter. They have had no voice. I found out about this proposal on Tuesday, November 12th from a neighbor via word of mouth who heard it from a

[10:49:49 AM]

businessman. Due to the presence of the Austin CBS news crew in the area filming. I am in vehement disagreement with Austin purchasing this roadway inn and convert being it to a homeless shelter. While -- the -- it's a bad idea for reasons the city of Austin may not have considered. I would like to address these reasons now. Firstly, there is a serious matter of the park west inn which is a mere 100 yards away. It is a known mess of drug dealing and prostitution. Austin pd is well aware of this crime hub. But the city of Austin councilmembers may not realize that it is that close to this area under consideration. To bring additional homeless into this area, at least to focus them into this particular area, is to bring people who are battling drug addiction, to exacerbate the local crime problem. This will do a disservice to

[10:50:50 AM]

many of the homeless being brought in to bringing them to a location with ready access to drugs. One can readily observe the coming and going of the people at park west inn, they can classify them as -- those who are

[indiscernible] To other homeless. To bring additional homeless into this area means to expand the influence of this crime nest. Yesterday, I was speaking to a businessman, we had a CBS news crew come and interview us. I was on the TV yesterday. The -- while I was there being interviewed, I saw crime activity in progress. Just right there. And in plainview of the roadwayinn. It's just interesting that the camera crew could not film because they were interviewing me. They wanted to turn their cameras to the actual crimes in progress. Anyway, I just thought that was an interesting point. The second thing that I wanted to bring into

[10:51:50 AM]

consideration is the economic impact. Our area is growing economically. But this homeless shelter will impact this growth negatively. As an example, our timber ridge community which is just 150 yards away has been working for a dozen years to proactively enhance the value of these town homes and condominiums. This year the timber ridge community embarked upon a multi-million dollar project to complete the renovation of all remaining buildings in its complex.

>> Mayor Adler: Sir, your three minutes is up, but the other people can speak up now.

>> Can I give him my time.

>> Mayor Adler: You can. You have two minutes then.

>> Thank you, I will conclude shortly. So talking about the economic impact. It's reasonable to expect the exodus of businesses and homeowners from this community for reasons similar to my own. It is reasonable to conclude that the decision by the city of Austin will have a negative economic impact on the surrounding businesses and communities and will

[10:52:51 AM]

stifle or halt economic dynamism and growth. I am in plainview of this facility that is proposed. If I see a homeless shelter there, I would be motivated to leave and I represent people that want to make this area better. To put this place -- this homeless shelter there is going to have a negativity impact -- negative impact. There's a businessman who has already told me if you put this there, I'm leaving. He has a really nice business. Auto detailing. He's trying to buy the business next door, he's not going to do that now. If the city of Austin considers purchasing the park west inn, I would also consider that I purchase the motel 6, and the -- and the park west inn, the motel 6 and the roadway inn, all three of these places are places that have a lot of crime and they are all right next to each other. All three. You are only dealing with one here. If you are going to do one,

[10:53:52 AM]

you should do all three or at least deal with the whole problem together. Treat is organically because they are all connected. So -- so if there's anything more that you guys want to add?

>> Mayor Adler: Thank you, you have three minutes.

>> Also, the proposed homeless shelter is very close to Linder elementary, Travis high school, there's a preschool at the Korean Baptist church and close to St. Edward's university. Young adults from Travis will walk across I-35 and also children going to Linder elementary. It's also very close to the maple Davis park, which has a swimming pool and a skate park. And, also, it is bad for the homeless because there's not any grocery stores in the immediate area, there's not any pharmacies. There's not any hospitals

[10:54:54 AM]

close by. I'm also an emt and when the homeless are strung out on drugs, like k-2, they are disoriented and there will be more fatalities because it is right next I-35. And there's already a high number of homeless that are killed by crossing I-35. And I give my other time to the other speakers.

>> Mayor Adler: Okay, you have three minutes, sir.

>> Okay. I just wants to speak primarily to the crime that we've experienced in this area. I moved to this complex, I'm with Henri, I'm the vice president of the hoa there, I've been there since 2014. In that time, we have had countless break-ins, into the homes, car thefts, drive-by shootings. Our mail being stolen and vandalized. All of this has been primarily homeless activity. We have spoken to A.P.D. On

[10:55:55 AM]

numerous occasions. They have confirmed this. That this is homeless activity in our area. It is mostly driven by the drug trade that's going on in our area. We actually see the police sitting out front of our unit, just watching for these drug deals happening. By bringing in this homeless population, that is just going to explode. We, as Henri mentioned, we have already put in \$2.5 million to improve our property and we just feel this is going to tear apart, the value of our homes and bring down the community completely. Do you have anything to add?

>> Mayor Adler: Thank you very much, thank you. Thank you very much for coming down. Is Matt molika here? You have three minutes.

>> Good morning, council, thank you for the time.

[10:56:56 AM]

I'm here as the executive director of ending community homelessness coalition. We are for the purchase of the roadway inn to help people experiencing homelessness here in our community. It's our believe that the supportive services provided in the space will help the residents of the roadway inn navigate the neighborhood and sort of alleviate some of the concerns that we've heard previous to this. We are looking to bring in both case management services, clinical case management services, primary care services, substance treatment services and access to those services will be available to all of the residents at the hotel and also to other community members that may need them. I think it's an important -- important discussion to have and -- and I'm glad that the speakers previous to me came up and expressed their concerns. I think that it goes a long way to addressing some of

[10:57:57 AM]

the nimbyism that occurs with regards to people experiencing homelessness. I believe everybody deserves a dignified place to sleep and being inside and we believe hotels is a good step towards that. With council approval I can assure the people in that community that the support needed for people experiencing homelessness, they will be moving inside, will be present, we'll be active in that community and I'll be happy to be available to -- to the neighborhood association there to answer any questions or have discussions about how the services might be provided. So thank you for your time.

>> Mayor Adler: Thank you. Mayor.

>> Renteria: Can you also explain to the neighborhoods that there's not going to be camping or people loitering outside.

>> Sure. So -- yeah. I think one of the primary misconceptions is that people will show up to the hotel to access rooms in the space, you know, echo will be very involved with the service providers in the community around creating

[10:58:57 AM]

referral pathways into the roadway inn, the hotel. So referrals into that space won't come on site. Services on site will be provided to those living in the space. It won't be a space that will be for congregate -- for people to congregate and you won't gain access to the space by showing up there, so there won't be a reason for someone to come and camp and be in that area at all, other than if they are there already. If they are there already, we are looking at these spaces being a way to alleviate camping and people experiencing homelessness that are unsheltered in those community, so it might be that they are good candidates to be inside in that space.

>> Mayor Adler: Thank you, Mr. Molika. Those are the speakers. Conversation on the dais? Councilmember kitchen?

>> Kitchen: Mr. City manager, perhaps you could

[10:59:58 AM]

also speak to -- speak to the changes we made in the ordinance with regard to areas around shelters?

>> Sure, councilmember. As the changes that were made most recently in October, allows the city manager to designate those shelters and provide additional restrictions that would be placed upon them, if this were to move forward, we would have those considerations as well.

>> Kitchen: I understand the ordinances say there is no camping allowed within approximately a quarter mile around shelters and that -- that is -- that our staff is tasked with designating those areas. Am I understanding that correctly?

>> That's correct.

>> Kitchen: Okay. I understand that the ordinance also sets out a process for -- for city manager to go through to put that ban in place; is that right?

>> That's correct, that would be a similar process that we use for the arch as well.

>> Kitchen: Okay. And my understanding is that

[11:00:58 AM]

goes along with what councilmember Renteria was saying, that this would not be operated as a drop-in place and it's also -- also not to be a place where -- where people can camp around it.

>> That's correct.

>> Kitchen: Okay.

>> Mayor Adler: Councilmember tovo?

>> Tovo: I have some questions for staff and then some comments. I wanted to ask and just confirm that my understanding from the memo is any lease or service agreement for the operations of this development will come back to council for approval.

>> Robin Gonzalez, assistant city manager. Yes, you are correct. Any lease or service agreement would have to come back to council.

>> Tovo: Great. Thank you. I would like to provide some direction, manager, that when that lease agreement comes back to -- well in advance of that, in fact as early as you can provide it, if you can please get us some information about estimated costs of renovation for that, estimated costs of

[11:01:58 AM]

service -- services so that we can have a realistic understanding of what the expenses are that are associated with operating this, in the way that we intend to, which is to make sure that all of the individuals who are -- are living there are being provided with services that help them find permanent housing and if the intention is to convert it into permanent housing, then I need a better understanding, as I mentioned on Tuesday, I need a better understanding of what the costs are associated with converting this to -- to units that would include a kitchen facility, so that individuals could live there permanently and so that's -- that is the -- I think essential that the council be provided with that information as soon as possible. I appreciate the examples from other areas. I really need to kind of drill down with whoever is responsible for com buying those. Understand there were estimates for some of them. It's not clear to me whether some are operating as shelter or whether they

[11:02:59 AM]

converted from shelter to permanent supportive housing, what the costs are associated with that conversion, the age of construction, all of those things I think are important to us again assessing what kinds of costs we will be looking at with this new model. I support the new model, but we have -- we have -- we have not begun to really delve into the details associated with how to make that work really successful for some of our most vulnerable austinities. So those are a couple of the requests that I would make so it's not clear to me if they did convert from shelter to permanent supportive housing and required a renovation if residents were able to stay there during that process. And if not, how are we contemplating undertaking that process here in Austin. Would we use it and then ask everyone to leave

and convert it. And manager too as we move forward in investigating and exploring and moving forward with this model, I would ask

[11:04:00 AM]

our real estate department to really look at these examples, help us all better understand them and I think we need to determine whether it's wise to seek out properties that already have those kitchenette amenities or do that up front and use it as an operational facility and undertake an operation that's going to require potential displacement of those residents. And lastly, as I mentioned on Tuesday, this is just over the border of district 9. District 9 goes east of the interstate at I-205, just immediately north of this area. It also district 9 extends down west of I-205 right across -- I have heard from constituents as well and I appreciate their involvement in it and reach out to the contact team. This is what I would regard

[11:05:01 AM]

on the borderline of those two council districts and I want to make sure all the surrounding neighbors are involved in these conversations and can have an opportunity to have their questions answered. To those of you who came today or have been writing including my constituents, I was not aware of the crime in this area, I am concerned about it and believe you have a right to have a safe neighborhood. And it's my hope that the city's involvement and ownership of that property will really be an improvement in that area. I think that we'll be able to provide a level of safety that it sounds like doesn't exist. I appreciate you raising attention about the other two properties as well. I want to be careful we're not equating individuals experiencing homelessness with that crime. I think no one deserves to live in a neighborhood with an active drug market and so I hope that our manager is going to prioritize making sure we are addressing that issue as quickly as possible both for your safety and quality of life as well as

[11:06:01 AM]

for the individuals who will be living in this new property that will be city owned. So thanks again for your work on this and again, I think we have more conversation ahead of us and I would like to have them well in advance of when that lease agreement comes back.

>> Understood.

>> Mayor Adler: Councilmember alter.

>> Alter: I want to echo the last point councilmember tovo raised so eloquently. Nobody deserves to live in an area that has a drug market going on and I would also like to ask the city manager to make sure

we're doing everything we can to address that situation. As we're having those conversations about the hotel conversions, I'm learning more about some situations that are going on in motels in our city that I was not aware of that raised some concerns to me. This also came up in the gun

[11:07:02 AM]

violence task force that the data is showing the gun violence is happening in close proximity to these hotels and so there may be some opportunities to be addressing multiple goals that we have through addressing these as well as the needs in the neighborhoods. And I don't know if we've had a us is stained look at -- had a sustained look at those as particular areas that need some focused attention in the future. So I would like us to consider that. I wanted to ask if we know who is staying in this hotel right now. I know there's some folks who are using those motels to keep from becoming homeless and that's where they are living because these are sometimes less expensive. Do we have a sense of whether we would be displacing folks in this process or using that particular hotel to live?

>> Alex Gail, interim officer for the office of

[11:08:02 AM]

real estate service. I actually don't have that data right now but we can work on getting that to you.

>> Alter: Well, I would hope that before we would sign a contract, if we're trying to address our homelessness situation, that we would be very clear to know that we're not just creating more of a problem by kicking people out of this hotel. And I don't know how to -- in this process, I don't know how to interject that kind of concern, you know, before you sign a contract we should know if people are using -- living there. We're not solving anything if we're just kicking people out of a place that they are living. So I don't know if you have a suggestion of how we -- how we make sure that's --

>> Mayor Adler: Mr. Malika, do you want to address this? I think it's a good question. It's a question that I had the opportunity to ask earlier as well.

>> And I appreciate that concern and that question. So currently right now

[11:09:03 AM]

through our coalition of providers we're not aware of people accessing our homelessness responses and staying in that space. What I will say is if we do go in and see there are folks in need of greater assistance there, they will not be asked to leave that space if there's a long-term need for that space and we'll work to triage anyone living in that space to get them on a path to a more permanent housing

option so it won't be -- they will immediately be asked to leave and we certainly have no desire to create homelessness within this work that, displacement that works against all of the work we're currently doing to end homelessness in our community. I think it's a very good question and other times this has been done, you go in and do an audit of who is staying there and why are they there. If we have folks on long-term lease or long-term stays we talk to them and help them access resources that might help end their sort of precarious

[11:10:06 AM]

situation.

>> Alter: Thank you. I just want to state a concern that I very broadly about this process. You know, we have a homelessness crisis that we're trying to address and we need to make some investments. We are operating within a real estate market that works very quickly and so we have to make decisions if we want to buy properties on a pace that as an elected official who would like us to have more engagement is rather uncomfortable. And -- and it's just a reality of what we have to do if we want to take exist ING space and transform it. And that's a very uncomfortable space for me right now with this process. I want us to find mechanisms and I can see how the motel-hotel is a good

[11:11:07 AM]

option, but I'm struggling with the speed we have to do it recognizing why we need to do that. So I really do want to underscore that our staff -- you know, even if we authorize this today that, you know, some more diligence needs to be done before we jump forward with this, and I'm just struggling with how we make that be the right decision moving forward.

>> Mayor Adler: Okay. I appreciate you coming down and talking and the concerns that you raise are not dissimilar from concerns that I hear from others as different locations in the city are discussed. And I think that those concerns that I've heard are real as well. If we're going to -- to fundamentally change the

[11:12:07 AM]

situation of homelessness in our community, it's going to require us to find and place housing in our city. So it's something that we have to do. But the concerns that you raise I think are -- it's incumbent upon the city to address and be really deliberate and mindful and top of mind about the tenses that -- about the concerns that you raise. And I also concur with the points made by councilmember tovo. And to that I would only add that I -- that I hope that with the focus on this area in this way that conditions either actually improve for the community. I think that this council has had those conversations about the arch

and changing conditions around that area, and I think if you go out there now you'll see some of that activity and that

[11:13:09 AM]

progress being evidenced with respect to the open-air drug and crime situation that exists. The only thing that I would add, I know that you are in councilmember Renteria's district and I know you will have continued contact with him on this, but I promise you personally that I will come out there as this opens to be with you on site regularly so that we can talk about whether or not the concerns that you are expressing are realizing or if there are things that we can identify that I can assist you and our city and making sure will happen. But I will be available and with you at that site. Further discussion on the dais? Councilmember kitchen.

>> Kitchen: I just want to circle back around to -- I

[11:14:11 AM]

understand this to be the same model that we've been talking about and we've said some of that as part of this conversation so I just want to repeat it. And that is that this is a place that people are referred to, are connected to social service, health care and other -- other help they may need with the goal of them find more permanent housing. That's what we're talking about today is a place for people to go through, not to. And I wanted to emphasize that. It is true that there's been some conversation about perhaps in the future this could be turned into more permanent housing, but that is not what we're moving forward with today. If we do proceed down that road, then the kind of questions that councilmember tovo has asked will need to be addressed. At this point in time, my understanding is we're moving forward with the model that we've talked

[11:15:11 AM]

about before, which is a place for people to go through and not to. There's no drop-in and the services are available to those who are there. And then we have in place what we talked about in terms of how the area around the shelter is handled from a -- from a camping perspective. With that said, I do echo what my colleagues have said. I think that there's an opportunity here to be more proactive as a city to address what you brought to our attention in terms of the drug market that's occurring at those other locations that are near there, and I would ask the city manager and our staff to take a look at those locations along with APD to see what additional kinds of actions might be taken on the part of the city. So I think that's really important. So I just wanted to -- to make that clear. Thank you.

>> Mayor Adler: Okay. We have a motion and a

[11:16:11 AM]

second on items 95, 96 and 97. Let's take a vote. Those in favor of these items please raise your hand. Those opposed? It's unanimous on the dais. Those three items pass. Thank you for coming down. All right. Let's move then to the next item. Councilmember tovo, did you have item number 2?

>> Tovo: I did.

>> Mayor Adler: Let's handle some I think we can handle quickly.

>> Tovo: Yes. Remind myself what 2 is.

>> Mayor Adler: Paramedics --

>> Tovo: Yes. Very quickly and I don't think we'll be able to resolve it did, but city manager, I did ask a question of staff, I would like to better understand whether this is a eligible expense for the waller creek tif. We did ask that question and the answer was returned it's not contemplated in the

[11:17:13 AM]

service agreement so wouldn't be a eligible expense, so there's nothing we can do about that today. But I would like to understand the process for amending the service agreement for the tif because we have been talking for a while about the opportunities that exist -- to use some of that waller creek tif dollars for our efforts to end homelessness and to serve those who are experiencing homelessness. And it appears to me ifth is an ineligible expense, some of the other things we've been talking about also won't be eligible expenses. As soon as possible if someone on your staff could look into that and determine what the process would be for amending that service agreement or taking whatever other steps are necessary to get that happening, that would be what I would ask. And with that, even though I'm not supposed to, to move things along, I'll move approval.

>> Mayor Adler: Motion to approve item number 2. There is second to that? Councilmember alter seconds. Calm alter to speak.

[11:18:15 AM]

>> Alter: This particular item is saying we are intending to reimburse ourselves if I'm understanding for item 2. I think you could -- we could still have a conversation about how we pay for it when we do the reimbursement. So this is allowing us to purchase it and then get paid back later. But it doesn't mean we couldn't use -- if we could figure out a way to do it, that we couldn't use the waller creek tif. If I'm understanding.

>> We'll get that process to you as soon as we can.

>> Alter: Thank you.

>> Mayor Adler: Moved and seconded. Let's take a vote. Those in favor? Those opposed? Unanimous on the dais can councilmember Casar off. Let's take up item number 100, cap metro staff is this afternoon. This item was pulled by councilmember

[11:19:16 AM]

harper-madison.

>> Harper-madison: If I may, mayor, prior to us taking up that item, I'm being asked by a member of the community with whether 66 was on the consent agenda?

>> Mayor Adler: It was on the consent agenda.

>> Harper-madison: Thank you. So I've had the great fortune of working with some of my colleagues on this item and I'm happy to support it, but there are a couple things I would like to express. Mostly I pulled it for conversation. I'm super excited to explore options for the city to help cap metro after we work towards our 50/50 mode. It will improve district 1 -- excuse me. District 1 residents access to jobs, entertainment and other opportunities at broadmore, the soccer stadium and at the domain. So thank you to councilmember pool for bringing this item before us and being a co-sponsor. I would like to work with

[11:20:16 AM]

you on future opportunities to explore infrastructure improvements that could benefit riders of the five existing bus routes in this area. Those routes provide access to these neighborhoods from all across town whether down on slaughter or way up to tech ridge. We're going to be talking a lot about project connect next year. And part of that conversation will be about striking an equitable balance between investments that could get choice riders out of their cars and investments that are existing transit-dependent neighbors -- excuse me. The opportunity for dignified service that they so much deserve. So on that note, on a higher level, I'd love to look for ways to demonstrate that we are as committed to one group as we are to another. Bus riders need love too. In the meantime, this part of town is about to face a whole lot of transportation

[11:21:17 AM]

issues so I am happy to support this item and hopefully set the area up for success with multimodal options that work for everyone. Thank you.

>> Mayor Adler: Okay. Councilmember pool, do you want to make a motion? You move approval of item 100.

>> Pool: I do, but I think Mr. Suttle is here. He asked if we could make a quick statement. Yes, I'll move approval of item 100.

>> Mayor Adler: Is there a second to that? Councilmember Renteria seconds that. I've handed out an amendment on the dais. I think it's okay with you. It says we're looking for value, the hope would be that the -- if there's a way for us to create value and thus increase the contribution from the developer and the development services, I want us to take take look at and see if anything is possible in that regard, just to check. I understood that amendment was okay with you.

[11:22:17 AM]

>> Pool: It is, and just also to read into the record that with this tiers application and the work and analysis cap met throw staff will be doing, I want to ensure whatever is brought back for conversation we have an elegant and geographically discreet tif identified and as short a time frame for reinvestment zone as can possibly be crafted.

>> Mayor Adler: Any objection to my amendment being added? Seeing none, my amendment is now added -- well --

>> Pool: And then I have a motion to add some additional language at line 36 that I'm just now passing out.

>> Mayor Adler: Okay. While that's being passed out, councilmember Casar, did you want to say something?

>> Casar: Take a look at what she hands out.

>> Mayor?

>> Casar: Sorry, this is for -- oh, no, this is for --

>> Mayor Adler: Do you

[11:23:19 AM]

want to read your --

>> Pool: This is line 36b, further resolved in creating alignment for the red line trail, the city manager the further directed to work with cap metro -- I think this is not for -- this says for item 100, but I think it's

actually for item 57. If you all would change that please. The only amendment is the one from the mayor.

>> Mayor Adler: What you handed out was already --

>> Pool: This is for item 57. It says 100. If you could scratch through that and put 57 on it.

>> Mayor Adler: Okay. So councilmember Casar, do you have a comment about 100 before we go to --

>> Casar: Yeah, I am in favor -- I'm going to vote in favor of 100 because we are assessing the financing tool. And I think getting assessments is useful. I don't -- I just want to flag for you that I'm not confident in saying because we're assessing it we're going to do it because I do want to invest more of the

[11:24:20 AM]

city's financial support towards transit and I do think that the red line is one component to multiple components. I would want to see this side by side with other, you know, with all the different lines that we're looking at for next year, all the O and M and capital costs we're having to put in, I want to make sure we aren't piecemealing it if possible. If this comes back to us, I just want to put out there to everyone that I would really like to sort of see the more comprehensive plan of how we're investing in transit before we make any one particular decision because if -- as councilmember harper-madison mentioned, if we need more help on this line versus that one, I want to know which station is going to be more productive than another station. Leveraging private investment and dollars is great, but I just, since we're talking about so many different lines, I wouldn't want to think of the red line in isolation just like I don't want to think of the

[11:25:21 AM]

Orange line in isolation. We are talking about tifs along corridors and major spots for affordable housing so I would want to better understand how -- just do this more all at once instead of just thinking each one makes sense individually.

>> Mayor Adler: Okay. Mayor pro tem.

>> Garza: This wasn't planned but I see why we're considered a tag team. I want to echo what was said. As someone who sits on the capital metro board, I do have concerns. This issue was brought up during the negotiation for that soccer stadium, and my office worked really hard with the team to try to get as much investment for that station because we knew with the limited parking spaces and the -- and the area and

[11:26:22 AM]

the constraints the need for a station. I believe we were able to get three and a half million in that deal, but we should have -- we could have gotten more and we should have gotten more. And so I'm concerned about any -- in a very difficult position as a board member of capital metro wanting to find creative ways to fund these stations, but at the same time setting some kind of precedent where next time an issue like this comes up, the developer can just say why don't we just put a tif there. We don't have the money for this station, but, you know, maybe we could tif this. You know, we have limited ability to tif things. We can't -- we can't use that tool and so I -- I look forward to the report back to see what the -- what the options are, but from an equity standpoint, there are road connections that need to be made in district 2. Pleasant valley, for example. I'm sure that district would

[11:27:23 AM]

appreciate some kind of tif and creative funding for that, but that will likely have to be done through an upcoming bond. So I hope we -- I guess in some informal direction to staff is to look at the big picture, not one of these at a time because we have a limited ability to create these kinds of needed -- needed infrastructure, but I'm concerned about any kind of precedent it may set.

>> Alter: Thank you. First I want to thank councilmember pool for her leadership and efforts to move these rail stations forward, and I know she had worked hard to get more money when we were talking about mckalla previously. I share the concerns that mayor pro tem and councilmember Casar have mentioned. I'm excited to see that this resolution is asking the city manager to assess options for private

[11:28:24 AM]

development and funding. But I'm hoping that we are going to seriously consider options other than tifs. I think we have to be really careful earmarking our funds without understanding the down the line costs. If we don't take in that tax money for our general fund, our general fund will be missing money that it needs to cover expenses, and we know that we're going to be struggling to get enough general fund money with the revenue caps moving forward. So I support investigating how we can fund this, but I would like us not to rely too heavily on an a tif or ters. We can look at public improvement districts so we can make sure they are being serviced in an appropriate ways. I don't know how that plays out in this area, but we cannot take all of our tax money and earmark it for different things around the city.

>> Mayor Adler: For me in looking at this and I'll

[11:29:25 AM]

come right back, the study is real important. Because when you look at financing with a tif, you're looking at an increment. So the theory is a question being asked in the study, by moving those stations do we end up with more tax money than we would have otherwise had if we do not do these station changes. And if it's determined that we don't generate any more money from doing these station changes, then this is going to be an inappropriate thing for us to do. There's no increment for us to be able to attach. And only by ensuring that there's a but for, that it only happens if there's an increment, do we ensure we're not taking money out of the general fund that should be spent in areas where there are in fact greater needs. Because we don't want to do that. But if there's a way for us to generate greater funds and make the pie bigger so that there's more money not only to be used here but used all over the city, then

[11:30:27 AM]

we need to take a look at whether or not we should do that to even criss the size of the pie -- increase the size of the pie. But whether we're increasing the size of the pie is the analysis we're asking for here. So I'm happy we're going to do this study with that standard. Knowing that that's the standard that needs to be it. Councilmember Renteria.

>> Renteria: Thank you, mayor. I also have that concern. You know, especially when the developer came and -- from the broadmore, proposed broadmore station and moved to Kramer, he left me with the impression that they were going to be able to fund the station move because we already had one there at Kramer. And, you know, I'm very concerned that we're using tif money now to supplement this move that was promised by the developer that was

[11:31:27 AM]

building there at the domain area. So it's a big concern, but I am going to continue -- I'm going to support this one, but it's -- it's very hard to make that decision knowing that we're going to be using our tif taxpayer money to supplement this development.

>> Mayor Adler: Any further comment on this item? Do you want to speak before we have Mr. Suttle come up?

>> Flannigan: I think all the same concerns. The red line, as you know, serves district 6 in a pretty significant way and folks up the capital metro service area in Leander, there are many mornings that train is full as it leaves the Howard station before it reaches these two locations. I think there's a lot of analysis to be done on the efficacy of new stations and

[11:32:28 AM]

whether or not tifs are an appropriate tool. I have long been a vocal skeptic of tif. I was pretty vocal on that when we did the waller creek tif. I'm glad to hear there are others that share those concerns. And I'm also concerned about earmarking pots of money for certain uses. We have other items on this agenda where we are doing that and I've not heard people express those concerns in a similar way, so I really hope that we're all coming to some kind of combined understanding about focusing on the long-term impacts to the general fund and making sure that we're spending our money in the most equitable way possible.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: This is -- I support moving forward with this. I appreciate the work of councilmember pool and her co-sponsors on this and all the concerns that people

[11:33:29 AM]

have expressed I think are addressed by this resolution because it talks in terms of conducting a feasibility and financial analysis of a -- the potential for a ters or other value capture tools. I think it's written broadly enough to allow us to look at theange of possibilities. And I forget who mentioned it, but I think that looking at these kind of -- I think it was mayor pro tem, but looking at these kinds of financing options that we're going to need across the board for different aspects of what will be happening with -- with our transportation infrastructure through capital metro is very important. And I appreciate the resolution that councilmember Flannigan brought a while back asking that we look at all those possibilities. I also wanted to say in the mix as we go forward with this, I know there's an

[11:34:30 AM]

interest in remaining aware of and thinking about our pedestrian and bicycle connectivity to stations. And so I think that that's -- that's already in the mix and we just want to keep that in mind as we go forward.

>> Mayor Adler: Two people signed up to speak. Is Tom Walt here? You have time donated from Roy Whaley. Is Mr. Whaley here?

>> [Inaudible]

>> Mayor Adler: Five minutes, Mr. Walt.

>> Thank you. My name is Tom Walt. I'm with the red line parkway initiative. And both of these stations obviously are right along the red line so we have a very close interest in what happens here. I appreciate all the remarks that, those have been thoughts going through my head regarding tifs and the proper context of them. There's a few things in my mind going on regarding the stations and what is

[11:35:30 AM]

applicable regarding tifs. I appreciate councilmember kitchen bringing up the aspect of connecting through walking and biking and I will just as an aside, but an important aside, note that trails and biking improvements and walking improvements also do increase tax value. And so there's a long history, a lot of studies that indicate that when you build a trail, you end up increasing property values along the way too. Whether it's part of this or part of another conversation, I want to make you all aware that's a very valuable thing that trails and biking and walking connectivity provide. In the context of this, I think it's implied with these stations that there's going to be ways for people to walk and bike to these stations, but I found with a long history of experience sometimes those things aren't included even though they are understood they

[11:36:30 AM]

will be there. I will note I've not seen any renderings for the mckalla station, but because of the broadmore station and intense amount of development going on there, there is going to have to be a complex solution in order to provide the city-planned red line trail through that area. And that potentially could create quite a bit of additional expense. And so my -- I imagine as part of a station, that would be something that would be included as it is providing a bike and pedestrian connectivity to a station. I would prefer in this resolution or in the subsequent resolution that may happen in January or February that that be included as it is a station amenity. So yeah, again, my preference would be to add the language simply saying pedestrian and bike connectivity to the station. Maybe calling it the red line trail, about out the bike and pedestrian connectivity would be helpful. I'll welcome any questions. Thank you.

[11:37:33 AM]

>> Mayor Adler: Richard Suttle. And you have three minutes.

>> Mayor, members of council, Richard Suttle, here on behalf of the soccer team. Two points I want to make. I want to clarify some comments or information that was in the chronicle about -- that could be construed as lack of interest or support in this item from the soccer team. We're very much interested in the rail station. We are a major contributor to the rail station through the lease, through the city. And we're very supportive of councilmember Pool's efforts here to analyze different ways to do the Broadmore and the Mckalla station. The other thing I would like to mention is a clarification to the mayor's amendment. It talks in terms of seeing if there is value to be created by expedited permits for developments adjacent to stadiums or adjacent to developments, and I'd like to say more than adjacent

[11:38:33 AM]

but within the area we're studying. If you limit it it could be construed -- there could be value to be created there. And I just make that -- make that comment in case you wanted to clarify that. Otherwise, the soccer stadium and the soccer team is excited about this endeavor and supportive of the efforts. Thank you.

>> Mayor Adler: By putting it adjacent, I didn't mean to limit the number of properties. I would like staff to investigate any kind of nonfinancial ways that we can offer that would increase value. Is there any objection to taking out adjacent and putting in area? Hearing none, that change would be made.

>> Pool: And by area, if I may, you mean within whatever the boundaries might be that are described, which we don't yet know. That is fine with me.

>> Mayor Adler: Leaving it to staff discretion as a way to raise money without having to use general fund

[11:39:33 AM]

money.

>> Pool: Right.

>> Mayor Adler: Okay. It's been moved and seconded. Any further discussion? Councilmember pool.

>> Pool: Yeah, just to close, I think everybody who has participated in all parts of the city, again, with this I have for a long time been a bit of a tif skeptic myself and have said that not only in these fine quarters but elsewhere and before I was on council. But I think in this instance because when we were negotiating to bring the stadium, a big focus for me was to have sufficient funding to put a rail stop there and the best we got was the mayor pro tem's efforts, which I really appreciate. So we need to have this infrastructure in our city to move around large numbers of people. That does not obviate the need for other types of transportation. We are all clear on that concept. I think we all are in agreement about that. This is very narrowly drawn, very tightly construed

[11:40:37 AM]

resolution request. Again, I'm looking for something that's geographically discreet with a short time frame, less than 15 years for a ters, something that is elegant and takes care of the question and provides needed infrastructure services far into the future for our community. I thank the folks with broadmore, tsatco, my colleagues for input and concerns, my staff and all of the city staff for helping pull all of this together and I look for the memo or presentation in early 2020. Thanks.

>> Mayor Adler: Thank you. Colleagues, let's take a vote. Those in favor of this item 100, please raise your hand. Those opposed? 100 passes unanimously on the dais. 100 is taken care of. Let's go ahead and take the auto aid item up next. So our first responders can

[11:41:38 AM]

get back to work. Is there a motion on auto aid? Councilmember kitchen.

>> Kitchen: I would like to move that we postpone the item on auto aid. I would be interested in putting a date on that and ask our staff and -- what date that would be. My understanding there's some potential changes that are proposed that need to be considered and that additional time is needed.

>> Mayor Adler: Motion to move to December 5. Item 16 being postponed to December 5. Seconded by councilmember pool.

>> Flannigan: As I said on

[11:42:39 AM]

Tuesday, I'm really concerned about postponement. We already have an existing auto aid agreement with Travis county esds, but we do not with Williamson county. So delaying this item to work out some fine details, we can have that conversation, but it has -- the longer we wait to do this, the more of a negative impact on the Williamson county side of the city. Of which, of course, I am a member myself. I'm really concerned about the public safety reaction and the ability to partner with our Williamson county friends. We have a fire station that is -- the jollyville station that is completely contained within the city of Austin because of how we've annexed over the years, but there will be a delay, there is a delay now in that fire equipment responding because it's not an auto aid agreement. One of the highest -- or the longest response times areas in the city is the corner of Avery ranch, which is the

[11:43:42 AM]

farthest parcel from city hall and it has not only -- not only does it have in that kind of really bad level of response time, it is also not slated for another fire station, unlike the other parts of the city which have really long response times. Auto aid is really important to the 40-plus residents who live in Williamson county so I'm hoping we can move forward on this in quick fashion.

>> Mayor Adler: Chief, do you want to come up and talk to us? Idaho,.

>> Good morning, chief baker, Austin fire. We have been working with our partners, the union, and others, es dds on auto aid for quite sometime now. We believe auto aid is needed for the city of Austin as well as esds, for example. We have an estimated response time, without the esds, close to 12 to 15

[11:44:42 AM]

minutes in the areas of Austin that we cannot get to quick enough so having the esds and auto aid it's a win win for the city of Austin as well as other residents. There are some areas the city of Austin and fire department cannot get to within eight minutes. There's some areas in the esds they cannot get to within eight minutes. However we can make it to some esd partner areas within eight minutes or quicker and they can make it to our area. At the end of the day, your citizens do not care what patch or what fire trucks show up at their home. If they are having a heart attack when those brain cells start to die within six minutes and we can't reverse them, they want someone there, regardless of the patch, who can do cpr, shock their heart back to life, start an IV line so they can get out of the

[11:45:43 AM]

hospital back to their family. If a fire breaks out in their area, it doesn't make a difference what patch or logo shows up on that fire truck, as long as someone can get there and put those flames out and save that child in the back of the bedroom at 2:00 A.M. The majority of the calls we are running with esds and they are running with us are medical related. A small portion are fire related. But the fire calls are just as important as the medical call. The auto aid is a win win for all stakeholders. There are some areas, especially in the Williamson county area where we're not making the response time within the eight minute response time. We're getting there with the assistance of the esds about nine minutes and 11 seconds. And without the support of the esds we may get there within 12, 13, 14 minutes. Without the esds, this -- bottom line it's a win-win

[11:46:44 AM]

for all citizens.

>> Mayor Adler: Any questions for the chief? Councilmember kitchen.

>> Kitchen: Thank you, chief. I think we all agree that the auto aid agreements are important and certainly no one is suggesting that we want to move forward with something that would risk the safety of individuals. So what I've got on the table is just postponing it until December 5. Are you saying that postponing it until December 5 is -- would cause a problem?

>> I'm saying that we have postponed this two times, I believe, already. Postponing it again will just continue to delay the issue at hand. I don't see the need to postpone it any further. So I believe the question is, are more people going to die or get hurt if we postpone it? No. Because we're still running auto aid with Travis county.

[11:47:44 AM]

We do not have the agreement with Williamson county to run auto aid and there is need in the Williamson county area to run as well.

>> Kitchen: You're saying you don't see the addition of I think it's two weeks as valuable in terms of getting to a point where we can all be on the same page?

>> I think we are close on the same page. I have compromised with local [indiscernible] And compromised and compromised and compromised. I don't see a need to continue to compromise on the compromises.

>> Kitchen: Okay. Thank you. I would like to hear from Mr. Nicks.

>> Mayor Adler: Any other questions? Thank you, chief. The next speaker we have signed up is Bob nicks. Mr. Nicks. Are you here? You have time donated from Mike Duffy. Sorry, sir. And is Jeremy Copus here?

[11:48:45 AM]

You have seven minutes.

>> How many, seven minutes?

>> Mayor Adler: Yes, sir.

>> Thank you, mayor, mayor pro tem, council, city manager. Appreciate your consideration on this. The Austin firefighters do appreciate the fire chief's and esd patience. We especially appreciate Austin city council understanding that labor needs to be involved in these sort of decisions and not all governing bodies feel that way so we do really appreciate that. The compromise has been a good thing for the most part. We've been able to get with the chief and instill some things that are universally accepted by all of the esds rather than having multiple operating systems we've freed to Travis county staying on the the way we do it now, Williamson county kind of staying the way they do it now as a general principle and everybody working toward a single operating system. So that's been a really good outcome of this. There are several reasons

[11:49:46 AM]

why I think we should postpone. One is, mayor Adler, you gave us some language yesterday that we're still considering as quite a divergence from what we initially proposed, and because it's very different, I have to put it in front of my eboard, my afa work group, experienced group of very experience the instant commanders, and my membership. And I will do that in short order and I made a big effort to do that last night but there were so many questions I couldn't answer them all and get a response back. Also, there's no urgency. Travis county is currently under an auto aid agreement. And Williamson county, and I want to talk to you about this sometime, councilmember Flannigan, the technical issues to get Williamson county will not be solved for almost a year. So if it's signed today we still can't do auto aid. But I think we could do a resolution to direct the city manager to look into a short-term fix by bringing in jollyville and cedar park almost immediately. We do it with temporary stations with repeaters and

[11:50:47 AM]

radios. We certainly could get those folks responding a lot quicker and this agreement has no bearing on that side agreement. And I'd be happy to work with you on that. I think that is a very good solution. Also, there's potential problems with the way the current agreement is written. It says that it will not be effective until all Travis county esds and the city of Austin sign it. And I know for sure there's one Travis county esds chief that probably will not sign it. So that puts into question some of the contract in general. And also last but not least, the agreement that the chief wants to -- us to sign on is not posted. It's corrupted. It's been corrupted for over a week. I've reported this and it's still corrupted, not viewable by the public. This would be better -- so if there are any unexpected urgency arguments other than the ones I brought forth, I don't know what they are. I'm sure the chief has been

[11:51:47 AM]

working in good faith but he hasn't made me aware of them. If there are other ones I'd like to be called back so I could address those, please. I want to thank you for your consideration for postponing item 16 and are there any questions for me before I leave the dais? I appreciate it. Thank you. Oh, there is one.

>> Kitchen: I want to make sure I'm understanding the concern about Williamson county. So can you speak from your perspective? I may have more questions for councilmember Flannigan, too, backup can you speak to your perspective on that?

>> Austin -- all of -- auto aid has been going on and continues to go on under the current contract in Travis county for the last ten years for most of the esds. Austin has grown into Williamson county, and so Williamson county is a different dispatching system and to get them cooperating with our system so they can communicate properly and dispatch seamlessly, a technical fix needs to be done. Which is gonna take some time. One of the arguments I felt

[11:52:49 AM]

that -- that I've heard before about urgency is if we don't sign this agreement, then Williamson county won't have the comfort to be working on those technical issues and the city of Austin won't have the comfort to work on those technical issues. I don't buy that argument. I believe we -- these technical folks have bosses. I think the council could simply pass a resolution directing our technical people to work on this issue. That would give Williamson county the ability to do the same. And I want to promise everybody here we're not against auto aid. There's been some talk that 975 is against auto aid. Not at all. We just want it to be done safe and we want to do everything we can to get this done as soon as and that's why councilmember Flannigan I'd be willing to work with you on getting that fix done as soon as possible?

>> Mayor Adler: Councilmember alter.

>> Alter: I don't know if this question is for Bob or for you, mayor. I share the concern we have postponed this a lot. I'm trying to understand what the loosened is that's

[11:53:50 AM]

left because it's my understanding that the union and chief have worked in good faith to come up with a compromise that protects our firefighters, but also protects our citizens via the auto aid which like councilmember Flannigan I think is particularly important. I know that all of our districts benefit from that. I understand, mayor, that you remember working on something. It seems like there was just one little sort of piece and a dispute about whether that should be in the ils or could be done out, but that -- I don't have those details handy so I'm not sure if that would be you speaking to it or Mr. Nicks or the chief. I'm not sure that we're very far and I'm not sure why we can't resolve -- I don't know what we can't resolve in that --

>> Mayor Adler: To that end I would say that both the chief and I think Mr. Nicks have dealt with me in absolute good faith and I think both of them have made

[11:54:52 AM]

compromises and a willingness to try to work with the other parties. Part of it is is that we're dealing with an agreement that we're not the only signatories to but the chief has to reach agreement with other people as well. But my sense is, is that the substantive issues with respect to the standard operating procedures and how they apply were things that ultimately there was agreement on. There's a provision in the Ila that says once signed that as a -- with a vote of 75% of the chiefs that signed the agreement it can be changed. And if the 75% of chiefs decide to change something and it's something

that we don't want to have changed, at that point under the agreement our option would be to withdraw from the agreement. I don't want to speak for both sides, but you could

[11:55:53 AM]

ask them the questions, but I think that was the issue as to whether or not we should enter into an agreement where 75% of the other participants could change the agreement if they wanted to. And our remedy at that point would either be to accept it and go along or to withdraw. I think that's really the ultimate end. I don't know how that gets resolved because that's not a decision that we can unilaterally make. We could make the decision not to enter into the agreement with that provision in it, but the indication was that the other people wanted to have that, the other chiefs wanted to have that provision in the agreement. So I'm not sure of the way out of that box. But I think that's primarily the outstanding issue. Is that right?

>> Yes. I would say the language that you provided me yesterday is an alternative that would allow us to have some comfort in signing the agreement without having it in the auto aid agreement proper, and that's what

[11:56:54 AM]

we're continuing to vet. It could possibly solve that issue, but it was a very firm point for us, that's why it's going to take some consideration to see if we can bridge that.

>> Mayor Adler: So basically what I had proposed for consideration was not changing the Ila, keeping the Ila exactly the way that it is, and if there was a change made by 75% of the chiefs to the Ila document, that council would be informed of that, that we would be given 45 days notice so that if the council wanted to take any action at that point we would be able to. So it would keep the Ila the way it is, we could sign the Ila, it would be direction happening outside of the Ila that just asks the council to receive notice if there was a vote by the other chiefs or any of the chiefs to change the document. The that was something that

[11:57:56 AM]

we had proposed as a way out of the box.

>> Mr. Mayor, it's not 75% to change the Ila. It's 75% or more to change the operation procedure.

>> Mayor Adler: Thank you for the correction. My understanding was from talking to chief, if -- do you have any objection if the council approved the Ila, said go ahead, sign the Ila and participate, but just

give us notice if there's a change that's made by 75 -- if 75% of the chiefs request a change to the operating procedure?

>> The challenge I have, Mr. Mayor, is for me to come back to council every time I want to change the operating procedure. It's like me coming back to council asking permission to change the sick leave policy.

>> Mayor Adler: There's no requirement for you to ask us for anything. It was just you giving us, the council notice, that this had happened?

>> I have no problem giving council notice that we have changed or are talking about

[11:58:58 AM]

changing something.

>> Mayor Adler: That's the only thing I'd propose. My understanding is you would be okay with just giving notice but Mr. Nicks was not in a position he could agree. That's the last thing we proposed. That's where we were. Does that sound right? Am I accurately describing it?

>> My position we haven't had time to vet your language yet but we are considering it with open mind and we hope to get to where we all can agree on this.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: Yes. So I think what we're saying -- I think we're all appreciating the need to move on with this. And not to unnecessarily delay, but if I'm hearing correctly, what I'm hearing you say, Mr. Nicks, is you received this idea last night and you just need the time to work with your group and that December 5, which is, I think, two weeks or so, would be a time that this could be addressed.

[11:59:59 AM]

>> Yeah. We're not committed to -- we're committed to not going beyond December 5.

>> Kitchen: Okay.

>> We think we can either come to a -- we think that's plenty of time to either hammer out something that we can all agree on.

>> Kitchen: Okay.

>> Or realize we're not going to. We're not at this point today so I respectfully ask for the consideration for postponement.

>> Kitchen: Okay.

>> Mayor Adler: Okay. Thank you, sir. Thank you. The next -- last speaker that we have signed up is Angelica Horatso. Is that speaker here? Is Angelica Horatso here? Does not appear that way here now so those are all the speakers we have. We are back up to the dais. And we have a motion to postpone until December five

[12:01:00 PM]

on the floor. Discussion? Councilmember Kitchen.

>> Kitchen: I hope that we can move forward with this postponement because we've got a definite date, which is -- which is coming up very soon, and we've put it on the table that that is the deadline. And we're understanding that that would be the time period during which there's either going to be agreement or not and we'd move forward at that point. And I'm also not hearing that within those two weeks -- I'm not hearing something that has to happen now as opposed to those two weeks.

>> Mayor Adler: Okay. Councilmember Flannigan.

>> Flannigan: So I thank Mr. Nicks for coming down. We've been playing a little bit of phone tag trying to get ahold of each other this week, but, you know, we did approve the technology issue earlier this year, and so we've been waiting with

[12:02:00 PM]

bated breath in my part of town for when we can get this completed. Very few of the decisions we make on this dais get implemented within two weeks, so, I mean, I acknowledge that as a reality. But I want to -- I really hope what we're saying here today is that we will close this book in two weeks. I don't want to get into a cycle of postponements because we allow negotiations to keep delaying the item. I'm gonna vote no on the postponement just out of principle for my Wilco folks but I really hope we can close this down.

>> Mayor Adler: Ready to take a vote on postponement? Councilmember Alter.

>> Alter: I've supported the postponement. I'm gonna support the otherwise but we need to -- postponement, but we need closure on December 5, which is three weeks away, as I understand it. There have been lots of compromises that have been made, which I think are good, and I appreciate the good faith in which they

[12:03:01 PM]

were made. But we need to have resolution. This is the first time as a council we've had to decide whether to postpone or not. The other ones were decisions made by staff, and I will support it this time. But we need to have resolution on December 5 and what is being proposed by the mayor at this point I think is a reasonable approach to making sure that we're aware if there's something that's changing that we really cannot stomach that we would be able to have some time to react I think is a fair approach moving forward, and we need to move on.

>> Mayor Adler: Okay. To that degree, I've orally said what the agreement is. I know there's wording that's been circulating. That's not wording that the either side has the approved yet. And if this gets postponed I'll certainly send out a draft and let the parties

[12:04:01 PM]

work out whatever they can between them. It's been moved and seconded and postponed for two weeks. Those in favor please raise your hand. Those opposed. Mr. Flannigan votes no. Others voting aye. Postponed for three weeks to December 5. Okay. The it is 12:04 so we're going to go ahead and move to citizen communication. I think we actually have a communicator -- a remote communicator today. Is Leslie Mcmillan here?

[12:05:02 PM]

Why don't you come on down. Is Bob Hendricks here? You'll be the next speaker.

>> Hi.

>> Mayor Adler: You have three minutes.

>> Because of the time constraints here, my whistle blowing activism professional entrepreneurial, academic ph.d. Work, civic and philanthropic background can be emailed to your offices. I'm here today because every time I step outside in Austin I am literally afraid because I know I'm risking my life trying to get around this city. The city purports a vision zero participation status and has clearly done nothing to make us safer, otherwise I wouldn't be here today is more than unacceptable. I've been injured each time I was hit in three car accidents in seven weeks, two of which were hit and runs, five weeks apart and a fourth in may of this year by a former alleged chief of staff at that. This is more than in my

[12:06:04 PM]

entire life combined in less than five months. I feel safer on the streets of Manhattan than Austin. Why was I hit by a car who did not stop while I was crossing a green crosswalk sign as working on my

company's emow ped and the police never showed up or called ever. And I don't care if it was the last Sunday of acl. Why would Austin mandate ride share companies to ensure everyone except the Lyft driver paying the predatory price gouging \$250 a week, \$1,000 a month for a car comprehensible insurance in a rear end hit and run that was no no way their fault. All cars and even the health of the criminals who hit me and ran, if we ever found them, would have medical coverage that I paid for, but the money I pay does not cover me, my injuries, or my well-being. Why did Austin allow

[indiscernible] To put a new

[12:07:05 PM]

model of scooter on the streets that took away side mirrors and horns making them less safe? Why does the city of Austin have heat maps showing the dangerous streets in the city and knowing how baddese Cesar Chavez is, which is where two of the accidents occurred, still not have cameras installed? Why did mayoral staff tell me issues brought to these offices were not in the city's purview when it is absolutely in the city's purview. I ask this because guess who pays for it all when businesses may have irresponsibly and not held accountable for their criminal and/or abusive actions. The taxpayers. Making it an illegal, state sponsor the government subsidy. I am here today to tell you as my representatives and you all are not our leaders, you're our representatives, and as my representatives, I am telling you that immediate action must be taken. When I follow up within the

[12:08:06 PM]

week, acceptable solutions must be on the table and enacted and I will be applying fiduciary duty to this and all other issues I uncover in my ethnographic research if they are not. Today is a formal notice to rectify these situations.

[Buzzer sounding] And I will be happy to give you my proposals and answer any questions you might have at a mutually convenient time. Thank you.

>> Mayor Adler: Before Mr. Hendricks speaks, is Chris milligan here? Chris milligan. Is Chris milligan here? No? What about Clifford Wayne Dalton? Is Clifford Wayne Dalton here? No? What about Mike hone? Mike hone here? No? Yes, sir -- oh. So you'll be speaking up after this speaker.

[12:09:06 PM]

Go ahead, sir.

>> I'm Bob Hendricks with the share club. In a few weeks most of the countries in the world will gather to discuss progress towards the goals. Progress has been way too slow. The Sierra club has changed its top strategic goal to silence the climate crisis. On September 20, hundreds of Austin students joined millions of others around the world to walk out of schools to protest climate change. The Sierra club invited strike rally attendees to sign this parachute and write messages to our leaders. Dozens did so on this cloth. Here are some of those messages to you and the other leaders in the world. The you will dive old age. We'll die of climate change. What future will your

[12:10:08 PM]

children have? Stand for what you stand on. Protect the planet, not your wallets. Immediate action now. Policy change now. It's messed -- up we still need to argue for humanity. Don't ignore climate change. I don't want to die before I'm 50. Our planet is dying. Save our futures. Disposable everything means our futures too. Raise our voices, not the sea level. Help. Why are we waiting, there are so many available solutions? Use them. Respect our mother. Save our species and our home. Youth deserve a future. I want my children to live past 20. We stand with Greta. How do we make environmental action a space accessible to

[12:11:09 PM]

all? The I need to tell my kids I did not stay silent. Make change. We are running out of time. A better future for all is more than possible. It's necessary. It's beyond time to change the status quo. It's not about you. It's about our future. All we have is one chance. The climate crisis is real and you know it. Denial is not a policy. Stop putting profit over life. You're stealing my future. We only have one planet. Save it. The evidence over ignorance.

[Buzzer sounding] And the list goes on. Thank you very much.

>> Mayor Adler: Mike, you're up for three minutes. Is Zoila Vega here? You'll be the next speaker.

[12:12:10 PM]

And you'll also have three minutes.

>> Hone.

>> My name is Mike hone I'm here as a project coordinator for projects in the university neighborhood overlay. I work with everybody to make sure that projects get completed on time. I work directly for the owners, and I go on the jobs like this. Everybody knows that I'm chief. We're here to get the job done,

figure out how to get it done and work with all the city departments. Student housing is kind of unique in that most projects, a week late, month late, it's not a big deal. Student housing is different. You don't make that August deadline, you're dead in the water, and we have to get it done. And so that is why I'm here today to talk about inspections. Unfortunately, last August, we had a project that was not gonna make it.

[12:13:10 PM]

Had and I was called in to see if I could help. And I called every department in the city, sent letters and emails, and as usual, the city of Austin responded, dedicated people came to our aid, spending hours, sometimes coming back to twice a week, twice a day, even. We had big meeting with all the subcontractors and all the contractors and the owners, saying this is what has to happen. This is the sequence it has to happen in. We got to get these projects done. We got to get this project open. And they spent their weekends, after hours coming out and doing it. So I'm here today to thank all the inspection divisions, from the Austin transportation right-of-way management group, Austin water utility, Austin energy, development

[12:14:10 PM]

services, all of those departments that stepped in and did extra special efforts that you need to know about. They're your line item people. They are what make this city work, and it's been a great opportunity for me to work with them and I'm gonna read a few names as I want to thank them. And I'm just going to say the first names. Ryan, Jim, Andrea, Evelyn, Steven, Kevin, drake, Tommy, John, marlin, Rick, Ernesto, Leonard, Tom, Tim, Kevin, Joe, Rudy, Pam,, those are just a few, those line people in every department helping us out and all the people back behind them that had to make this project go. We were able to accomplish it. And with that, I want to say thank you, recognize those folks. They're the ones that make this city work. And I appreciate the time,

[12:15:10 PM]

first time in 50 years I've been up here as a citizen communicating. I want to thank you.

>> Mayor Adler: Thank you for recognizing. We have thousands wonderful folks here's at the city. Go ahead, Ms. Vega. Is gavino Fernandez here? Next speaker. No? Is what about Paul Robbins? You'll be up next. Go ahead, ma'am. You have three minutes.

>> Zoila Vega I'm here to talk about to you about the impact of the heritage street ordinance. It's not like staff has told you it's fairly minimal changes. The current public process will become an

administrative variance for the larger trees that are located on properties that front the corridor when the project has 75% residential square footage.

[Indiscernible] Affordable housing. It's nothing to do with 75%

[12:16:11 PM]

of the property fronting the corridor. It's about providing 75% residential. But what is a corridor? Imagine Austin says corridors are arterials. Are we talking about activity corridors are density should be concentrated? I made this map, asked staff to provide you a map with the activity corridors, and also with an estimation of how many heritage trees will be affected. Because it's gonna be a lot. The heritage tree ordinance has been working fine since 2010, flexible and fair process. About only one case per year goes through the public process. The heritage trees are

[indiscernible] The public process gives longer staff because developers know that the public process provides transparency and fairness. But we're talking about the future with higher density required or desired. So why would the administrative variances make it easier to request

[12:17:11 PM]

and potentially obtain variances for residential projects and corridors? Because as you acquire higher density there may not be space left for the tree. So if you make an administrative variance it's easier to remove the tree. So a lot of trees are gonna be removed. These are the changes I'm gonna make to the heritage tree ordinance, four them. The first is administrative areas and at the end deciding the tree is not transplantable, that's nice but not all trees can be transplanted because sometimes they're too close to the sidewalk or building. There's a second one staff says location of the tree impacts access or public safety. That's for trails and driveways. That's replacing the current prevents reasonable access. What is impact? Many heritage trees will be affected. Currently most of those corridors are immune anyway and already provide 75% residential and 10%

[12:18:11 PM]

affordable housing. If they are had -- I can't -- if they are -- they have a zoning change. What we're proposing is

[indiscernible] Look at the administrative variances for the building form. Relax the regulations in order to preserve the tree. So it's sort of creating a heritage tree bonus kind of like affordable bonus where you relax the height or far or setbacks because they're already given. It doesn't take a whole lot.

[Buzzer sounding] A tree only requires 40 feet diameter. Thank you.

>> Mayor Adler: Mr. Robbins. After Mr. Robbins speaks is Savannah Hernandez here? Savannah Hernandez? No? If we could start getting ready for Nathan rice, who I think is speaking to us remotely, we'll come to him next after Mr. Robbins.

[12:19:12 PM]

Mr. Robbins.

>> Council, it is my information that Texas gas service will be applying for a rate case that will likely require your vote in the spring of next year. This rate case should be used as a platform to address some key issues for change. The gas company has deeply regressive rates, where the more you use the less you pay per unit. Regressive rates work against energy conservation and they hurt the poor who generally use less energy per customer than people with higher incomes. Their gas rates are regressive in part because of higher monthly fees. If the gas company's share of revenues for monthly fees were the same as Austin energy's percentage for base revenues, its fees would fall by about 80%. Revenue shortfalls in warm winters can be adjusted with the gas company's weather

[12:20:15 PM]

normalization fee. Another issue is that unlike Austin's utilities, Texas gas service does not have a robust program for low-income assistance. I propose a modest surcharge on all gas sales for adequate funding. A key point in the next rate case should be requiring that energy conservation programs be cost effective. Rebates should not support technologies that cost more than the gas they are meant to save. As example, the gas company is giving rebates for tankless water heaters. The \$2,400 in additional cost for this luxury item will take about 167 years to payback gas savings in existing homes. In 2018, residential ratepayers wasted about \$1.6 million, about 2% of

[12:21:15 PM]

their bill, for conservation programs that were not cost effective. Had and then there was renewable power. Unlike Austin energy, Texas gas service has no goals for a low carbon future. It is technically possible to use the high heat created by concentrating solar power to directly create industrial heat or create renewable fuel by splitting hydrogen from water. But this will need investment to turn research into practical solutions. Again, a small surcharge should be placed on all gas sales to contribute to such research. Interestingly, none of these reforms should affect the gas company's profits.

[12:22:15 PM]

Thank you.

>> Mayor Adler: Thank you. Now we have Nathan rice, our last speaker.

>> Mayor, I tried to sign up. Why don't you talk to the clerk. I think we have rules for signing up for citizen communication, it's limited in number of people and time as opposed to signing up on items. All right. Mr. Rice, Nathan rice, you have three minutes. Thanks for joining us remotely. This is actually exciting for us, too.

>> Good afternoon. Can you hear me?

>> Mayor Adler: We can hear you, yes.

>> Great. I'll keep it brief.

>> Mayor Adler: Where are you, by the way?

>> Is with pardon?

>> Mayor Adler: Where are you?

>> Manchaca library.

>> Mayor Adler: Thank you.

>> Yes, sir. The reason I came today's live on a small road with limited parking, and there's been a vehicle parked on my street for two plus years without moving. It's registration expired in

[12:23:16 PM]

November 2017. Unfortunately, the way the laws are currently, police nor code do a thing about it because the tires are fully inflated no, broken windows, et cetera. I'm asking if you guys could somehow figure out a way to change the law so at least if the registration is expired that they can't use public road, regardless of whether it's in motion or parked. That's it.

>> Kitchen: Mr. Mayor.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I'd like to reach out to you, and so if you could call my office and give us your contact information, that would be great. I don't know if we can help, but we'd certainly like to try.

>> Was that to me?

>> Kitchen: Yes. This is councilmember kitchen. You're sitting in district 5. I assume you live near the library?

>> Yes.

>> Kitchen: Okay. I'd like to see --

>> They suggested I come to this meeting.

[12:24:16 PM]

>> Kitchen: You reached out not to my office, but to another office, I'm sure.

>> Some councilwoman's office.

>> Kitchen: I don't think we would have suggest the citizen communication. Regardless, we'll get in touch.

>> Okay.

>> Mayor Adler: Thank you. Thank you very much for joining us. Colleagues, those are all the items that we have for citizen communication. We're now going to go into closed session to take up one item pursuant to 551.074 of the government code, discuss personnel matters related to item had -- I can't tell the number but it's the employment duties and evaluation of the city manager. 72. And here at 12:24 we're in recess.

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>> City council, November 14th, 2019.

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>> All right. It's 3:21. We are back out of closed session. In closed session we discussed personnel matters related to item number 72, which was employment duties and evaluation of the duties of the city manager. Appreciate the opportunity, the council does, to speak with you, and as I'm sure you gleaned from the conversation that we had, this council pretty unanimously is real pleased with your work, and appreciates that you are our city manager, and that we feel like there are many areas we've seen marked improvement, and will continue to work with you here over the next meeting or two to come up with the specific objectives, or areas focus should be for the next year, that a year from now we'll talk about again. Thank you very much for being here. Let's go ahead and do the

[3:23:06 PM]

consent zoning agenda and let some people go.

>> -- With the planning and zoning department. Item number 74, c-14, 20180155, staff was prepared to offer this for consent on second and third reading, but I believe we have a speaker now. So I think we'll go ahead and pull 74 then for a speaker. Next is item 75, case c-14, 2019, 0090. This case, I believe, we could offer it for consent approval on second and third readings with a motion that council member kitchen would like to make. And if you like, I could read that into the record.

>> Adler: Why don't you.

>> We would add a part 2 to the ordinance amended traffic analysis to reflect existing traffic vehicle per day and projected VPD from approved projects to account for the

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cumulative impact of plan developments along cooper lane. So I think that with that addition, which staff is okay with, we can offer that for consent approval.

>> Adler: Any objection to that being added? Hearing nothing, motion on the 75.

>> Item numbers 76 and 77 are related. I believe the applicant would like to make a presentation on both of those items so they'll be pulled.

>> Adler: Okay.

>> Item number 78, c-14, 0100, consent approval on first reading only. The next one is item 79, 2017, 0148, staff is requesting postponement of this case through the December 5th agenda. 80, 20190107, staff is requesting postponement of this item through the December 5th agenda. 91 and 92,oo 81 and 82 are related, both of those will be

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discussion. Those are the winset cases. Item 87 is k-c 14, 0121, ready for concept approval on all three readings. Item 84, discussion case. Item 85, 20109, 0101, this case is ready for concept approval on all three readings. 86 is 2019, 0102, staff is requesting postponement of this item. 75126 B, this case is ready for consent approval. Item 88,ing 040055.04.0 H, requesting postponement. 89, 2019, 005.03, this case has been withdrawn, no action is required. Related items 90, 2019, 0093,

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this case is ready for consent approval on all three readings. The case was amended in the neighbor plan above it was no longer needed that's why it was withdrawn. Item 91, 2019, 0126, this case is ready for consent approval on all three readings. Finally number item 92, 0112, the applicant on this case is requesting postponement to January 23rd. Staff is okay with the postponement request, and mayor, I believe that the property owners represented did not sign up and no longer wish to speak as long as the case is postponed.

>> Adler: It's postponed. Which ones were pulled? And 84?

>> Mayor, would like to pull 78.

>> Okay. Mayor so I have 74, 76, 77, 78,

[3:27:14 PM]

81, 82, 84 are being pulled. Is that correct?

>> Yes.

>> Adler: Okay. Is there a motion to approve the consent agenda otherwise? Council member alter makes that motion. Is there a second? There's a second. Discussion? Those in favor please raise your hand. Those opposed? Unanimous on the dais. All right. Council members, we have multiple stuff in front of us. Back up to the pulled items. Item number 4, is that something you can handle?

>> Yes. The couple that I pulled still on here are relatively fast. I apologize to the staff if they're coming up so late. On item 4, this is the contract, and I understand the history here that we approved the contract back in June, and then the contractor wasn't able to come through. But I had some questions about

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the actual work that's being done. And also, the extent to which preservation will be a key component within it. And so I think my questions are probably aimed at the convention center.

>> Council member, I think they're on their way in. So --

>> Adler: Let's hold on item number --

>> Here they are.

>> Take your time.

>> Thank you, Mr. Tester. So, my first question is, I understand that we are looking

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at -- I mean, this is approved through a new contractor. Can you help me understand what kind of experience this contractor has with preservation work, and whether historic preservation was a component that was indicated in the rfp? It just, in our cursory review, it didn't appear this contractor typically works on historic preservation contracts. This is a historic house that would seem to require that level of expertise, so that's the substance of this question.

>> Thank you. This is a jobber contract. We did the procurement several years back. We looked specifically for preservation experience at that time in the evaluation component of the contract, that we recommended to council to approve for this contract. That said, we worked with the contractor to bring in the experience needed for the project. They either have it in-house or use subcontractors to meet the necessary experience for that job.

[3:30:18 PM]

They would be looking to bring in some experience with the preservation of the facility through either existing staff or using subcontractors to perform that activity. Right now, we haven't gone through that level of discussion yet in regards to the proposal. And who from their staff, whether from the prime

contractor or from the subcontractors would be performing some of the areas of responsibility in regards to preservation.

>> So I would regard that as a really key component. Again, in our cursory research, it didn't appear that this firm typically works on historic preservation projects. And so I would almost make that a stipulation if that's appropriate within this motion, that they make sure that they have preservation expertise engaged in this project.

>> Okay. We would certainly work with the project management team on that and look at the responses from the contractor on how to do that specific kind of work then.

>> I appreciate it. Thank you. It wasn't clear to me from the backup information whether the

[3:31:19 PM]

interior is also being renovated, and is it being renovated, restored, what the intentions are for the interior of the property?

>> My understanding is not all of the scope of work is on the exterior of the facility.

>> So what are the intentions for inside? Is it going to be used inside? Is the inside going to be used for events, or just the porch?

>> The discussions that we've had to date has been sort of a multiple-pronged approach in terms of the first part being exterior. I believe a couple of years ago there was work done at the roof. And now we're doing the exterior, the patio, and then future work may include the interior. But not right now. And if that changes, I'll be the first to report that to council with regard to the interior. But right now, my recollection is it's all exterior.

>> I'd like to see the interior be restored. I think this is a venue that could be used for lots of

[3:32:20 PM]

community events. It's a historic building. It is in the heart of what will soon be the palm district master plan under the leadership of the staff who are in the chambers today. I think there are lots of opportunities for that structure to be utilized in the way that was envisioned. If we could maybe get a report back on what the time frame is for getting that interior restoration done, that would really be useful.

>> Mark tester of the convention center, we will be doing an interior after the exterior is completed. So we will utilize it for events, and certainly embrace the community aspect of it.

>> What's the time frame for the -- when you say you're doing it as a next step, when does that next step happen?

>> We would like to get the exterior completed and ready for events on the outside by June of this year. And then we'll be coming back to council after THA for the next step.

>> Thank you. So I understand that it was -- the decision was to put it on

[3:33:21 PM]

convention center land. In looking through some of the history of this site, it wasn't clear to me at what point the discussion had been made to allow it for just convention center use. And I would like to just talk about that, manager, with you, and Mr. Tester, about whether there are -- whether we can formulate a broader purpose for that tract. Still allow it to be used by the convention center, but I would like to see it -- again, in my quick review and my staff's quick review, the history, it doesn't appear there was ever a decision point where it was agreed upon that it would be exclusive use of the convention center. So, anyway, thanks very much for your work. Sorry again to have taken so long for this to come up. Sorry, I'll move approval.

>> Adler: Council member tovo moves approval.

[3:34:21 PM]

Is there a second? Any discussion? Those in favor, raise your hand. Those opposed. Unanimous on the dais for passes. Okay.

>> Mayor?

>> Adler: Yes?

>> Just to be clear, with the direction that there be a significant preservation expertise.

>> Adler: Yes.

>> As a component of that.

>> Adler: So noted. Okay? Council member tovo, you also pulled item number 30?

>> Tovo: Yes, I would like to make sure that we are approving this. In the course of -- it's my understanding, and I appreciate the staff for their assistance in this matter and really making us aware of it, this rfp was released prior to our contract labor group concluding its work. So it's not consistent with the recommendations that we brought forward and passed, approved at council. And so what I would like to do

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with 30 is to approve it just for the minimum amount of time, and I think I need the staff to advise me on what that would be rather than the five years, so we have an opportunity to bring those services in line with our amended practice of having those jobs that are going to be ongoing permanent needs for the city to be staffed with city staff rather than outsourcing it. Thank you, Mr. Skor boro.

>> Thank you. James scar boro, this was solicited this past summer before the conclusion of the council work group regarding contract labor. And in the solicitation, and in the recommended contract, there's an initial term of one year with four one-year options. It is a procedural practice of the purchasing office and of the city to bring forward all of the

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increments of a contract for council's consideration and authorization. In this case, what we intended to communicate in the rca and in the subsequent memo issued by the Austin energy was that should considering the perspective policy that is under development now, and of course, with a review being done, if council wishes to just limit the authorization to the initial increment until that policy is fully completed, and established, and should the remaining terms be a part of the recommended contracts going forward, we could simply come back and request those authorizations next year. And if not, we would just not come back and make those recommendations. So we just wanted to clarify that based on the work of the -- of staff now reviewing the contract labor contracts, that if council wanted to limit the authorizations, the initial terms, that would be acceptable to Austin energy.

[3:37:25 PM]

>> Tovo: I'll make a motion to do just that, to limit it to the initial term of one year.

>> Adler: Council member tovo approved 30 with a one-year renewal. Council member pool seconds that. Those in favor? Those opposed? It's unanimous with council member Casar off the dais. It gets us to the Rainey street issues. Item number 50.

>> Mayor?

>> Adler: Yes?

>> I guess I pulled that. I'm sorry, I meant to talk to you while we were on break and I wasn't able to. I would prefer if we're going to put a cap, it's my understanding that that fund -- please correct me anybody if I'm wrong -- the fund would average closer to

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190,000. So I don't necessarily agree with the cap, I understand -- I spoke earlier about the concern, and this is a similar one, but I also said before they need to talk about equity when we have these discussions. And I would say there's a strong argument for there to be recognition of the mexican-american culture, and that was the intent of this fund from the beginning. And so I would just ask if we could -- my only change would be to ask to cap it at 200,000.

>> Adler: Okay. Is there a motion?

>> I'll move approval. And I'm happy to incorporate that, unless you'd rather make it as a --

>> Adler: Council member tovo makes the motion to 50, with 200,000 rather than 150,000 in the motion.

[3:39:25 PM]

Is there a second to that motion? Council member Garza seconds that motion. Is there any discussion? Council members, I've handed out an amendment that doesn't change the effects of this. But does add the line that we take it out of this fund, unless or until such time as an alternate revenue source for this purpose, and at least this amount may be allocated. If there's a second to this, I'll explain it. Is there a second to this motion? Council member alter seconds it. I know there was some discussion about attaching what is the otherwise transportation dollars here. I wanted to make sure that if we determine that it's possible to -- or appropriate at some point in the future to take this out of hot money, that we have

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the ability to do that, and it wouldn't end this, it would just find a different funding stream for it. I understand that there is some interest in discussing not just funding, kind of a lost or the fear of preserving cultures that might otherwise be lost, taking a look at the square in east Austin, by looking at that as a possible funding source coming out of the hotel tax funding. But in any event, that's not a conversation for today. But if that's a conversation in the future, I just wanted to earmark that this would be what we are doing, unless or until there was an alternate revenue source for this purpose, in at least that amount. Any discussion on the amendment? Is there any objection to that amendment being included? Okay.

>> Mayor, if I may make a comment about it. I'm happy to incorporate it. I would just say that, the hotel

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occupancy tax is applicable only for historic preservation projects. While there's some leeway in that for signage and other things, many ideas that come forward from stakeholders that I explained on Tuesday that gathered together are really not historic preservation. They're about recognition of cultural significance -- some are recognition of the history of the mexican-american families who lived there, so some of those would be applicable and some are not. I do think while we'll find some of the projects do fall under the hotel occupancy tax guidelines, some just don't. So this isn't an appropriate source for those, for murals and other kinds of things that people suggested, would be appropriate ways to honor the lives of individuals who helped build that neighborhood and community.

>> Adler: Thank you. Any further discussion on this item before we take a vote?

>> I just want to recognize a long history of where this came

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from. I appreciate you, council member tovo, for bringing this forward. And just reiterate however we find alternative funding, I think that's great. But I also -- having been -- I consider myself an austinite, I've lived here for 20 years. But moving here from San Antonio and seeing such a stark difference in the appreciation for the mexican-american culture, and especially in a city where our -- we are almost 40% of the city, I have never been to a place where it feels like there isn't an appreciation for that. I hope we can use this fund to -- I've had born and raised austinites tell me how much they love San Antonio because they go there and they go to market square and they go to that city and they just feel like they belong there. And I really hope that this fund can create a similar sense of

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belonging and sense of place and culture for our mexican-american and latinx community here in Austin.

>> Adler: Any other further conversation on this? Those in favor of this item number 50, as amended, please raise your hand. Those opposed. Unanimous on the dais, 50 passes. Okay? I think that gets us to item --

>> Mayor?

>> Adler: Yes?

>> I think we could do 64 quickly, if you're looking for something that's quick.

>> Adler: Let's do 57, then all those items we haven't done, 57, I think that will go fast, too.

>> Okay.

>> Adler: And I think we'll be there. Item number 57. You pulled this one, Mr. Flannigan? This is the red line trail.

>> Flannigan: Yes, as we discussed on Tuesday, I have what I think are ultimately

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friendly amendments, including language related to where the red line goes through my district, there are requirements on the Robinson ranch to have trails, and that future alignments in that northern section can be done in coordination with the other jurisdictions where the red line goes. I handed that amendment out on the dais this morning.

>> Adler: Okay.

>> So, mayor, I will move approval and then as far as the motion from Mr. Flannigan, that's fine. As I said on Tuesday, I just want to be clear to our staff that there's no intention for the city of Austin to finance the trail outside of our jurisdiction. In fact, I don't think we could. But there's all kinds of reasons to have the partnerships to extend the line, and 32 miles is a pretty long distance, and if we can get that working to the north and to the south and east of us, and the west, that would be great. But I did want to make it clear to everybody listening that there isn't any intention, at least on my part, for the city

[3:45:35 PM]

to pay for trails that are outside of the city of Austin's jurisdiction. I sent out number 100, but it was really for 57, so I asked to go back and fix that area. And I've re-handed it out. And so mayor, if I could be recognized to lay this amendment out --

>> Adler: Let's do that. Council member pool removes 57. Council man Flannigan seconds it. Mr. Flannigan offers his amendments. Any objections? Council member pool handed out an amendment with an additional be it resolved clause. Does anybody have any objection to that resolving added? Hearing none, that's added as well. Are there any speakers on this

[3:46:36 PM]

item?

>> There should be. Mr. Wald is here, and I believe Mr. Anderson is here as well.

>> Adler: I recalled that there were. So let's call up the speakers. Mr. Wald, do you want to speak? Mr. Whaley? Mr. Whaley will be up next. You have three minutes. Don't feel like you have to take it all, Mr. Whaley. And then Mr. Naser.

>> I believe I have one person who's donating time.

>> Adler: Who's donating time? Okay, five minutes.

>> Thank you very much. I very much appreciate this item. My name is Tom Wald, I'm with the red line parkway initiative. This has been a project that has

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been a long time in coming. The history of this actually goes back several decades, and I think one of the more notable items was 20 years ago when the city of Austin actually applied for federal funding to complete the trail, and did not receive the grant. But then more recently, in 2004, the red line trail was something that was coupled with the capital metro red line as an amenity that could complement the rail. Some components have gone in, and there continues to be more momentum to get more of the trail in. In 2007, capital metro completed a study on how the trail would go in. I will note it's very interesting in that plan it actually calls for completion of the trail by 2019. So I don't think we'll make that. We only have about 45 more days left. But that speaks to the need for an initiative for a specific effort that works with the city,

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and with the seven other jurisdictions at least that are a part of building infrastructure along this corridor. Also, a note back in 2009, the Austin bike plan included this, and in 2014 as well, there have been trails planned, from the city of Austin, included in as one of the projects. So the reason for the council resolution is just that, that there is quite a bit of need for coordination among all the jurisdictions. And also among residents, community groups, and then private property owners and property developers. The intent is together we can create a holistic vision that complements and serves all of these different needs through this parkway by creating a separate biking and walking trail, and looking for more opportunities for parks and public space, and trail oriented development along the way. Just a little bit of a personal

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thing, I chose this project after being with bike Austin, because I recognized that this parkway has a real opportunity to serve quite a bit of diverse needs, especially geographically. The parkway goes through

six jurisdictions. And what we're looking for is something on par that is a place that people want to go to on par with the butler trail and other very popular amenities around Austin. I think a lot of people who don't live downtown, or have the opportunity to go downtown on a regular basis don't have these amenities in their area. I think this will bring it to more places where people live and serve as an example of how we bring these greenway parkway trails, amenities to different places around Austin. And I appreciate the diverse support from council on this. In addition to working with all these groups, we're also partnering with organizations for activating and bringing more

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activities to the trail, where people feel welcome and will come to. And beyond that, we're -- we have been working with capital metro for a while now, and we appreciate their excitement on this project as well. I do want to mention, we are having a celebration one week from today, and I invite everyone up on the dais and also in the audience to come out and attend, if you're available. It will be next Thursday, November 21st, 5:30. And you can find more information on that at rlpi.org/launch. And if there are any -- and I do want to add about the amendments, we've been in close conversation with council member Flannigan and council member pool and we have come up with an agreement that's acceptable to all the parties. My understanding of the Ames is they look totally fine and I'm happy to take any questions as they come up. Thanks very much.

>> Mayor, I do have a question.

>> Yes?

[3:51:45 PM]

>> Can you tell me the location?

>> Palm door on cedine. That's actually right at the -- where the red line meets, the entry to the capital station will be there. Thank you.

>> Howdy, y'all. My name is Roy Whaley. I'm a longtime political activist here in Austin and central Texas. Recently someone referred to me as an avid cyclist. And I wasn't real thrilled about that, until I looked up the definition of avid, and thought, oh, well, that's not so bad actually. I don't know that it's accurate, though. I do ride, and I try to split my transit between 30% bike, 30% car, 30% mass transit. And that is possible, and will be even more possible with the

[3:52:47 PM]

appropriate infrastructure. What we have to remember about investments like this is that we're not making this investment for us. I doubt that I will ever get to ride that complete trail. Unless someone attaches my urn to their bicycle and rides me from the beginning to the end. But that's the only way that I see it's going to happen. But I still think it needs to happen. I think this is important infrastructure. We have to remember that what we do today is not for us, but for the generations that will follow us. And we need to make this infrastructure now -- I hate traffic as much as anyone. This is a good alternative transit route. In the mid-'90s, I served with Ted Siff on the Austin trails and greenway council. One of the projects we worked on was to have a bike trail and walking trail from the Millwood

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library down to Govalle Park. And I'm very happy that they have announced that they are in the process of planning the finish to that. We have the beginning, we have the end, we're going to work out the middle. This will be a transit route that will go from north Austin through east Austin, having one that follows the right-of-way that goes from central Austin to north Austin -- or downtown Austin, rather, to north Austin is another important opportunity. I ask you to not let that opportunity pass. And vote yes. And I'm sure you will. Thank you very much.

>> Adler: Thank you. Been moved and seconded to approve item number 57 with the amendments that are added. I'm sorry? Those are all the people I have on my list. Is there someone else signed up to speak on this item who wants to speak on this item? You had signed up but you decided not to speak?

[3:54:53 PM]

>> I think that was our thinking, now that you remind me, if there were any questions about it. Mr. Anderson is here representing Brandywine, a segment on the red line trail. But it looks like we're good.

>> Adler: I think it's going to pass.

>> All right. Thank you for being here.

>> Adler: I would point out Mr. Flannigan's amendment that got added is the one where the second be it resolved clause ends with the added language, and the words Travis County Park County, and Capital Metro. Those in favor of this item as amended, please raise your right hand. Opposed? Item number 57 passes.

>> I would also like to remind y'all that we're going to be working on the green line.

>> Adler: All righty then. Items we can take care of here real quickly and then we'll get to 64. 60, let's do the ahfc agenda.

[3:55:53 PM]

And let a bunch of people go.

[See separate transcript for Austin Housing Finance Corporation meeting]

[See separate transcript for Tax Increment Financing #15 Board of Directors meeting]

[See separate transcript for Tax Increment Financing #18 Board of Directors meeting]

I'm going to reconvene the meeting of the Austin city council. It is 4:01. Still November 14. The next item for us to take up is -- we're now into the public -- we've taken care of 60, 61 and 62. That gets us to approval of the hazardous -- public hearing on the hazardous material routes issue, item 63. Anyone wish to speak on this? Is there a motion to close the public hearing on item number 63? And I think it's just the public hearing. So motion to close the public hearing. Councilmember Renteria makes the motion. Is there a second? Councilmember tovo. Any objection? Hearing none, the public

[4:03:01 PM]

hearing is closed. That gets us then to item number 64, which is to conduct a public hearing and consider an ordinance amending the minutes related to regulation and development of the 25 year and 100-year floodplain,ing item -- this is item number 64. We have a couple people that have signed up to speak. Maybe we can get -- Leslie to speak first and then I'll come back to you.

>> Kitchen: Do you want me to make the motion?

>> Mayor Adler: Why don't you make the motion and then we'll have staff speak?

>> Kitchen: Okay. I understand that what we have in front of us on yellow sheet is a -- is recommended amendment from staff, so I would move -- I would move this item with the recommended amendments from staff, and then I have

[4:04:02 PM]

another amendment that I'd like to add to it. As long as there's no objection I'd like to include that one too and that one is from me.

>> Mayor Adler: Let's do it in pieces. Item to approve item 64 with the staff recommended amendment. Is there a second to that? Councilmember pool second that.

>> Tovo: Mayor, I just want to note for some reason our screen says that this is the north shoal creek neighborhood planning area item.

>> Kitchen: It's not.

>> Tovo: Which it isn't. I think it said that maybe the last couple times. I'm not sure what's gonna wry --

>> Mayor Adler: I think it just changed. We're on item number 64 but right now we still are at the Austin city council meeting. Item 64 has been moved and seconded. Do we want to hear from staff first or --

>> Kitchen: No. I want to offer my amendment.

>> Mayor Adler: Councilmember kitchen offers her amendment which has been handed out. Does anybody --

>> Kitchen: Let me speak to it.

>> Mayor Adler: Go ahead.

>> Kitchen: This is approved by staff.

[4:05:02 PM]

And it simply reflects the current situation with revisions they have already submitted and received approval for related to the south creek watershed and onion creek watershed.

>> Mayor Adler: Is there a second to that amendment? Any objection? Hearing none that amendment is included. Let's have our staff present to us now on item 64.

>> Good afternoon, Mike, watershed protection. With me today is Kevin chunk, the city's floodplain administrator. We're here today to present a proposed ordinance with changes to the city's long standing floodplain regulations. In response and as a first response to what's known as atlas14, a federal update of statistical analyses used to define such common benchmarks in the flood risk reduction business as a 100

[4:06:05 PM]

year floodplain or five hundred-year floodplain. We now from the results of that federal study that there's a significant increase in the intensity of our floods and our purpose today, primary objective, is to

adjust adjust city code to maintain the historical level of flood protection in our regulatory floodplains. Milestone today marks about 16 months of very robust public and stakeholder engagement. We've had over 100 meetings, several thousand people engaged directly, roughly 25,000 postcards notifying potentially affected residents in areas that we will see somewhat larger floodplains if you approve this ordinance. I'm gonna turn it over to Kevin Shunk and let him review for you very quickly the four or so major

[4:07:05 PM]

proposed changes in code.

>> All right. Thank you, Mike. Kevin Shunk, city's floodplain administrator. I want to quickly go over the four major pieces of this ordinance. The first piece is the redefinition of some floodplain definitions. So when we look at the atlas 14 data we can see the proposed, the new 100 year floodplain is going to look a lot like the current five hundred-year floodplain. Again, what will be the new 100-year floodplain and we're done with our floodplain studies, we are confident that's gonna look similar to the current 500-year floodplain. So our first recommendation is redefine the 100-year floodplain in the code as the current 500-year floodplain. That definition proliferates through a lot of sections of the code but anywhere it says 100-year floodplain that's going to be -- that would be the current 500-year floodplain. In the same light, the current 100-year floodplain

[4:08:05 PM]

is going to be the new 25-year floodplain. Again, redefining the 100-year and the 25-year floodplain with those definition that's come from us looking at what the 2014 data is telling us about rainfall that's gonna happen within Austin. The second piece of the ordinance is a new exception that we're calling the redevelopment exception. And that exception would allow staff, administratively to approve a residential development that meets four criteria. The first one is it has to replace an existing residential building. The second one is that the new building must be 2 feet above the floodplain, the 100-year floodplain, entire building, new or modify the ones there. The third requirement for the exception is that the development cannot be increasing the number of dwelling units on the property. That's our way of getting at not increasing density in the floodplain if it's a single-family home you can use the exception to build a

[4:09:08 PM]

new single-family home. If it's an existing duplex, you can build a single family plus an Adu, again, keyed into drawing units. The fourth thing is that the development cannot cause adverse flooding on other

properties. That's a key component of our floodplain regulation, certainly one we wanted to bring up here. If it meets those four criteria staff would have the administrative authority to waive the safe access requirement, which we think is an important part of our floodplain regulations but when we look at redevelopment if we have a building that's, say, 2 feet below the floodplain this exception would allow that property to be redeveloped such that the new building is elevated up above the floodplain, therefore greatly reducing risk to that building and occupants within that building. The third piece of the ordinance is expanding an existing exception in the code this we call the Colorado river exception. Currently in code staff has the administrative authority to approve a building in the

[4:10:11 PM]

100-year floodplain of the river assuming it's downstream or within Lady Bird Lake. Our recommendation is to expand that to include Lake Austin and our portion of Lake Travis. The reason for that is to make the regulations along the entire river uniform, not based geographically where the project is located. Again, if the building is within 100-year of the river staff would have the authority to waive. Not the 25-year floodplain for the Colorado but the floodplain. The fourth piece of -- or -- of the ordinance is changing our free board amount. The amount you have to build a building above the floodplain level currently in Austin across the board the you have to build a building 1 foot above the floodplain. Unless you get a variance, less during the central business district, then it's 2 feet as well.

[4:11:12 PM]

Elevating buildings above the floodplain is a single best way to reduce flood risk to a building. We want to make that flood risk reduction across the entire city uniform. It makes the regulations easier to understand. It makes the regulations easier to enforce and reduces flood risk significantly. So recommended to go to 2 feet for the entire city. Those are the four main components of the ordinance. There are some other additional pieces of the ordinance that we have recommended. There's a memo that we didn't put in the backup that has some additional recommendations to the ordinance that did not make it into the actual draft ordinance itself. And one of those that I wanted to point out is that it is a way to have staff, again, administratively approve a minor addition to a building such that the addition itself would be elevated above the floodplain but that would not require the owner to elevate the entire building. Again, only minor additions

[4:12:13 PM]

that would not include what we call substantial improvements, which we have talked about before, a substantial improvement is an improvement where the improvement value is equal to or greater than 15% of the value of the entire building. So when I say minor improvements I'm saying, like, maybe

add a bedroom and bathroom to a home that's maybe worth on tcad value of \$200,000, maybe it's only a ten to \$20,000 improvement. That sort of improvement would be allowed under this exception. Those are the code pieces that are in either the draft or the recommendation sheet that you have. We think this is a significant step in responding to the new flood risk that we have in Austin. This is step one. We know there are more steps along the way. One of those steps that we know -- that we need to work on is thinking about a commercial redevelopment exception. That's something we have talked with stakeholders through this process and something we think has merit and something that we will

[4:13:14 PM]

be thinking about and talking to internal stakeholders about how that process and how that code language may be. And we commit that we will come back -- we will work with our stakeholders internally by April we will have some language and processes in place such that we can come back to you guys and talk to you about what a commercial exception may look like. So we will work with our stakeholders internally and by April we'll have -- that will be time for us to start the process of the boards and commissions. That will -- bringing a vetted recommendation to the council for your consideration. Overall, we think this is a very good approach, at this new understanding of flood risk. It's going to reduce flood risk citywide and think this allows the existing development to reduce flood risk, allows the city the ability to identify where the floodplain -- new 100-year floodplain is going to be such that two or three years down the road when we we do or floodplain studies we will know where that new

[4:14:17 PM]

100-year floodplain is and go back and regulate to that instead of the current 500-year floodplain. Everything I just discuss sad permanent change of the code with the exception of the definitions. Those definitions are interim until we finish the floodplain studies that will take us two or three years to complete. Overall, the ordinance we think is very sound and look to hearing your comments or questions you may have.

>> Mayor Adler: Thank you. Let's call the people up who signed up to speak. We have two speakers that have signed up to speak. Stewart Hirsch is first, Jeffrey is second. I'm gonna call 81 and 82 together when we get to those so we'll be working off of one list.

>> Mayor, can I ask one clarification?

>> Mayor Adler: Yes.

>> Alter: Is our base motion including staff amendments as well some?

>> Mayor Adler: Base motion includes staff amendments as well as the kitchen amendments.

>> Alter: Thank you.

>> Mayor Adler: Mr. Hirsch. Three minutes.

>> Thank you, mayor, members of the council. I ask the city council adopt

[4:15:18 PM]

the atlas 14 code amendments recommended by city staff because it establishes the appropriate balance between administrative approval for homes and businesses that are 2 feet above floodplain level who under current code would otherwise need a city council variance for site access. In addition I suggest the city council adopt the fee waiver amendment recommended by the building and fire code board of appeals that will allow owners of flood-damaged buildings located in the floodplain to secure permit without paying fees. Required inspections are not waived. This amendment reflects the policy in effect since the October 2013 floods. I also ask two other code amendments be considered, and I appreciate the fact that you're gonna take up commercial, it sounds like, sometime next year. One amendment is that the city council would be required to approve any access waiver if the building is also located in any of the following areas in addition to being located in the floodplain.

[4:16:22 PM]

Because we want to discourage residential development, those areas are the airport noise contour, former landfill sites and are close to regulated pipes. We don't want to put housing near them. The second amendment is the staff has recommended a height increase for houses in the floodplain beyond either what current code says or what the draft code you'll be considering in December and next year. It makes no sense to allow a building in the floodplain to be taller than otherwise would be allowed in the zoning district, so I ask that that amendment wasn't in the earlier drafts. It appears in this draft. I ask you take it out because it makes no public policy sense to let somebody build a taller building because it's in the floodplain. Otherwise I have high praise for what the staff has done, worked diligently with all of us stakeholders and have come up with a product that provides reasonable balance. I ask you to approve on all three readings today.

[4:17:23 PM]

Very very much.

>> Good afternoon, mayor, council, I'm here on behalf of the real estate council of Austin to speak actually for this item with conditions. I'd first like to thank staff for their work on this important issue and the dialogue we've had throughout the process. We are in support of the overall goal this ordinance strives to achieve by improving public safety and mitigating the potential flood risk. Our main concern has been that while there's been a lot of focus on how to address and handle residential properties,

there's been very little focus placed on commercial properties. This is especially true when it comes to the redevelopment exception. Under the proposal would be an administrative process for residential properties if they meet certain criteria, including not narrating the number of dwelling units and building at least 2 feet above the free board, both really good things. This effectively mitigates existing flood risk while allowing people to reasonably use their property. For commercial however there's no such exception. If you were to replace a building subject to these regulations with a building exactly the same size you'd

[4:18:24 PM]

have to come before council for any additional exception and this is exactly the thing we hope to work out with staff in the coming months and hopefully bring back to you in April. Initially we actually had intended to request a vote on first reading only to allow us more time to finalize this exception but with that understanding with staff we're willing to commit to work on this exception and bring that back to you for consideration. Lastly, I'll add in respect to the effective date, we would ask that you considerate a minimum an effective date of six mods, which we believe would allow enough time for staff to release the criteria manual for comment as well as ample time to train, review staff for some of the new requirements that are gonna have to happen. So with that happy to answer any questions. Otherwise, thank you.

>> Mayor Adler: Thank you very much. Item number 64 is before us. It's been moved and seconded with the amendments added. Discussion? Yes, councilmember alter.

>> Alter: Thank you. I wanted to first of all

[4:19:27 PM]

thank our watershed staff, Kevin Shunk and Mike and Matt and no doubt many others who worked really, really hard pulling this atlas 14 project together. It was no easy task, and I particularly want to commend the way that you worked with each of our council offices to explain this very technical matter and help us to move forward with issues that arose throughout the process. I think at least from the council side of things it seemed to go very smoothly, so thank you. I wanted to ask if you could highlight what folks who are in these flood areas ought to be doing because this is an effort to make our community safer in light of flood risk but there's also an opportunity this creates for our community in the interim between the time that we pass this ordinance

[4:20:27 PM]

with the temporary mapping and when the federal maps come in. So if you could speak to what folks should do with respect to flood insurance and other things so that they continue to be able to be insured, et cetera, moving forward.

>> Thank you, councilmember alter. It's important to point out that while we have had a lengthy and robust outreach process up to this point, that's not gonna stop. Once we have an approved ordinance we're going to continue that process, both to the public as well as the staff, such that they, a, the public is concerned, they can understand their flood risk. If the building is in the 500-year floodplain now they need to consider flood risk. We tell people all the time go ahead a flood insurance quote. Now is the time to do that. Once we have completed or floodplain studies we hand that off to FEMA, family updates their flood

[4:21:27 PM]

insurance rate maps. Only after they're done with that process will it then affect flood insurance. Getting flood insurance now is the time to buy it such that when changes do happen with flood insurance that rate maybe grandfathered for a certain period of time. That process from us completing these floodplain studies to getting to FEMA to FEMA getting approval is probably four to five years away. But please tell anybody you know that's in the 500-year floodplain please quiet a quote on flood insurance to help understand what you and your family can do to be safe during time of flood. The other thing important to point out is if a building is in the 500-year floodplain there is no requirement at all to immediately do something to the building. Only when you're going to renovate the building, either interior or exterior, only when there are renovations or additions being made at that point in

[4:22:27 PM]

time, that's when the requirements kick in. So just being in the floodplain does not require you to elevate the building, create a safe access path. But it is just a way of notifying people that there is flood risk here so please plan accordingly.

>> Alter: Thank you. I appreciate that. With you be, you know, sending letters to the folks who find themselves in this predicament or is it something we need to be, you know, putting in our newsletters? How can we help to spread the word? You have media who are here. Is there some steps that we can take to be proactive to make sure this information gets disseminated appropriately?

>> I would say all of the above. We are definitely going to send out postcards. We have already send out postcards about 25,000 of them, to residents in the 100 and 500-year floodplain. We're going to resend to that similar list a new postcard that says now that

[4:23:28 PM]

we have new rags, here's what rush to know. That process will occur shortly. We're going to continue this outreach process both on our website through meetings, public meetings, through homeowner association meetings, to get the word out about flood risk and about this new understanding of flood risk. If we can help you with the newsletters, provide you with language to put in your newsletter we're happy to do that because the more places we're getting the word out, the more chance that we're getting to people and they're seeing that they need -- they need to be thinking about floodplain and flood risk for their property.

>> Alter: I'd be happy to do that if you can get me that information. Thank you so much.

>> Mayor Adler: Ellis.

>> Ellis: I will echo the sentiments of councilmember alter and thank you and all of the work that's gone into this. I'm happy to support those proposed amendments from watershed protection staff as well as my colleague, councilmember kitchen. We are fortunate to live in a community that acknowledges that climate change is real because only when we accept that this is

[4:24:28 PM]

reality can we begin to brace ourselves for the risks and challenges associated with it. This ordinance gives us key regulatory changes we need to do just that, to ensure our development standards proactively confront the heightened flooding risks eliminated in atlas 14. The proposed redevelopment exception is a creative and pragmatic approach to incentivized private investment in reducing residential flood risk and this is going to help people safe, especially in my district and I know other councilmembers are concerned about this as well. I really appreciate the memo that came from Brian oaks our chief equity officer. It talked about an equity-oriented home elevation assistance program. I'll read it briefly. Watershed is creating a new program that assists property owners in floodplains with home elevation. This program will have an equity-based framework and watershed is committed to its funding. The development of the program is in initial

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phrases and does not have a time line for implementation but I want to commend these departments for working together and having a really proactive and clear vision in working together, and I think it's incredibly smart and I appreciate y'all's work on this.

>> Mayor Adler: All right. Thank you. Moved and seconded. Let's take a vote on item 64. Councilmember pool.

>> Pool: I'm just gonna lay a little bit more appreciation on, on staff, especially for the numerous times you came out to district 7 and worked closely with the residents. I know there's still some work to be done and we're all continuing in that vein, but this is a huge accomplishment and thanks to y'all.

>> Mayor Adler: Those in favor of item 64 please raise your hand. Those opposed. 64 passes unanimously. Thank you for that work. Okay. We had two speakers that had signed up to speak on

[4:26:29 PM]

item 75 handled on consent. I don't know if they're still here. Would you like to speak to us on that issue? We certainly have the ability to be able to reconsider it if we wanted to. So let me call you down and give you a chance and let me apologize for not calling you earlier. Please introduce yourself.

>> My name is Michelle sides. I believe rosemary is donating her time to me.

>> Mayor Adler: You'll have five minutes then.

>> My name is Michelle, student of Texas health and science community, that's my bicycle outside the window. As a bicyclist my main concern I have with rezoning this property from a Dr to sf6 town home is the current state of the road clarified by the city of Austin as substandard. Cooper lane is narrower, lacks any drainage system, curbs or bicycle lanes. We have seen at least eight automotive accidents in the last three years along with local flooding. This is not typically the type of road that can handle

[4:27:30 PM]

new high occupancy residences without improvement to this roadmap in a holistic way first. With the previous zoning on cooper lane we've seen a significant increase of traffic yet sidewalks and road widening only benefit the residents that have community while the rest of the stretch bears the brunt of increased traffic confined to a narrow roadway to keep current and future residents safe. We're learning more about atlas 14 and increasing rainfall. We have experienced an increase of flooding this year. Had a significant rainfall about two weeks ago where flood waters entered our garages with water standing 2 feet from my kitchen door. I feel prematurely allowing this development will increase our likelihood of being recategorized into a floodplain. I'm aware that new developments are required to create retention ponds but I fear this is not enough since we're facing flooding issues and the development has not begun. I think it is wise to -- I do not think it is wise or

[4:28:31 PM]

safe to overdevelop on cooper lane without seeing improvements to the substandard roadway first. It's already at max capacity for accommodating current traffic flow and cannot rely on townhouse developers to provide a disconnected patch work of sidewalks or road widening in which the consequences would resemble a lumpy python after lunch. Such an inconsistent roadway is likely to mislead drivers' safety consideration when considering the presence of pedestrians and thus makes for more city planning. I cannot oppose the future development of cooper lane but strongly advocate we take the first steps to first ensure improvement of substandard roadway if it can accommodate the increase of traffic that would come with the development so we're not undermining the safety of current and future residents of cooper lane. I also recommend that the local flooding issues along the substandard stretch of cooper lane be considered and reevaluated to determine actual risks of flooding that would impact the current and potential residents that would come along with this development. I hope that we will not take

[4:29:33 PM]

two steps back and then one step forward as far as increasing flooding impact in attempt to go mitigate this impact with insufficient retention ponds. Thank you.

>> Mayor Adler: Thank you. Thank you for coming out and speaking to that item. Yes.

>> Kitchen: I wanted to let the speaker know my staff is coming downstairs. We did add an amendment to address traffic issues so she'll be able to explain that to you.

>> Mayor Adler: Okay. Thank you. All right, council. Let's continue on. We just approved 64. The next item that is a public hearing here is item number 65, which is a floodplain variance issue. We have two folks here to speak to item number 65. Conduct a public hearing and consider an ordinance. By the way before we move

[4:30:33 PM]

forward, when we voted on item number 63 it was not only to close the public hearing but it was also to pass a resolution and I didn't call that out so I want to ask for another vote now on item 63 just to make sure that it's clear. Those in favor of closing the public hearing on 63 and approving the resolution please raise your hand. Those opposed. It's the same vote. It's unanimous on the dais. Thank you.
Councilmember tovo.

>> Tovo: Mayor, I just wanted to note that -- ask the question of whether we could take up 55 at some point? We really just have one speaker on that item. That was the item set for the 4:00 time certain.

>> Mayor Adler: Yes, we could do that too. Let's go ahead and do that then since we haven't called up the other item yet. Let's call up item 55. This is the ace matter. We have one person to speak on it.

[4:31:39 PM]

Is Mr. O'delp here?

>> Can I have -- can she speak on my behalf?

>> Mayor Adler: That would be fine. What's your name please.

>> Iris.

>> Mayor Adler: Okay.

>> Hi. Good afternoon, my name is iris. I'm with united here local 23. We represent workers in the hospitality industry. Right here in Austin. We are here today to -- today in support of agenda item number 55. Every morning our members wake up and go to work to

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serve food and drinks in the city. We drive on -- we drive on city roads to go to work. We have days off. We spend time in city parks. Some of us take our kids to city playgrounds. I grew up in Austin and live and work here still. When I was younger, I loved going to fiesta garden. I would run there with my sister. The lake is right there. It's beautiful. Now I go for walks there with my husband. These things matter to us because we are workers and we -- and we are your neighbors. We deserve to have a voice in how the city plans and how it is managed.

[4:33:40 PM]

So when we see the new state laws are going to hurt our city budget, we have a problem with that. We see the city of Austin can use revenue for our city own hotel to build new public facilities. We want you to do everything in your power to make that happen. When we see the Austin convention enterprise budget nearly double in just five years while the city faces a financial crisis to pay for the basic service our community needs, it's our duty as members of the community to say we can do better because the numbers don't lie. The city of Austin is getting a very bad deal from

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our public own hotel. The city convention enterprise [indiscernible] Revenue funds will generate 197 million by 2034. Instead of paying for the money to Wall Street, the city council should use this to pay for parks, playgrounds, swimming pools and health facilities. It is time to put families first.

>> Mayor Adler: Thank you very much.

>> Thank you.

>> Mayor Adler: Thank you.

[Buzzer sounding] Councilmember tovo, do you want to make a motion?

>> Tovo: I do, thank you. I'd like to move approval.

>> Mayor Adler: It's been moved approval of item 55. Councilmember pool seconds that. Any discussion? Those in favor --

>> Tovo: Just a little, very briefly. I want to thank you for the work that you do each and every day but also thank you for sharing with us the results of your research. This was a really

[4:35:42 PM]

interesting -- an interesting information that you brought to us and to several other councilmembers. And I'm very excited about the possibilities that might come from the resolution. So thank you very much for your work on that. So many of our good ideas that we are able to bring forward as resolutions really come from the community and this is a great example of that.

>> Mayor Adler: It's been moved and seconded. Those in favor of 55 please raise your hand. Those opposed. Unanimous on the dais. 55 passes. Let's get to the floodplain variance item number 65. Does staff want to present to us?

>> Thank you, Mr. Mayor, mayor pro tem, council. Kevin Shunk, floodplain administrator. The item before you today is a floodplain variance request at 1130 spur street, which is in the Tannehill branch watershed. This is not a typical

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increased variance. This is not a typical flood hazard, not a typical process that has led us to the point we're at now. Spur street is in east Austin. And it's highlighted there. In the middle of the screen. That's oak springs and Springdale intersection there to the left of spur street. This is Tannehill branch creek, which you can see here in the dark color is the 25-year floodplain, current 25-year floodplain. In the light blue color is the current 100-year floodplain. In the green is 500-year floodplain however that's what we call a 1000-year floodplain. It's different than the 500-year floodplain and I'll get into what that means but basically what happens there you can see at oak springs the water spilled cannot enter the channel so it spills over oak springs and flows through the neighborhood trying to get back to the creek. So there's overlying flow

[4:37:43 PM]

through the neighborhood in a very shallow area in the -- with very shallow depth trying to get back to the creek itself. So in zoning ao's, zone aos are defined by flood depth, not flood elevation. What we're usually talking about when we talk about floodplains is the elevation of the floodplain. What is the level of a floodplain. When we look at zone aos we're talking about flood depths in that entire green area on that previous slide, that entire zoning ao, it is -- what we call a zone ao1, meaning a home has to be built to the FEMA minimum standards 1 foot above grade on the property. When you take into account the city's free board requirement, 1 foot, now 2 feet, 1 foot when this

[4:38:44 PM]

application was submitted, a building would have to be built 2 feet above grade that touches the foundation in order to comply with the floodplain rules. Before the most recent development occurred there was a home on this property. It was about an 1800 square foot home built in 1958. This lot was first determined to be in the 100-year floodplain back in 2013, first shown to be in the FEMA map on the 100-year floodplain in 2016. That home was 1.8 feet below current code requirement of where -- of how high the building should be. The property was purchased in February 2017. Demolition permit was issued by the city in April 2017. We have viewed a development

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application approved by the city in September 2017, and at the time of that development -- at the time of that review, the development complied with an exception that would allow staff to administratively approve the building permit, which we did. The approved plans that were submitted and approved called for the buildings to have a finished porch elevated 2.4 feet above the ground that touches the foundation or at an elevation of 468.1 feet, again, 2.3 feet above grade. The requirement of the zone ao-1 is that it be 2 feet above natural grade. This submission was proposed to be 2.3 feet. Right now there's a development that is complete on this property. It's about 2600 square feet of conditioned space, two separate dwellings, three bedroom, three bath and two

[4:40:45 PM]

bedroom two bath. The building foundations were not built according to the approved plan. The builder, as they were required, to submitted the elevation information to the inspector at the time of form survey, way before the building is built, when forming the foundation for the building. The inspector approved the foundation despite the fact the incorrect information was shown on those plans. Since the

inspection was approved the builder continued with the project and completed the homes. In order to get the final inspection, the builder had to submit the final plans of what was built, and at that point in time that's when staff realized this foundation is below what the required plans said it was going to be and what the required code amount says it needs to be. We did work with the builder to come up with options so maybe we can comply with the

[4:41:46 PM]

code with what they've built, but we were not able to come up with anything that would satisfy the code language. So there's basically two floodplain variance requests. The first one is to allow the development to have elevations below the required height, and the second one is allow the development to happen -- to proceed without providing safe access. Now, thinking back to when it was originally approved, the exception that was used to approve this development was -- allowed staff to waive the safe access requirement. But since then -- that was because they were meeting the finished floor requirement. Now that they do not meet the requirement they do not meet that exception which means they need the variance to the safe access rule also. This development does not cause adverse flooding on other properties. As I said, this zone a floodplain is shallow, it

[4:42:47 PM]

moves quite slowly, so there's not an issue with -- we don't think there's an adverse -- this project will cause adverse flooding on other properties. However, the development does not comply with the both the city and FEMA rules regarding the height that the home is built above natural grade. As I said before, the development does not have safe access from either building, 1 foot above the 100-year floodplain to the right-of-way, that does not exist. What I say in here that the hardship conditions for the property partially exist. When we consider hardship we look at the fact that it is not possible for a property that's completely within the floodplain and the road in front of the property is completely within the floodplain, it is not possible for them to satisfy the safe access requirement, therefore, according to the building code that's considered a hardship. There's not a hardship condition for the elevation of the finished floors.

[4:43:50 PM]

One of the main concerns that we have with this development is that since these finished floors are below the required FEMA amount, the flood insurance that may be required for these buildings for future owners is gonna be very expensive compared to the building that met the code or met the FEMA requirements. And we have talked to a couple insurance agents, and while we haven't gotten a direct quote from the insurance agents because in cases like this, where the insurance agent -- what the

insurance agent more than likely do is send the request to FEMA and FEMA would provide the flood insurance premiums. But based upon the flood insurance rate table we can see that a flood insurance policy for this property the way it was built would be about five times more expensive than it was if it was built according plans. Therefore, staff recommends denial of this floodplain variance. There are three

[4:44:51 PM]

conditions -- actually two and then additional one that you should have a memo about. Three conditions in the draft ordinance. Two of them are pretty typical, the drainage to easement for the entire property, save and except the house itself. The elevation certificate, which is certifying the elevation of the building according to the survey and the adjacent grade around the building that's required -- that would be a required survey information that they have to provide to us. And the last one is staff feels it is important to notify future potential buyers of this property that the way it was built is going to require flood insurance premiums that are higher than if it was built according to the plans. So if this ordinance - - if you want to consider this ordinance, we think that's an important aspect to put into -- as a condition of

[4:45:51 PM]

the ordinance, such that future owners would realize that there may be flood insurance premium issues getting this -- getting flood insurance in the future for these buildings the way it was built. I do think the owner is here. Well, I think they're here. I'm not sure about that. But if you have any questions I'm happy to answer them.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: Just one quick question. So you were referring to future owners. Is this for sale? Is the property for sale now or something?

>> Not yet. But the builder is -- his intention the way we understand it is to sell the property.

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

>> Mayor Adler: If we don't grant the variance, what happens? So if the variance is not granted then the city cannot approve the final inspection. The city cannot provide a certificate of occupancy for these buildings and without the co utilities cannot be

[4:46:52 PM]

connected to these buildings. At that point I would imagine, I don't know for sure, but it may be a civil matter after that point.

>> Mayor Adler: Okay. Thank you. Any discussion before we hear from the speakers? Councilmember kitchen.

>> Kitchen: So if I'm understanding correctly, to fix the mistake that was made they'd have to elevate it?

>> Correct.

>> Kitchen: Okay.

>> We did work with the applicant to try to come up with a way of maybe changing the grades on the property such that it would meet the code requirement but we could not come up with a way that would satisfy the code so elevating the buildings is one option. I'm not saying it's viable. I'm just saying that is something to consider.

>> Kitchen: Okay. Thank you.

>> Mayor Adler: Councilmember harper-madison and then councilmember tovo.

>> Harper-madison: I don't know if it's appropriate for watershed to answer this question or the developer to answer the question but I'm curious about the cost for reconciliation. What does it cost to elevate

[4:47:54 PM]

two constructed buildings?

>> I don't have that information. I don't know if the builder could speak to that. Possibly he can but I don't have that information.

>> Harper-madison: Okay. Thank you.

>> Mayor Adler: Let's hear from speakers -- oh, councilmember tovo.

>> Tovo: I did. It was along the same lines. I wasn't necessarily wondering about the cost but I wondered about the process of elevating structures that are already in place of this sort. Is it achievable?

>> We have seen in the past, through other communities, that it is possible to elevate slab on grade foundation structures. Not having slab on grade pier and beam is easier, but it is possible to do slab on grade buildings.

>> Tovo: Thank you.

>> Mayor Adler: Let's hear from the speakers. Is Eric fulcrum here? Come on down, sir. You have three minutes. Is William Hodge here?

[4:48:56 PM]

You'll speak next.

>> Council, the owner of priority Texas homes. As stated we did get approval to build, so we went ahead and built. Anyone on the backside going to get our final approval so brought us to this, which brought us to a couple questions you were asking about raising the foundation. It is possible, very, very unlikely because of how the beams run in the ground that if we're lifting up one side it's gonna crack the foundation. We can't get all the way underneath the house and get everything to go at once. It would -- almost nearly impossible to do that. As far as if there's any other questions, I'd be happy to answer but I would yield the rest of my time to the architect to explain a little bit more.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I'm not certain if that's a question for you or the architect but I'm

[4:49:59 PM]

trying to understand -- I'm just trying to understand how it is that there was not an awareness that the building did not meet the required -- requirements.

>> On our side, we did I guess misit when we were putting the forms out.

>> Kitchen: Okay.

>> However, we use the city as our checks and balances for anything that we're doing, as far as building a house. And we got the approval to go ahead and it would -- it missed us so we went ahead and built.

>> Kitchen: You went ahead and built and you're saying you weren't aware at that time that it wasn't in compliance?

>> No, ma'am.

>> Mayor Adler: Okay. Let's hear from the next speaker. Thank you. William.

>> My name is William Hodge. I disclose I'm los a member of the city commission board of adjustment but I'm here in my capacity as the

[4:51:03 PM]

architect. Much of the time line what happened on this particular project was given by Mr. Shunk. Much of the discussion of the difficulty of raising this slab was told by Mr. Becam. My -- I was honestly as shocked as Mr. Becam was when it was -- when we came to the very end of the process -- when he

came to the very end of this process to be denied a certificate of occupancy because of a combination of errors. To speak to specifically the process of elevating a slab in this nature, this slab is -- was designed by an engineer who actually I hired as the architect. It is a --

[buzzer sounding]

>> Mayor Adler: Go ahead. Continue.

>> It is a stiff and waffle

[4:52:06 PM]

slab. It's a lot deeper than a typical slab on grade. Slabs on grade in that neighborhood and I do extensive work in that neighborhood are much thinner. They are hard to get under, are very heavy and they do, as Mr. Becam said, they do tend to crack when they're moved. And they tend to crack in shear. So we went through several scenarios of trying to figure out how we could lift these houses, and it was determined that it wouldn't be possible. I'm not sure if that was Mr. Becam's time or my time, but I will just keep it brief because much of what I was going to say has been said. Where we are now, the house is higher than what was previously there. I as an architect, especially given the conversation in the item we just had a couple items ago, it is absolutely important that floodplain -- that we protect people who live in floodplains. I do many -- I've been told I might do more residential

[4:53:07 PM]

projects in floodplains than any other architect in the city. We always try to make sure certainly on our side that our drawings are correct. But in this particular case, what has been seen since the slab was poured in 2017, is that there has not been a flooding event and of course that does not mean there will not be one but there has not been one and this house is higher than other houses in the neighborhood. I am available for technical questions if needed.

>> Mayor Adler: Any questions?

>> One other thing.

>> Mayor Adler: Councilmember harper-madison.

>> Is one other thing real quick --

>> Mayor Adler: Hang on a second.

>> Sorry.

>> Mayor Adler: You have to get a question.

>> Harper-madison: For what are it's worth you might answer my question. If you'd like to say what the one other thing was.

>> Can to the nature of the insurance -- I went ahead and ran it with a couple different people and told them that it was below the floodplain elevation and I got -- now that's not to say that they wouldn't go back and check further. However, I did get a certificate that said I

[4:54:08 PM]

could get insurance with the house as-is built.

>> Harper-madison: I appreciate that. I think this is probably an extraordinary situation and it's very difficult to know how to move forward with the full recognition that you don't want to put somebody -- the future homeowner in a bad position so I'm really trying to -- this might be an architectural question, might even be a landscape architect question, but I'm trying to think through what other mechanisms could we deploy? Could we do some wicking system, French drain, is there some way to not adversely affect the surrounding neighbors but address any potential for addressing, you know, water?

>> Very good question. And so one of the things that we brought, you know -- that came to mind for us was exactly what up said, councilmember. How do we -- how can we alter the landscape, alter the groundscape here to mitigate the amount of, you

[4:55:08 PM]

know -- mitigate or prevent the amount of flood water that would be present here. As Mr. Shunk said, we did try to see if we could alter the grade, basically working first with the topography, as Mr. Shunk said. And I work in this flood zone all the time. It's not elevation. It's depth. Regarding draining, regarding drains, that is also something that we looked at. The problem is, to be quite honest, is if there's a foot of water in this area it's everywhere in this area. It's gonna very quickly overload a drain. And we would have concerns about where it's going to actually -- where it would actually go. Some of the items which would mitigate the risk to property and life of a flood event here also deal with the building itself.

[4:56:11 PM]

I have in other situations for nonessential floors like garages we have done what's called flood-proof, flood-resistant construction specifically using some products, non--- less organic or non-organic, and organic in this instance is a bad thing. It means mold will grow. We have used that in this very area. In fact I've ton that three times within a 500-foot radius of this building. So that is something the building

can be retrofitted on the inside. Were a variance to be granted perhaps it can be retrofitted with those materials on the inside to prevent property damage and risk to life.

>> Mayor Adler: If we deny the variance, does the city -- my understanding is that the plans that were submitted had it at the right elevation. That's what the property owner is supposed to build

[4:57:11 PM]

to, that's what got approved. Then there was an inspection that came that showed that it was not being built to that height, and it was approved by our department. What is the law with respect to city legal liability in such a situation?

>> This is one that's a difficult one but the legal liability is not an issue for the city here. This would be something the city would have immunity for?

>> Mayor Adler: Okay. Further discussion? Any further discussion? Yes.

>> Ellis: I have a question so I'm making sure that I'm understanding this. I also didn't see drawings as backup. I'm not sure if we have those available. I know I haven't requested it ahead of time so staff may not have it or y'all may not have thought to bring it with you today.

>> I'm really having a hard time with understanding the

[4:58:12 PM]

drawings were submitted a different way and you are, Mr. Becam, the owner of the property and the builder or is there a different owner and a different builder?

>> I'm both.

>> Ellis: You're both, okay. So I guess the liability between having plans that may not reflect what's on the ground does lie with you if you are the owner and the builder? There's no insurance policy between two entities about building something that doesn't match the renderings?

>> Let me see if I understand your question right. So the build side of it doesn't match the plan side because our foundation wasn't high enough. Our plans were correct, it just it wasn't constructed the right way. We did get a revised set of plans to as built now, to match that

>> Ellis: Okay. Yeah, I think I'm just struggling because in my experience with working on, you know, building

[4:59:12 PM]

projects, it's usually there's like a financier and they hire an architect and then they give the plans to a builder. So I'm just trying to process this with one entity essentially owning it and being the builder and kind of the liability with them not matching the plans and, you know, I know there's stuff that changes in the field, where it's like, hey, you know, we make it work, but it's usually not a matter of floodplain issues

>> Sure. So I gc them. I don't have a company that builds the house. I gc, hire out all the foundation work, the hvac and all that, so...

>> Ellis: Okay

>> There is no, I guess, liability between me as being the owner and me as being the builder. It would be the same as one, so...

>> Ellis: Okay. That's interesting. I'm just really struggling with it, I think. I mean, that is really interesting problem that we haven't dealt with, as far as I know. So I really feel for you, but sometimes it seems like you know big mistakes are where we learn those hard lessons.

[5:00:14 PM]

And I'm will thinking about who would occupy this space and trying to make sure about that is a conversation we've had before. Thank you for answering my questions.

>> Mayor Adler: Flannigan Flannigan.

>> Flannigan: Is this property already sold to someone? Is there already someone planning to live here?

>> It is not presold. I cannot -- I can't put it on the market because I don't have a co. So I'm waiting on that to put on it market

>> Flannigan: Thank you. So, you know, I'm struggling with this too. You know, I worry sometimes about some reports I get from my constituents about inspectors coming out and saying, you know, that's good or that's bad, and then three weeks later, get another notice from a different inspector saying it was bad, now it's good, it was bad, and it goes back and forth. I've been trying to figure out how to of that conversation as a policymaker about, you know, the reasonable reliance a property owner has on official designations by the city. But I think whatever that line

[5:01:15 PM]

is, there is a line. There's a line buy which it doesn't matter if the inspector inappropriately approved it, and I think floodplains probably fit that line. So as much as I really feel for you, I don't think this is a place where we can approve the variance. I won't be voting for it.

>> Mayor Adler: Okay. Is there a motion to approve the variance on this case? Is there a motion?

>> Harper-madison: I'd like a motion to postpone the item until we have an opportunity to think through what some of the ultimate complications are. I recognize the risk here but I also inherently just can't imagine what the alternative to our approval is, if you literally can never get a co on this house, then you just have two brand new houses that you can't do anything with. Is the alternative there to demo them and then build a new house

[5:02:17 PM]

there that's out of the floodplain? If that's the case, I personally would like to either abstain from this vote or ask that we hold off and discuss it some more.

>> Mayor Adler: Councilmember pool.

>> Pool: I'm not sure talking about it anymore is going to change the facts on the ground. It may be helpful to go ahead and have some closure here for the owner and so he can then move forward with some alternatives that he can -- he may be thinking about. But I don't want to extend the agony at all.

>> Harper-madison: That's exactly what I just said --

>> Mayor Adler: Okay. Councilmember harper-madison moves to postpone this item. Is there a second to the motion to postpone?

>> Flannigan: I'll second

>> Mayor Adler: Councilmember Flannigan seconds the motion to postpone. Discussion? Okay. Let's take a vote on the motion to postpone. Those in favor of postponing,

[5:03:19 PM]

please raise your hand. Councilmember harper-madison, councilmember Flannigan. Those opposed, please raise your hand. That's the balance of the dais. Councilmember Casar off. Is there a motion to be made to grant a variance? Hearing none, then we'll just pass on this. Council is not going to grant the variance. I'm sorry. Is there a motion to close the public hearing? Councilmember pool makes a motion to close the public hearing. Is there a second to that? Councilmember Ellis cancels that. Those in favor, please raise your hand. Those opposed? It's unanimous on the dais, the hearing is closed. I don't know that we get a question much harder than that one we just had. All right. Let's go on to the next item. Item number 66.

[5:04:21 PM]

Is there anyone here to speak on this item number 66? I'm not showing anyone signed up. No one is here. Is there a motion to approve this ordinance number 66? This is the motion to amend the neighborhood planning map. Is there a motion? You want to explain to us what it is? You want to explain to us what this is?

>> Sure. Mayor, this is to conduct a public hearing and consider an ordinance amending organs 20120628-138 to add the colony park lakeside neighborhood association, the Harris branch master association, and the north shoal creek plan area to the list of neighborhood associations and contact teams, subject to additional regulations regarding mobile food trucks. This item is very similar to what was considered a few months ago,

[5:05:22 PM]

when the mobile food ordinance was passed in 2012, the process was created whereby a neighborhood association planning team could opt into an additional set 6 regulations regarding food trucks. We have 24 associations that are included in that. The three associations that wish to be added that I named earlier, of those, the Harris branch association conducted a vote on November 27th, seven people voted in favor of the -- of opting into this. They represent a neighborhood association of 3400 people. Colony park had 12 people vote in favor, representing a neighborhood of about 11,000 people. And north shoal creek had three people vote in favor, representing a neighborhood association comprised of about 3400 people. So what this does is it states that if you have a food truck and it's within 50 feet -- it's prohibited within 50 feet of a residence, if you opt into this area, and if you are doing a food truck that's between 50 and 300 feet, it needs to close at 10:00 P.M. Instead of 3:00 A.M. Under the standard food truck ordinance. Staff recommendation, although this ordinance was established by

[5:06:24 PM]

the council as compromise in 2012, similar to the front yard parking thing, we kind of think that there should either be a uniform rule across the city or not at all, whatever the council's wish is the but the process of once a year asking neighborhood associations and having to inform every food truck owner that within this one association, you have to close early, we think is rather complicated because, obviously, if you had a food truck on one side of the street and on the other side of the street, it would close at 10:00, our opinion is, frankly, it should be one rule or no rule at all

>> Kitchen: Mayor, I'll make the motion to approve item 66

>> Mayor Adler: Okay. We can't address this globally in that regard, though, today. Isn't today just to --

>> No, the question today is whether to add the three additional associations to the list or not.

>> Mayor Adler: Okay

>> No, I think if you want to address it globally, the new code is probably the chance to do that.

>> Mayor Adler: Okay. Would you please make sure that that comes up in the discussion of the code at some point?

[5:07:24 PM]

All right. Is there a motion to approve this item 66? Councilmember pool makes that motion. Is there a second to the motion? Councilmember harper-madison seconds it

>> Pool: And close the public hearing.

>> Mayor Adler: Motion to approve and close the public hearing. It's been moved and seconded. Any discussion? Councilmember Flannigan.

>> Flannigan: Mr. Rusthoven, when you were reading off the vote counts, were those, like, board votes? Like the neighborhood association board?

>> We just -- we polled the associations in February and let them know that the once a year process was going through. We then asked them, those that want to be opted into this process or this map, we asked them to send us the date that they conducted the meeting, as well as what the vote count was. So we're not present during these votes.

>> Flannigan: Okay. I mean, I think if we're going to read vote counts into the record, we should be clearer about the process by which the votes were taken, who was available to make those votes. The one example you gave was three votes yes for a

[5:08:24 PM]

neighborhood of 3400,ening

>> Three votes yes, two abstentions, and the total population of the neighborhood is 3471

>> Flannigan: I mean it's just kind of an ongoing concern for me about how outside groups are being represented in these conversations in terms of access to voting and how those board members were selected by those hoas, are renters being included, is it according to the voting rights ache, we have a lot of questions. I'm going to vote no on this, as I voted on errings that Jerry has brought up that hopefully we can fix in the new code.

>> Mayor Adler: Okay. It's been moved and seconded. Any further discussion? Councilmember pool

>> Pool: I do know north shoal creek is in district 7 and that association is absolutely open to anybody and everybody who wants to belong and they have renters in the neighborhood and they are members

of the association. I don't know what the circumstances were that they were just three votes. We don't really know. I would say that that's kind of

[5:09:24 PM]

an odd -- seems kind of a cherry picking of data, but if people knew that the numbers were going to be read into the record here, then maybe there would be a larger number of people showing up to take the vote, or maybe they are so unconcerned about it that they just -- you know, yeah, it's great, it's not a big deal, so we move forward with it.

>> We were just asked by council office the numbers of people that voted because we received that data when -- when we asked for their --

>> Pool: I just -- I don't know what to do with those numbers. There could be all kinds of interpretations of them. But I happen to know for sure north shoal creek does have membership that is irrespective of ownership or renter status, it's just anybody and everybody who lives within those boundaries is welcomed and embraced to be a part of that group.

>> Mayor Adler: So my sense on this is I'm going to vote for this because it's consistent with

[5:10:25 PM]

the current process, but I also believe that the process is not the correct process. So I would like this to come back for at least discussion during the code process so we can pick if I can say the process.

-- So we can fix the process. But I'm going to vote on this. Councilmember Renteria

>> Renteria: Can you explain to me, I'm just kind of confused about this, if there's a contact team or neighborhood association that wants to regulate their food trucks, does that mean we could -- this is what the process is?

>> Yeah. What it is, there's a set of standard food truck regulations that they all must comply with, partner registration, et cetera, et cetera. What this does, it adds an additional layer that in the areas that opt into this map that we're talking about amending today, it requires the food truck that's between 50 and 300 feet to close at 10:00 instead of 3:00, and it prohibits them at all within 50 feet of single-family zoned house or property.

[5:11:25 PM]

>> Renteria: So any neighborhood or contact team can position the city --

>> They can. We do this once a year as required by the ordinance.

>> Renteria: Okay. So if a neighborhood don't want any food trucks --

>> It doesn't say food trucks, it says within that distance within a house, you have to close earlier

>> Renteria: Close earlier, so any that has food trucks, are they grandfathered in there?

>> No, it states within we have to notify every owner of a food truck license and let in them know these additional areas have opted into this owners, if they're within that area, they need to stay 50 feet from a house and close at 10 o'clock rather than 3:00, from that distance.

>> Renteria: Interesting. Thank you

>> It was a compromise, but my feeling is the rule should probably apply citywide or not at all, not go neighborhood by neighborhood.

>> Mayor Adler: Thank you. Further discussion? Councilmember Flannigan

>> Flannigan: I pulled U.T. The

[5:12:27 PM]

backup and it notes that north shoal creek was taken by a neighborhood contact team and one is called a neighborhood association and the other is residential oa, I assume that's owners association.

>> Yeah, I believe so. It although us for either a contact team or neighborhood team if there's not a contact team

>> Flannigan: I'm not trying to call any individual group out, I think it's just the standardization of this process and if we're going to consider in the future going to kind of neighborhood groups as a process, we should find some way to standardize how those work

>> Mayor Adler: There's been a motion understand a second. Let's take a vote. Those in favor of the resolution, please raise your hand. Those opposed? Those abstaining? Flannigan voting no, councilmember Renteria abstains, others voting aye, that says

[5:13:30 PM]

patently and the hearing is closed. That takes care of item 66. We have 67, we're going to put that one off because that comes up later. Let's hit with economic development tools, number 68. I have no one signed up for this. Is there anyone signed up to speak to this item 68? Okay. You want to tell us what this is, quickly?

>> Good afternoon, mayor and council, city manager. I'm with economic development department. This is the Texas legislature codified the Texas enterprise zone program within the Texas government code, 1993, and amended in 2003. The legislature established a process by which areas characterized by acute distress are provided with state and local inducements to encourage private investment through the removal of unnecessary regulatory barriers to economic growth and to provide

[5:14:32 PM]

tax incentives and economic program benefits. This is one of the best tools we have in the economic development department. The program is designed to help disadvantaged workers to become employed and hopefully enhance their quality of life such that they may move out of distressed communities by way of a permanent employment. This is done through state incentives offered by corporations in the form of state tax refunds based upon capital investment, as well as job creation and job retention performance over a five-year period. We'll be happy for you here today, as ordinance number 200-07-1018-008, which basically is adding the eight areas of incentive tools. There is no economic impact to this particular request, and there's no diminish of city

[5:15:35 PM]

authority with regard to this request. This adds to to your competitiveness at the state level and that concludes my briefing.

>> Mayor Adler: Thank you. Is there a motion close the public hearing and to pass the ordinance number 68? Any motion? Councilmember Flannigan makes the motion, councilmember alter seconds it. Any discussion? There were no speakers. Let's take a vote. Those in favor of item 68, please raise your hand. Those opposed? Passes unanimously on the dais. And the public hearing is closed

>> Thank you.

>> Mayor Adler: Thank you very much.

>> Thank you.

>> Mayor Adler: All right, council. We don't have a lot of time before dinner, I'm trying to see what items we might be able to take care of quickly here. I'm going to call up item 74, which is the manor road case. Looks like we have one person signed up to speak on that.

>> C14-2018-015 a, property

[5:16:39 PM]

located 3303 manor road. This was approved by council on first reading. We're ready for second and third reading. The ordinance is in the backup.

>> Mayor Adler: Okay. We have one person signed up to speak. I'll call Dan Daniels. Is Dan Daniels here? And I've called you, but before I do it, is the applicant here first? Does the applicant want to speak? You have the opportunity to speak first. Thank you, Mr. Daniels. I apologize.

>> Good evening, mayor. No, we'll just let the speakers speak and we're happy to address any questions that come up.

>> Mayor Adler: Thank you. Come on up, Mr. Daniels. You have three minutes.

>> Good evening. My name is Dan Daniels. I'm the past president of the neighborhood association. I just have one comment the current president has asked me to make. With regard to the application,

[5:17:40 PM]

when we asked what difference will there be if the upzoning happens, as opposed to if it doesn't happen, and we're left befuddled, it's very hard to support the application. That's the only comment I have on behalf of the neighborhood association. The other stuff that I have to say is my own, and part of the reason I'm making that clear is some of what I'm going to say is going to take issue with city staff and the way this has come to you recommended. And we have many architects and other such people in the neighborhood we have to get along with city staff, so my comments that are going to follow are just my own. I've got a few points to make. One is that the traffic study speaks with a forked tongue. It assumes the existence of a nonexistent drive way to cut in half the traffic count for what's going to be fed into the neighborhood. The actual traffic count that's going to be fed onto a neighborhood street is a thousand cars a day, but they pretend

[5:18:41 PM]

there's a second driveway. The traffic study make reference that any future driveway that might come in will have to comply with city requirements and it recites the place to look for those requirements. What it doesn't say is that nobody in their right mind is going to put money out of their own pocket on a bet that that driveway will ever exist because it will have to be a driveway going to manor road, which is very unlikely in the first place, but it's also very unlikely because of the specifics of the location, the topography of the location, and the fact that the city is proposing to put in a bus lane that will probably put the bus stop right in front of this property on manor road. One of the other issues that I have with the traffic study is that it makes a reference to mythical mitigation. There's nothing that can be done

[5:19:41 PM]

to alleviate the burden of a thousand cars a day being fed onto a neighborhood street. That's snake oil to say mitigation can happen. The proposal comes with the recommendation of a restrictive covenant. That cross-references the traffic study. But it says you're going to have to come and hunt for what the traffic study says because we're not going to put that into the restrictive covenant. We're going to put it in our files someplace. Nothing, no restrictive covenant should ever be hiding the ball from the public in that way. But worse than that, it references such obtuse language in the traffic study, it's unenforceable, it's Almanza, nonsense, unless there's a meeting of minds which I don't think the developers and city staff have.

[5:20:43 PM]

>> Mayor Adler: Thank you very much, sir. Does the applicant want to close?

>> Good evening. I would just point out that this was not a traffic study that we conducted, it was a neighborhood traffic study that city staff actually puts together, and I know they're here and can answer in I questions that y'all might have. Thank you very much.

>> Mayor Adler: Thank you. Is there a motion to approve this item on second and third reading and close the public hearing? Councilmember Flannigan makes the motion. Is there a second to the motion?

>> Harper-madison: I just have a question if we could do that prior to.

>> Mayor Adler: Sure

>> Harper-madison: I'm curious what motivated city staff to conduct the traffic study. Was it -- was it preempted by something or --

>> No, councilmember. The code states that if -- the requirement is if the property is on a street that is zoned more than 50% residential, single-family, the applicant is

[5:21:44 PM]

required to put out -- counts are taken, the city takes counts on the existing traffic, this is what we talked about in the case a back, we add the existing traffic and proposed traffic, and if it exceeds a certain level, there's a staff recommendation as to what can be done to alleviate that traffic or recommendation for denial. It has to do with the zoning on the street and how much trips are generated by the project.

>> Harper-madison: Thank you

>> Mayor Adler: Okay. I'm going to second the motion. I think this is the support of the staff recommendation and the unanimous P.C. Recommendation and to close the public hearing. Is there any

discussion? Let's take a vote. Those in favor of this item, please raise your hand. Those opposed? It's unanimous on the dais, it passes with councilmember Ellis off. What about item number 70? I think some people may have signed on this but I'm not sure how many people actually want to speak to it. Item number 70, three people signed up.

[5:22:45 PM]

I don't know -- is Cleo petrosec here? No? Okay. Has anyone else signed up to speak on this item number 70? Hearing none, why don't you come on up. Item 70, is there a motion to -- this is to conduct a public hearing and to consider the resolution authorizing a change at Lamar beach, change in dedicated parkland, Lamar beach. Councilmember Renteria makes the motion to close the public hearing and approve it. Is there a second to this? Councilmember Casar seconds this. Is there any discussion? Councilmember alter.

>> Alter: Do you offer any -- does Austin water and Austin energy offer any payment to pard for this --

>> Yes, there's some mitigation. I think that might have been in your backup, the mou that was approved -- recommended by the parks board

>> Alter: Okay

>> So there was some mitigation

[5:23:45 PM]

that is --

>> Alter: And is that mitigation going into the park department or for a specific project or what's happening?

>> There is going to be some improvements made to the park

>> Alter: Okay.

>> With a park improvement agreement.

>> Alter: Thank you. Thanks -- you know, it's an opportunity when you have that mitigation to really funnel some funds into our parks, which otherwise would have gone to pay somebody to park in their parking lot to do work sometimes. I know this has also the easement portion. That was one of the ways that when I did the ramsay park project, we were able to fund it because there was a water -- water project that had parked on the end of the park, so just as we're going into these budget issues, if we can make sure that our utilities are thinking about that when they are opportunities so we can be activating our parks all over the city.

>> Absolutely

[5:24:45 PM]

>> Tovo: I was just looking at the backup and I wanted to say I don't see a specific amount, unless I'm overlooking it, but it does say that real estate will collect the appraised value as determined by a third-party appraiser, both the permanent utility area and staging area, as well as collecting fees to the appraisal and cost of notices on the public hearing, but we don't have an amount yet.

>> Mayor Adler: Do you have a script you no he had to read into the record?

>> I can if you'd like

>> Mayor Adler: Why don't you please.

>> So the purpose of this public hearing from item number 70 is, as you stated earlier, it questions the water utility and Austin energy to construct a permanent waterline, electric utilities and temporary work space through what we know as Lamar beach town lake hall. There's no prudent alternative to the use of dedicated parkland which includes all reasonable planning to minimize harm to such lands. The dates for the public notification, which were provided

[5:25:46 PM]

through the Austin american-statesman, were October 20th, 27th, and November 3rd of this year.

>> Mayor Adler: Okay. Thank you. It's been moved and seconded, close to public hearing and pass this item. Take a vote. Those in favor, please raise your hand. Those opposed? It's unanimous on the dais. This item passes. Thank you.

>> Thank you.

>> Mayor Adler: Colleagues, I have 5:26. We have six items that we'll take up after the dinner break. We have uno, pard, industrial boulevard, cooper lane, Winstead, and all points. And I'll take a look at the number of the people that are involved. I would imagine that we may take up the Winstead -- let me take a look at that in terms of conversations.

>> Mayor, would you read out the numbers? I'm sorry, if you don't mind.

>> Mayor Adler: Not a problem. Item 67, item 69, items 76 and 77, which are industrial boulevard, item number 78, items number 81 and 82, which are

[5:26:47 PM]

Winstead lane. And then item number 84. Mayor pro tem.

>> Tovo: I pulled 78. I just have some -- I just have some concerns that I wanted to make sure were added as we go into second reading. There are two speakers. I don't know if they're here, so do you want to call them to see if they're here, and if they're here, then I guess we can move it past, or hear it now.

>> Mayor Adler: Well, we can certainly ask --

>> Garza: They're here.

>> Mayor Adler: We have three people to -- two people to speak on this. Michelle sides and Darlene Graber. Is Darlene here? We have two people to speak on it, which we're not going to get done by 5:30. So we'll pick it back up after the break.

>> Kitchen: Can we just take them real quick? They're right there. No? Just trying to help

>> Mayor Adler: We're not going to be able to actually discuss the item, is my concern.

[5:27:48 PM]

Do you want to speak now before dinner? Recognizing we may not be able to pass them before then? Why don't you come on down then.

>> Garza: I don't think there will be a lot of discussion. I think we can go on first reading

>> Yeah. This won't take three minutes. Basically I want to reiterate exactly what I said for item number 75, just that I have concerns with the capacity of this road, being a substandard road, and additionally, I would like to email the council flooding pictures from floods two weeks ago that we had, just to really bring to attention that this is an area where we do experience local flooding, and I want that to be considered and reevaluated as we think about rezoning this issue and bringing in a hundred more residences.

>> Mayor Adler: 4:00. Thank you.>> Thank you

[5:28:56 PM]

>> Mayor Adler: Darlene. Then I'll recognize you, mayor pro tem, to make a motion. Ms. Graber.

>> Mayor, city council, I'm Darlene Graber and I'm here with my brother, Donny Carter. Our family has owned that land for 7 years, and we're now working with David Weekley homes to develop it, and we would really hope that you would consider rezoning it. We would really like that. Thank you.

>> Mayor Adler: Thank you very much.

>> Can I ask you a quick question, ma'am? How many homes are on this currently, that that people are living in?

>> Now, only -- there are actually -- I have to think here. Two, three, four -- five homes, but only one -- my brother lives in one of the homes, and the -- three of the homes were -- three of the homes were rent houses but

[5:29:58 PM]

they're no longer being rented, and then one home was my mother and father's home, and we still -- that home is being kept.

>> Garza: Okay. Thank you.

>> Mayor Adler: Thank you. Make a motion?

>> Garza: So I want to move this on first reading with some direction. Do you want me to give that now or wait for a second?

>> Mayor Adler: There's a motion to approve it on first reading only, to close the public hearing or keep it open?

>> Garza: We can close it

>> Mayor Adler: First reading, close the public hearing. Is there a second to that motion? Councilmember Kitchen seconds that. You want to give your direction?

>> Garza: Sure. It's my understanding it's proposed to be 95 to 98 units, and I want to -- you can see in the backup, if you care to look at it, but this is about less than a mile stretch of substandard road. And I have real concerns about that much -- that many units. We just approved one -- this is a

[5:30:58 PM]

road that separates my district from councilmember Kitchen's district. We just approved one --

>> Kitchen: It's less than that, but yes, it'll have more units on it

>> Garza: There's an older infill development that has a crash gate. There is a new condominium on a substandard road with no sidewalks. So what I wanted to do on first reading was to include a conditional overlay that limited it to 70 because there is only one exit in and out of the 70 units, one exit in and out. There was proposed a gate. I'm glad to hear that there will not be a gate there now. There's just -- we're going from Dr zoning on parts of this, Dr, I had to look it up, which was basically we zone stuff Dr because we didn't know what else to zone it. It says in Dr zoning, basically, we don't know what to zone

this. There shouldn't be anything permanent here right now. It's not in a transition zone and it's my understanding Dr is going from Dr to rr in the proposed

[5:31:59 PM]

code, which is only allowing two units per. So basically we're going from five homes to possibly 95. And that will only have exit and entrance on a substandard road. So I hope the developer understands my concerns and we can continue to work with you because if there is not better connectivity, I don't think I'll be able to support going past second reading.

>> Mayor Adler: Okay. The motion is to approve the recommendation on first reading only, close the public hearing. Does the applicant want to speak? I wanted to give the applicant a chance if the applicant wanted it.

>> I actually also want to do mention I appreciated councilmember kitchen's amendment about the tia, and I think that should be included in this one as well.

>> Mayor Adler: Okay. Go ahead.

>> Good evening. My name is John Clark with lja engineering. I'm the engineer for David

[5:33:00 PM]

Weekley homes, and we've been working on this project for some time now. As far as the density of the project, one thing I'd like to say is it's per -- on a per-acre basis, it's probably -- I'm pretty sure it's less as the project that you're talking about up the street there. As far as access and stuff, I want you to know we did reach out to the property to the east. We try the to get a driveway easement across that property to south first and we weren't able to do so. We even tried to get a wastewater easement, and that is not working very well for us, either. But we did reach out to that property owner, trying to explore a secondary access back to the east that would kind of help the traffic. As far as, yeah, we own the Gates, we took the Gates out because of your concern about gating the community. We also took to say Gates out of the proposed plan.

[5:34:01 PM]

But as far as the density of the project, that -- that was kind of how that works out is, we tried to establish a density that would work for the developer and be able to build the project, and that was where we came up with the number of density and the impervious cover allowed by the code. As far as the drainage, I think there was a mention about the drainage, this project is a little different because this

project drains directly away from cooper lane. It drains immediately to the east, to south first. And that's where on this very far east portion of the project is where we would install the detention pond and everything, on the east side. So it doesn't drain -- this project itself doesn't drain to the west on the cooper, it drains the opposite way onto south first, that direction.

>> Mayor Adler: Okay.

>> But if you have any questions, I'll be glad to answer any engineering type questions on the project.

>> Mayor Adler: Thank you.

[5:35:01 PM]

It's been moved and seconded, both first reading only, close the public hearing, take a vote, those in favor, please raise your hand. Those opposed?

>> If I could just ask for clarification of a statement, so councilmember, mayor pro tem, would you like included the language that states that the nta counts need to be updated at the time -- is that -- okay.

>> Mayor Adler: Any objection to including that amendment in the motion? Hearing that, it's included. Councilmember alter?

>> Alter: I just want to do note for my colleagues that one of the things we found in the ldc rewrite is that the drs were not all rezoned to rr, so if you have those in your district, you may want to be raising those with staff.

>> Mayor Adler: Let's take a vote. All those in favor, please raise your hand. Opposed? Unanimous on the dais, approved on first reading, public hearing closed, amendment added. All right. It's 5:35. We're going to take a break here. We have music and some procs. Let's see how close we can get back here to 6:30.

[5:36:03 PM]

We have a number of items still to try to bring up tonight. We stand in recess at 5:35.

[Council in recess]

[5:48:15 PM]

>> Mayor Adler: I bet you're all excited now.

[Applause] Managed to build up a lot of anticipation here in the chamber. As I tell people who are here at this part of city council meetings, I think that the Austin city council is the only one that I know of in the world that regularly stops every city council meeting to bring a little live music into the chamber, which is only fitting because we are the live music capital of the world. We try really hard to take the music and the sounds and press them into the walls because I'll tell you, when we're here for 12, 14, 16 hours, it is really helpful to be able to pull in and harken back to the music. So we're really excited when we have local musicians that come in for us. And tonight we have Mike melano,

[5:49:18 PM]

and if you ask anybody in Austin's rap scene which local artist has the most versatility and range and unique style, chances are Mike has been brought up in those conversations. The 27-year-old psychedelic aesthetic slowly and lyrical prowess is showing the world he's a creative genius who really stops at nothing to see his art evolve and to inspire others. He draws artistic influences from revolutionaries. Andrei 3,000, lil Wayne. His music exists in a plane that defines him as one of hip-hop's

[5:50:19 PM]

most thriving, idiosyncratic artists and we have him on the main stage at city hall. Please help me welcome Mike melano.

[♪ Music playing ♪]

>> I appreciate everybody hearing us.

[Music playing]

[5:53:05 PM]

>> You the best and I appreciate y'all, Austin. I am Mike melano.

>> Mayor Adler: So, if folks are watching us here on TV now or looking at this on one of the many times it'll keep replaying and they want to find you, do you have, like, a website or Facebook page or something some where should they go?

>> Definitely, they should check out gold ain't cheap.com is my website. Gold ain't cheap. You'll find my anywhere, you can stream my music, Mike melano. Anywhere.

>> Mayor Adler: If they want to get your music, where would they go to find that?

>> Spotify, apple music, anybody -- my space? Probably not.

[5:54:05 PM]

YouTube.

>> Mayor Adler: And if they want to come see you perform, where's the next gig you have?

>> Tonight, actually at native

[indiscernible], if you have time, celebrate the day with Austin, Texas, my good friends over there, and my album drops the a midnight.

>> Mayor Adler: Cool. Congratulations on that.

[Applause] Do you know where your next place is after tonight? I figure I'm not going to be able to stray too far from here for a while.

>> New York. That's the next time I'll be performing. Next week.

>> Mayor Adler: All right. All right. I have a proclamation. Be it mean whereas the city of Austin, Texas, is blessed with many musicians whose talents extends to virtually every musical genre, and whereas our music scene thrives because Austin audiences support good music by legends, local favorites, and newcomers alike, and whereas we are pleased to

[5:55:06 PM]

showcase and support our local artists, now, therefore, I, Steve Adler, mayor of the live music capital, together with my colleagues on the council, do hereby proclaim November 14th of the year 2019 as Mike melanoe day in Austin, Texas. Congratulations, and thank you.

[Applause]

[5:57:15 PM]

>> Pool: We're going to be doing our first proclamation for wildland volunteers appreciation, we're all just thanking everybody for all our efforts. And any of my council colleagues who would like to join us, you are super welcome to come join, stand here with our wildland conservation volunteers. Thanks for being here. So I'm Leslie pool and I represent district 7 in the Austin city council, but I'm also -- have the pleasure and the privilege to serve as the -- one of the chairs for the balcones canyonland preserve coordinating committee. There's only two members, that's me and commissioner brijet shay who I am here when we have meetings and she's there with Travis county at 700 lavaca. It's a great gig that is primarily the mission of the work

[5:58:16 PM]

we do, staff we work with, it's a combination of city and staff work, staffers who are working together on this really important preservation project -- [audio difficulties] --

[audio difficulties]

[5:59:48 PM]

>> Pool: Therefore, I Leslie pool, councilmember for district 7 on behalf of mayor Adler and the entire Austin city council do hereby proclaim November 14, 2019, as wildland conservation volunteer appreciation day. Thank you so much.

[Applause]

>> Mayor adler:let's take a picture.

>> Pool: We've got a picture coming. We would love to have you say something.

>> I'd like to say thank you to all the city of Austin staff. They're absolutely awesome to work with, and so you've got some good people working. I really enjoy it. That's what helps keeps me coming back.

>> Pool: Thank you.

[Applause]

[6:02:05 PM]

>> Flannigan:good evening, Erin. I'm Jimmy Flannigan, councilmember for district 6. We have a proclamation here for world AIDS day. We have folks here to join us. This is an important proclamation. There's a lot of really hard work happening in the city, both formally on the city side but also our nonprofit community and all of our health providers. In fact just today we approved more affordable housing specifically for folks experiencing HIV. Mayor Adler has participated in the -- what was it called, mayor? Where did he go? The Paris -- what was it called? The Paris accords? Which he so graciously -- I still have the pen in my office that the mayor gave me after that. This is a major issue in a lot of communities, but initially in the lgbtq community, you know, sir -- as the first openly gay man to serve on the city council it's always important to acknowledge that.

[6:03:06 PM]

But to not forget that this is affecting our entire community now. So I want to read this proclamation and invite remarks. Be it known that whereas world AIDS day began 31 years ago on December 1, 1988 and continues to be an important way to celebrate the extraordinary advances we have made in the battle against HIV and to remind Austin residents and people everywhere that HIV has not gone away and that much more has yet to be done and whereas in the Austin area there were 288 new HIV cases in 2018 and of the 7949 people living in the Austin area with HIV it's estimated over 1315 are unaware of their status. And whereas to help steer the response to the HIV crisis and ensure the best care for the community the HIV planning council supports the effort of the community in but not limited

[6:04:07 PM]

to the fast track city initiative and wishes to

[indiscernible] Integrated HIV intervention and care plan for the Austin area and whereas the HIV planning council city of Austin and Travis county are committed to ending the AIDS epidemic by 2030, therefore, I Jimmy Flannigan and the entire city council hereby proclaim December 1, 2019 as world AIDS day in Austin, Texas.

[Applause]

>> Thank you, council. Thank you, both councilmen over here. I'm happy to accept this proclamation of world AIDS day on December 1 on behalf of the HIV planning council. I'm Barry waller, vice chair of the planning council and while we're celebrating

[6:05:08 PM]

world AIDS day day and we've done that since -- as councilmember Flannigan indicated since 1988 we still have much work to do but we've made some extraordinary advances in the battle against the disease. Couple examples are prep, the pill that prevents HIV, art regimen which help those with HIV live longer and healthier lives in addition to reduce being the spread of AIDS. Even with these advances world AIDS day serves serves as a reminder to people everywhere HIV has not gone away and much more still needs to be done, which is why which is why local entities and persons interested like those behind us here are joining us

[6:06:09 PM]

together to address AIDS collaboratively with our community. Again, I want to thank our mayor and county judge for signing the Paris declaration. I want to recognize, again, our community for all their extraordinary efforts and work in working with people with HIV and providing the most valuable services that are needed by this population. So thank you.

[Applause]

[6:08:18 PM]

>> Alter: Good evening, I'm councilmember Alison alter and it's my honor and privilege to represent district 10 on the Austin city council. Tonight we are recognizing the incredible work done by an organization called just fund it Texas, which advocated for an improved public education funding formula as well as increases in things like teacher salaries and important programs. Both of my kids attend aid schools and I strongly believe that all public school students deserve the best education and opportunities we can give them. One in which the state pays its fair share to support public schools. This proclamation tonight is particularly meaningful to me because this organization started just about a little over a year ago after I received a frantic text from my high school daughter saying "Mom, we have to go to this meeting they're going to cut the fine arts program." As any good mom would do I

[6:09:19 PM]

said "Yes, we'll go to the meeting," but as somebody who was an elected official I knew we needed to do more and that the problem was not at the city but at the state level. And I together with Laura Yaeger and [saying name] Put together a presentation to talk about what was going on with state funding. And out of that came a wonderful opportunity for us to work with our children and with students and parents around the state to do advocacy, to make change that would affect each and every student in the state. Working besides many of these folks and folks from around the state, just fund it tx in the 86 session did their research, organized parents, students, teacher, shared their message across the state, visited legislative housings in the house and senate to communicate how important it is that our state fund schools around the state. We had one simple piece of

[6:10:19 PM]

information that was key. Texas is 43rd in per pupil funding that that needed to change. It was a very simple message. I'm really proud of all that we did in this last legislative session. To secure billions of dollars in new state funding for public education in Texas. I'm most proud, though, of the way it spurred advocacy among the students that you see here. It's really amazing all that they did as part of this. So

please join me before I read this proclamation in congratulating this group on the success they had in this legislative session.

[Applause] Be it known that whereas Texas public schools educate over 10% of the country's students and the future of Texas depends on a well-funded, high quality public education system and whereas in 2019 Texas ranked

[6:11:22 PM]

23rd out of 50 states in per pupil spending and the state's share of public school funding fell to 38%, leaving cities to cover the gap and whereas just fund it tx, a nonpartisan group of parents, students, teachers advocated for the improvement of the school funding formula throughout the 86th legislative session helping secure 6.5 billion in new state funding for public education in Texas, including increases in teacher salaries and funding for important programs, now, therefore, I, Alison alter, along with my colleagues on the city council and the mayor of the city of Austin, Steve Adler, do hereby proclaim November 14, 2019, as just fund it Texas day.

[Cheers and applause] And I'm going to invite up the indomitable Laura Yaeger to speak for a second. I want to remind you we're not done yet, we're still 43rd even with 6.5 billion so please join us in coming

[6:12:23 PM]

years for advocating for more funding.

>> Thank you, mayor Adler and councilmembers. It's hard to believe this group started really just about a year ago. Had it not been for the Mccallum students -- raise your hands. They got a club. They meet every week.

[Applause] Had it not been for them, tears in the hall worrying about their beloved fine arts academy in response to the pending aid 30 billion-dollar deficit we might not have started. It sometimes takes a crisis to get things going. Many thanks to councilmember alter and Austin Earth day, Janice, who worked with me to educate these parents and students who were fearful to understand how school finance works in Texas and to engage and empower them to advocate at the capitol. What was unique about this group was it brought voices together seldom hear at the capitol talking about school funding, students and parents. We agreed up front we were

[6:13:23 PM]

done fighting one another over the scraps. The legislature has gotten away for quite a while with inadequate funding by pinning groups against one another and we agreed up front we would not fight, rich against poor, large against small, urban against rural and you're unifying them brought people together, parents and students across the state. Forty-third isn't good enough for any Texas student. Period. Thank you also to Lynn Boswell, as I mention people, the president of the Austin council of PTAs who became my partner in crime on this project as we moved further into it, she helped spread the message to all corners of our district and beyond and I want to thank Libby Cohen, director forays your hand Texas for supporting our work and sharing the message with her advocacy principals around the state. It was vital for elected officials around the state to hear from constituents on this issue. The Austin representatives are supremely supportive of us and I can't say that all state representatives are as supportive of public Ed as

[6:14:24 PM]

our Austin representatives are so we really needed them to hear from their constituents. Real quickly, few things we did, the students including all of these others, they wrote a petition, got over 4,000 signatures, urging the legislature to do their job and fund schools. We delivered a reality check paper to every representative [they voted on house bill 3 thanking them but letting them know it would take \$44 billion to get us to average from 43rd to 25th would have taken \$44 billion. We knew that wouldn't happen but they needed a wake-up call. We just funded -- over 20,000 love letter postcards from constituents around the state saying why people love their schools and wanted them funded. We gave tiny boxes of candy filled 38% full because that's how much the state was paying. We said we would love to give you more next time. I think we can give them 45%

[6:15:26 PM]

this time but still a small box. As a result of parent and student engagement joining the voice of educators and others who have been saying this for so long the state agreed that -- they passed house bill 3 -- that was a different one and added 6.5 billion N funding to our schools. A big step in the right direction. The sad news is we're still 43rd in per student funding. We're getting closer to 42nd and still about 4,000 dollars per kid behind the national average. We are about to send a Thanksgiving package thanking for the legislators for what they've done and reminding them public education is a foundation of our communities, foundation of democracy and urge them to continue working on this and look for a long-term sustainable plan. If nothing else they know parents and students are engaged, we support public education and we're going to vote. Thank you for recognition of our work. We really appreciate it and it helps keep up the

[6:16:28 PM]

momentum to keep up this fight. Thank you all very much and thanks to all these people.

[Applause]

[6:18:19 PM]

>> Pool:now we have a proclamation to recognize some film work that's happening in our city and the legacy of some really good efforts, artistic efforts. I wanted to note that I have a couple of representatives from Austin public, which is I guess the offshoot of the film society. Is that right? And most of those executive board members are in a board meeting right now so they're not here, but come on a little closer. So this is a shout-out to Richard and the work that he has done and a special recognition that he has been selected for. So here we go. Proclamation, be it known whereas Austin is a leader in the country for film education with students at the university of Texas and Austin community college who will be the next generation of filmmakers and whereas the Austin film community and Austin film society

[6:19:19 PM]

founder Richard have worked to make Austin a hub for globally significant film festivals, events and productions and whereas the center in Paris, France will present a career retrospective and exhibit ambiguous on director, filmmaker and afs founder, Richard, and so from November 25, 2019, until January 6, 2020, Austin's film culture will be on the world stage at the in in Paris, France. Now, therefore, I, Leslie pool, council for district 7 on behalf of mayor Adler and the entire city council do hereby proclaim November 25, 2019, as Austin film culture day. Thank you so much.

[Applause] We'll get some pictures.

[6:21:20 PM]

>> Garza:if there are any family, friends of Mr. Tuttle, please you're welcome to join us up here. Good evening, I'm mayor pro tem Delia Garza, represent district 2, southeast Austin. Our community recently lost one of its brightest beacon's. Richard Tuttle served as a crossing guard for over a decade. He was known for his friendly greetings and cheerful jokes and became a fixture in dove springs. Earlier this year he was featured on Kut's hi, who are you, a series that let's listeners get to know the folks who make neighborhoods more special. He made sure everyone who passed by got a warm smile and welcome. That may sound like a simple thing to do but it was a powerful force to make everyone feel like they belong and are important. He made us all feel special. Thank you, Mrs. Tuttle, for

[6:22:22 PM]

being here with us today as we recognize the special place that your husband held in our community. So I have a proclamation to read along with the mayor, be it known whereas crossing guards play an important role in the lives of children guiding them safely across the streets and acting as beacons for our littlest austinites and whereas Richard Tuttle provided safe passage to the families of southeast Austin as a crossing guard for 13 years, he was easily recognizable by his friendly wave to every driver and pedestrian, and the jokes he shared to brighten up your days he became a beloved fixture in our city. Whereas the community of dove springs mourns his loss but continues to hold him close to hurry hearts, remembering his kindness by adorning the street corner he manned for over a decade with drawings, flowers and loving messages. He was a master carpenter, member of the 1266 union,

[6:23:23 PM]

loving husband for 37 years, to whom our entire city extends deepest condolences.

>> Mayor Adler: Now Florida I, Steve Adler, mayor of the city of Austin, Texas, together with mayor pro tem Garza and the entire city council do hereby proclaim November 14 of the year 1990 as Richard Tuttle day in Austin, Texas. Mrs. Tuttle, thank you.

>> Garza: Ms. Tuttle would rather accept the proclamation, but I also wanted to just add that I was one of those people that would pass when I was in the district early. I remember him being recognized by Kut. I also got texts from former colleagues at station 24s and medic 28s who told me that they really appreciated, he would bring them pizza, apparently, and sit down with the

[6:24:23 PM]

firefighters and medics and talk to them. We also have councilmember George morales here. I don't know if George wanted to say anything about Mr. Tuttle.

>> Is so I'm here on behalf my children who every morning that got up to go to school and got to see Mr. Tuttle, and got to get that good morning wave, every morning you get up whether you're fighting traffic or late for work, when you come to the intersection the smile and wave is somewhat set you free that morning. On behalf of the dove springs community and my family, we want to thank you, Ms. Tuttle and thank Richard for the many years, 15 years, thank you so much.

[Applause]

[6:26:55 PM]

[Recess]

[6:53:09 PM]

>> Mayor Adler: all right. Let's go ahead and get started here. We basically have five items left. Uno and Winsted each have other 20 speakers associated with them. We have the other three. Let's take the other three and see if we can knock those out fast and then we'll take the ones that have larger groups. Let's begin with the zoning cases that we can take. Let's pull up industrial, which is 76 and 77.

>> Mayor, council, Jerry Rusthoven, plantation and zoning department. Item 76, [reading item no. 76]
For the property located at 600 industrial boulevard, related zoning case 77 [reading item no. 77]
Electrician located at 600 industrial boulevard. The proposed zoning to

[6:54:10 PM]

laipda -- the purpose in this case is to allow for mixed use development. Proposed mixed use development would have about 400 apartments as well as a -- let's see, 12,800 square feet of retail and 5,000 square foot of

[indiscernible] So the proposed project is a mixed-use project using the pda tool to do it. I'm available for any questions. It was recommended by both the planning commission and the staff.

>> Mayor Adler: Okay. 76, 77, we have some people that have signed up on that. Is there a motion? Do you want to make a motion?

>> Renteria: Mayor, I'm going to make a motion to approve it on first reading.

>> Mayor Adler: There's a motion to approve it on first reading. Keep public hearing open or not.

>> Renteria: Keep it open.

>> I can add real quick, the applicant is agreeing, has reached agreement with some nearby residents to cap it at 85 feet. So he would like that to be added to the condition.

>> Renteria: It's not as much as a problem.

[6:55:11 PM]

There's -- this is gonna be a game changer for south Austin because this is one of the first ones of the height, and I'm looking at the affordability part of it. 80% was the old formula was -- now it's pretty high. Years ago, you know, 80% was lower, but I think now 60% is the going value. I know that we can't impose 60 because state law says 80 but if we're going to give that kind of entitlements I would like to see -- since we're not getting any kind of community benefit out of this at least we could get more affordable units.

>> To be clear this is 85 feet of height.

>> Mayor Adler: The motion is to approve on first reading only, keep the public hearing open, limit the feet to 85 is the motion on first reading. We have some people here to speak. Is the applicant here? Does the applicant want to speak? Go ahead, sir.

>> Good evening, mayor.

>> Mayor Adler: Five minutes if you want to.

>> David Hartman on behalf of the applicant.

[6:56:14 PM]

Keller capital here with the project team, architect, civil engineer and traffic engineer. The intersection of industrial boulevard, one lot south of Ben white boulevard, 50, 75 feet from Ben white. This is currently an industry and we're proposing to change it to mixed use to match the northeast and far west of the tract. The zoning map you'll see is lipda, basically adjacent to -- what you see at the intersection of 35, I-35 and Ben white. Boulevard. Planning staff, when the neighborhood planning was adopted, basically they decided at the -- this major intersection, ch zoning was appropriate zoning at this intersection. They stepped up from 85 feet to 125 feet to 90 feet and we applied for 90 feet and as was stated we are in agreement with the -- with the 85 feet. So that's 54, 55 acres and

[6:57:15 PM]

another 10 acres adjacent to that is [indiscernible] Markets and loss. None of that has any affordable housing component to it. The project overview currently existing warehouse, no water quality, no drain control measures point the application has been talked about. Project has been talked about. Approved 12-0 by planning commission, recommended by staff. The city zoning staff is recording after approval of the zoning ordinance, public restrictive covenant with the city of the tia, restrictive covenant with habitat, home base on affordable housing, restrictive covenant with the contact team addressing 20-plus items we'll get to in a little bit of detail. This is a zoning comparison chart, left-hand column showing adjacent LIPD is 125 feet, existing zoning in the middle right-hand side is what we're proposing. The uses are kind of identical. There's a lot of uses there but basically identical to 5 acres adjacent to this. We're authorizing multi-family in exchange for

[6:58:15 PM]

basically prohibiting the more intense industrial. This is a conceptual site plan our architect can speak to more but basically you're looking at the beer garden in the corner, retail on the ground floor. This is showing the parking structure surrounded by apartments so, therefore, the structure is gonna shield any garage parking lights, which has been one of the things the neighborhood was interested in. This is a conceptual site section. This is basically showing 125 feet next to Ben white boulevard as it appears from the neighborhood that's about a third of a mile away. Basically my message here with this project is there's zero infrastructure. There's no bike lane basically, there's no sidewalks. We've already talked about there's no drainage detention and what we're hoping to bring as a major amenity to this area is buffered bike lanes and proposed sidewalks from the project all the way to congress avenue to the bus stop there from the project

[6:59:16 PM]

to the bus stop at Ben white boulevard. That comes with a cost, it's north of a quarter million dollars and that's going to be built into the tia. I want to thank the neighborhood contact team, Mr. Cantu and Ms. Miller. And we recently -- October 2nd this agreement, there's a lot of 20-plus items there that -- I've got two slides. This is everything you've seen already. The private restrictive covenant again is also with the habitat. Affordable housing, it's not required under lipda because we're requiring 5%. No existing water quality drainage control. We're going to do water control under current regs. We're pro proceeding over-- proposing overretaining. We're doing sound residential units will be designed for sound noise reduction to 45dba.

[7:00:16 PM]

This just compares the TV. 5% at 85% at 60, that's going to result 400 units 40, the adjacent 55 acres, zero percent requirement and adjacent multi-family, mf6 would not. We're matching basically adjacent the mu. This is just showing some adjacent multi-family projects. Then just the last couple of slides, this is several reasons we think that the project supports the neighborhood plan including focusing the mixed use development in this area is providing a dramatic gateway to Austin. And then the final slide is just reasons to support, again significant developer contribution to sidewalks and bike lanes, adding a lot of infrastructure in the area that's just missing infrastructure in the way of detention water quality, streets, trees. We're locking in long-term affordable units via with Austin habitat for humanity home base and the contact team as well.

[Buzzer sounding]

[7:01:16 PM]

And the project team is here to answer any questions if you have them.

>> Mayor Adler: Let's call up speakers on this item 76. Mario Cantu. You have time donated by ray Collins. Thank you. You have five minutes if you want to use it all, Mr. Cantu. On deck is David -- I can't tell here, Fletcher Roberts? David Fletcher Roberts. Is he here? You'll be up -- okay.

>> [Inaudible]

>> Mayor Adler: I'm sorry?

>> [Inaudible]

>> Mayor Adler: He donated to you. Is quita Miller here?

>> Good evening, council. As you understand 600

[7:02:17 PM]

industrial is going to be, like he said, a game changer here. This is going to be I call it a free for all zoning. If you look at some of the history here, you know, within a mile distance you're looking at 22 construction supply houses of various types currently right now. Of course, it's home to skilled workers with families. The industrial area is one of the few districts of its kind still functioning well in our city. It contributes to a lot of development and within our city and specialized equipment, et cetera that they might need. The St. Elmo industrial district has been utilized, preserved, enhanced, it needs to be protected where appropriate as the 2005 neighborhood plan states. This is a photograph that a couple months ago where the west -- actually the east part of this proposed development did have a fire there at the salvage area. This is one of our concerns from the contact team is

[7:03:18 PM]

that the air quality because there's chemicals, there's all types of different fuels within this area so my understanding is that AFD has approved this type of development within this area. Flooding is also a huge problem, as you can see to your left on these images, at 600 industrial, that's going to be the exact proposed area. So we always get flooding here at this area almost constantly on an ongoing basis with heavy rain. The flood mitigation costs will be the responsibility of the project. And this is at codenext and we were doing the -- the community character in a box exercise. You know, some individuals had mentioned keep industrial area so that residents have work opportunities, don't overdevelop with vm UConn dose. They don't want to have tax increases to drive people out of the neighborhood.

[7:04:19 PM]

And this is just kind of a little makeup of what Mr. Hartman discussed, but if you look to the left on the congress corridor, we have worked with developers in the past where we have done -- this will be the first time we've actually worked with a developer into the 85-foot range of height. And this is just kind of some of the things that David Hartman mentioned, that these are the things that we had brought to the surface as far as things -- issues and concerns that we had as a contact team. So the air quality was one. AFD has been one of the issues but has been taken care of. The flood mitigation, evacuation procedures, security, trees, road closures, 400 apartment units it's going to be

[7:05:20 PM]

projected and displacement from my understanding they will be taking care of that, of mitigating the individuals that are there and to some other type of facilities or businesses, et cetera. So I just wanted to pass on that in our process what we have done in the past, we have done with some other individuals and applicants is that our process is to have a restrictive covenant because we want to protect the neighborhood and ourselves in making sure that a lot of the outcomes that do take place with developers, that the promises that they make is carried out. St. Elmo market right now has not been established and was a big promise to us a little over five years ago and people actually moved there because of that promise and it has not taken place. So those are some things that we've kind of worked with in the past that we've seen where we need to have a restrictive covenant. Our process is to have one in place, to have it signed, have it notarized and

[7:06:23 PM]

delivered at Travis county and registered. Of course, some individuals choose to take a different process, a different avenue and we respect that, but I just wanted to pass on that's how our process because it reassures us that everything that's embedded within the rc is taking place and we also understand if things do not pan out here well with city council and it needs to be amended or the zoning doesn't go through, then neither does the rc. So those are things that we understand as well too. Does anybody have any questions? All right.

>> Mayor Adler: Last speaker. You have three minutes. Please introduce yourself.

>> Good evening, mayor, councilmembers. Thank you for letting me be here to speak about this development in our area tonight. I've been an Austin resident for 33 years and I grew up in san~marcos, traveled the

[7:07:24 PM]

inter regional highway before it was I-35 and there were upper and lower decks and I was in Austin the day of the U.T. Tower shootings as an infant with my mom at a doctor appointment. I've been really proud to see Austin grow and turn our weird little town into a major metropolis. And I was going through college thinking if I ever am lucky enough, I'm going to move to Austin. I've been legs and less proud of how our city is growing recently. With so much dismacement and housing and income disparity, I'm not very proud of this. This contact team has a track record of working with the developers and pushing for additional affordable housing in our area. We really want 10% 60 in these developments, but we have been able to negotiate with other developers going for 60 feet and settled at 5% 60, 5% 80 and we've been able to live with that.

[7:08:25 PM]

That's something we consistently do over and over with each new case. And you know that we're begging for more affordable housing in our area. With this mfi in our area closer to 40 or 50% at max, we feel 60% is an easy step up. I would love to see people coming out of homelessness and poverty to actual middle income or beyond in our city, and right now I think we have a major disparity where people are stuck where they are unless you are at the top tier of earners around here. Because we know even with Austin's mid-tier housing crisis as serious as our homeless crisis allowing only more top tier housing is not going to help and that's what's been happening in our area. We are consistently going to be here asking for more affordable housing. With the development at 85 feet in an industrial core, this is going to be the first-of-its-kind 60%, 10% units at 60% seems like a really easy do. But, of course, you know,

[7:09:28 PM]

they are going to lose way too much money so it's no way going to happen. So we have been able to negotiate and we would settle for 5% 60 and 5% space 80 because we know how you guys want more housing in this area, but kind of where we have to settle just to get the protections that we do want for our neighborhoods. Otherwise, hence the list that Mr. Cantu showed you. So ideally if Austin homeowners are going to be footing the bill to help with our rolls crisis, we would really like your help to help push each development towards an actual solution to the overall problem in our city. And a case like this as Mario mentioned will set a ground-breaking precedent --

[buzzer sounding]

-- And we beg you to please consider adding more affordable housing to any development that comes into our areas. Thank you so much.

[7:10:28 PM]

>> Mayor Adler: Thank you. We've called all the speakers for items 76 and 77 and we're back up to the dais. Do you want to close?

>> Mayor and council, I would just say again it's been a pleasure working with Ms. Miller and Mr. Cantu and we look forward to the continued dialogue and looking forward to this project being a part of the infrastructure solution, the drainage solution, the bike and pedestrian solution adjacent to this Ben white and again look forward to continuing the dialogue and Mr. Renteria as well. Thank you.

>> Mayor Adler: Thank you. The motion is approve on first reading only with an 85-foot limitation. And with the public hearing left open. Further discussion? Councilmember kitchen.

>> Kitchen: I just have a quick question I think it's for staff. So does this -- am I looking at this correctly? Does this area back up on the railroad that we've -- that's the Bergstrom spur?

[7:11:29 PM]

>> Yes.

>> Kitchen: So it does back up on the Bergstrom spur.

>> Yes.

>> Kitchen: I can talk to my colleague about this between now and the next reading. I'm going to want to understand what the relationship between this property and the Bergstrom spur area because that is an area that we have looked at for -- for, you know, it's being studied right now for potential use as a shared use path, a trail or even at some point some transit.

>> Mayor Adler: Okay. Further discussion?

>> Renteria: What is the 80% mfi at this time?

>> Well, actually, councilmember, because this case is a standards only case, the city cannot require --

>> Renteria: I justment to know what the --

>> What the dollar amount is?

>> Renteria: Yes.

>> I'd have to check. The last time I heard was 54,000, but I'm not sure that's up to date. I don't think we have --

[7:12:29 PM]

>> Renteria: Thank you.

>> Mayor Adler: Let's take the vote.

>> Tovo: I had tried to signal I had questions for staff. Could you talk -- I had to step off and I apologize if you've already addressed this, but your staff report talks about the need for further analysis of industrial areas throughout the city and I think that's really important. It seems to me we had a zoning case very close to this and the staff recommended against it probably four or five years ago. And at the time, it was similar in intent, it was an industrially zoned property that was seeking a residential zoning category and we had multiple property owners in that area. Property owners and tenants, as I recall, come forward and say -- and urge us not to support it because they are operating businesses within there that they were concerned would be impacted by this shift in an area that has -- that is really a vibrant industrial area and

[7:13:30 PM]

providing jobs and business opportunities for those who are in that area. They were concerned that having residential -- having residences in that area would impact their business and that they would be creating a --

[buzzer sounding]

-- An impact on the residents. So can you help me -- can you talk me through why the staff are recommending this particular zoning change? Is there something about the location that's different? I'm on that road fairly often, but it's now been probably a month. I'm trying to think where this is in relation to that other zoning case.

>> I think that the main justification is the zoning of the property to -- with the pda also. I agree on the previous speaker said what you just spoke of, the staff does have a general concern about the conversion of industrial properties to residential in the city that although housing is, of course, a very important need in our city, so is industrial properties who provides

[7:14:31 PM]

services to all residents. This area in particular, that St. Elmo case from a few years ago, staff was specifically concerned about because it does allow -- over time a lot of small-type industrial users, air conditioning repair guys. We do have other large industrial areas in the city such as southeast or maybe the cross park development in the northeast. But those are large warehouse-type industrial developments.

>> Tovo: Right.

>> That are frankly more expensive than the type of thing we see here. Eventually within the planning department we've talked about we're going to have the long-range planning folks take a look at industrial zoning inventory within the city to try to address this issue on a citywide basis.

>> Tovo: And so the staff's recommendation was based in part on the adjacent -- on the fact there was a nearby property that had been rezoned.

>> Yes.

>> Tovo: Did the staff recommend in favor of that particular rezoning?

>> I would have to go back and look at the chart that's

[7:15:31 PM]

in the staff report, but I believe so, yes. I'll have to double-check that.

>> Tovo: Okay. Thanks very much. Well, I wanted to just say I think the staff report on this in terms of its discussion about this very issue is really thoughtful and I would -- I'm not sure what the next step is for it, but I think this is very -- I think the recommendations that the planning staff have made here are very important in terms of really evaluating our industrial areas and figuring out how we -- how we transition and which areas are appropriate to transition and where we really need to preserve those opportunities for industrial uses.

>> We're working on an internal report on that issue.

>> Tovo: Thanks. I'm going to support this on first reading, but I need to really think through that issue and take a look at the particular site. I know in unwith of these and the council did, it wasn't this council, it was at the at-large council that the residential property was

[7:16:32 PM]

within very close proximity if not adjacent, as I recall, to see some pretty heavy industrial uses. I think when we do that we're really setting up those neighbors and business for conflict.

>> Mayor Adler: Okay. Let's take a vote. Those in favor of the motion please raise your hand. Those opposed? Motion passes unanimously on the dais. That's good. Let's take a look at all points right now. And then we'll do pard.

>> What cases?

>> Mayor Adler: All points.

>> This is item number 84, all points. The requested zoning is sf-6 to sf-3. The staff recommendation was

[7:17:32 PM]

grant the sf-6 combining district zoning. The planning and zoning agreed with staff recommendation. The property, the proposed use is condominium development, I presume. I'm available for any questions. Yes, it also has a valid petition of 40 -- 40.93%. So it would require a super majority on third reading.

>> Mayor Adler: Okay. Do we want to hear from the people that have signed up to speak? Let's hear from the applicant first. You have five minutes.

>> Good evening, mayor, councilmembers. My name is Bruce opperly, I'm a local engineer for 35 years. What came to us was an existing subdivision of eight lots. However, that eight lots

[7:18:32 PM]

required one driveway per eight units. And when he with looked at it, we saw that we would build a lot of infrastructure for eight units -- or 16 units, if we could. And we recommended that this actually be turned into a townhouse site plan. That townhouse site plan has been submitted and is under review right now. This first exhibit comes from your city website that shows the location of our site where the word "Site" is. And it shows the zoning today versus the zoning proposed under your new rules. I put this in reference, we'll probably talk about it later. In response to people against it.

[7:19:33 PM]

Okay. This is the site plan we turned in. As you can see, it has 19 units, a single driveway on the Vincent. It is bound on the west or the north of this page by two railroads, the Bergstrom spur, which was mentioned earlier, and the other railroad which is amtrak uses that railroad and Vinson road. We're kind of a narrow little project and we have proposed these 19 self- self-standing townhouses. If we can go to the next one. I put together kind of this list of where the differences are between an eight-lot subdivision, what it would take, versus what

[7:20:35 PM]

we turned in. What we turned in was a site plan which also requires building permits. Whereas an eight-lot subdivision just requires building permits, no site plan. The townhouses are free standing single-family homes versus single-family homes with or without ads. The townhouses are about 50% of the cost of a single-family home with or without an Adu unit in the area. There's 19 units on the townhouses. There's either eight or 16 units on the single-family development. The unit density is shown there and we propose that we have only one driveway on to Vinson because of the complications on Vinson. It's a very interesting road. That's all I can say.

[7:21:39 PM]

And I -- in the site plan process, we'll be required to dedicate additional improvements or right-of-way for Vinson itself. Under the subdivision now we won't and it will just be what it is today. We proposed that vertical construction be pulled away from existing homes as much as possible. We will be mostly 43 feet from the back property lines of the adjacent owners. There will be some that will be 10 or 15, depends on where they are at. If we build single-family only, that setback is only 10 feet. So there will be a lot more open space under the townhouse example. Our townhouse example is 43% impervious cover. Single-family or duplex is up to 45% impervious cover.

[7:22:39 PM]

Our building coverage is 19%, but under single-family it's 40%. So can I go backwards? What I put this in here for was to show the zoning around this development is going to change big time when the city adopts a new ordinance. And densities are going to pick up quite a bit. The neighborhood, we met with them twice in July and the only thing we got out of that meeting was they didn't want us to upzone their neighborhood. It's going to happen anyway and it's going to happen shortly, I think. That's all up to you. But --

[buzzer sounding]

-- We would like to know what they also -- I don't think they objected to the site plan, so if they have more, please let us know.

>> Mayor Adler: Thank you.

[7:23:41 PM]

Okay. Let's call ray Collins. Mr. Collins, you have time donated by Margaret Dunn, thank you, and by Mario Cantu. Is Mario still here? No? You have five minutes, Mr. Collins.

>> All right. That will work. May I have the slide, please. My name is ray Collins. I chair the south manchaca neighborhood plan contact team. Here's our residential core of solid sf-3 zoning. There is no higher zoning anywhere and the only nonresidential use is the adjacent church to the north. We all know churches are a use allowed in any zoning. Page 52 of our neighborhood plan, the tech circled in red and enlarged states for sf-6 zoning uses should be conditional and may be appropriate when located next to more permissive

[7:24:41 PM]

districts or intensive uses. There are none as per the previous slide. Neither the neighborhood plan for the may 2 council direction to staff calls for greater tense time donated in our -- density in our residential core. Council has directed density be located on transit corridors and at imagine Austin activity centers. The October 25th revisions to the land code indicate the first transition zone will be two lots deep shaded in blue, not drawing in the maximum transition zone depth by depth given by staff. Neither calls for greater tense time donated. There is no council direction for greater density based on distances from the nearest imagine Austin activity centers. The property is in the mcmansion zone. There is not a well connected street grid, there is a typical urban street grid, when the up railroad

[7:25:43 PM]

cut it north to south. From the implementation map, you can see the property is in a displacement risk zone not a high opportunity area. Once again neither our neighborhood plan nor council direction calls for greater density. The latest census tract data, medium household income of 45,660 with 18.4% of the residents under the poverty line. The applicant said his homes will be in the 350 to 400k range. Bank rate mortgage calculator makes that an income of \$8,000 a month for a \$400,000 home. And here are the monthly payments for a nearly new 339,000 home nearby and a 399,000 home nearby. The result of this income discrepancy is shown in this graph from the city

[7:26:43 PM]

demographer April 3rd presentation to the environmental commission. People with 50 to 100k in household incomes will be added over time and the light brown areas will continue to expand. Residents with household incomes of less than 50k will be displaced and the blue areas of the bar graph will continue to shrink. And then in terms of drainage, why is this property only suitable for sf-3 zoning at most. Here the the drainage infrastructure for the Vinson drive property. Straight to Williamson creek greenbelt, the header shown in the black diamond and on the flood pro map on the right you can better see where the header empties into Williamson creek greenbelt. This will only further expand the new at atlas14. When the lcra rain gauge outlined in black just upstream of this property

[7:27:44 PM]

registered 12.9 inches of rain in 24 hours, this is the water entering the geographic area of the neighborhood plan. Kevin tells us this is now a 100-year flood. This will result in even higher flood waters in plan area and downstream. And again, this property is suitable at most for sf-3 zoning. The text and graphics for the three remaining sections of my presentation are available to you in the power point. The next section illustrates that there is no basis for adding density to a transit poor area with a car dependent walkability score of 25. The ultimate section concerns the poor quality of the site plan as is now apparent from the update zero master comment report. The last section invalidates the claim the applicant made to the contact team and again to the planning commission that a second

[7:28:46 PM]

driveway is possible. And I just wanted to answer something that is totally wrong that the applicant said and that is that this is going to be r2a, not up zone. You know, it's going to be limited to the same density that it is right now under the present code.

[Buzzer sounding] And the driveway limits the number of units that can be built. Was that the buzzer I heard just then? Okay. That's enough.

>> Mayor Adler: Is Paul T Tyson here? No? Yes? Did you want to speak?

>> No.

>> Mayor Adler: No? Okay. Does the applicant want to close?

>> I just want to respond to what ray had said. And go back to my exhibits,

[7:29:48 PM]

if I can. Can we go to that first exhibit? He tried to do something similar but he hand drew his in. I just copied mine straight from the city website. Can I have the first exhibit? Okay. And he didn't show on second street they are upzoning that quite a bit and upzoned first street quite a bit. Yes, I would still remain the r2 if I don't get this zoning approved now. That is true. As far as drainage goes in, we're providing detention ponds that will keep the flows leaving the site at below or the same levels. And I just -- I take his

[7:30:49 PM]

photos usually are not at the site, the flooding zone, I don't know where he saw that flow in the road like that, but that is not of the city's records. So that's just my comment on that. I certainly hope you approve us as sf-6. I think we're just about a quarter of a mile south of the hospital there. We're going to be on the Bergstrom spur. We have agreed to hook up to the Bergstrom spur if that happens in a bike path or something like that. Just let you know. Thank you.

>> Mayor Adler: Thank you. Council, that gets us back up to the dais. Is there a motion? Is there a motion on this? If we don't have a motion,

[7:31:49 PM]

it doesn't work. Councilmember Flannigan. Councilmember Flannigan moves approval. Is there a second to the motion? Councilmember Ellis seconds it. Discussion on the dais? Mr. Flannigan, you have a chance to go first if you want to. Councilmember kitchen.

>> Kitchen: Well, I'm not going to be able to support this. There's a list of reasons. It is -- it is in the middle of a neighborhood area as both have talked to. Under the existing plan it says sf-3. Under proposed it's sf-2 a, I think. It's not on the corner, it's not on any of the areas that we've talked about in terms of increasing density. It's not aligned with the neighborhood plan in that area. We just heard from the contact team on that. And so it just doesn't make

[7:32:50 PM]

sense to me as an area for sf-6. So I'm not going to be able to support it.

>> Mayor Adler: Further discussion?

>> Renteria: I'm also not going to be able to support it.

>> Mayor Adler: Okay. Are we ready to take a vote? Those in favor of this item please raise their hand. Councilmember Flannigan yes. Those opposed? Councilmember Flannigan and councilmember Ellis voting yes. Those opposed please raise your hand. That's the balance of the dais. This matter does not pass. Okay. Let's do pard. Item number 69. Councilmember alter, do you want to make a motion?

[7:33:58 PM]

>> Alter: So I would like to make a motion to approve the long-range plan for the parks. And include the amendments that I have on a sheet that I passed out. The first three amendments on this page are just

the amendments that councilmember Casar had placed on the message board with respect to making sure that we're paying attention to high need dense areas that are outside of the urban core. And then on page 88, I tried to capture some of the spirit of what councilmember Flannigan was talking about. I have a first line of maintain or improve upon current standards of parkland per capita, add between 4,000 and 8,000 acres, I added acres of new parkland over the next ten years, maintaining the current standard of

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20 acres per 1,000 residents while striving to achieve per -- I included I believe this from councilmember Flannigan, access to quality parks, trails and opportunities as a priority for parkland. This will require dual strategies of increasing safe and equitable access to existing parks and acquiring new parkland or in the spirit of what he was proposing. Keeping in what was in there before that was I tall sized. On page 99, I added some language in there to get at the observation that was made that we didn't have enough of a call-out for our access goals of a quarter mile in the urban core and a half mile in the outside the urban core, so it now includes a sentence that says parkland's goal is ensure residents living in the urban core should be within a quarter mile of a public accessible and child friendly park within a five minute and half mile, ten

[7:35:58 PM]

minute work for those outside the urban core. This is the paragraph at the bottom of the beginning of section B, expand park access for all includes a line partnering with aid to develop button parks acquiring easements on private property. And then on page 100, with the citywide recommendation B expand and improve park access for all, under 2 I added a new 2.1 that says level of service guidelines and park deficient area mapping to help determine and prioritize areas for pro-active parkland acquisition or activation where current housing exists or new housing is anticipated, work with department, Austin transport department and other city departments to anticipate areas of new housing and higher densities located mirror parkland and plan for increased use 5:00 time donated vision, helping and he chief a higher -- if I have a second,ly speak to

[7:36:59 PM]

the motion.

>> Mayor Adler: Is there a second in? Councilmember Ellis seconds. We have a motion and second. Do you want to speak to it? Glad.

>> Alter: I want to say this is a wonderful plan that came out of a very long, very deliberative engagement process that was not only innovative in its engagement but really bent over backwards to really reach out across the city. It came out with very clear recommendations that I think are going to help us continue to have the amazing park system that we need. My amendments were an attempt to address a concern that councilmember Flannigan raised about trying to make sure that we highlighted our access goals and to do that in a way that I felt was in the spirit of the plan and flowed with the whole plan because the plan is designed and crafted in a

[7:37:59 PM]

way to really help guide us. So I worked with pard on that. And also to capture the emphasis that councilmember Casar put on making sure that in the dense areas outside of the urban car that we're paying attention to parks. It also maintains what I think is an extremely key part of this plan which is that we need to keep acquiring parks as we grow. And that park space can be any number of things. It can be nature trails, it can be trails that are used also for mobility. It can be in-fill parks, nature preserves, it can be anything that is listed in this plan and anywhere in the city that that could come from, but that acreage is really what sets us up 10, 15 years not to have a parks crisis like we have an affordability crisis. That land is super important as we densify, and those

[7:39:01 PM]

metrics are metrics that are used widely within the sphere of parks management. They are used for the trust for public lands as one of the key indicators. It's an indicator we have used for years and years. So what I've really tried to do is say yes and with these amendments. I think we need both the acquisition of this acreage and we need to make sure that we are meeting our access goals, which I think it was the intention of the plan, it was just a little bit too subtle particularly if someone were to just take the sections a through E which down the line may be what they are looking at and referencing. So I think it was a good idea to highlight that. So I hope that you guys will be able to support these and I hope councilmember Casar is okay that we tried to do it so we could see the flow of things in it in that way.

>> Mayor Adler: Thank you. I've handed out an amendment that has a v2 in the upper

[7:40:02 PM]

right-hand corner. I think this is really good work with the plan too and I'm anxious and hopeful this can pass tonight and not be postponed. In hearing the conversation at the work session and some of the conversation about postponing this, I wanted to get into it and see if there was a way we could craft language that maintained all of the direction that councilmember alter just talked about. But in a way

that we might be able to pass this unanimously and move forward. So I'm proposing the amendment on here which I understand councilmember alter will accept as an amendment. It really is pretty simple. It still maintains the goals for the 4,000 and 8,000 acres. The only thing that it does is then it talks about the need to maintain or improve upon the current standards for parkland. It just takes out the one measurement of acres per residence as an understanding if we're doubling a population, I'm not sure we double the park

[7:41:04 PM]

area that we have. But we need to move forward. It adds the second sentence, the maintain or reduce the percent of city of Austin is classified as parkland efficient into the plan. That's currently one of our budget goals that we measure and keep so it just moves this into our strategic plan. The third line is already part of what councilmember alter used taken from councilmember Flannigan's proposals. That's already in. And then the last change in the last line which is the only difference between the v2 that I just handed out and the v1 -- or the first time I handed this out a few minutes ago that's just consistent and recognizes to maintain a high quality park system that meets the needs of Austin's growing population we need to acquire new parkland at a much higher rate than in recent years. I understand that's okay with the parks people, the drafters and everybody is fine. Does anybody have any

[7:42:05 PM]

objections? Hearing none, those amendments are incorporated. Any discussion? Councilmember harper-madison.

>> Harper-madison: I just want it to be clear, I still do see another difference, but I think I heard you say councilmember alter seamed it. You took out per -- accepted it. You took out per capita in her amendment.

>> Mayor Adler: That's right, we're taking out the per cap the measure but keeping in the increase in acreage and the emphasis and the urgency and the imperative. Councilmember Flannigan.

>> Flannigan: Thank you, councilmember alter and mayor for crafting this language. It really does speak to the issues that I was concerned about when we were presented this plan and when we were at work session on Tuesday. You know, when we get into these policy debates sometimes the nuance of our debate loses the overall agreement and we are all in agreement that we need more parkland, we're all in agreement we want it to be accessible and how we craft this language I think can have long-term impacts and I'm really pleased to see how we've come to this

[7:43:06 PM]

conclusion today. So I'm -- I will definitely be supporting this.

>> Mayor Adler: Sounds good. We have some people to speak. Should we call the people that want to speak? Colin Wallace, do you want to come talk? Is he here? What about Mike ganadi?

>> Pool: Mayor, while he is coming up, I want to note I think Colin on behalf of Austin parks foundation sent us a really good letter in support of the parks master plan earlier today. If he's not here, I think we can refer back to his email to us for his thoughts.

>> Mayor Adler: Okay.

>> Greetings, councilmembers, members. Barton springs conservancy. I'm not here in financial capacity, but having -- official capacity, but having worked with the parks department and most recently the planning effort and community outreach, I want

[7:44:06 PM]

to commend Kimberly, Lee Anda and the, would they've recommended to you. I hope you pass this. I'm especially wanting to emphasize the value of adding parkland acquisition to the plan. As we're looking at the growth of the city going forward in ten years, if the number 2 million is crazy or remotely right, we need more space for people to be enjoying the city. I would like to say I think parkland is kind of the backyard for a lot of the higher density housing that I think this council is wanting to add with the rewrite. Let's add more and provide that amenity for the people we're welcome to go the city. I've had some discussions with different councilmembers and concerns there may be about taking care of the parkland space we have, I would like to encourage you to count on the private community to step up. And I'm standing here as someone who is a volunteer, who has been working five years with Barton springs

[7:45:08 PM]

and zilker park. A wonderful donation to the city long ago and continues to inspire philanthropic engagement and private support. I hope council will count on the community stepping up. I want other people to share all the fun and love I've had working with the parks community. That's the extent of my comments. Thank you.

>> Mayor Adler: Is Lillian here?

>> I'm here representing Mayfield park community project, we're the advocacy group from Mayfield park. We've been doing this about paramedic years. I too -- about 35 years. I want to say thank you to the parks department. I haven't been able to read the entire document, but what I have read is very positive. I too would encourage the council look to acquire for parkland and I want to thank the council particularly for the expansion of the hotel

[7:46:09 PM]

occupancy because Mayfield park, the cottage, the grounds, the gardens is on the national register of historic city landmark and we appreciate what parks has done for us and continues to do for us. Thank you.

>> Mayor Adler: Thank you. Betty Ann Wofford. What about George coffer? Those are all the speakers. We have a motion in front of us. Councilmember alter.

>> Alter: Thank you. I too want to specifically call out Kim Mcknight and Kimberly Mckneely and "-I'm not going to try to pronounce. And I want to just for those of who haven't read the plan, this is the kind of plan that makes me proud to be an austinite. It is a plan that is forward looking that has very

[7:47:10 PM]

specific strategies. It takes into consideration that each of us loves our park system for different reasons and it allows us to build that system over time as opportunities arise, but also to create those opportunities to leverage whatever resources we have or we have in the community to keep our park system at the level that Austin expects. The bond passed with well over 70%, I think it was the highest approval of all the bonds. And it is a -- this plan is something that I hope austinites will refer to and embrace and help us at every turn to implement. It is a plan that will require community support. We have some wonderful partners. But it's a plan that we desperately need as we grow and as we confront climate change and we deal with heat and all sorts of other things. So I'm really proud we as a

[7:48:11 PM]

council can move forward and hope we will be able to pass it unanimously.

>> Mayor Adler: Let's take a vote. Those in favor? Those opposed? It's unanimous on the dais. Great work. Thank you. Thank you. All right. We're blowing and going now. I think that leaves us with just the two items left, the unos and the Winsted item. Let's pick up the Winsted item, 81, 82.

>> Item 81, npa-2019, 0027.02. This is for the property located at 2401winsted lane.

[7:49:13 PM]

Requesting zoning is to Irpo. Currently developed as multi-family complex. The staff recommendation is for approval as is the planning commission recommendation. However, the staff recommendation has quite a few conditions. Namely, to limit general restaurant to no more than 5,850 square feet. All height shaling restricted to no more than 15 feet for any restaurant or limited restaurant and basically prohibiting all Ir uses. The applicant told us the reason for the rezoning is the firefighter complex is -- multi-family complex is not going anywhere and they wish to add a food truck. Multi-family zoning does not allow food trucks, but Irmu would. Zoning does not allow retail or office components. It simply allows a small restaurant or a food truck.

[7:50:14 PM]

A food truck is not a restaurant under the code. But it requires commercial zoning. So there was a petition of 14% on the property and this afternoon we received a -- a letter removing all names from the petition. With that I'm available for questions.

>> Mayor Adler: Let's call up speakers. Is the applicant here?

>> Good evening. It's the black one.

[7:51:32 PM]

Technology. Good evening, Amanda Swor to talk about the property at 2401 2401winsted on of property owners. It is bound on the east by mopac, on the south by Windsor and east by Winsted. My clients live there, play there, they purchased this property along with others in area earlier this year as investments. As Jerry mentioned, this is 0.72 acres. It has 11 residential units, all built in the '50s at an affordable price point in a part of town that doesn't have a lot of that. And just from where they sit, they are the funk remove colored buildings on this picture. They sit in a L on the north and east side of the property. With this rezoning, there is no intent to touch those properties.

[7:52:32 PM]

The residential units will stay in place. What we're looking to do is utilize a part of the property that right now isn't being touched by other than 11 people that get to live there. So our rezoning request is from mf-2 to Ir-mu-co np as long -- as well as the future land use map amendment. As staff mentioned, Ir is the lowest zoning category that actually allows for a food truck. The multi-family zoning categories don't allow that use. So we have also requested a conditional overlay to take out the commercial uses. And I can get to where the root of that came from. So the conditional overlay will take out all commercial uses in Ir other than restaurant limited. We've also agreed that a restaurant limited use or any nonresidential use would have armament area of 5,850 feet and a maximum height of 15 feet.

[7:53:33 PM]

So I mentioned that the residential portion is the L on the outside. The white two structures are carports that are there today and are rarely used and inside of that is a filled-in pool. So you have carports and you literally have a swimming pool filled in this the last 20 years that's fenced and used by the residents that live there. What our goal is to take that area and create a community aspect that can be utilized not only by the property owners but by others. So as I mentioned, my clients live in the area, they have small kids. They are looking for a place they can walk to, sit, grab a bite to eat. Their kids can play in a fenced in area. So this is that square footage that's within the two carports, 5,850 square feet. We would like to put in a play area for the children that is, again, gated and safe. It will have an outdoor seating component as well as a food truck.

[7:54:34 PM]

Showing this to you a little bit differently, you can see where the residential units continue to exist back behind and the food truck operates in front of it. We had several [inaudible] Throughout the process and conversations with a lot of interested parties. In September of this year we received a letter from the west Austin neighborhood group saying they would not oppose the rezoning if we entered into a conditional overlay and restrictive covenant. One was take out all uses that are commercial, which we have done. One was to limit the height, which we have -- height, which we have done, and the other was limit the square footage which we have done. In addition to a conditional overlay, they asked we enter into a private restrictive covenant enforceable by the neighborhood or property owners within 200 feet. As staff mentioned when we started this process after planning commission, we had four neighbors that live within 200 feet of the property that had petitions

[7:55:35 PM]

in place, very, very excited to say we worked a lot of hours over the last month and entered into a private restrictive covenant this morning that will do two things. It takes all the items in the conditional overlay and puts them in a private restrictive covenant enforceable by those neighbors and this covenant runs with the property. It's not just for those individuals. If they sell, it stays there. It also handles a lot of community items. Trash location, signage, additional talking about the height. It deals with sidewalks on the property, hours of operation, the things that impact the community. So we were really very excited to enter into this and as Jerry mentioned, these property owners that are the most impacted have withdrawn their opposition and in fact support and I believe they have given the time they couldn't be here to speak, but they did send you all an email today. With that I'll stop and happy to answer any questions.

>> Mayor Adler: Thank you. We'll go ahead and call some of the other speakers.

[7:56:36 PM]

I'm calling both items 82 and 83 at the same time. I don't know if anybody still has children there. They had asked to call them early if they have somebody in that position. Let me know, do you want to get called early?

>> Yes, please.

>> Mayor Adler: Come on up, then. If you want to get called early, come on up. If you have children and want to get called up early, come on down. There you are. You just got aged out.

>> Hi, Rachel tremble, 2103 forest trail. On the other side of Windsor from this project. And I'm here representing of my friends who aren't as stubborn as me and are at home with their sleeping babies. This is really important to us. We really need a playground

[7:57:36 PM]

with a fenced in area so we can have a bite to eat with friends and relax and a place we can talk to or bike to. We do have a few parks in the area, but some of them don't have bathrooms, some of them have one parking spot. So there's not real conducive with a mom with a bunch of kids. We're hopeful this will pass. I'll have a lot of excited friends. So we thank you.

>> Mayor Adler: Thank you. Anybody else want to speak that has children? Come on down. Please introduce yourself.

>> Good evening, Mr. Mayor, councilmembers. Thank you for your time this evening. Charles Finch. I'm a 31-year resident of Austin. I'm here with my family. We live on Indian trail about 500 feet from this subject property. We're in the same quadrant as the most affected area. We're a little farther away. We are here to speak in opposition to the requested change. Our concern is the great

[7:58:38 PM]

unknown as to what this means for our area in this neighborhood. As we learn more about this proposal, we became more concerned because of the lack of study as to what will happen with traffic in the area. It's a highly pressured area as far as parking and traffic along Winsted. When we reviewed that had been submitted in the reports, it became apparent there had been no form of traffic study done. The Idc has two provisions for traffic studies. The 113 provision is the general traffic impact analysis which has a 2,000 vehicular increase standard. That was reviewed by staff and found to not apply. There

is a second provision for a neighborhood traffic analysis and 25-6-114. That is for a neighborhood traffic analysis where a

[7:59:40 PM]

project has access to a local street. And in this case it's uncontested, Winsted is a local street, Winsted lane is classified as a local street. It is -- actually the only access this property has is on Winsted. And the documented numbers that were submitted and in the staff report show an increase much greater than threshold of 300 per day vehicular trips. The submitted data was an estimate the trips post change would be 1714 up from 136 per day. So that's a 1578 trip per day increase. That should have triggered a neighborhood traffic analysis. But it did not. And the report does not address why that was not done, why there would be an exception to that. We did we did dialogue with staff about

[8:00:41 PM]

this and have not gotten an answer that is consistent or makes sense. There's been some discussion and mention that these are food trucks that are temporary that do not have any kind of set standard for the numbers of traffic that they produce. But the problem is that there's nothing in the Idc that provides that type of exception. The proposal isn't just for a food truck, they're asking for a zoning change to allow for a very different change at some point in the future, brick and mortar, the entire -- this needs to be looked at with numbers --

[buzzer sounding]

-- Thank you.

>> Mayor Adler: You have some donated time. Is Virginia miles here?

>> She is.

>> Mayor Adler: Is Ada Beth? She's not? You have another two more minutes.

>> All right. Thank you. This should be looked at as far as the numbers for a restaurant, which is basically what they're asking to be authorized at this site, and it hasn't been done.

[8:01:41 PM]

If an agency makes a decision and it's not based upon its guiding rules of principle, it's an arbitrary decision, it's subject to be reversed on judicial review. That's what I'm concerned with on this case, that that might be the ultimate, where this ends up. We would submit in the most appropriate action on this

case would be the send it back to staff and to the commission for corrected review, do the neighborhood traffic analysis, give us the numbers so we know what's going to happen there. Thank you.

>> Mayor Adler: Thank you. Is emaline -- sir?

>> Tovo: I'm sorry, sir, would you mind -- I missed where you said you live in proximity to this site.

>> 2106 Indian trail, about 500 feet, around the corner.

>> Tovo: Thank you.

>> Mayor Adler: Emaline finch, do you want to speak? Fine. Thank you. Is grace Fletcher here? You want to come down and speak?

[8:02:44 PM]

>> Good evening, mayor Adler and the rest of the council city members. I know it's been a long night for you guys so I'll try and keep it brief. I'm a resident, I currently live at 2401 Winsted and am in full support of the rezoning of this property. I previously lived in Windsor park of east Austin and was static to have found affordable living in tarrytown and plan to be here for a very long time. I've been in this specific neighborhood over five years and have visited nearly every child based facility in Austin. As a former teacher who watches multiple teacher at a time, finding places where families and children can play and experience fun in a safe dining environment is a challenge. There's no family friendly facility where children can play and eat in an enclosed area. Locations that do provide this amenity are too far north and south and not worth the fight in traffic. Also, as a person who lives in

[8:03:45 PM]

Winsted and walks often in the morning and evening, I've never encountered a traffic situation where I felt unsafe on the street. I am here tonight to make sure that the voice of the people most impacted by this rezoning case are heard. The residents of 2401 Winsted are a close knit community and everyone is excited about the possibility of having a food truck on our proprietor. Thank you very much.

>> Mayor Adler: Thank you. Is Catherine miles finch here? Do you want to speak? You have time donated from Virginia finch. Is Virginia finch here? Thank you. What about Jessica finch? Okay. You have seven minutes.

>> Okay. Hi. Mayor, council, members. Thank you so much for letting us speak. My name is Catherine miles finch. My husband was just up here. We live 540 feet from the property. We -- I wanted to start with this picture. You guys saw it before, and I just wanted to point out that

[8:04:49 PM]

the -- there are currently two site access points here. One of them is directly in the slip lane of Windsor road, and I believe that the owners agreed to remove that access point, which would leave only one access point. And we oppose this rezoning primarily because of the unknowns, like my husband said, and the traffic increases. This area is hemmed in by mopac on the west. There's -- Windsor is a very busy street. There have been multiple accidents I'll get to later. And Winsted is a 28-foot wide residential local street. So the traffic is our main concern, and this was the original traffic determination worksheet submitted with the application. And I wanted to point out the trips per day increase that my husband discussed. And you can look on the sheet; that notation should have been marked early on in this process,

[8:05:49 PM]

and it wasn't. And so we still have no idea what the current traffic counts are. We don't know what the traffic counts will be once it's zoned as restaurant limited. So we are extremely concerned, primarily because this particular intersection has -- our neighborhood, Winsted, through and by tarrytown park has become a cut-through for mopac traffic. In this visual you can see -- and this was a live traffic shot taken last night during rush hour -- actually at like 3:45. And you can see how traffic is totally slowed on southbound mopac. And what happens is, commuters exit on Westover, cut through the park and come by Winsted and you can see where Winsted backs up passed Indian trail where we live and backs up all the way to bowman. And in that backup, there are cars parked on both sides of that street, it's one car in, one car out. And that's the issue.

[8:06:50 PM]

And what you can't see from this picture is the slope coming -- if you're heading west on Windsor, there's a natural -- I don't know if it's natural, but it's a dip in the road to go under mopac, so it increases speeds for those people driving in that direction. And in addition, the commuters, in an attempt to avoid mopac traffic, they exit Westover and then they make illegal u-turns to get onto Winsted and head down Austin boulevard and get back on mopac. This happens daily. These are the most recent traffic accidents compiled within the last two years. There have been 43 accidents on that Westover exit ramp alone. There have been 12 at that intersection. And from the report that was submitted by the transportation department, I believe it was completed in 2014, most of those

[8:07:52 PM]

accidents are caused by people heading east on Windsor and attempting to turn left onto Winsted. And like I said earlier, that dip increases speeds and so when you're turning left, you can't see -- you can't gauge the speed. So that's what's causing the accidents. And if you look here where Indian trail intersects Winsted, there have been five accidents in that location alone, and that is less than 500 feet from our home. So this is the pattern that pedestrians will have to walk in order to reach this property. The owners live south of Windsor. So for them to get there they would have to -- and the city is installing much-needed sidewalks on the southside of Windsor. But to get there, you would have to access those sidewalks, cross over Winsted, cross over the mopac exit ramp, cross over Windsor, and then cross over the slip lane to get to the property.

[8:08:53 PM]

So if you look, those are the points where there have been the most accidents. Crossing the exit ramp for mopac and crossing Windsor. So I thought it was important for everyone to know that I'm an urbanist, philosophically. I recognize the need for us to grow. We are bursting at the seams. I understand that. This is also not a new perspective. I live on Indian trail. On the very end is tarrytown center. We walk there once a week. We go to the post office, we go to the convenience store, we go to the beer plant, we walk to house inn, we are an active family and we walk our neighborhood. But this area is safer, tarrytown center, because the streets are not 28 feet wide, there are multiple different access points, three separate streets, there are

[8:09:55 PM]

sidewalks. That is safe neighborhood growth, is in an area like this. And in comparison, there was 60 some-odd wrecks at Winsted and Windsor. In this location, when Windsor and exposition, there's only been ten in the last ten years, because it's safe, that is a safe area to walk with your family. So that's what we're concerned about. We don't want this to happen without even knowing what's coming. Restaurant limited could be anything. We understand food truck, a place to hang out and take your family would be great. But we have to do it in a smart and safe way, and this is just not safe. Thank you very much for your time.

>> Mayor Adler: Thank you.

>> Tovo: Mayor, may I ask the speaker, would you mind just circling back for a minute to the graphic that had multiple -- yeah, that one.

>> Oh.

>> Tovo: If you would just pause there for a second. I just wanted to take a quick photo. Thank you.

[8:10:56 PM]

Thanks very much.

>> Sure.

>> Mayor Adler: Thank you. Is Amanda sworr here? Amanda sworr? Sorry -- I'm sorry, Amanda. It's late. Is David cane here? Why don't you come on down. You have time donated. You have five minutes.

-Million-dollar.

>> It a presentation. Thank you, mayor and councilmembers. My name is David Kanne. My wife and I have two kids, live in tarrytown. We're the applicant and own a couple of properties close by and this one. A quick presentation for us. Obviously, you know, the main goal here was, we -- all of our friends had gotten together and said, hey, we love the community of tarrytown, we'd love to have more options to walk to tarrytown shopping center is

[8:11:57 PM]

great but it has one restaurant that's a vegan option and there's no signs of the restaurants that used to be there 10-12 years ago coming back. So it really is, for the number of households and all that our neighborhood has to offer, one thing we lack is walk and restaurants. As we looked for options where we could come up with an idea to put a restaurant or food truck, this location came about. As you can see, the location is at a busier intersection. Of course the map that was shown is not the way I would walk from my house. There's different paths to get there. It's a busier intersection. We didn't want to put something in the neighborhood, we were looking for options on corridors of where to put something like this concept. As we spoke before, this is the 200-foot area of the properties that are in support of this. You can see that the green dots kind of represent the neighbors that are for this project. As Amanda said, at planning commission, there was four neighbors that were against. We researched a covenant

[8:12:57 PM]

limiting a lot of those uses that caused concern and spending a number of hours just trying to come together in living rooms and come up with solutions to those direct neighbors' problems. Again, just showing where the valid petition was was and where it's at tote. Tarrytown, it's to get to hulla hut is 45 minutes. Our goal is just to create a better community for people to go to and have more places to walk to with our kids. Just some benefits of more walkable neighborhood. Sidewalk improvements underway, the red -- right now where that Orange line is, that's where there was not an existing sidewalk. Probably the next two weeks there will be a sidewalk that's poured there. The rest dash on the so you said is where the sidewalk is being improved currently. They're in front of the girls' school. As of this morning, if you look at this image, there are safe ways to get across the street and there are sidewalks being put in

within the next two weeks where that Orange line is. So we will be putting in the blue sidewalk in front of the property and there's

[8:13:57 PM]

currently a new sidewalk being put in directly across the street so there are ways to get to this site. And that's really the end of the presentation. I appreciate y'all's time.

>> Mayor Adler: Thank you. Michael kinotti? You have time donated from Robert dock. Is Robert --

>> He had to leave, I think.

>> Mayor Adler: Okay. You have three minutes.

>> Good evening, mayor, city council members. Here on behalf of the neighborhood planning contact team, and I just wanted to show you from the plan, a little bit of context of where this property is located. It's at the intersection of Windsor and mopac, completely surrounded by residential. We are zoned at this

[8:14:58 PM]

location as multifamily and the Flum category is single-family. But that reflects the surrounding -- and it's also one of the most affordable parts of housing that we have in our neighborhood because of its location next to mopac. I used to live in ex to mopac, a house there, it was great. In the context, we're located close to two major parks in our neighborhood, west end park and tarrytown triangle park. Those are within three to four minutes walking distance. We have neighborhood commercial located along exposition in two spots I've circled in red, and also down on lake Austin boulevard. And I wanted to try to maybe simplify your analysis as I've listened to the presentations and looked at staff's recommendation, to focus on the criteria that you're supposed to be able to point to if you're going to amend a Flum. And the council -- excuse me, staff's recommendation and the applicant's have only relied on this also

[8:16:00 PM]

requirement, that the amendment has to be consistent with the goals and objectives of the neighborhood plan. And as y'all know, the goals and objectives are specific parts of the neighborhood plan. There's text in the plan, but we have to look at the goals and the objectives. I tried to highlight here the ones that staff has relied upon to justify this change, and I really would compel you to consider if this makes sense. The first objective they point to is a land use which says we want to preserve the

existing single-family neighborhoods of west Austin. Tell me logically how converting the zoning to commercial accomplishes this objective. Preserving single-family zoning. There's no way to say that it does. The second objective is to preserve our enhance as appropriate the existing multifamily housing and neighborhood serving districts. How does -- what this talks about is preservin the existing commercial districts that we have in the neighborhood. This isn't talking about adding them. We have a residential character and we have a

[8:17:01 PM]

designated commercial character. The third objective is that all developments should be compatible with the character of the adjacent neighborhood. I submit to you that zoning this as neighborhood commercial in the middle of a purely residential area is not meeting that objective of being compatible with the character of the surrounding area. There's some other objectives that they're pointing to, under the parks subjectives of the plan, I submit to you they could put those parks uses without rezoning this property right now so they're not supporting changing the zoning or changing the Flum here. Something that I really do -- if we're not going to pay attention to the main road plan commitments --

[buzzer sounding]

-- I will keep this brief. The upcoming ldc rewrite is focusing our desired development along the priority networks. We see here this is nowhere near any of the designated areas. In fact, when you look at the staff's recommended ldc map, this is supposed to be residential multian under the planning commission's recommendation, that would

[8:18:01 PM]

allow a food truck to be there if you adopt that as part of the ldc.

>> Mayor Adler: Thank you.

>> Thank you very much. Appreciate your time.

>> Mayor Adler: Thank you, sir. Is Lauren Connor here? You want to speak? Okay. What about Sam parsely? Do you want to speak? Come on down. Blake here? You'll be up next at the other podium. You have three minutes.

>> Good evening, mayor Adler and council members, my name is Sam parsely. I live at 2413 Sharon lane. It's the corner of Indian trail and Sharon. It's close to the property at 2401 Winsted. I'm here tonight to voice my full support for the rezoning of it. Unfortunately, it's no secret that there's a significant lack of places to eat within tarrytown, and I believe that this proposed rezoning change had El Paso change helps to provide us options. Parking, there's an ample

[8:19:01 PM]

amount, spots in the neighborhood, I see them every day and every night and I certainly don't mind a couple cars in front of my house. I lived on both south Lamar and south congress before, and one of the major benefits in those areas was walkability of restaurants, something that I've dealer dearly missed. It gave a real sense of community. I think something similar in tarrytown would be beneficial and I'd love to see that come to fruition. Thank you.

>> Mayor Adler: Thank you. Come on, circumstances you have three minutes. Is Erin Mooney here? You want to speak? Come on down, you'll be at the other podium.

>> I'm here representing west Austin neighborhood group right now. We are still in opposition of this. They did not meet all the things that we asked them to meet. We are asking that the residential zone remain in place and there not be a commercial mixed use on this site. Our initial concern was about the loss of reasonably affordable housing,

[8:20:01 PM]

especially noting the potential for gentrification in the proposed ldc rewrite. I mean, that's our understanding, is that we want to put more density in this area. This is a high opportunity area. And under the ldc rewrite, this -- the people of the city staff, they consider this residential. They don't -- there's no mention of commercial on this site. From a planning perspective, this is basically spot zoning. It's commercial use in the middle of a residential area. That's why we worked with the neighbors, close-by neighbors to be in opposition to this. There was a valid petition, it was over 20%. The reason why it got broken originally is the developer went across the street and put a contract on that property. That's the reason there's a restricted covenant at this point, because they said -- the neighbors said we're doomed, let's do the best we

[8:21:02 PM]

can. That's the truth. Personally, I've worked with west Austin neighborhood group for over 20 years, mainly in land use matters. I estimate that the applicant to this case, in this case, he paid over two million dollars for the original property. He's probably got another two-plus million dollars, and he's purchased the property to the north, directly to the north, and he purchased the property right across Winsted. He's got between four and five million dollars tied up on the ground, all for one food truck? I -- you know, that's -- that's very hard for me to understand. I think these are very -- I know who these people are. These are very sophisticated commercial developers, Lincoln ventures. This is the proverbial

camel's nose under the tent. I mean, I'm not -- I don't know his -- their long-term plans. Originally there may have

[8:22:03 PM]

been a plan to have a food truck and a little play area, although there's parks on either end of this. Now, he's got three properties, for sure, and he's got local retail zoning over one of the major properties on there. We ask that you support the Idc rewrite team, and that's residential, and we ask that you deny their zoning -- rezoning request. Thank you very much.

>> Mayor Adler: Thank you. Ann Rooney. Why don't you come up and speak. Is Gwen Guthrie here? Do you want to speak? Come on down. Go ahead.

>> Okay. Hi. My name is Ann Mooney and, first of all, I just want to thank you guys pour the sidewalk that you but on Windsor. I don't know who did that job but it was incredible. The people were fast and

[8:23:04 PM]

efficient. My husband and I are thrilled with how it all within the down. We love our new sidewalk. I just want to say that I love walking the tarrytown park. I cross Windsor two or three times a week with my two small children and my dog, and I would love to walk down Indian trail with my family on Friday nights and meet my friends and we're really looking forward to the food truck. I am -- I am just -- I mean, I love tarrytown and I love the neighborhood, but we really -- we miss the opportunity with tarrytown center because there's just no options for small -- or for families with small children. And so this is what we're doing, is finding these little pockets. And I know the family who's doing it, and I know that they are really just in the same place that we are. We just want to be able to walk somewhere and meet with our friends and have a great time. So I'm excited for the opportunity. Thank you guys.

>> Mayor Adler: Thank you.

[8:24:04 PM]

Gwen Guthrie, come on down. Is Scott burns here? Why don't you come on down. You'll be next.

>> Good evening and thank you for your attention. I did not do this walking down our street. I swear they're safe. I'm a six-year resident of tarrytown, mother of three and four-year-old. I walked all the parks in the neighborhood. I've been crossing Windsor without sidewalks for a while now. I would be able to safely walk to this now concept with just the sidewalks, which I'm thrilled. I think it's a healthy concept to be able to go and meet with your neighbors. It's good for sometimes isolated parents of

young children to be able to get together. None of the parks in our neighborhood are fenced. That poses a safety issue. It would be good to be able to go somewhere to get a bite to eat and know that your kids are safe. I'm in full support. I live half a mile away. And I'd be thrilled to be able to meet up with my

[8:25:05 PM]

neighbors, with my friends, and I really hope you do pass this. Thank you.

>> Mayor Adler: Thank you. Scott burns?

>> Good evening, mayor. Good evening, councilmembers. My name is Scott burns. I live at 1701 vista. I'm a tarrytown resident and I'm here in support, in support for several reasons, but most notably the fact the neighborhood has been able to enter into a restrictive covenant with the applicant. That was really telling for me so I'm glad to see that all the parties have been able to come to terms in agreement with moving forward in furtherance of this. So thank you for your consideration.

>> Mayor Adler: Thank you. Amanda sworr, do you want to close?

>> Yes. Thank you. I just want to hit a couple points that we talked about. The first one is with regard to the transportation and the traffic.

[8:26:06 PM]

Following the planning commission meeting, there was a lot of conversation about safety, how can people get there, is it a safe intersection. So the transportation department did a study and found in the last five years, there were only 14 crashes at the intersection, which is a lot different number than we saw previously. Only 14 crashes. A lot of the concern we heard was that there was a tremendous number of accidents on the swooping turn lane, for lack of a better term, and what the city determined, there were actually zero accidents as a result of people coming down and turning right onto Winsted in the last five years. So I just wanted to make sure we hit that point. The second is really with regard to uncertainty. The code that we have today is not perfect. Can we put all kinds of things in conditional overlays? No, we can't. Can we do the best that we can? That's what we've done. We've put what we can in the republic restrictive covenant but we've entered into a private covenant that takes away so much of the uncertainty that people have concerns. There can be no permanent restaurants. Everything has to be a food truck or a non-permanent

[8:27:07 PM]

structure. And that leads into the traffic question that came up earlier, why it wasn't a neighborhood traffic analysis conducted. Staff can address that a little bit more, but a food truck generates six peak hour trips a day. 60 total trips what is the ite manual indicates that a food truck would generate, which did not necessitate the need for traffic impact analysis. The last two points I would just hit on, I know a couple people mentioned parking. The beauty of a site like this, to be able to come in and create a community space without just making any displacement, is that this property has 34 parking spaces on it today. And there's only 11 residential units. That leaves, even if you take out four for a food truck, that leaves over 30 parking spaces on site without having to come in and make any major modifications to the property. With that, I will close and I'm happy to answer any questions. Thank you.

>> Mayor Adler: Any questions? Yes. Councilmember at alter.

[8:28:11 PM]

>> Alter: Thank you. I had a couple of questions I actually probably -- let me ask you, one, first, about the restrictive covenant. So how many neighbors or properties are party to the restrictive covenant?

>> Four.

>> Alter: Four? And that's four beyond the properties that are already owned by the duplicate. Applicant?>> That's correct. Yes, ma'am.

>> Alter: Okay. You mentioned that they go with properties, not the people. Can you explain how that works?

>> When there's a restrictive covenant, it can either be enforceable by individuals, and this is enforceable by the individuals but what we have as provisions in there, if they sell their property, that new property owner can then continue to enforce the restrictions that are in place. So we wanted to make sure that it wasn't an instance that in five years, four people sell and the restrictive covenant is gone. So it will run with the land and be there in perpetuity.

>> Alter: Thank you. I'll have some questions for the owner, et cetera, but I don't know if other people have questions for Ms. Swor.

>> Mayor Adler: Any more

[8:29:12 PM]

questions? Thank you.

>> Thank you.

>> Mayor Adler: You want to call someone up?

>> Alter: Like to call the owner up first again. Before I do, I just want to say to the neighbors, I'm glad you like the sidewalks. We're excited about those, and if you're interested in a fence at west end field, we have some neighbors working on that so we'd like to have you engaged on that. But I would like to ask the owner a question. I was just wondering, there seems to be some concern about what your intentions are with the other properties. Can you speak for a moment of what you're hoping to do with the properties nearby?

>> Of course. Yeah. I know people have had a lot of concerns and there's a lot of misinformation that always gets put out there. And why would we do what we did. It comes from -- simply to delivery an area where food trucks could be. We make investments all day long. That's what our business is.

[8:30:12 PM]

We buy rental properties. We are not trying to buy three properties and combine them and tear this down. We're keeping all 11 units. Resigned a restrictive covenant that gives our neighbors a limit to height, that limits the size, the uses, everything. We sat in their living rooms and worked with them. We wouldn't do all this and then turn around to all our neighbors here tonight to then do a bait and switch. That's not who we are. We told them, but they don't believe us. All they can do is put it in writing and hope they trust us some day.

>> Alter: I think the concern is not just on that property but the other properties and what --

>> Of course.

>> Alter: -- You're planning to do with those. And I'm not sure what a rofr is so if you could explain that, that would be great. You're now talking about food trucks versus food truck so can you elaborate? Sunday food trucks, really what we defined in the covenant, I guess it a food truck, a van, is it a ups

[8:31:13 PM]

truck that got converted? We don't know what the ultimate operator -- we're not going to operate the restaurant. We hope to find a really great operator to come in and do something cool for the neighborhood. I say truck, trucks, it's really about something that moves, it's not a non-permanent structure, that's what our restricted covenant covers. In terms of the property to the north, the initial intention was, six months ago when we were at the tarrytown library, we said, hey, guys, we have a contract on the property to the north. That was very open. It was, hey, at this cost, it became great. One of the neighborhood concerns was parking. We have a lot of parking spots on site but if we ever needed more parking, what would be your solution? That was just one concept I put out there. It's always been a great rental property. It was on the market for sale, it sold twice in the last year. Property we purchased. The realtor came to us at the meeting six months ago and said, hey, would you buy our property? We've been trying to sell this for a year. Our owner would love to sell. It's got a rental unit. We said sure, we'll take a

[8:32:14 PM]

look at it. It's what we do. They're both sf-3. One has a covenant that says no commercial use. One would have to go through a zoning change to change it, which means it would come back here. I don't really understand what this concern is about something just sliding in and changing.

>> Alter: I think there's past experiences that don't necessarily always reflect the current experience, so that's always possible.

>> You asked truck or trucks. There is a provision in the restrictive covenant that says no more than two non-permanent structures could ever be on the property so that would alleviate the concern -- we heard there was a concern this could become a food trailer walker and that is addressed in the restrictive covenant.

>> Alter: I have some other questions but if other people have questions, maybe they should go first.

>> Mayor Adler: Any other questions? Comments on the dais, give other people a chance? Anybody want to say anything? Yes, councilmember harper-madison.

>> Harper-madison: More of a comment than question and maybe even some advice.

[8:33:14 PM]

I was just -- one of the things I found myself sitting here thinking was, one of the residents addressed that food options are limited, and I was thinking, generally speaking, a food truck has limited food options. So I don't know if this is going to be a rotating thing, like, you know, this month it's this kind of food, next month this. I don't know what that would look like, but just something to think about. If the point is to increase options and make certain that you're addressing everybody's, you know, food preferences, that's all.

>> Mayor Adler: Okay. Is there a motion to approve item 81 and 82?

>> Alter: I'll make a motion but I wanted to see if there were other comments first.

>> Mayor Adler: Why don't you go ahead and make a motion.

>> Alter: Okay. So I'm going to speak and then make my motion if I might, because --

>> Mayor Adler: Why don't you make a motion, then we'll get a second and make

[8:34:15 PM]

you speak.

>> Alter: But I want to explain why I'm motioning what I'm motioning before I motion it, if I might.

>> Mayor Adler: Go ahead.

>> Alter: Thank you. First of all, I'd like to thank everyone who came out to speak tonight, the many individuals who wrote to me and worked with my office on that and the applicant, applicant's representative who worked with us on it. In our processes, we often arrive at imperfect outcomes. In this circumstance, I want to recognize the hard work and negotiation of the immediately adjacent neighbors who endeavored to secure a specific set of conditions to mitigate the potential impacts of a commercial use in this area. I do believe this particular area does have some traffic safety issues, and I'll be honest, I would have preferred that our code have a different avenue to pursue this use, such as a conditional use permit, that could be revoked if this use proved untenable at this site, which is still a possibility that the owners would have to deal with. Today on first reading, I'm going to support the

[8:35:15 PM]

recommendation of our staff and our planning commission, which reflects the conditions negotiated by the applicant and the immediately adjacent neighbors, and with my colleagues' indulgence, I will make a motion then to approve 82 on first reading as recommended by staff and to postpone passage of the Flum, 81, until we get to third reading, second and third reading, which I'm assuming would be December 5th.

>> Mayor Adler: There's a motion to approve item number 81 --

>> Alter: No --

>> Mayor Adler: 82 on first reading and postpone item 81. Close the public hearing or keep it open?

>> Alter: Close the public hearing.

>> Mayor Adler: Close the public hearing. Is there a second? Councilmember Flannigan seconds that motion. Any further discussion? Councilmember Flannigan.

>> Flannigan: Just as a reminder, I don't know that it matters to close public hearings or not because we have to allow testimony at all meetings where we're taking action. But I think if there's a

[8:36:16 PM]

better example of how our current code is broken, I can't think of one. Councilmember alter, I think your point is well taken about this should really be a conditional use permit process, go before planning or zoning commissions where you can just get your mobile food truck and really set the context sensitivity of those decisions. I hope we will consider looking at that in the rewrite when I'm pulling it up here,

even in the rewrite, it's not a cup and rm2, which is what it's zoned for, so I think it's something we could be looking for when we get to that place, but I'm glad to hear the fox from Wang are really excited about the rewrite, to know that is something people are looking at, and I hope to see us be all on the same page on that, too.

>> Mayor Adler: Yes.

>> I just wanted to remind council -- I'm not sure what councilmember alter intended by saying postponing the vote on the neighborhood plan, but I do want to

[8:37:16 PM]

remind council that the zoning has to be supported by the neighborhood plan's amendment, ultimately. I know there's been some confusion about that earlier in some other cases so I just wanted to just remind you that they did have to match.

>> Mayor Adler: Does it work for us to approve that at the same time we approve it on third reading?

>> As long as it's done by third reading, that's fine.

>> Mayor Adler: I think that was the intent. Continue discussion, councilmember Casar.

>> Casar: My discussion was the same point, so we can pass this on first reading, and if -- you know, majority of the council agrees, or I guess it would be seven members, we could do second and third on the zoning case and all three on the Flum amendment on the same day.

>> That's correct. Just for clarification, you're including direction to bring it back on December 5th? Is that correct?

>> Alter: I know it's not ready today so assuming it would be ready for second and third reading --

>> I just need direction from the dais because of deadlines.

>> Alter: That would be fine. You know, this case has been shifting a lot and I know certain things were just

[8:38:17 PM]

determined this morning. I don't see any reason to pass a change in the Flum until we have -- we are making our final decision. I'm not thrilled that I have to make a change to the Flum in order for this to move forward. This is kind of just a peculiarity, I believe, of our land use. I do want to add that as I was thinking of a conditional use permit with respect to food truck in this case, it would mean that you could revoke that if it wasn't working with the traffic. And that is -- it's not that we want to to have food food trucks go everywhere indiscriminately, but that would allow us to have something different in that

instance, given that the traffic could be a challenge here, it's a real concern that we would have that flexibility, which unfortunately, the code that we have right now does not. I also, between now and third -- second and third reading, would like to understand from staff how we would be handling cases like this that we're passing now

[8:39:18 PM]

and then we're making a plan use change in the code in terms of the map. Obviously, the restrictive covenant would hold, but how does that play out as we understand it, since we don't know how food trucks are going to be governed in that process?

>> The easiest way, councilmember, for that to be handled would be in the proposed code, the rezoning code f25, to carry over the conditional overlay I think you're about to approve because in the new code, it would not, so there's a chance that if the existing recommendation for the new land development code stood, we got the zoning today, the right would be taken away with that proposed zoning. So I'm going to be working with the folks that are working on the code rewrite on how we handle these cases that have recently been approved because obviously the draft map is already out, we're still approving zoning cases every Thursday so we need to sync those up before we get to council.

>> Alter: Okay. I'd like to maybe have a further conversation about

[8:40:19 PM]

how we move forward on that. Thank you.

>> Mayor Adler: Does it require all three -- does it require three readings also for the Flum change?

>> It does. But like I said, it's okay if we postpone one today as long as we do it with the zoning case. But it does require all three.

>> Mayor Adler: All right. But that potentially could have us think that we have different votes required on different --

>> In theory, you could do it for --

>> Mayor Adler: Since it requires all three readings, you wouldn't approve on first reading both of them today?

>> Alter: I thought that the flums only required one reading.

>> No, they were three.

>> Mayor Adler: That's where I was, they both require three readings, apparently.

>> Alter: I'd like to stick with my motion, if I could.

>> Mayor Adler: Okay.

>> Alter: I think it'll pass.

>> Mayor Adler: Okay. Any further discussion on the motion to pass the zoning on first reading, postpone the second, bring them both back on December 5th? Take a vote.

[8:41:19 PM]

Those in favor, please raise your hand. Those opposed? It's unanimous on the dais.

>> Tovo: I'm councilmember tovo voting no, councilmember pool abstaining, the others voting eye, it passes 9-1-1. Thank you. That gets us to the last item that we have. Number 67. Staff?

>> Good evening, mayor and council. I'm with planning and zoning department. I'm here to present agenda item, amendments to the university neighborhood overlay, building heights, parking, and signs. Provide a little context and background about the university neighborhood overlay or uno.

[8:42:21 PM]

Go over briefly the code amendments and speaking briefly to the relationship to the code revision process. As you might know, uno area is directly west of the university of Texas. You can see the area here on the map. It was -- came out of the central Austin combined neighborhood planning process in 2004, and that process was partially initiated by a rough zoning case about student housing, and direction to council, to staff, was come up with a solution for housing around the university of Texas for students. It is incentive-based regulations. You don't have to do uno, you can still build your mf-4, C fs, whatever your zoning may be, but it was also designed to make it very attractive for people to take advantage of the overlay. It has concentrate scapes and building zone requirements. Requires on-site affordability, and/or the uno trust fund as of the third quarter of 2018, there was \$2.76 million generated by development in uno.

[8:43:22 PM]

And by that same quarter, second quarter of 2018, the latest information that I had, there's been 6500 units with about 15,600 new bedrooms in west campus. So by any measure, it has been slightly successful. An important part of the uno is the subdistricts. The outer west campus, inner west campus, Guadalupe subdistrict, and dobie. And associated with each one of these subdistricts is a serious of building heights, with lowest heights generally being in the outer west campus and it's a patchwork of building heights that range from 40 to 120 feet. The inner west campus ranges from 175 to 220. And

Guadalupe and dobie, the subdistricts, are capped out at 65 feet for new development. The first code amendment would allow an additional 125 feet of building height in the inner west campus

[8:44:23 PM]

subdistrict and an additional 25 extra feet in the outer west campus and Guadalupe subdistricts if 10% of the units' bedrooms are set aside for individuals earning 60% of mfi for 40 years and another 10% for those individuals making 50% for 40 years, and an additional 10% of bedrooms, units set aside for those individuals making 50% of local mfi for four years or they would pay into a one-time fee into the trust fund that's indexed to the consumer price index. Here is the first of the recommendations that planning commission staff differed from, that understand kind of what's -- this is the source of much of the community discussions regarding these proposed amendments. At planning commission, the

[8:45:23 PM]

commissioners amended the subdistrict map for the inner west campus and extended it -- you can see that little bulb out dead smack in the middle of the map. They extended it over west to include those properties. And that had a ripple effect for the rest of the maps showing here. On the right is a staff recommendation, staff is recommending that the boundary districts remain as they currently are in city code. The next difference would be the allowable heights, it would amend the height district map. Because of that bulbout, that area was used, was normally a 75 or 65 height district, it was now 175 height district. So it got that much taller. On the right is the staff and that reflects the current map, the correct map that should be in the code. And here, this might require a little talking through.

[8:46:24 PM]

The map on the right indicates those areas where the height and density bonuses would not be allowed. They were considered a buffer districts between -- proximate to the neighborhoods to the north, to the south, and to the east -- to the west and southwest. On the right, the planning commission noted that we would like to allow those on 24th street and along -- I think that's pearl street. Those are the two reds on the -- notch on the southwestern corner of the map. Additionally, because of that, again, the addition of the inner -- increasing the height of the inner west campus, that also increased the height -- density bonus area, where that now would get the extra 125 feet where previously it would not, it would be limited to an extra

[8:47:24 PM]

25 feet. Going through this process, the community discovered that there was a provision in uno that would not allow buildings to be built. All north-facing buildings that face a public street have a step back, and that setback provision was initially put in there to allow for sun to hit the opposite side of the street under the winter solstice on the shorts -- shortest day of the year. It was determined these buildings couldn't take advantage of that building height, and buildings just don't get made that way, particularly in this area where lots are often fairly small. So this code amendment would eliminate that so that the building on the north side of the street would face the same as the one on the south side of the street, it would be similarly constructed. Many of the parking spaces in west campus are going unused. This is probably due to the

[8:48:29 PM]

advent, changing status of car students and ownership. This is spelled out in the uno section of the code that are loud in uno projects. First of all, you would allow uno uses on base area -- for residentially zoned base area with height district in uno of 50 feet or less, would be, greater, currently you have to have a 75-foot base district. And then as well, in those parking garages, you would allow these uses to go into those parking spaces. The planning commission recommended eliminating all parking minimums for all uses in uno, which is in alignment with the direction for the land development code rewrite, considering that west campus is sandwiched between two imagine Austin corridors and potentially the Orange line that would run down

[8:49:32 PM]

Guadalupe. Direct was given to staff to figure out, and after consultation with the code revision staff, the recommendation became to use the same parking standards for development in the central business district. Because in many regards, uno is a more dense area than -- residentially than the central business district. And the last set of amendments regards signs. They're minor amendments. One of them was just to allow slightly larger signs. Also, to regulate -- allow wall signs if certain regulations were met, and there is a provision currently that says if you have a -- signs above the second story need to be engraved or otherwise inlaid into the facade, that doesn't jibe with a lot of building practices and has resulted in six or seven trips to the board of adjustment, so this is a way just to eliminate that, if it's not something that the industry is using, and there

[8:50:33 PM]

are other regulations that govern signs, the suggestion is that this is really not necessary. Also, the substance of uno is not being changed by the code revision process. Some numbering is. So this -- zoning cases would have to be reconciled with the land development code rewrite at some point. And that's the end of my presentation. If you have any questions, I'll be happy to answer them at this time.

>> Mayor Adler: Okay. Any questions? Yes. Councilmember tovo.

>> Tovo: Just a couple. In your presentation, could you go to page 7, please? I think you skipped through it.

>> Yeah. Somehow it seems to have gotten out of --

>> Tovo: I just wanted to give you an opportunity to talk about that slide.

>> Yes. I'm sorry. It seems to have gotten out of alignment.

>> Tovo: Thank you for this background on uno. I know we talk about it all the time but it's really helpful to have this brief context and overview and this is really a critical part of how uno is created

[8:51:33 PM]

as a collaboration among different groups of residents in that area, as well as business owners, and it continues to be amended and changed through that same process. So if you could talk through this, please.

>> Yeah. Like I mentioned in my presentation, uno came about as a lengthy discussion that came out of the central Austin combined neighborhood planning process, and this code amendment is the result of negotiations and discussions amongst these different neighborhood organizations. The planning commission initiated these initial amendments back in March of this year. Codes and ordinances reviewed the proposed amendments on two occasions, and then on August -- August 27th, the planning commission approved these and recommended them to council.

>> Tovo: Thank you. And it seems to me that these have been in the works for longer than since March. So can you give us a sense of when the conversation started in the community? I think it was about nine

[8:52:34 PM]

months ago, as I recall.

>> I do believe so. I think there were several zoning cases and proposed code amendments, and instead of doing one-offs all the time, they said let's look at this a little more comprehensively and kind of come up with a set of amendments so we could address that.

>> Tovo: And so the comprehensive amendments that came forward as part of the staff recommendation were the result of this -- this work and this collaborative agreement among these parties.

>> That is correct.

>> Tovo: Thank you.

>> Mayor Adler: Okay. We're going to hear from the public? Yes.

>> Ellis: I have one question. Were all of these neighborhood association groups involved from the beginning, or did it start with one and then more jumped in? How did that work?

>> I believe that the west campus neighborhood association came in towards the end of the process, so they are fairly recently -- I don't know when their inception date was, but they're fairly recently organized group. And I think the judges hill neighborhood association came in closer towards the end of these.

[8:53:34 PM]

But these also reflected the different groups that worked on the plan as well as uno back in 2003-2004.

>> Ellis: Okay. That's ringing a bell because I was thinking the west campus neighborhood association, it was in my head, wasn't that a new thing that came about in the last year or so?

>> I don't know the exact time, but something like that.

>> Ellis: Okay. Maybe one of our speakers will know about it.

>> Mayor Adler: Let's hear from the public people who have signed up. Is [indiscernible] Here? Why don't you come on down. Is Jack Greg here? Okay. So we have over 20 speakers on this. The first 20 speakers will have three minutes. Speakers after that have one minute. Donated time is going to be at one minute. So you have four minutes.

>> Was the donated time, though -- was it after the

[8:54:36 PM]

speakers?

>> Mayor Adler: It is.

>> I'm government housing policy director and a current resident of west campus. I'm urging you to pass these amendments to uno as recommended by the planning commission. Less than a month into my freshman year at U.T., as a bright-eyed 17-year-old, I looked for a place to live my sophomore year.

Demand is so high on west campus, standard practice. I received a call telling me they overbooked, I signed too late and my contract was no good. Trying to find housing as a student feels like pulling a slot machine and hoping for the best, as students are taken advantage of every single day. Many students cannot afford to live on west campus and flock to Riverside for half the price. We the students and the university are begging you for increased housing in west campus. West campus has to be expanded even further than planning

[8:55:36 PM]

commission's representation. I was given only pros concerns. Talking at length with opponents, there were red herrings, like co-ops completely exempt from property taxes and Greek houses, which are numerous in west campus currently. I finally found opposition, fear of increased competition. One opponent told me that the housing market is oversaturated. Another told me the capital market has a yellow flag on the Austin area. Quite frankly, intervening in the market to limit competition and maximize profit for the wealthy should be the goal of this council. I was told the planning commission went rogue because it didn't get approval. The contact team made of delegates from around the university, uno to quarantine students. Around west campus neighborhood association was excluded by request to join, property developers and businesses is included. Government is supposed to have a seat, I went to claim the seat. Yet I was angrily told with

[8:56:38 PM]

a raised voice, student government was shoved down their throats by a lady at city hall. When my appointment came up, when I was apply, I was aggressively grilled for 20 minutes with extreme hostility. I was told they had to commit to their plan, if I wasn't welcome. I planned my role was to speak for students on behalf of student government, I couldn't recommit to any specific viewpoint, which was the wrong answer. I was asked if I was a member of an urbanist group. I was told I was on some video at unspecified meeting where someone associated with them was also present. It felt like

[indiscernible]. After they debated my acceptance, I was told they voted no the to accept me. Student government is already supposed to have -- be shoved down their throats without their approval. I left feeling disrespected as a person, prejudged, and profoundly sad which I've never felt before in city politics. This council loves to exclude all west campus

[8:57:38 PM]

residents, have a say on issues that affect like these amendments now. The best part, they never even -- when this council voted to postpone consideration of these amendments over the objection of

residents. The best part, they never discussed this at their meeting, it wasn't even on the agenda. Please, listen to the actual residents, keep the density bonuses, expand near west campus, which needs to be -- needs to replace west campus, do a mass expansion, more housing and increased competition. The student government assembly voted overwhelmingly to expand inner west campus, this council voted to approve the wizards. Listen to us, include us in the process, which we've been excluded from for so long. I'll be around in case there's any questions. I sincerely appreciate your time.

>> Mayor Adler: Thank you. Infectious, you have three minutes. Is Michael bendini here?

[8:58:41 PM]

You have time donated from Michael whellan and don lease. You've have five minutes.

>> I don't know if I prepared five minutes.

>> Mayor Adler: You have three minutes and don't have to use it all.

>> Hi, I'm ally, chair of the west campus neighborhood association, here on behalf of our members in support of planning commission's recommendations. Our members share a vision of walkable and affordable west campus. We believe the PC recs are a great starting point for how the city can make lives better. Many of our students are facing economic decisions and working to get the most affordability we can is the least we can commit to the them. The the Riverside will no longer be viable for students. We're at critical mass to expanding housing supply. There's been a lot of process -- the process previously in place had no pretense of being inclusive of actual uno residents. We brought our ideas to PC in August because we were ignored and condescended. I'd like for you to think of a time we were just given up

[8:59:42 PM]

and just kind of gone with the flow because you're not really confident yet. But yeah, PC gave us the platform to ask for our vision for our neighborhood, the recs from planning commission directly reflect the requests we made at planning commission. Ultimately not improving uno cannot be an option. The only question is how dedicated we are to Austin's youngest residents looking for Independence and stability in such a formative time of their lives. Thank you.

>> Mayor Adler: Thank you very much. Mr. Bendini you have five minutes. Is Mike behone here? Why don't you come up you'll have three minutes.

>> Mayor, mayor pro tem, councilmembers, Michael galvion on behalf Riverside resources. I appreciate the work that's been done so far and I think there are additional areas for improvement.

[9:00:42 PM]

Specifically two key areas in uno when the prior to proposal would leave out entirely when it comes to the density bonus program, which would leave them out for added student housing and affordable units. So this is the larger uno area you've been talking about and this is the PC recommendation for the outer west campus subdistrict boundaries. The two areas are those along 24th street extending from large Lamar and San Gabrielle extending from 24th street. Our main focus has been on the 24th street properties. We think it makes sense to treat both similarly from a planning perspective. The staff recommendation so exclude both from the affordable housing density bonus, which does two things. These properties continue to redevelop to get more of those units. Number 2 it means we lose the opportunity for more student housing capacity beyond the base entitlements

[9:01:43 PM]

in a location where it is appropriate from a planning perspective. As we know both properties are already within uno, which marks them as appropriate locations for increased housing in the future but even beyond that they're located along and extending from an imagine Austin corridor, north Lamar, a street in which the city is investing in key multimodal improvements, 24th street. Planning for people along these key assets where the city is already making investments and improvements makes sense and particularly true of the 24th street properties which, again, extend from an imagine Austin corridor. But that still doesn't tell us what level of density bonus is appropriate here and for that I think we should like to provide consistency within the larger uno framework. As you can see many of the adjacent areas and areas on the western portion of the outer west campus provide a total of 75 feet of height with the bonus. Areas that staff's map in backup if you look at it indicates they have 50 feet of bonus height plus the bonus -- 50 feet of base

[9:02:45 PM]

height plus bonus height of 25 feet. Others in the area provide up to 85 feet or 95 feet and taller. Our proposal is that it makes sense from a planning perspective to allow these properties to participate in the affordable housing density bonus up to 75 feet of height consistent with the adjacent areas through the density bonus program and other portion of uno. I should note under this proposal which we have suggested language I'll hand out, the base height would not change. Let me repeat that, the base height, base entitlements would not change so any increase beyond 40 feet that exists today or 45 along San Gabriel would immediately trigger the density bonus program. With this in mind we ask you to allow the 24th street properties and San Gabriel as well, keeping their base height allowing a bonus up to a total of 75 feet. Last thing I'd say there's been a lot of conversation about process, there will be a lot of discussion about it

[9:03:45 PM]

tonight I'm sure and the sense that the contact team would like to stick with the specific vision of this ordinance developed prior to planning commission. Inherent in that argument is the idea that the process functionally closed prior to planning commission and feedback provided through these public hearings should not be incorporated. I would say I think boards and commissions are an important part of the process. This council hearing is an important part of the process. And the feedback provided here and at planning commission is no less valuable than that provided at other steps along the way. It's all part of a broader process. With that I'd say I appreciate your consideration.

>> Mayor, I have a question. Just to be clear, your representing a client, Riverside resources who owns property in the area that you're requesting --

>> Yes, they own property on 24th street. But we wanted to approach it from a broader planning perspective so I'm not here with a specific kind of thing just to their property but --

>> Tovo: But the property was not included in the

[9:04:45 PM]

recommendations that came forward and that's your client's floor falls within this area.

>> Yes, we're on the 24th street, 24th and.

>> Tovo: Thank you.

>> Yep.

>> Mayor Adler: Is Mary ingall here? Why don't you come on down. You have time donated from Ron soy. Is Ron soy here? No? I'm sorry?

>> He's here.

>> Mayor Adler: Got you. Thank you. What about [saying name] Is rob Patel here? You'll have four minutes when you speak. You have three minutes, sir.

>> I have three minutes?

>> Yes.

>> I'll try to do my best, Mr. Mayor. Can you bring up my presentation? I'm Mike mccone, represent university area partners, I'm the vice president. Started out about February with an idea of how to increase the density. Uno has two tiers of

[9:05:45 PM]

affordability. Let's clear up one thing. The 40 and 45-foot areas have the same requirements of all uno, two teachers affordability, even at 45 feet. They just don't get the bonus. They pay instead. Could I bring up that first slide? It's in there. Mr. Sevin, Mike. First page looks like this, sir.

>> [Off mic]

>> All right. Sorry, mayor.

>> Mayor Adler: It's okay.

>> There was a technical glitch.

>> Mayor Adler: Hold on. We paused your time.

>> I'm sorry. Are we ready? Okay. Let's roll through this. What I wanted to do is what this whole amended process is about is to incentivize projects building the two tiers of affordability on-site. And you can see that what we're trying to do is get to the 50%, 10% of the bedrooms

[9:06:49 PM]

at \$663. Next slide, is that mine? Can you get me to the next one? All right. What I have is a case study that occurs right at -- these are two actual projects underway, almost complete. One of them is complete at 22nd and San Gabriel, both in the 40-foot district. Next slide, got to go quick. Can we get to the next slide? Man, this is killing me. That one, thank you. No? You missed one. No, you got that one. Just went back to that one, okay. We got a for-profit 911 at west 22nd and co-op. The co-op is 100% affordable and 34 bedrooms. The for-profit adjacent to it is 19 bedrooms, who affordable units. The price range is 891, includes cable, and the other

[9:11:36 PM]

>> Flannigan: Zero one.

>> Adjacent to the you're right, more likely to become financinged. The financing has changed considerably since uno was started as far as who is building what, we have international builders now.

>> So I guess based on what you've said, so you and others who began this and asked for the code initiation kept with the same Zones.

>> Yes.

>> Tovo: But looked for and are recommending here today increasing the entitlements within those Zones so that we can get additional units including affordable units.

>> Right. We will always get -- if you opt in to the uno and you opt into this bonus program, you can still build 175 feet and do ten and so buy out. If that you want one Ta feet you must provide on-site,

[9:12:38 PM]

the two levels of affordability, 10% of the units at 60 and 10% of the units at 60% mfi.

>> Tovo: Thanks for talking through this. I think in some of the conversations, some of the emails we're getting kind of the original intent and the staff recommendation that's coming forward that came out of the collaboration that's been going on over the last nine months I think is losing sight of the fact that what is being achieved in the staff recommendation, what don't happen as part of that is a renegotiation and a reopening up of what those Zones are and where they are.

>> Right. And, you know, if that is the -- what people want, I think the process allows for that. But we need -- and for my waive thinking, and I've been doing this a long time, if you can get all the neighborhoods around to you work with you and come up with a reasonable solution, wasn't perfect, but if you can get that group together, you have a much better chance of succeeding and of

[9:13:39 PM]

getting everything you want accomplished.

>> Tovo: Thank you. I had another question I've now forgotten for you specifically, so it will come to me eventually. It came up in the presentation so I may have to call you back. Thanks.

>> Thank you. Any other questions?

>> Mayor Adler: Ms. Ingall, do you want to come on up? Is Hector Mendez here? Come on down. You have four minutes. Mr. Mendez, you'll have three minutes.

>> I have donated time.

>> You have donated time from Ron soy. Also from Mr. Patel but he's not here.

>> It's very rare that I am holding hands with Mike mccone on any deal but tonight I'm here to say I am. In 2004, the uno overlay was an extremely generous set of entitlements for the west campus area and I still think it is. I believe there's enough zoning entitlements on the ground right now for the next 75 years. Until uno was passed those

[9:14:40 PM]

of us living in the university area were experiencing all sorts of pressure

[9:18:16 PM]

so long please support the staff recommendation. And I appreciate your time.

>> Mayor Adler: Thank you. Mr. Mendez, do you want to come on up? You have three minutes. Is Betsy Greenberg here? Why don't you come on down. You'll have the next three minutes. Go ahead, sir.

>> All right. Good evening. My name is Hector Mendez, and I am speaking as a current resident of west campus. I'm speaking in support of uno and improving the land code. Affordable units on west uno gives to knots just to west campus but also for its residents is critical for the continued growth of the area. I highly recommend city council to adopt planning commission's recommendations to uno. Thank you for your time.

>> Mayor Adler: Thank you. Mr. Greenberg, you have three minutes. Is Kathie Norman here?

[9:19:17 PM]

Come on down. Go ahead, please.

>> Mayor, councilmembers, my name is Betsy Greenberg. I live in the heritage neighborhood directly north of the university neighborhood overlay and also a member of the contact team for the central Austin combined neighborhood plan. The university neighborhood overlay known as uno has been highly successful. Students do better academically when able to live on our near campus. Since the university of Texas has basically abdicated its responsibility to provide adequate student housing the student housing in west campus provides an excellent substitute. The entire city benefits by the reduced traffic by having students in walking distance to school. To top it all off uno has provided income-restricted units and fees for the housing trust fund while other density bonus programs in the city including east Riverside, Rainey street and downtown do not. When the item was first

[9:20:18 PM]

discussed my inclination was to say this is the density bonus program that's working. And instead of messing with it, you should be fixing the programs that are not working. However, if uno can do better, I support the changes that were recommended. The uno has the support of businesses and surrounding neighborhoods. To be clear this amendment adds a lot more height and dependent and will provide a lot more affordable housing. To receive the bonus height an additional 10% of units in the entire

buildings must be affordable at 50% mfi. This should be a model for citywide density programs. What I don't support are the additions made at the last minute by the planning commission. After being lobbied by special interests, seeking more entitlements for their respective clients. Please support the staff recommendation.

>> Mayor Adler: Thank you.

>> Thank you.

[9:21:19 PM]

>> Mayor Adler: Ms. Norman, why don't you come on up. Is Timothy Brea here? Why don't you come on down. You'll have the next three minutes. Go ahead.

>> Good evening. Mayor, council, my name is Kathy Norman, I'm the president of university area partners. And we are supporting the staff recommendation. Just clear, I think everybody would support the increased height and dependent the staff recommendation supplies. The planning commission added some additional things that are supported by a number of groups interested in our area but those changes are controversial and there's not consensus on those changes. Rylan who you heard from earlier is a member of the uap board and we heard his voice and we know he just supports greater density pretty much. As you've heard from others,

[9:22:21 PM]

the uno was a thoughtfully crafted vehicle for increasing affordability and density in west campus while also bringing certain improvements to the pedestrian environment. That's basically what it does. And the different height districts have a purpose of providing a buffer of height and density between those single family areas and the densest areas, and that buffer zone -- and I sent an email so I'm repeating myself but that buffer zone also provides an area for a different kind of housing, the smaller sorority and fraternity houses, the co-ops, potentially other group residential type of settings are more appropriate in that buffer zone. And we think it's important to preserve that type of housing. They may not pay taxes but they do have to buy property.

[9:23:22 PM]

And the diversity of housings that available in west campus. Finally I want to say that I think that mark Walters estimate of how many units and bedrooms have already been created in west campus is an underestimation. It's not the same as our estimation. We think there's more -- there's a great deal under construction now and there's more in the planning stages already under the existing rules. The planning

-- I mean, the staff recommendations for the increase, which is the same thing was supported will provide even more density opportunities. We are getting a great deal of density and encouraging affordable housing, not just blanket density, but we are also retaining the diversity of housing options for those who want to live very close to west campus with the staff proposal that was supported. And I urge you to support that version. Thank you.

>> Mayor Adler: Thank you very much.

[9:24:25 PM]

Is David Kenny here? Why don't you come on down. You'll have the next three minutes.

>> Hello, councilmember, I'm here to speak in favor of expanding west campus. Per the planning commission's recommendations and allowing more students to live close to the university. I graduated from UT in 2010. During that time I lived right next to UT. The ability to live within walking distance was important to my success as a student. I could walk to classes, study groups and extracurricular and social activities. It was important not just for my classes but my participation in the community. It's even a major part of the reason I'm here today. As a student I was an active member of university Democrats which led me to be engaged in local politics. It would have been much harder if I hadn't lived close to campus and attend evening meetings. I drew up in Austin and didn't own a car until I was 24. I saved several hundred dollars a month by not owning a car.

[9:25:28 PM]

If some students want parking the market can and will produce it but we don't need other students to effectively subsidize it. I went to school just ten years ago and it's gotten easier to get around car free. Scooters provide an option for trips. They have a lot more restaurants and target right next door to the west campus that weren't there before. Expanding the campus benefits not only the university but the community. Also, I want to encourage you to focus on the students who are most affected by this. I feel like a lot of cases students are and renters are left out of these conversations or vastly underserved even though they're the overwhelmingly majority of pple affected by decisions in west campus. Looking around west campus the last ten years it's changed, it's a more vibrant

[9:26:30 PM]

community, it's exciting and I think uno has been a great success. We should make for of it. Thank you.

>> Mayor Adler: Thank you. Is Kevin quest here? Why don't you come on down. You'll have the next three minutes. Go ahead, Mr. Kenny.

>> Good evening, mayor, councilmembers, Dave canny. I'm a member of uap and canpac, a developer developing projects adjacent to UT. We delivered over 600 beds last year, bringing on 667 in 2020 and plan to bring another 2,000 beds. From our angle one thing to know is this has been about a year and a half process of working with members of west campus neighborhood association, shoal crest, west heritage, north university, Eastwood, Hancock and judges hill. This has not been an easy process. We've had a lot of back-and-forth discussions about what are the right things to do. No parking, more parking.

[9:27:30 PM]

Buffer Zones. What is really affordable? Is 50% affordable? Is \$636 a bed senatorial how much higher do we need to go to encourage a developer to build a project. It's great to say let's at 50 footed to the 175 zone but what is actually going to get things done? After a lot of deliberation and working through back and forth there's a plan and it's very rare to see a lot of neighborhoods come together and actually kind of join forces and create a really good plan we think would bring a lot more density. Staff and canpac are pretty much in line and there's a couple areas a little different than staff and canpac. I think what's important to know is west campus is the number 1 market in the country looked at from an example of, hey, what's a mature market look like. West campus from the student housing perspective is one of the number 1 places to invest in. This has been a huge success, and most student markets across the country

[9:28:31 PM]

are mimicking this example. They taut talk about it at every national conference I go to when I'm speaking it's always talked about as the number 1 market. First off, great job everybody for bringing this together. Second, it's -- no matter its version one or two this is gonna be a great benefit. So it's good to see a lot of people here coming around to this cause. You know, when it comes to numbers and, you know, west campus, everyone says, hey, where does this apply? We talk about purpose built beds. There's about 20,000 purpose built beds in 2004. There's another 7,000 in the pipeline. There's gonna be a lot more. There's a shad low market and there's about 10,000 on campus. You start adding up, no matter what version you look at there's gonna be plenty of housing. I think the point of what I'm trying to say is it's been really great to see a lot of people work together and create a plan. There's a lot of history. And whether it's staff recommendation or planning commission recommendation,

[9:29:31 PM]

this is gonna be overall a benefit to the university area and increase a lot more beds. Thank you.

[Applause]

>> Mayor Adler: Thank you. Is Joe casino here? You have time donated from Henry Zachary or Zachary Henry. Is he here? Okay. You'll have four minutes. Go ahead, sir.

>> Hello. I'm Kevin Kris, west campus neighborhood association member and new guild co-op. I strongly support the revisions of uno and especially like the elimination of parking minimums. I look forward to the addition of truly urban buildings in our neighborhood and I strongly believe that parkingless buildings will result in more affordable rents, although time will tell. Anyway, while we are on the topic of west campus I'd like to voice my concern about sidewalk width. Currently sidewalks are very

[9:30:32 PM]

crowded during class transition periods, and if uno 2.0 passes this problem will be exacerbated. Part of good urbannism involves making sure people have enough space and I think increasing sidewalk widths from 12 to 18 feet would help ensure neighborhood streets remain pleasant as the neighborhood continues to grow. Thank you.

>> Mayor Adler: Thank you. Joe, why don't you come on down. You'll have four minutes. Is John Foxworth here? You'll have three minutes. Go ahead,.

>> I thank you. I'm the president of the university Democrats at UT. As a democratic party club at UT we care about ensuring that UT students can live in healthy and affordable communities. The uno amendments will spurious to develop enough housing for the growing student population. Including affordable housing for students who need it while safeguarding the heritage of west campus. Today I'll comment further on three of the planning commission referenced by

[9:31:32 PM]

their numbers in the staff report and council backup. First height bonuses on 24th and San Gabriel. The south side of 24th street and west side of San Gabriel street hold mostly commercial buildings and small apartment complexes. Not single family units. There is little need to add a step-down buffer across the street from the developments. Additionally a height bonus in the proposed areas will encourage developers to build affordable units. Secondly, the area proposed to be added is small, so it will not significantly alter the area of west campus but will allow developers to build more housing including affordable housing incentivized by ample height bonuses. The proposed addition to the inner west campus subdistrict is a natural one based on the subdistrict's current shape and character in general. Eliminating parking minimum doesn't mean west campus will have no parking. Simply let's developers build as much parking as

[9:32:33 PM]

they believe is necessary. Most residents can easily travel by foot or bus to campus and other destinations so there's very little demand for parking. Small restaurants can continue to provide parking for their customer base needs while student housing complexes can focus on adding more units instead of lines on pavement that no one will use. Additionally, the amendment language will ensure that there is Ada accessible parking for any residents who need it. Austin has a housing affordability crisis and as students we see its effects on affordable student housing and we see it in west campus as a microchasm of the entire city. If we want to have ample affordable student housing in 30 years we need to encourage ample affordable student housing now. The amendments to uno as recommended by the planning commission are a critical step in that direction and we urge you to support them. Thank you.

>> Mayor Adler: Thank you. Mr. Foxworth, you want to come up?

[9:33:33 PM]

Is Rick Iverson here? Why don't you come on to the other microphone. You have three minutes.

>> Hi, my name is John Foxworth, live in the shoal crest neighborhood association. I'm a founding member of the shoal crest neighborhood association. Back in the 1980s when I was a student at UT. I was employed by UT and worked directly with students for almost two decades. There might have been some indication that we're not willing to work with students and that's not true. I'm also a member -- original member of canpac and recently reminded I was part of the subgroup that came up part of the overlay that became uno. I have a great understanding how much work and cooperation from many groups and there has been no intentional not listening to anyone. And we've put a lot of consideration. You had other speakers talk about supporting the staff position on this.

[9:34:34 PM]

And I do too because there are all these minutia of reasons why these boundaries are where they were and where they should be and if you look at the proposed thing from the 198051 -- I'm still confused of what the logic was because it includes, you know, two story sorority houses that may or may not want to have 300 feet next to them. I think what's already there under the current staff recommended lines are quite tall already and provide plenty of opportunity to build more housing for students. And affordable -- with the additional density bonuses even more affordable housing. So I urge you to support the staff recommendations because that is what I

[9:35:34 PM]

presented to my neighborhood, my -- the people I live with, and my neighborhood boundaries are within -- part of it is in uno. I'm in the northwest section up there. I've got my neighborhoods to go with

that plan and not the -- they haven't gone for the additional extending of the inner campus. So please support what my neighbors support, which is the staff recommendation. We can yield on the parking. We're not here to say give us the parking we had originally in outer west campus. Thank you very much for your time. Good night.

>> Mayor Adler: Thank you. Mr. Iverson, want to come up? Is will [indiscernible] Here? Why don't you come up to this podium.

>> Good evening, councilmembers, my name is Rick Iverson, I live in the north university neighborhood. And I happen to be present in 2002 when the city of

[9:36:39 PM]

Austin planning commission or planning department convened a meeting for the seven neighborhoods surrounding the university of Texas to include the university area partners. Now, that the meeting, there was a lot of reticence on the part of the neighborhood of whether or not in fact we could work with the you're area partners because we hadn't always been in agreement with them prior to that time. In fact there had been some hard feelings over some previous issues. But what happened at the meeting was that the partners approached us and said that they were willing to accept the density -- they were willing to accept the additional growth in the west campus area, and at that point we started listening to them. Furthermore, they said that they would fund -- and they did. They funded hiring the

[9:37:44 PM]

katara reed architectural firm, leading urban architectural firm in the city to come in and us in coming up with the plan. So with those two crucial movements by them, we sat down and we started working on these plans, and two years later we ended up with all the neighborhoods around the university of Texas plan, we ended up with extending enough developmental rights in the west campus area to accommodate growth for approximately the next 75 years. Now, as far as the height map goes, the height map came out of those discussions and if you look at the height map, it's not as mysterious as it might seem because the heights are moving down from 175-foot

[9:38:46 PM]

uno to the edge of outer uno or if you're looking from the other direction, the heights are starting at outer uno and moving up to the 175 high heights of immediately west of the university it was a bit of magic there. The planning department and the watched all this happen. Th have a very good understanding of what it takes to expand on what we've already done, and they've come up with a plan that is a continuum of our original efforts. That's why we're delighted to be able to support --

[buzzer sounding]

-- Uno.

>> Tovo: Can I clarify with Mr. Iverson, when you say you're delighted to support uno, can you finish that sentence? Support which set of recommendations are you support.

>> Yes, happy to do that.

[9:39:46 PM]

The staff recommendations here came out of an environment where -- one that was involved originally in coming together with these plans, got a chance to put in their input and so it feels to all of us that were involved originally, it feels like it's coming out of what we originally started. And then if you just say,

>> Ellis:,.gee, I'd like to havemore debit here and more there, you're not understanding that plan. We anticipated when we came up with the plan that the outer edges of uno would eventually have people living in the outer edges that weren't students at the university. There would be enough density there so people might be retired or people that would be working in the community, young professionals would like to live on the outer edge of

[9:40:49 PM]

uno. So that is one of the things that's not being taken into account.

>> Tovo: Thank you, Mr. Iverson. I wanted to clarify which recommendations you're supporting. I appreciate it.

>> Mayor Adler: Why don't you come on up. Is Josia Stevenson here? You have donated time from William Archer. You'll have four minutes, sir. You have three minutes.

>> Hello, mayor, councilmembers. I'm a student at the university of Texas as well as a resident of west campus. I'm here in full support of expanding the boundary of the uno district and I believe that by expanding it it will be beneficial to all students to have housing that is close proximity to the university's campus as well as giving students access to high quality transit to transport two and from classes. Thank you.

>> Mayor Adler: Thank you. Mr. Stevenson, you have four minutes.

[9:41:49 PM]

Is walker ucash here? You'll have three minutes.

>> Good evening, mayor, council, honor to be here. My name is Josia Stevenson, representing William Archer who owns 2404 Rio Grande. I want to start by recognizing the important work that has been done to get some of the interest groups that are often at odds not only in the same room but on the same page in favor of a -- for a better West Campus. That work should be commended and in some sense even honored, although I think we can do better tonight than literally adopting what came out of that process. One of the ways that we can do better is to recognize that as soon as kind of the West Campus residents had the opportunity to have their voices heard in a meaningful way they came to planning commission to ask for more density, more housing throughout West Campus, and in several of

[9:42:50 PM]

the -- several different ways, including extending the inner West Campus boundary and you've heard from them today in favor of extending it even further than planning commission recommended. And since they went to planning commission knock August, university Democrats, student government have echoed planning commission's recommendation for that. And you've heard from them today as well. Expanding inner West Campus is some of the lowest-hanging fruit also in terms of advancing many of our community goals. Whether that's our mode shift goals, 50/50 mode split in the ASPM, whether that's the housing blueprints goals of either the 135,000 units or the income-restricted units. Adding more space in uno is one of the -- is -- is

[9:43:53 PM]

the -- is the easiest way to do the most good. In advancing those community goals. If we can't add more housing here within a quarter mile of the Orange line or quarter mile of UT right along with our corridor investments are happening and in a place where the neighborhood association supports it, and in imagine Austin center, where should we? It would be an enormous missed opportunity to leave that lowest-hanging fruit unpicked tonight. Thank you.

>> Mayor Adler: Thank you. Is Linda Guerrero here?

>> Hi, my name is Walter

[indiscernible] And I've been a member of the university area partners and university area partners representative to Canpac and I'm very proud of how Canpac has come together on a number of complicated areas over the years even though

[9:44:53 PM]

we've come from a number of different perspectives but it's worked together and listened to all voices and usually worked out to find really good consensus. This process was much the same. And it did incorporate much like Ms. Tovo was asking about when she was asking Rick Iverson about the original map locations that there were a number of things back in 2002, 2004 that led to the certain setbacks and stepbacks. They were designed to step back towards the shoal crest area and the organize west Austin university -- original west university neighborhood association where there are still single families in the areas closer to Lamar. One of the things that wanted to make sure that is thought of, when you're trying to decide between the staff recommendation and the planning commission recommendation it sounds like the planning commission recommendation they came in and sort of thought, well, if a little bit more bonus is good then a lot more bonus would be great but I think to some degree there are things that get lost in

[9:45:54 PM]

that and one of the points I'd like to say is that the height and density Zones in the original university neighborhood overlay perform more than one function. In some ways they serve as a buffer between the single family areas nearby and very dense inner west campus with which we are still proposing to make even more dense. It's going from 175 feet to I believe 300 feet in some places so we're talking about significant increase in density into a area that's already the most dense in the city so we're -- the differences aren't dense and not dense. It's dense and perhaps even more dense. But the buffers provide a space for other types of housing, including group residential such as housing co-ops and some sorority housing and this could be understood as the west campus version or equivalent of the missing middle that's being discussed in our current conversations about amending Austin's land development code. So want to make sure that that's sort of not forgotten. I guess I would just like to

[9:46:54 PM]

close by urging everyone to support the staff recommendation and thank you very much.

>> Mayor Adler: Thank you. Is Carol Ann Bailey here? Carol Ann Bailey? No? Yes? Okay. Take your time. You have time donated by gretia white. So you'll have four minutes.

>> Thank you. Good evening, council and mayor. My name is Linda Guerrero, an original canpac member. I believe I served six years on canpac. It was a very inclusive process. It took tremendous time and energy because there was so much collaboration. I recall that one of the problems was the co-op saying they weren't getting a fair shake in the deal, that we were leaving them out, that they had to be a part of this process, that only the big developers were going to be able to come in and really make something out of this plan.

[9:47:55 PM]

I also recall a wrench, and that was a exmayor who lived in pemberton heights was fearful that his view of the tower was going to be blocked. So we had a really -- do a strong reach and get that situated during canpac design. Let's see. I wanted to say I do support staff recommendation. I think that one of my concerns is that we're not telescoping a wrench in the plan. We're changing horses midstream. I feel for the people that came to us, bought into us and our program and helping the students get some housing and they have built their -- they're right now building and they're not getting this. They're not getting this opportunity. We're just gonna change everything, and the people that are already done this and committed and dedicated money and time I think are not getting a fair deal. I also recall a couple months back trying to go find a heritage try on Mike

[9:48:58 PM]

mccone's property and it was incredible. You couldn't get through. The streets are so clogged with the buildings and the cranes and the shutdown streets, and I just asked Mike because I couldn't remember and he is getting ready to do three 300-foot buildings. We have not even finished building out canpac. We haven't done a financial analysis of this. We don't know what the stock is going to be once it is built out. And there are cranes everywhere building. And then I wanted to mention that I think we also haven't taken in any environmental aspects and what this may do and attribute to the environment. And we do understand students. A lot of us went to UT. I can sit here and lament I didn't even have a shuttle bus, but I paid to go and get on the bus and go to UT. I didn't have that and that's one of the reasons we embrace this. I live two and a half blocks

[9:49:58 PM]

from the law school. I have 12 students that live on my neighborhood. There are students that live other than campus, west campus right in the middle of campus. There are students finding those housing. And they're my neighbors. So I just wanted to close with that, and I appreciate your time and attention. Good evening.

>> Mayor Adler: Thank you. Ms. Bailey, you have four minutes. Is Claire tishy here? You'll have three minutes. Go ahead. You have four minutes.

>> Thank you. Hi, my name is Carol Ann Bailey. I'm here in support of the planning commission recommendation for uno. Full disclosure, I'm a member of the pedestrian advisory council but I'm not here on behalf of the pac. I'm here on behalf of myself. I currently live near Hyde park but I lived in west campus for two and a half years when I was in grad school at UT and I really enjoyed my time living in west campus. I frequently walked two and

[9:50:59 PM]

from class even though I lived at the bottom of the 24th street hill and I really appreciated be able to stop several places on my way home, such as CVS, grocery stores. I lived in the neighborhood before many of the apartments that are now being built, and I am really happy to see all the sidewalks improvements. I think west campus is a better neighborhood because of all the mixed use housing that the neighborhood has and can only improve with the new changes. The planning commission, you know, are keeping the spirit of imagine Austin alive by creating one compact and connected section of the city, where it is possible not to have a car and use more sustainable forms of transportation. It is a model that should be expanded to cover all west campus and should be expanded to cover the city as well allow for students to live, work and play close

[9:52:00 PM]

to campus and give up their car and save money but not having a car and pay for parking. While I will not directly benefit as a resident, I along with the whole city will benefit from the expansion of uno by taking more cars off the streets opening up more homes in west campus and outside of west campus and making it a pleasant and vibrant neighborhood to travel through whether on foot, bike or some other mobility device. Thank you.

>> Mayor Adler: Thank you.

>> Good evening. My name is Claire tishy, second year advertising major at UT and proud member of the university Democrats. I am tonight in support of the PC amendments to uno. Supporting student renters is key to ensuring healthy growth for our city and affordable housing for all, and I urge all of you to

[9:53:00 PM]

listen to the voices of actual students and west campus residents tonight in making your decision. Thank you.

>> Mayor Adler: Thank you very much. Is [saying name] Here? No? What about Charlie Henry? Why don't you come on down. You'll have three minutes. Go ahead, you have three minutes.

>> My name is Paloma June, third year public health major at UT Austin. As longhorns we are told what starts here changes the world. Our university provides an unparalleled experience for students from across Texas as well as from around the world. However, as the city of Austin grows, and previously affordable areas in our city become unaffordable for students, many longhorns will face the challenges of finding new affordable housing. Failing to address this issue is failing to address major -- a major barrier for

[9:54:00 PM]

many longhorns. Furthermore, the elimination of parking minimums will lead to fewer cars on the road. The reduction of car pollution not only benefits the health of our planet but is also crucial for benefiting the health of people in our communities. The planning commission's recommendations are the least we can do to ensure housing remains affordable and our communities remain healthy. Thank you.

>> Mayor Adler: Thank you. Mr. Henry. And then Megan Sappenfield. Why don't you come on down. You'll have three minutes.

>> Yes, I'm Charlie Henry, renter in west campus for four years or I think now it's going on as wampus. Last year I helped found the west campus neighborhood association. The actual negotiations are created and now modified uno -- of the uno process, or the uno overlay was never

[9:55:03 PM]

suitable public involvement in our neighborhood. There was never a public open house. All canpac member neighborhood associations besides university area partners drew themselves out of uno. They did not include themselves in it. They carved the map in a very particular way and they've gone into great today to explain why the lines are where they are. Canpac doesn't have a website. They don't publish when or where their meetings are. They're surprised or confused when members of the media show up to report on what they're doing. I don't know who the board members are. It's not publicly available. It's an exclusive club, and I hope that future changes in the neighborhood can occur in an equitable fashion. I think the planning commission is an equitable way of doing it. It's a public board that was nominated by you people. Sorry, councilmembers. And we had our own public

[9:56:06 PM]

comment section that was hopefully available and open to the media and open to everybody. I think they made good changes, good policy-based decision that's reduce the need for unnecessary parking, that have a lot of great ideas for the neighborhood, and we support them. I think we've heard a lot about how great uno is doing but at the same time we have to recognize that west campus has some of the highest rents in the city and has one of the highest occupancy rates of any neighborhood renting. Yeah, any -- occupancy rates in the city. We need to increase supply so we can house the 50,000 students that are always going to be at UT no matter what the economy is, no matter what happens in the world, whatever happens in Austin, they will always need a place to stay. We've -- yeah. That's it. Thank you.

>> Mayor Adler: Thank you. You're our last speaker. You have three minutes.

[9:57:07 PM]

>> Good evening. My name is Megan Sappenfield, I work on south Lamar and work for an affordable housing provider in Austin. I'm not representing them but I do personally see a huge need for more housing, particularly more income restricted housing nor transit and near places where people want to be so I support the expansion of inner west campus as planning commission recommends. Thank you.

>> Mayor Adler: Thank you. Colleagues, we're up to the dais. Does anybody want to make a motion to go past 10:00 P.M.? Councilmember Flannigan makes the motion. Is there a second to the motion? Councilmember Tovo second. Any discussion? Those in favor please raise your hand. Those opposed.

[Laughter] Councilmember Harper-Madison voting no, councilmember Alter voting no. The others voting aye. Councilmember Casar off the dais. We're going to finish this tonight. Is there discussion or a motion from the dais? Councilmember Tovo.

>> Tovo: Mayor, I'd like to move approval of the is

[9:58:09 PM]

staff recommendation and thank all those who participated in identifying ways to increase the housing supply as well as the affordable housing in west campus. As many of the speakers have said and I won't belabor this uno has been a big success. It has been the result of lots of conversations and careful balancing and ultimately it has created tons of additional -- hundreds and hundreds and hundreds of units and I echo the comment that somebody made earlier. I was on west campus just last week and it is -- it seems like there are projects, new projects going up on every block so it is -- that has large by been spurred by uno, and I know these changes will do the same.

>> Mayor Adler: Is there a second to this motion? Councilmember Alter second the motion. Discussion on the dais?

>> Renteria: Mayor, I'd like

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to make a motion to accept the planning commission recommendation.

>> Mayor Adler: There's been a motion to amend to accept the planning commission recommendation. Is there a second to that motion? Councilmember Flannigan seconds that motion. Discussion on the dais? It's your motion if you want to address it first.

>> Renteria: Mayor, it's because -- you know, what we did over there at Riverside where we really needed to focus on building more student housing, especially low-income student, engineer and close to the -- to the campus as possible, and I see this as a great solution for that problem.

>> Mayor Adler: Okay. Further discussion? Councilmember Flannigan.

>> Flannigan: I appreciate everybody participating in

>> Flannigan: I appreciate everybody participating in this process. It would be good to know when staff is taking in compromise

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agreements from the public to have a better understanding who was invited to the table in those agreements, I'm not trying to say who was right or who was wrong, but when there is conflict over who got to participate, then I think there's more questions than answers for me on that. I'm really compelled by the -- some of the neighborhood folks talking about how successful uno has been. Even to hear that density in one area relieved the pressure in another area surrounding the university is really telling, and I think something that I may be repeating in future council meetings. The examples that were given about the little map difference, really which we were developing a couple of map differences between staff and planning, show that these areas are going to redevelop one way or another. They're either going to redevelop under a lower height where you get less affordability, maybe a co-op or two, or they'll redevelop under more height with more dedicated affordability. And to me that seems like the way

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to go. I know a lot of the students left already, but I want to thank you for participating. We don't often see a lot of students coming down. Certainly there aren't any students that were part of the original creation of a thing from 20 years ago. Many of us on the dais were also not part of the creation of things 20 years ago, so it's always great to see and hear new voices coming to the microphone in this chamber. I know it can be swim date, and I want to thank all of you for your participation, especially for those of you who did it for the very first time.

>> Mayor Adler: Further discussion on the dais? Councilmember pool.

>> Pool: I don't support the changes that the planning commission made. I don't support the substitute motion, and it's for primarily some of the same reasons that councilmember Flannigan pointed out. He's talking about communities and stakeholders and people who were not included in a

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conversation, well, the process was changed and subverted, and the very same people who have been tasked with shepherding and stewarding the uno plan were left out of the conversation. This was by feat done, this change and additional upgrade, upzoning and expansion was done at the planning commission without the input of the citizen groups of that tasked with ensuring that we follow the process. They're the ones that we have given that responsibility and authority and accountability to. And I am disturbed by the play here, by a couple of developers who slipped this in at the last minute without bring everybody back into the room to have the conversation that we've been talking about here tonight and honoring here tonight.

[10:03:16 PM]

All of the painstaking and difficult conversations among people of disparate interests who come together with compromises that stand the test of time. That's what uno has been, up until now. This is really troubling, and I am really disturbed that this has been brought to us in this form and fashion. I do not support the planning commission coming in and by fiat changing what by, the council, and the city and our planning department have expected that process to come through the stakeholders and the citizens who are most directly affected.

-- I won't do this for the money piece at all.

>> Mayor Adler: So for me, I take a look at this and I think that the -- I have lots of conflicting thoughts on this, or multiple thoughts on this. The first is, I think uno has been incredibly successful in our

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city, and I frankly like the amendments that have been made to it coming out of the sponsoring staff recommendation because I think that they expand the opportunities and development potential on the west campus in a way that I think needs to happen. I think it's consistent with the market and it's consistent with the policy objectives that the council has. I also think that when you have a group that goes out and -- and works to reach a compromise, that there's a certain amount of deference and respect that we need to give to that process. So as to encourage people to participate in that process. And I want to honor that as well. I hear the discussions about the additions that came at the planning commission at the end. I'm not sure how else in that process they were supposed to surface, to be part of that

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conversation, other than at the planning commission level in order for them to be able to be heard. But in this instance, I think that, for me, there's an opportunity for those elements to be more fully discussed, not as part of the resolution of today's matter, but as part of the discussion that we're having on the land development code. As we go into the land development code, there are going to be discussions around the city about looking at transition areas, about mapping changes, and I would welcome and expect a conversation on this element during that process at the land development code. But for me, today, in taking a vote on this item now, I'm going to not support the amendment, I'm going to support the motion that would have us today adopting the

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recommendation of the staff. I think it's a really good recommendation, includes a lot of things, and I look forward to the continuing conversation on these other elements as part of the land development code discussion if it's -- however it turns out on the vote today. Further discussion on the dais?
Councilmember Ellis.

>> Ellis: I would like to support the planning commission recommendation. I know that conversations around affordable housing or more housing for students has come up a number of times, like councilmember Renteria talked about when we talked about Riverside, there were U.T. Students who came to speak to us, and I think it's a value that I want to champion that when young people come here and spend their evening coming to speak to city council and saying they're not being brought in early enough in the process, I think that's something we can all learn from, and I just think that close to the school, that we need to be doing everything we can to make

[10:07:20 PM]

sure people are in a dense, walkable, transit-centered environment, and that area is more expected that you're going to see bicyclists and people are going to respect them when they're driving cars, and so I think it just is in line with the way I see planning to go. But certainly, I understand other people's differing opinions, and that's okay.

>> Mayor Adler: Councilmember alter.

>> Alter: I'm going to stick with the staff recommendation. I think that these areas provide a lot of student housing, and went through a process that I think is important. I think there's nothing to stop those other buildings from trying to go through a pose to see if there can be a similar agreement for them. So I'm going to support the staff recommendation.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I'm going to support the staff's recommendations also. I hear the interest in more

[10:08:20 PM]

student housing, but this doesn't -- this doesn't tell us we're going to get that, much less anything that's particularly affordable. I rather deal with that issue as part of any -- any additional zoning that people may want to come back with or as part of the ldc process. I think we need to stick with the staff recommendation at this point, as well as with the recommendation of the group with canpac that's been working on this issue.

>> Mayor Adler: Any further discussion? Councilmember harper-madison.

>> Harper-madison: Mayor pro tem had her hand up before either Ann or I did.

>> Garza: Oh. I just --

>> Mayor Adler: Mayor pro tem.

>> Garza: I was just going to say from reading the dais, I don't think there are enough votes for that substitute amendment, and I particularly appreciated the comments of the gentleman, while I often support as much housing as we can get where it's

[10:09:22 PM]

appropriate, I appreciate the gentleman's comments about either one of these would be good. So I will support staff's.

>> Mayor Adler: Councilmember harper-madison.

>> Harper-madison: I am -- I appreciate most of what I've heard on the dais tonight because I think what we're doing is we're acknowledging that everybody in the room came for the same reason. We're talking about the continuation of hard work and effort, which I can appreciate very much. Thank you. We're also talking about people who want to represent for themselves and advocate for themselves and their community. I also appreciate that very much. So I think it's important to note that some of us are new to this conversation. Some of us are on the dais and new to the conversation. I would just like to point out that there was a comment that was made about money. I think it's very important that

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we also advocate for ourselves. I can assure you any decision I make tonight, which I'm tending to want to lean with the planning commissioners' recommendations, I think while I can appreciate we have members of the community who advocate for the community, who feel like they've been charged who feel like they're the stewards, I think that's why we have boards and commissions, and so I'm going to

lean with the recommendation of our planning commission. That decision is certainly not motivated by money or corruption or any other nefarious intent. I need to make sure to say that out loud.

>> Mayor Adler: Councilmember Renteria's motion is on the table, his amendment. Ready to take a vote? Those in favor of councilmember Renteria's amendment, please raise your hand. Renteria, Ellis, harper-madison, Flannigan. Those opposed, please raise your hand. It's the balance of the dais with

[10:11:25 PM]

Casar off. It does not pass. Now to the main motion, as offered by councilmember tovo. Any discussion before we vote?

>> I just wanted to quickly say I appreciate staff's presentation on this. It was very -- it was really good. It help the understand those amendments, so thank you.

>> Mayor Adler: Okay. Let's take a vote. Those in favor of the motion, please raise your hand. Those opposed? This is the motion from councilmember tovo. It's to approve the staff recommendation, close --

>> Alter: Councilmember tovo, how many readings did you want to --

>> Tovo: Sorry, on all three readings. I should have indicated that. Thanks for the question.

>> Mayor Adler: Okay. Those in favor -- let's do the vote. Those in favor of the motion, please raise your hand. Tovo, Flannigan, kitchen, pool. All those opposed, raise your hand. Those abstaining, raise your hand. Okay. Harper-madison abstains, Ellis,

[10:12:25 PM]

and Renteria vote no. That makes the vote 7-3-1. No. No, no, there's not eleven of us here. How many -- I think there were just two no votes. Two no votes, 7-2-1. It passes on all three readings. Obviously, it's not going to be the last time we hear about those amendments. We'll just hear about them in the next discussion we're having on the land development code. Staff recommendation passes, and with that, at 10:12, our meeting is adjourned.