

# City Council Special Called Meeting Transcript – 02/11/2020

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[10:37:06 AM]

>> Mayor Adler: All right. I have a quorum here in the room so I'll call us to order on our special called meeting. Today is Tuesday, February 11th, 2020. We are in in the city council chambers here at 301 west second street. It is 10:37. For our scheduled 10:30 time. Colleagues, we have -- as we said we would, we cut off sign-ups today at the scheduled time of our meeting, which was 10:30. We made sure everybody that was in line was still able to sign up. It looks like there are about eight people that have signed up to speak. About six of those people have signed up to donate time as opposed to speak. I am going to treat those as having signed up to speak.

[10:38:07 AM]

Councilmember kitchen wanted to raise with respect to donation of time for today, she was going to be a little lit getting here, the mayor pro tem was going to be a little late getting here. The first thing we'll do is call people to come up and speak so I think we need to decide that donation question. I'd be fine with people donating time since it was raised by councilmember kitchen, I'm fine doing that. The question is how much time are people allowed to donate time. Our donation time is a minute. I don't know if we want to stay with that. If we want to stay with that, even though we have more than 60 speakers signed up, rather than taking the allotted 120 minutes, I would propose that we just give every speaker two minutes with donated time being a minute.

[10:39:07 AM]

That's what I would propose and I think that will roughly potentially equal out. Does anybody have any thoughts on that? Leslie.

>> Pool: I just wanted to point out that our -- our usual is to have an equal amount of donated time. If you're a three minute person you get a three-minute donation up until -- I know we had some limits on that and have had some limits on that donation time. It drops after a certain number of people have spoken. So I just wanted to make sure that we were acknowledging that and press for two minutes if the people are in the first 60 or so signed up and they're not wishing to speak, but that the donation would be equal to the amount of time they would have had if they were in that segment of speakers that would have gotten that number of minutes.

>> Mayor Adler: So I'm trying to figure out how to handle that lyingly. Usually we say the first 60 minutes, usually the first 20 speakers would have three

[10:40:07 AM]

minutes and then everybody past the first 20 then have the ratcheted time down.

>> Anderson: The people in that first 20 have the ability then to donate three minutes because they're kind of in that first 20, but as a matter of convention over the last year or so, which because it seemed to be more consistent with what people wanted, I've given the first 20 people to speak the longer allotted period of time and then just treated the donation time as a shorter period. And that seemed to be something that the general community -- that's how I've called it. So the first 20 people to speak got the longer period and the donation time was just a minute. And DI that just because it got us deeper into the thing and gave more people a chance to be able to speak. But we can certainly do whatever way here today we would want to. In this case I would propose we just give all speakers, whether the first 20 or not, the two minutes. And then let people donate

[10:41:08 AM]

time. And I would just say donate time at a minute because I think that would generally equal out. That would be my recommendation. Okay.

>> Pool: I think that was what councilmember kitchen wanted to --

>> Mayor Adler: Might very well have been.

>> Pool: Wanted to weigh in on. Are we going to start that discussion?

>> Mayor Adler: I wanted to start with speakers and she's not here. And that's why I said I'm just going to concede the donation of time.

>> Pool: All right.

>> Mayor Adler: I thought that was just a better way to do it. Thank you.

>> Alter: Mayor, I just wanted to --

>> Mayor Adler: Yes, councilmember alter.

>> Alter: I appreciate that adjustment over what was originally planned. I'm not going to make an alternative motion because I'm clearly in the might not, but I do want to register that I think given the magnitude of the code changes that we're making we should be allowing people more time to speak and we shouldn't be capping the amount of time that people speak. I'm not going to make a motion to that effect because I do not have a majority on that, but I

[10:42:09 AM]

think that public engagement is important and I think it's important for us to have the feedback from our community and I just want to register that that is something that I would value and would like to see done differently:

>> Pool: I agree with what councilmember alter is saying and in fact, at this point I would like when we are planning for third reading to make sure that people have the ample opportunity to have in our public hearing, which I hope that we actually have a special called public hearing for third reading, we've been talking about doing that because we weren't able to do it officially for second reading, that people have the full three minutes and then the donation of time, and as we handle generally all items that come before us without any limitation to only two hours' worth of public testimony along those lines. But I absolutely register my objections, my deep objections to limiting how

[10:43:09 AM]

much public input we can have at these public opportunities.

>> Mayor Adler: As we schedule for the third reading period of time, I also would join and councilmember pool's, I think there should be a day that's set aside to be able to hear from people and if we schedule that early enough we can make sure that we get that scheduled. On the days when we're actually set to actually take action it would be a hard thing to do because we may run out of time and there's no time to do that at all, but I would join in my colleagues' suggestion that we just set aside to day to let people talk as we did for first reading. I'm going to call --

>> Tovo: Mayor, I'm going to join my colleagues in concurring on the limitations on speech. I don't support limiting the speakers to two minutes on an item of this import. I also found it extraordinarily challenging to have our own questioning and comment time limited as councilmembers during our work

sessions last week. And because of the abbreviated time there really weren't options for sitting down with staff and

[10:44:09 AM]

having long conversations and questioning outside of those opportunities. So all in all I think there's been extraordinarily limited opportunity to really ask questions and provide feedback both for councilmembers as well as for the public. And I would ask staff to clarify whether they need some formal direction on that day long public hearing. And I'll ask that to you, city manager. Is it necessary to bring an ifc? I know councilmember pool talked about maybe bringing an ifc to make sure that happened. Is that necessary or is this conversation sufficient for this to be scheduled.

>> Councilmember, thank you for raising that. I think this conversation is sufficient.

>> Tovo: Great. I think we go toward having it on a weekend again, but we try to identify a weekend where we know all councilmembers can be present and that it not be -- I'm trying to think through what sorts of holidays we have in March, but that we make sure it doesn't fall on a weekend where we know schools are closed on a Friday or a Monday.

>> Understood.

>> Mayor Adler: For me, I would remind everybody that we have three readings, we

[10:45:09 AM]

have a another couple of months involved in this. I have never in my time on the council, my five years, had as much public input on the various issues as I've been able to have on this, and I really appreciate the public doing that. Certainly speaking in hundreds of opportunities. And coming by the office, emails that are sent to me are things that I consider with equal weight to people that are showing up. I realize that there are a lot of people that can't come to the city council and their testimony by email or otherwise is a way that they participate. And I try to give that equal weight and attention to people who show up because I realize that different people will be able to add in different ways, but for me I'm comfortable with the -- what I would consider to be just vast opportunities for people to have participated in this. All right, so what we're going to do is I'm going to call people. Everybody, I'm going to join all three of these things at the same time. So I'm going to call just one time.

[10:46:10 AM]

You can speak to either items 1, 2 or 3 arrest all of them if you want to, but it's just going to be one time. Everybody that signed up for items 1 or 3 has also signed up for item number 2. Everybody gets two minutes regardless of where you are. You can take donated time from somebody who has signed up and the donation is one minute. We'll do it the way we've done it before where you can have two people donate time so the max time would be then four minutes if you have two donations of a minute. With that said, colleagues, today we're scheduled to go all day consistent with our earlier conversations. I think we're shooting to try and stop today at 5:00. Tomorrow and Thursday we start later in the day and I would propose that we keep our schedules open to, say, like 11 or something like that. We can decide, you know, as

[10:47:10 AM]

we get closer what we need to do. But in terms of making arrangements for families or other kinds of stuff, keeping Wednesday and Thursday, tomorrow and Thursday open until 11 I think would be helpful for our conversations. We are going to start with public comments. After we do that I am going to ask that the staff give us their brief presentation. It should take about 15 minutes. And then we will go into executive session so that council can talk to us -- counsel can talk to us. When we come out of executive session I will entertain a motion that will be our base motion. It will be the staff recommendation plus the amendments that council has provided, less the amendments that people are pulling off.

[10:48:17 AM]

So the base recommendation of 1, 2, 3, plus the accumulated amendments that have been posted, less the items on that list that people are pulling. And in that regard once we have the base motion made and seconded, we will then turn to the amendments that have been filed and we will go through those just to see which ones people want to pull and which ones are made then part of the initial base motion. Colleagues, we received amendments that were posted on the board on Friday following the same format that we used last time they were compiled. And there was a document that was posted that was proposed Idc second reading amendments. That was posted on the message board early Monday morning. Subsequent so that, councilmember harper-madison has made some changes to some of her amendments and

[10:49:18 AM]

reordered some of her amendments. So there is a second document that compiles everything with those changes that councilmember harper-madison made which was posted this morning, it's the same thing, it has v2 at the top and it has it being updated at 8:30. I have copies of both those documents, both the one that was posted from Friday's amendments, plus the one that incorporates hers and I will

hand those out in just a second so you have each of those documents. We can either go with a document that was posted Monday morning with yellow sheets from councilmember harper-madison for the changes that she has made or we can do the v2, but I'm going to hand those out and we can have that conversation a little bit later when people have had a chance to look at them and see what they're comfortable with doing.

[10:50:20 AM]

I think those are all the housekeeping things. I think we can start calling on people. Is there any conversation on the dais before I start calling people? All right. Then I'm going to work off the list for number 2 because that has everybody and we're going to start -- if you want donated time, but didn't sign up to do that based on the earlier thing, but you want donated time now, just come up to the microphone and say who it is that's donating your time and the clerk will make sure that we get that into the record. Okay? So let's begin with Timothy bray. Is Mr. Bray here? You have two minutes. You can be wherever you want to be. Okay. And James Howard is on deck. Is Mr. Howard here? Okay. You have time donated from Jason burros. Is Jason burros here?

[10:51:20 AM]

You will have two minutes. Go ahead.

>> [Inaudible - no mic]. Here we go.

>> Dear council, I'm here representing aura to talk about a few of our internal amendments. First we want to include guest suites. These are allowed in some form without age restrictions and without counting toward the unit restrictions. Second, remove the requirements for missing middle housing. Attached versus detached shouldn't matter. Flexible forms makes it easier for deed restrictions, protect trees and take advantage of the preservation bonus. Third. Prevent compatibility standards from restricting the development of multi-family on dashboards, especially in high opportunity areas. Fourth, eliminate minimum lot sizes. The 5,000 square foot minimum lot size still leaves us with one of the biggest lot sizes in the country. It only serves to make neighborhoods more expensive and exclusive.

[10:52:20 AM]

Removing that is a way to increase unit count and make smaller houses on smaller lots viable. Fifth change the definition of dwelling units and group dwelling unit to make co-housing more available. It effectively reduces the number of allowed units by two-thirds for co-ops. As it stands, draft two is the sweet spot of failure. Passing the new code what is effectively the old code is like reranking the -- rearranging the deck chairs on the titanic. The code is devastating our environment. I don't believe it's

what the majority of you are here to do. You have mandated to pass a meaningful, forward thinking land use code. I think the last election shows that. So I think let's pass a land code that reflects what we want our city to be in 30 to 50 years, not what it was 30 to 50 years ago. I believe you can do it. I believe it overcomes fear and misinformation.

[10:53:20 AM]

I believe we can do our part to address your climate process and I believe we can make an Austin for everyone. Lastly, I want to say that we should stop treating missing middle house as it's some kind of blight for neighborhoods and neighborhood character. The fact that we ban missing middle in most of Austin even under the new code and even in central Austin is an absurdity that we somehow accept as normal. There is no good reason to not have it. Our neighborhood character should not be one of exclusion, but one of inclusion and one where diversity is a good thing. Thank you for your time and I hope y'all can do the right thing and think about where we'll be in the future. Thank you.

>> Mayor Adler: Thank you. I'm going to call a number of people. I'm going to take advantage of the people that we have an array of microphones in front of us to move us through. So would James Howard please come on down. Is Bruce Weiland here? Why don't you come to the table as well. Is Bill Fowler here? Why don't you come down. Is Michael Najas here? Why don't you come down too.

[10:54:28 AM]

Is Dave Piper here? Why don't you come on and join us. And I think that gives me space for one more. Is [indiscernible] here? Why don't you come as well. And then to speak you need to make sure that your button is pressed. All right. Mr. Howard, you have two minutes.

>> Thank you, Mayor. I'm here to talk about a very specific part of North Loop and the North Loop neighborhood. I brought a zoom-in of the area I'm discussing. Can I hand it out or give it to Kathie.

>> You can give it to the clerk.

>> Sorry.

>> Mayor Adler: If you give it to the clerk she will hand that out for you.

>> Pool: Can we put it on the overhead, please? Great.

>> Mayor Adler: You can either stand or sit, whichever you prefer.

>> So my name is -- Natured

[10:55:29 AM]

if you would wait a second. I paused our time.

>> Oh. Okay. Go ahead.

>> All right. Thank you, mayor and thank you, councilmembers. My name is James Howard. I am the president of the north loop neighborhood association and I'm also the chair of the north loop neighborhood plan contact team. I'm here today to talk to you about a very specific part of our neighborhood, but it's really the core, the central piece of our neighborhood. It's the portion that runs between Duval on the eastside and really all the way to link on the westside from 51st on the southside into Koenig on the northside. A quick note about north loop and a lot of y'all know this, and I've dealt with Kathie and councilmember tovo and councilmember Casar for years, and have appreciated their assistance and their help and advocacy. We're not adverse to upzoning just as a general

[10:56:29 AM]

rule and we've been pretty accommodating in our neighborhood plan you will see that we designated a lot of, say, 53rd, which is a main corridor running through our neighborhood, for mixed use, and vertical mixed use. And it's not something we're opposed to. This part of our neighborhood that sits at the intersection of a tpn and an activity corridor as designated in the new code, there's going to be a monumental shift in entitlements in this block. This block is largely -- I would say almost 98, 99% currently single-family use. So what we're going to see here is we're going to see a massive kind of increase in entitlements. I'm here to pass along to you that the people in my neighborhood, many of the people have passed serious concerns to me and have asked me to come to speak to you. And really we're asking for not miles of change. We're not asking for the council to throw out this

[10:57:30 AM]

ldc. There's lots of good parts in the ldc, but a more nuanced approach and look at particularly Duval and particularly consider taking Duval and avenue H and that area down to r4 as opposed to rm1. Around also potentially eliminating the exceptions that apply to corridors in the current code that would allow all these entitlements in this currently just residential neighborhood to be built out without

[11:02:00 AM]

have many sections of sidewalk and have almost a complete network in the coming years in the job of the older homes is accomplished. Payment of fee-in-lieu in construction should be eliminated especially given the proposed reduction and requirements for on site park. Thank you.

>> Thank you.

[Buzzer sounds]

>> Kitchen: Mayor, may I ask a quick question. I hope you're sharing that information with everyone. That would be helpful because I appreciate the list of concerns that you have about the preservation incentive.

>> Thank you, sir. Mr. Fowler.

>> Thank you. My name is bill fowler.

--

>> Mayor Adler: Hang on a second. I don't think your microphone is on. There's a button on the stand.

>> It's on.

>> Are we muted?

>> Hello? Okay. My name is bill fowler. I live may pemberton heights district and I'm a fourth generation austinite, lived in my neighborhood for over 50 years. The neighborhood is bordered

[11:03:00 AM]

by olden field and breaker woods between Lamar and mopac. These neighborhoods were platted before World War II, the homes were built in the 30s, 40s and 50s. Most of these old homes still exist, neighborhoods are beautiful and classic and they exist the way that they were planned. Single-family homes, front yards, and nice big trees. The neighborhoods are enjoyed by residents, by guests and by austinites who walk and run on our streets. Codenext will be very destructive to these neighborhoods and comes at a very high cost of degrading quality of life and public safety. The fabric of these beautiful well planned neighborhoods will be destroyed and old classic homes replaced with ugly structures on small lots. Streets will be clogged with cars and trash cans. Traffic will increase endangering children and pedestrians. Emergency traffic, emergency vehicle access will be hampered and taxes will go up. The benefits to the city of codenext plans for these neighborhoods are

[11:04:00 AM]

infinitesimal. New residences will add a tiny fraction of a percent of needed housing. New residences will not be affordable. They will cost millions of dollars. You simply cannot justify the high cost of codenext in these neighborhoods. The issue is larger than these neighborhoods. It's all about Austins. It's about Austin and its citizens. We all think of Austin as being a special place, and it is. You have the power to keep it special and you have the power to allow Austin to degrade into a typical large city sameness, destroying the historical fabric of Austin whether it's in these neighborhoods and elsewhere

and is going to degrade Austin. Why be destructive with no meaningful benefit. You also have the power to stand up for the citizens of Austin who have raised their families and made their lives in these neighborhoods. You have the power to not sell out to the newcomers and the real estate developers. Thank you.

[11:05:07 AM]

>> Mr. Nass.

>> Good morning, mayor, councilmembers. My name is Michael najas and I'm an economist. Austin needs a full-time economist. I've been trying to duplicate a study by jerco and glacier in my free time with donated data and paying in my own pocket for Google map services. So those two researchers, they looked at the price of a lot as not just the price of the land, but the price of -- the lot also includes the price of the right to build a housing unit on that land. Their study concluded that Fran was expensive not because the land was expensive, but because of the price of the legal right to build a housing unit was expensive. I'm going to try to finish my analysis and let you know the results if it exists, city council needs to increase the legal rights to build housing units or

[11:06:09 AM]

rents, especially for low income people will continue to increase. But the study would be better done by a full-time economist who could pay for data. An economist could also help with the affordable housing program. I took a look at it, wrote a report. I sent that to my councilmember councilmember tovo and talked to staff about it. The affordable housing program repeats mistakes made in other cities. Some of which are tying the benefit to the housing unit rather than the resident. This discourages the resident from moving for a better job. It has different rules if the resident owns or rents the unit. There are additional rules for developers, architects, builders, whatever of these units which discourages building of the affordable units. It asks city staff to set the price on affordable units, something that they're well suited to do. It defines affordable a are as.

>> Alter: Percent of hud's

[11:07:11 AM]

immediate -- as 80 percent of hud's median family income.

[Buzzer sounds] Which is half of all austinites.

>> Mayor Adler: Thank you very much. Dave piper.

>> I'm Dave piper, president of the zilker neighborhood association. The proposed land development code is not simplified, it's complicated, confusing and contradictory. It's going to produce endless cases at the board of adjustment. Section 4c on trees is a prime example and there's lots more. Preserved heritage trees on the corridors. They're the face of Austin that people see most often. Places like Matt's el rancho have deep lots with many large oaks. Other examples just in my mind include uchi and opa's, huge trees there. The proposed zoning on Kinney avenue and other

[11:08:13 AM]

places will incentivize replacement of many market affordable units. Mu zoning in those areas is too much. The zna zoning committee submitted a plan with a map, but we haven't had any response from the city on that. We managed to achieve more dwelling units than the proposed ldc without using transition Zones. A big promise of transition zone was sidewalks, but there's no funding in place for the sidewalks. The we're still at the board occasionally for interpretation on the existing land code and it's 30 years old, so this vague language is just going to engender over and over that kind of stuff. The -- I think the

[11:09:14 AM]

preservation settings are -- incentives are another good example of confusing lack. I was trying to look at it last night and it's tough. That's 3c3060 by the way.

[Buzzer sounds]

>> Thank you very much.

>> Kitchen: Mayor? I just wanted to let Mr. Piper know that council talked on first reading about the plans that various neighborhoods in parts of town had submitted and we're expecting to another conversation over these three days about the process for considering those. I want to thank zilker for going to the -- thank zilker for doing the work to look at your neighborhood and identifying how you can account for additional dwelling units without a one-size-fits-all approach to transition Zones. My understanding is there will be a process for addressing those and before

[11:10:16 AM]

we finish our second reading we'll have a conversation to confirm what that process is. We laid it out on first reading. I want to confirm it again so people have some transparency and understanding about how the council will address those proposals that you and other neighborhoods have submitted.

>> I look forward to that. Thanks.

>> Mayor, mayor pro tem and councilmembers. Thank you for giving me the opportunity to speak with you today. My name is (saying name) And I serve on the steering committee of planning our communities. Planning our communities is a group of people of color who are affordable housing and economic opportunity advocates, community organizers and social justice activists. We want access to healthy and affordable homes for communities of color and working class people in Austin to outreach, education and advocacy. Planning our communities envisions a land development code that advances the interest of people of color and working class people in this city. We have been encouraged by the second draft reading of

[11:11:16 AM]

the land development code because it provides more opportunities for equitable development and increased affordable throughout the city. Particularly to the inclusion of the intent of the equity overlay. And I thank y'all for supporting that on first reading. While the second reading draft of the land development code responds substantially to concerns about displacement and housing capacity in high opportunity areas, we hope that the protections provided to gentrifying areas can be strengthened. Moving forward we suggest that we subboard the preservation of existing multi-family throughout the city and map it to current use. We have an amendment from councilmember Casar that maps it to current rm Zones and is supported by bullet 1 of councilmember kitchen's amendment 7 and councilmember pool's amendment number 5. And I appreciate the work that has been put into this. Furthermore, I ask that we support easing group residential throughout the city and councilmember harper-madison has proposed a number of amendments that

[11:12:17 AM]

would support this. We also ask to protect neighborhoods in the future we identify a clear process for updating the equity area of equity overlay. And that it's moved forward. Addressing these concerns about help with displame of equitable measures that have been included in the second part of the draft. I thank you all for allowing me the opportunity to talk her today.

[Buzzer sounds] And walking towards a more equitable goal that we can support on third reading. Thank you very much.

>> Mayor Adler: Thank you. I'm going to call the next panel. Is Kendra Garrett here? Would you come on down? What about Kathie Mitchell? Is Kathie Mitchell here? Not yet. What about Tom downing. Come on down.

[11:13:18 AM]

Shane Johnson. Come on down. Jao Connally. Thank you. You have time donated from Pam Brubaker. So you will have three minutes when you speak, Mr. Connally. And then is Emily Sawyer here? Come on down. And then the last person on our panel will be Larissa. Ms. Garrett, you have two minutes.

>> Okay. Thank you, Mayor and Council for opportunity to speak on second reading of the ILC. My name is Kendra and I'm with the Austin Justice Coalition and with planning our communities. I first want to say thanks to all the city staff for answering my many questions through this process. This draft is better. Visually on the code and within the code language. We don't want to see a population -- the population of people of color and

[11:14:19 AM]

working class to continue to diminish. I think the strides taken in this code indicate the city doesn't want that either. The equity affordable area affordable housing bonus program is intended to provide support for communities on the gentrification spectrum. From transition zones to higher on-site affordable housing requirements, this will hopefully allow families to remain in their communities and benefit from the new and current amenities that will continue to rise as the city progresses. One part of the code that I did want to pay special attention to is tenant protections. I'm a renter and this city is -- it's a majority of renters. But I think too often the external conversations revolve around homeowners and the renters really don't get any love. Renters don't get proper protections afforded to them by state law and so I would like to highlight a couple of the things in the code that provide these kind of protections, which include source of income protection and the right to reserve --

[11:15:20 AM]

the city right to reserve subsidized units to provide deeply affordable or just more affordable units across the city. Within this -- within this specific code language I would like to ask for the consideration to apply the following tenant protections within the general provisions of the affordable housing bonus programs generally. The right to return for redevelopment of existing multi-family properties, which is included in the equity area affordable housing bonus program. And also the federal law related to tenants' right to organize, which is included into the affordably unlocked bonus program.

[Buzzer sounds] To be included into the general provisions it will allow for more uniformity and protections for all renters regardless of programs utilize or where they live across the city.

[Buzzer sounds]

>> Mayor Adler: Thank you very much. Tom Downing.

>> Harper-Madison: Mayor? May I ask the last speaker a question?

>> Mayor Adler: Yes.

>> Harper-madison: Kendra, would you mind sharing with us what you do professionally?

>> I work as a policy

[11:16:22 AM]

registry manager for affordable housing non-profit called tap.

>> Harper-madison: Thank you.

>> Mayor Adler: Thank you. Mr. Downing.

>> I'm Tom Downing. I'm speaking on behalf of the Austin justice coalition, which seeks to represent residents in communities which are impacted by segregation and displacement. We believe that the land development code provides a key avenue to bring all residents into conversation on the legacy of segregation and we hope it will help unravel policies that have created a divided city. We know that there's a delicate balance between increasing affordable housing and also protecting the character of the historic neighborhoods, especially those that are the most vulnerable. We appreciate what the council has done so far. We appreciate the inclusion of the equity overlay by mayor pro tem Garza, especially the elimination of some of the susceptible gentrification Zones. We appreciate the increase in the equity affordable

[11:17:23 AM]

housing bonus program. We appreciate the right to return requirement that's been included. We also appreciate the inclusion of source income protection for tenants and the revision of the preservation program to allow residents to stay in place when their property is redeveloped. We thank you for your efforts and we hope that you continue to improve the process.

>> Mayor Adler: Thank you, Mr. Downing. Shane Johnson?

>> Thank you, council and mayor, mayor pro tem, Shane Johnson, volunteer with Austin justice coalition. I'll reiterate what Tom was saying is that the land development code is a huge opportunity to address the legacy of segregation in Austin in a city that remains and has been one of the -- if not the most economically segregated major city in the U.S. And

[11:18:26 AM]

that's something that we're talking about economics and wealth has to be addressed at the level of land use. And we have to bolster economic and racial equity for people of color in Austin with a special emphasis on housing and access to opportunity across the city. I'll specifically mention that given that the new code eliminates the possibility of adding additional nccds, neighborhood combined conservation districts, under f25, maintaining the current ones will solidify a pattern of exclusionary zoning and move towards a future that still permits certain neighborhoods to retain special status. Which makes it more difficult to plan the city equitably and consistently. We recommend allowing for the possibility of future revision of the f25 zoning category and a sunset clause for f25. And again, we need to apply tenant protections uniformly

[11:19:28 AM]

across all city funded incentive programs to provide consistency and ease for both developers and renters. I'll end it there and give you a little bit of time back, but thank you for hearing us. And we really need to start addressing Austin's legacy of segregation and racism that maintains through today. Thank you.

>> Mayor Adler: Thank you very much. Jao Connally. You have three minutes.

>> Thank you, council. My name is jon-paul Connally. I work on housing with the Austin justice coalition and I'm also part of the steering committee for poc. And when we first signed up to testify we debated whether we should sign up as neutral or for. We decided to sign up as neutral and then we changed it to for. And the reason is because while there are still things that we are concerned about and things that we hope can be improved in the second draft, by and large we're encouraged by this code and the process.

[11:20:28 AM]

We're encouraged by how responsive staff has been to all of our questions. We're encouraged by the way the second map looks radically different than the first map. We're encouraged by the fact that gentrifying areas are going to receive a unique treatment, kind of a nuanced approach to gentrifying areas. We think that we're in this unique place at these issues because we think the unqualified calls for more density and the unqualified calls against densification in neighborhoods, both those have an historic legacy in racism in Austin and have led to the displacement of people in color so we need a nuanced approach and I want to thank you all for the amendments in the first draft that got us closer to that. I want to continue to reiterate my support for the equity overlay, especially for the requirements for affordable on-site updates. I hope we -- on-site units. I hope we don't reduce those requirements, even though in

[11:21:30 AM]

some cases it may discourage development and we don't know if developers will take the bonus, we prefer that at this moment to really try to fight and see if we can get those on-site required affordable units, especially in gentrifying areas in the vulnerable parts of the city. The other thing I wanted to mention is I wanted to say that we still need to fight for increased housing capacity because our message was not to reduce housing capacity, our message was to shift housing capacity, to look for opportunities for housing capacity in Austin's high opportunity neighborhoods. And I think we should still fight that good fight. We should continue to find places in high opportunity neighborhoods in Austin that will not lead to further displacement, that will not contribute to displacement to people of color. Where we can put more transition areas, more r4 housing and things like that. We continue to encourage council and staff to look at roads such such as spice sued springs, jollyville and

[11:22:30 AM]

Enfield, where there are places where there could be opportunities for a little more density along some of these corridors without really incentivizing any major displacement. Let's get more housing capacity and more affordable housing capacity after the second draft and let's find it in places where it won't incentivize the placement of people of color. Thank you. ' That's all I have to say.

>> Mayor Adler: Councilmember pool.

>> Pool: I wanted to note the timer wasn't on for the gentlemen.

>> Mayor Adler: Evidently it's not working it's happening independently and also on my phone. We're trying to do it in two different places. Okay? Thank you very much.

>> Kitchen: Could I ask a question? I'm sorry. I'll be very short. If you could share your remarks with us, I would appreciate that.

>> I'm sorry?

>> Kitchen: If you could share your remarks with us. I invite everyone to, but I wanted to follow up with you.

>> Yeah. And I believe a letter was sent yesterday to all

[11:23:30 AM]

councilmembers, but I'd be happy to continue to communicate about this.

>> Kitchen: Okay, thank you.

>> And I also had that letter printed out and we can pass it out.

>> Mayor Adler: Hand it to the clerk and she will pass it out. Ms. Sawyer, you have two minutes.

>> Good morning, I'm a volunteer with Austin justice coalition. We are appreciative of the ongoing efforts to protect vulnerable populations in our city, specifically provisions currently included in the equity overlay. We ask that this focus continue as you look through the amendments before you. I also want to point out when we use words like vulnerable that that's not an innate thing about the people that we're talking about, but that is a created position that we've put them in as a society. So I want to make sure that we're clear on our language when we use words like that, that those are choices in policy decisions that we've made. Not things about people themselves. We strongly support revisions proposed to co-housing and group housing definitions by the Austin

[11:24:32 AM]

cooperative business association to allow two to six unrelated persons per sleeping unit as well as to allow group residential by conditional use permit in all residential Zones. And we are looking forward to you all as we continue to look with the ratio and economic lens for policy and changes so that we are all working together to create the questionable, justice city that we claim we want.

>> Thank you very much.

>> I'm also here with the Austin justice coalition and I am grateful for the opportunity to speak again. I want to encourage to you listen to these people of color from our city and listen to communities of color. In communities most impacted by segregation and displacement. The Idc gives us a great opportunity to begin to unravel the policies that

[11:25:33 AM]

have created a divided and segregated city. And I encourage you to continue with the equity overlay to do this. And we asked for your consideration of some recommendations and I want to reiterate what Shane has said already about the nccds. They continue the legacy of segregation and exclusion in our city. That is not a good thing for anybody, but especially not for people who are vulnerable to displacement. We'd really like to see a sunset clause for f25 and future revision of the f25 zoning category so that we can end these exclusionary policies. That's it.

>> Mayor Adler: Great. Thank you very much and thank you for the panel. Let me call the next panel S teddy Larson here? You have time donated from Kelly Larson S Kelly he?

>> She's not here.

>> Mayor Adler: What about

[11:26:35 AM]

Svens striker? No? All right. You will have two minutes. Is Paulina Ramirez here? Nellie Paulina Ramirez? Why don't you come on down. Is Carlos Chavez here? Carlos Chavez? Yes? What about Karen piper? Is Karen piper here? No? Okay. Don't have Karen yet. What about Susan Moffat? Why don't you come on down. Is Joseph piper here? Joseph piper. What about Karen McGraw? Is Karen here? Not yet? Is Margaret Carico here?

[11:27:37 AM]

No? Oh, I see, okay, thank you. And then I think we have one more spot at our table. Is Frank Carico here? Why don't you come down. All right. Let's begin with Teddy Larson.

>> Thank you, Mayor, thank you, councilmembers for -- thank you, Mayor and thank you, councilmembers for being here and hearing us out on this one. The theme I want to get across here is context sensitive approach. I'm a resident of Austin and raising a family of four with my wife. We live on Duval Street which is getting up zoned significantly and we live in North Loop neighborhood. The Austin Strategic Mobility Plan is promoting density along the transport priority networks and it has high commercial zoning facing the corridor. I ask that TPN corridors

[11:28:38 AM]

that are fronted with commercial units, particularly on Duval Street, in a neighborhood, shouldn't be prioritized for the same transition area or intensity as other commercial areas that are being asked for and shouldn't be considered for RM1 zoning up for S3. Duval Street between 53rd and 56 is getting recognized as a TPN based on the current zoning of Route 7. There's a few key issues that make Duval require this contextual approach. Duval is a much narrower road. It has no bike lanes on it, it has parking on both sides of T there's no commercial on it. It's all single-family homes. It has no more capacity to handle additional mass transit on it. Right now the Route 7, which I take everyday to UT, is at capacity. It's at standing room only in the mornings and in the evenings. It's at a 15-foot frequency. The fact that the Route 7 has to make multiple right turns to get through our neighborhood limits the size of the bus. You can't go any bigger. You're at capacity with Route 7.

[11:29:38 AM]

So although it is a TPN network and we agree with that, we disagree with how much more transit it could actually have on it. Regarding the incomes, James spoke before me, by my estimate, 72% of all the sf-

3 homes in the neighborhood are getting up zoned to rm1 or r4. I did that by point counting every single one and I would like to point to Kathie Kathie's amendment that we actually have tools to do this.

[Buzzer sounds] It's hard to know the

>> Mayor Adler: Thank you very much.

>> Tovo: Thank you for your testimony about riding the 7 to campus. It's been a while since I've done the same. Can you -- can you explain what happens when you reach campus in terms of the ridership?

>> I mean that's where I get off. I would say the majority of route 7 services north loop neighborhood to the university of Texas and then after that the next bulk of the ridership goes down to the capitol area. So it's primarily a server

[11:30:38 AM]

from north loop to the campus. And I would like to point that out as well. We risk the -- or I would like to ask the proximity that north loop has to UT puts at risk this neighborhood with rm1 converting single family homes or those with ads to -- to 10 unit apartments that will service UT students. Which isn't a bad thing. We advocate that. But consider that a lot of that could actually happen in our neighborhood.

>> Tovo: We've asked capital metro for some ridership numbers to try to determine how much of that ridership are UT students. I have heard anecdotally a good number are and some go on to the capitol complex.

>> Capital metro is trying to remove route 7 from the north loop neighborhood. I fought to keep that there. They removed from avenue F because there was no ability. I advocated for it to go on my street, Duval to keep it there. They are working with us to do that, but it is a temporary reroute.

>> Tovo: You.

[11:31:44 AM]

>> Thank you, Ms. Ramirez.

>> My name is Nellie. I'm here on behalf of the castle wood, I have reached out to all of you with a letter from our neighborhood. The majority of our neighborhood is being upzoned to r2 a and r4, this is being done without codified assurances for sidewalks and insufficient flood protections. We already have weekly water main breaks in our neighborhood due to the high water pressure that is required to service our large area, in addition to water tables that quite literally seep through the ground in our lower lying streets after bouts of rain. How will the city have the resources to address these on an even larger scale if they are barely getting taken care of now. Our safe and walkable streets would be cluttered with four to six more cars per lot, both park and driving through, cutting visibility and erasing

the only safe walkable routes that we have to school, parks and the grocery store. We have no sidewalks and

[11:32:45 AM]

nowhere near enough existing public transportation access within under a mile to dissipate reliance on automobiles. Although we understand the need for more housing, the new land code development does not guarantee affordability and does not account for any potential flooding, infrastructure, overload, tree canopy risks or unsafe walking conditions that would result from the increase in units. We ask that your next votes be delayed until these concerns can be more adequately addressed for the city as a whole. Thank you.

>> Mayor Adler: Thank you. Ms. Chavez, you will be next. Clerk, 18 and 20 are not here. 17 and 19 are sitting at the panel. Go ahead. Ms. Chavez, you have two minutes.

>> Hi. I'm kind of nervous. Austin is facing many problems. Lack of affordable housing, rapid growth and gentrification. Council, you have a hard decision in front of you. Although each of you represents a unique

[11:33:46 AM]

district, that district found in the city at the end of the day, you will make the decision that affects the entire city. The Idc update should address [indiscernible] Exclusionary housing practices that removes opportunity from thousands of current and future austinians. Historically, zoning has been its whole exclusion for people of color and low income housing in neighborhoods with the best services. Quality of life is certainly at stake. Increased housing prices

[indiscernible] The most marginalized populations to seek economic freedom and opportunity. Austin is full of creative people from everywhere. The knowledge and creativity gives Austin a certain thing that makes it a victim of its own success. It's expensive and imagine the freedom in saving your money in not buying a car. For most people cars are a depreciating asset. Good public transportation is supported by dense housing without -- without appropriate amounts of density investing in public transport falls short and runs the potential of being

[11:34:49 AM]

financial boondoggles. The biggest emission of carbon monoxide is a car. They do not have convenient amounts after public transportation ... They should be addressed dynamically with policy. The people who showed up to the last council hearing on the Idc revision weren't reflective of the city's population.

You are well aware of this. Overwhelming white, older homeowners. We missed input from people of family, college students, renters. Austinites want to move the needle. Doing nothing isn't a choice. Let's have dense and accessible neighborhoods that eliminate the need for a one size fits all lifestyle. Thank you.

>> Mayor Adler: Thank you. Ms. Moffat.

>> I'm Susan Moffat. First, the comp plan is supposed to inform planning and zoning, not the other way around. Going back now to insert transition areas after staff has already drafted them is like back dating a marriage certificate to make the baby

[11:35:50 AM]

look legitimate. This kind of after the fact butt covering is sadly symptomatic of a deeply flawed process that has plagued this effort from the start. If the city had put the same energy into community based planning that it spent trying to hide the ball from the public for the last seven years, I really believe we could be moving forward from a place of consensus instead of the terrible divisions we have now. I don't think that it's too late. The community is willing to do our part, but please let us help you plan and please support item 3 to aid with that. Second, this draft still grants huge, new base entitlements in rm1 and r4 without any affordability on site units. Even the fee in lieu doesn't kick in until five to seven units, which is double or triple the current entitlements without any affordability requirement. We still don't even know what the fee is. What that means is you will get zero affordable units in

[11:36:51 AM]

transition areas or high opportunity areas where these Zones are mapped. In my own neighborhood, you are actually incentivizing the demolition of existing market affordable missing middle housing and replacing it with unaffordable new housing. Proposed upzonings will likely raise the average cost of a central Austin lot by 50 to 70% for the land alone. My neighborhood is over 70% renters. None of whom will be protected once prices, taxes and rents start to surge with these new entitlements. We need planning, we need improved financial analysts -- analysis to ensure that we are actually making things better with this new code. Not worse. So please I hope that you will take the time to get this right. Thank you.

[Buzzer]

>> Mayor Adler: Thank you.

[ Applause ] Ms. Carico.

>> Hi. I'm Margo Carico.

[11:37:53 AM]

In my neighborhood, Dorothy Richter passed away this week. She was the forerunner of our neighborhood. Her role was basically to show don't tear down our houses. They are fine. Things can be used over and over again because they are so well built. They are built, you know, with -- with solid wood. They are not throw-outable. They are here. We have a middle class neighborhood. We have this missing middle that you keep talking about. We've got childcare, restaurants, grocery store, banks, churches, clinics. We've got middle class families living there right alongside student rentals. We -- this nccd was created to try to keep houses from being torn down and -- and it provided for density within the neighborhood. That density has not even been used.

[11:38:54 AM]

Grab. There was a bus that pulled up, one of my neighbors saw everybody coming off the bus. She said well, what are you looking at? They said we're from Dallas we're here to look at the investment zone. I mean, lady bird Johnson started the beautification of highways because she said do you want to drive down every highway and have them looking exactly the same? She said, when you pass certain regions and areas and habitats, you should be able to see that on your roadways. Why are we trying to cannibalize a missing middle neighborhood and make it a high rise air bnb come and get it, free for all,

[indiscernible] Investment group. This is just wrong. You know this if you really want to provide more housing, make it throughout the entire city, make the ruling the same for all lots, all residential lots.

[Buzzer] Everybody is willing to go

[11:39:54 AM]

up some. But don't -- don't just eat, you know, like cannibal izingour own neighborhood. We got here.

>> Mayor Adler: Thank you, thank you.

>> Good morning, thanks. My wife and I retired here to Hyde park about five years ago from foreign service work in about eight different large capitals around the world where we lived in inner city, very diverse mixed neighborhoods. We like those types of neighborhoods. That's why we -- when we built our home here, we built it in Hyde park, which has 70% rentals and lots of rm1 type of multi-family housing. We like all of that. We like the diversity here. If you really want more diversity, if you want a lot of multi-plexes all over the place, I have contacts back where I work in Canada, large pension funds that would be happy to listen to you. These same funds already have investments around in

[11:40:55 AM]

the suburbs of Austin, okay. So that wouldn't be a upon for me to put you in contact with these companies. However, I would prefer not to do that. I would prefer to quote what Nick Barbero wrote in his chronicle article a couple of weeks ago. Up zonings favorite corporate and absentee investors. The increases in land valuations, property taxes ranted will shift -- recently shift development opportunities away from homeowners and small local developers in Austin to large corporate investors, like the ones that I know in Germany, in Canada. So please consider what he was writing there in his article. Thank you very much.

>> Mayor Adler: Thank you. I'm going to call the next panel. Is Daniel Yanez here. Come on down. What about Melanie Dixon. Yes, thank you.

[11:41:56 AM]

What about Paula Kaufman? Is Paula here? No? Oh, there you are. Got you. Okay. What about Sarah Campbell? Okay. Come on down. What about Gary Westerman? Come on down. And then I think that I have room for one more is David king here? Mr. King, why don't you come down. You have donated time from Natalie -- is Natalie here? Yes. Okay. Thank you. You will have three minutes. Mr. Yanez, you have two minutes.

>> Am I on?

>> Yes.

>> Can you put that up, please.

>> Yes, sir.

>> Liz Mueller in her presentation, which you all hired her to do, talked about displacement and gentrification. And systemic racism. She starts out by saying

[11:42:57 AM]

Austin's prosperity has come at the expense of east Austin. So as you look at that graph, the city already recognizes our systemically racist legacy. That legacy is perpetuated by zoning. By zoning initiatives just like this one. On December 7th, I submitted to you a -- a slightly detailed thing, I hope that you all go back and revisit this, December 7th, what I gave to y'all. So right now, I'm just going to touch some points on that. And the first thing is given there charge and given our legacy, using another land development code to do the same exact thing, I'm suggesting to you that you do no upzoning in east

Austin and what the mayor has now identified the eastern crescent. This is real equity. Not just lip service. The second thing that I would suggest is that you --

[11:43:57 AM]

that before you adopt the land development code, you create a commission to put together an anti-displacement strategy. Displacement mitigation and the -- with all due respect to you, the overlay for displacement is not enough. Flat not enough. It gives lip service. Then I would say -- I'm grateful to councilmember tovo for this, but I would go even a little further, that the neighborhood -- the existing neighborhood plans, city staff work with us. I'm the chair of govalle Johnson terrace neighborhood plan, the third adopted by the city in 2003. I suggest that staff meet with us and we change the names.

[Buzzer] But not upzone it. The fourth thing that I would say is a more general thing and that addresses climate change. Our tree canopy. We must stop cutting trees down.

[11:44:57 AM]

For a -- for many variety of reasons.

>> Mayor Adler: Thank you.

>> I appreciate it.

>> Mayor Adler: Is Ms. Dixon, go ahead you have two minutes.

>> Good morning.

>> Good morning, my name is melon Nixon, I'm here on behalf of the martin Luther king neighborhood association. We are located -- our boundaries consist of martin Luther king to airport, Springdale and then back over to -- to -- to airport. So we are kind of in a -- in a square. What we're seeing right now is a great deal of -- of -- of density in our neighborhoods, especially on comeda, we are very, very concerned about safety issues. We are concerned about the drainage. We are also concerned about

[11:45:58 AM]

the trafficking that's coming -- that will not be accessible going in and out of that area. In the past, over the -- within the last month or so, we -- I have received letters and phone calls from many of my residents in our area. With great concerns, little, about being -- being pulled from -- from contractors. Who are threatening them, telling them that their land is insignificant.

-- What I would like to do basically is say that everyone should have received -- should receive a notice of filing application for rezoning for the 3.5-acre plat that is being planned right now. Which is a very large off 12th street and

[11:46:58 AM]

Springdale. That this 3.5-acre plot of plan, the case is 614-20-20-0003. This land is currently old growth urban forest and zoned sf-3 np. Like most of the surrounding areas and neighborhoods the proposed.

[Buzzer] Rezoning would change the area to mf 6 np, which is total density. Also in that area, we also have a -- have a -- have a -- we also have -- a cemetery there that -- that is historical. So -- so with that said, the developers have proposed creating a 215 unit --

>> Mayor Adler: You need to wrap up.

>> In conclusion -- please consider making changes for

[11:47:59 AM]

greater density and what is considered neighborhood -- within neighborhoods.

>> Mayor Adler: Thank you very much. Thank you.

>> Ms. -- Sorry, councilmember pool?

>> Pool: I would like to ask the city manager to check on the notification that's being requested for that particular case to find out if it is appropriate there as far as the distance and to -- to see about making sure that the neighbors receive of that notification under our standard notification procedures.

>> Mayor Adler: Sure. Thank you very much. Ms. Kaufman, you have two minutes.

>> [Indiscernible] Houston

[indiscernible] Austin. I wonder why the city wants to give away its ability to negotiate with developers by increasing the buy right entitlement. It's the developers that need to be funding the infrastructure needed to handle the extra capacity. The impact fees in no way cover what this extra storm

[11:49:00 AM]

water capacity, for example, in the urban core needs. And it's not correct when you say well the developers need to make some person on their capital. It's not fair for those of us -- we've got capital, too. It's called land and the -- it's not fair to -- to take away from the few. I mean take away from the

many so that some of the developers can make more money. So you are going to have to keep your property taxes at three and a half percent. I paid \$70,000 in ad valorem tax this year. You are getting 3.5% more and that's it. Seeing my tax dollars going to pay infrastructure upgrades so that developers can have more and more density instead of letting the city say, hey, if you can only build 200 units, but you want to build 300 units, you can do that if

[11:50:01 AM]

you contribute the money that you need to do that. If you create affordable housing. So we've been told in the urban core, get flood insurance. That's 760 -- um -- dollars a year. So why should I pay \$3,380 more a year when none of my properties are in a floodplain, so that the developers can put more density in? The higher taxes also displace tenants.

[Buzzer] Ask your homeless people how they got to be homeless. I would love to see a program for tenants to be able to buy the homes from their landlords. That will keep the flow of displacement away.

>> Mayor Adler: Thank you very much. Ms. Campbell? You have two minutes.

>> Thank you. Good morning. For background, I'm a UT graduate, also a graduate of the Ibj school. I spent over four years,

[11:51:02 AM]

mostly on the east coast as a transportation planner, urban policy analyst and municipal budget expert, particularly the capital budget. I have served as the urban program coordinator for the us secretary of transportation. I have been the head of the transportation planning for the district of Columbia. And I have also been an overseer of a one billion dollar annual capital budget. Incidentally, I also founded a non-profit that invented, tested and advocated for safe routes to school, which is now a program in all 50 states in the district of Columbia. After listening to the December 3rd working session on tape, I felt I really needed to come down here and talk. The capacity that has been mapped as part of the ldc seems to be at a level that will sacrifice the core of this city for the growing outer region, which are largely left untouched. Thank you to the gentleman who mentioned spicewood springs and some of the other roads that should be

[11:52:02 AM]

considered. When you concentrate rapid development in an area, you get, from my experience in working more than a dozen cities, piecing them back together after urban renewal, what you get is a

change that the community cannot absorb. You get and what you will get, especially because of the financial incentives that you've included in the Idc, you will get private urban renewal in Austin, Texas.

[ Applause ] What we don't have now, we do not have that. Even though people like me live in a neighborhood that is 60% rental. I have some students who live next door to me. Thank you very much. And that -- I don't always like their music, but we get along. It's a wonderful, diverse central city. Where you need to be doing the work is where you have not put your attention.

[Buzzer] That makes it easier, I guess, to approve this because most of the councilmembers here represent those districts. But for those of us who care

[11:53:05 AM]

about the central city.

>> Mayor Adler: Thank you.

>> I think it's time for you to think about a different approach. A poly centric approach is more much sound in terms of giving you the results and achieving the goals which I agree with, I agree with densification.

>> Mayor Adler: Thank you for being with us today. Gary Westerman, you have two minutes.

>> My name is Gary Westerman. My name is Gary Westerman. I'm a 28-year-old female with a baby that was supposed to be here in my place. I -- I have read all of the 1382 pages of the report. I've looked at the maps. And I would like to present what was coming up for Gary Westerman. So this having gone to all of your staff, I think it was yesterday or the day before, looking for the map and what I'm supposed to be presenting. Okay. This is it right here.

[11:54:06 AM]

Hopefully my two minutes isn't used. You can see where the neighborhood is being devastated by this one where Parmer on the north and we have Lamar on the east and you can see where that's 40% of it is taken up. That's not equitable to us. The puds and muds. The city council decided not to include puds and M.U.D.S, so that isn't fair to the rest of them. Take your time and your money and include puds and muds. Preservation and protected trees. The city goal is 50%. The city current is 35%. Our neighborhood is 80% canopy. A developer only has to demonstrate and get a waiver for the following to move a protected tree which is as large as my shoulders, a heritage tree is twice as large as my shoulders and they only have to, two, prevent reasonable access to

[11:55:07 AM]

their property or number two a reasonable use of the property and they get to get a waiver and they get to cut it down. Or remove it. Preservation of homes, that's only -- preservation the word. That's just saying people can add an Adu --

[buzzer]

-- Add a little bit more because of that. Localized flooding. Our neighborhood, atlas 14, has raised the floodplain three feet. That's impacting the neighborhood. Sidewalks, a developer -- a developer can pay a fee instead of putting in sidewalks. Which we have none of.

>> Mayor Adler: Okay.

>> Historical designation, okay. I'm -- I think maybe that was it. Okay. Thank you for your time.

>> Mayor Adler: Thank you for yours. Mr. King, you have three minutes.

>> Thank you, mayor. Mayor pro tem, and councilmembers. Thank you for considering my comments and for your service. Mayor Adler, at the council

[11:56:08 AM]

work session on February 4th this year said "I recognize that if we upzone a piece of property in a particular area, we could be speeding dislocation for people that live there." So there you have it. The new code will , could, increase displacement, could contribute to more displacement. So -- so data produced by the city of Austin innovation office I team indicates over 3200 houses in Austin are at risk for voluntary displacement. If each required \$5,000 annually to avoid displacement, the city would need over \$1.1 billion for displacement mitigation programs. Guess how much we have, 7.45 million. That's it. It's a drop in the bucket. It's like trying to put the fires out in Australia with a little hand spray bottle. It's not going to work. In fact, at \$5,000 per family, the \$7.45 million

[11:57:10 AM]

will help 1,490 of those 232,000 households. At that rate, it would take over 156 years to help all of the house holds at risk of displacement in Austin. Seattle's annual displacement mitigation budget is over \$110 million. 14 times larger than Austin's. Over the next 10 years, displacement pressures will increase from the proposed updongs from the billions of dollars in new transit utility and water infrastructure plan for central and east Austin, the billions of dollars in up zoning and transit oriented development entitlements on transit corridors across the city and the billions of dollars of entitlements in central and east Austin neighborhoods. These massive infrastructure investments and upzoning will increase displacement pressures on low and middle income families and small locally owned businesses in central

and in east Austin. We can and must prevent displacement of these families and businesses. Even as we plan for new

[11:58:10 AM]

residents and businesses. First, we must dramatically increase funding for displacement prevention programs. Next, while we ramp up the displacement mitigation programs and I'm going to call them displacement prevention, because mitigation implies that displacement is going to occur, we can't do anything about it, so we might as well help them get on down the road faster. That's what mitigation is. It's not preventing displacement. Let's call it what it is. If we have a prevention plan, it means that we're going to stop the displacement. Not facilitate it. We need a planning team to facilitate community driven database and context sensitive planning processes and displacement mitigation programs. We should limit the up zoning to lots that directly front transit corridors and activity centers and avoid the city-wide blanket upzoning. The next thing utilize median family income for -- the goal to help ensure that

[11:59:11 AM]

displacement mitigation programs are more equitable to black and Latino families. I'm on my last sentence, mayor, thank you, a recent report indicates that the median family income for black and Latino families is roughly \$45,000, while the median family income for white families is \$103,000. My last point here is if we use the median family income for the city of Austin, that's \$81,400. 60% of that is -- is \$48,000. Which is above the median family income for black and Latino families. They will never help those --

>> Mayor Adler: Thank you.

>> Latino and black families. Thank you.

>> Mayor Adler: Let me call the next panel to join us. Is Barbara McArthur here? Barbara McArthur, coming, thank you. Is Phillip Perry here? Phillip Perry? No? Is -- is Barbara Epstein

[12:00:14 PM]

here? Come on down. What about Paul russos? Come on down, sir. Gus Pena? No? What about -- Sammy Easterday? Yes. Is Jim Lee here? Jim Lee? No? What about -- what about Kelly Griswald, come down. And what about Mary Ingle. Why don't you come on down. I think we may have room for one more. Ms. Ingle you have time donated from deedan Bednar. You will have three minutes,

[12:01:16 PM]

Ms. Ingle. Is Joyce [indiscernible] Here? Come on down. You have time donated from Rick Iverson, is Rick Iverson here? No? Why don't you hold on a second. I think all of my places are full so I'll come back to you. Is -- Ms. McArthur, go ahead, you have two minutes.

>> Hi. My name is Barbara McArthur. I'm going to be short and sweet. Using your data, maybe not sweet -- I calculated the amount of capacity that you are creating in existing neighborhoods, sf neighborhoods in Austin, not counting any preservation incentive units, for any bonus units in transition Zones. If you just do the math,

[12:02:16 PM]

which is on this piece of paper, you are creating capacity with your new zoning for 956,000 units within existing sf 3 and less restrictive areas. In transition Zones alone, you are creating capacity for 176,000 units. Now, something else that I would like to say, I commend you for removing the r4 zoning in east Austin. But ... In a lot of cases, it's been replaced by R 3 and R 2 C. I would say when you are displaced it doesn't matter if you are displaced by four units or five units. Or 10 units. You are still being displaced when more -- more entitlements are being put on the property. So let's be honest and not just pretend we are protecting the eastern

[12:03:16 PM]

crescent.

[ Applause ]

>> Mayor Adler: Thank you.

>> Thank you.

>> Mayor Adler: Go ahead, you have two minutes.

>> Hello, my name is Barbara Epstein. I live in Hancock.

>> Mayor Adler: Hold on you might have had time donated that showed up late.

>> Yes.

>> Mayor Adler: Is -- hang on one second.

>> I'm sorry, I couldn't hear you very well.

>> Mayor Adler: One second, please. Hold on one second, please. Hang on just one second. I want to make sure that you get all of the time that's coming to you. And that's -- and -- and -- why don't you go ahead. You have three minutes. You have three minutes. Go ahead.

>> Okay. You have already heard from several other speakers that the new code isn't more concise, doesn't simplify the zoning process and it

[12:04:16 PM]

doesn't guarantee affordability. But it's still so complicated that only the developer's consultant can navigate it. The latest preservation option doesn't even meet the threshold of the national standard and simply gives developers an additional unit per lot. You haven't given us a reason why this code must be adopted by March. We should be allowed to do more than just speak here today about what happens to our own neighborhoods. Austin is said to be one of the hottest real estate market in the country, but there's a finite amount of land to develop and apparently an infinite number of wealthy people moving here, willing to buy expensive condos and homes. I, like countless other seniors, have no plan B for where I could live, but I'm supposed to be on board with this code because you've told us that you looked at a map. I suppose it's easier to displace people if you don't actually have to see where they live first. People will still continue to commute from other towns under your proposed code because it doesn't ensure affordability or a pleasant

[12:05:17 PM]

place to live. I have to wonder why you have chosen to intensely develop my neighborhood that's already dense and mixed use and still has green space. Or is it just that the money that stands to be made in certain areas is more important to you than our city's quality of life? You say we need the missing middle. But we also need the missing infrastructure and the missing budget for it. We don't have the prerequisites for this kind of density. A walkable city with adequate sidewalks and efficient bus transit, upgraded water and sewer systems, sewer systems, essential green space and flood control, enough code enforcement staff. Austin's future depends on this code being more innovative and thoughtfully planned and neighborhoods should have a real say in it. Thank you.

>> Mayor Adler: Thank you very much. Paul russos.

>> Thank you, my name is Paul russos. Thank you for the --

>> Mayor Adler: You need to press the button.

>> Is this on? Thank you.

[12:06:17 PM]

My name is Paul russos, thank you for the opportunity to visit with you today. I live at 7303 Westgate boulevard, since 1979. I came to Austin in 1963. The reason that I am here today is to request not to upzone [indiscernible] My home and segment of Westgate boulevard, 1.2 miles. I'm opposed to the proposed up zoning. So I'm proposing to zone segment as R 2 a. The R 2 a would be consistent with the zoning for sections of Westgate north of William cannon, south of Davis lane. Other reasons, my Westgate

[indiscernible] Also not in the transit network or urban core. The bus route is not high frequency, that is not in the -- on the transit priority network. 1.2 miles of Westgate sf 4 is contrary to the city

[12:07:19 PM]

council's directive to limit that to two to five lots. Building more than 4.8 lots without adequate parking will add more problems to the dangerous Westgate where we have about 16,000 cars a day go by my house. Cutting down trees. We have many old trees. That would be a shame. We do have flooding, periodically, from other lots. Up zoning is -- may not yield the expected number of units because of those reasons, the reasons homes are built. The proposal for zoning is -- may increase the vulnerability for displacing seniors, renters and disabled neighbors. The diverse population, we do have a diverse population. And then I want to say because of higher taxes are a possibility, but lastly I want to say that the city should use new data for determining high opportunity

[12:08:19 PM]

areas.

[Buzzer] Which are the criteria for identification where the mapped transition Zones are. My segment of Westgate -- Cesar Chavez --

>> Mayor Adler: Thank you, sir. Thank you.

>> Ms. Easterday, you have two minutes, yes.

>> Thank you. My name is Sammy Easterday, I'm not here to talk about any particular neighborhood. But as I sit here and as I have watched your proceedings in the previous discussion of this, you've got it upside-down. You are making citizens who are as smart as any of you behind that dais try to interpret 1,800 and some odd pages of a draconian land development code that doesn't represent the city whatsoever. This draconian physical

[12:09:20 PM]

segregation code provision has never really publicly been vetted. Councilmembers have no time to read through it, much less digest it and the citizens have to stop their lives to try to figure it out. Staff are note inventoryously -- notoriously late giving information. So far the east side of town has been effectively wiped out or more tale wounded. We abhor a war that does this to a neighborhood on the nightly news, but you could be doing this by fiat. Your weapons are bulldozed, unregulated planning staffers and most of all development and real estate entities with the money to buy off almost anything and anybody. Your legacy may be a notch in your political belt if you force this code on citizens, so you can go on to politically to bigger and better things on your resume. But the legacy will leave -- you will leave also will

[12:10:21 PM]

include that you were the people who destroyed Austin neighborhoods. The one who made Austin another large tasteless tangle of buildings for a very transient population. This does not even consider the fiscal downturn that will surely come with empty locations, developers long gone with their money, your projected tax base in the sewer and the incurred expenses falling on the backs of the citizens that you have so far realistically ignored. Thank you.

[ Applause ]

>> Mayor Adler: Thank you. Is Jim Lee? No? Kelly Griswald. You have two minutes.

>> My name is

[indiscernible], I will be speaking for my wife who couldn't be here. We, too, live in the north loop area and think that it's unfairly getting a large percent of its area coded up zoned and labeled a tpn. If you have driven through our area, it's kind of hard to get through. It's -- we have to weave in

[12:11:21 PM]

and out of cars, the streets are too narrow, so if those were lined you could not get two cars through at the same time, in almost every street except for possibly Duval, which has a temporary bus route on it, which is probably the reason it might have been labeled that, but it doesn't seem to fit our neighborhood very well. In addition to that, we don't really have sidewalks anywhere. So if there was all of these added congestion and cars and vehicles, it would just be a really dangerous area, I think, to actually walk around with our children and our dogs and just get to here and there. I specifically live on the 55 and a half street, so district 4. Where our whole street was now upzoned with the new amendment. So the street is, you know, was built in 1952. All of the trees are incredibly large trees and the set backs would destroy half of those, thus changing the area particularly. I would suggest just being a little bit more thoughtful on the types of buildings

[12:12:21 PM]

that could exist here. You know, the set backs being 10 feet is too close to the street. It should probably be a lot closer to the houses that exist currently so they could blend in more. The heights themselves is just too tall for a residential area. 40 to 45 feet is absurd considered some of the homes that live there, mine particularly is a two story, only 25 feet tall. I can't imagine what near double that would look like. It would block out the sun. I just want to express my concern about the north loop area in particular.

>> Mayor Adler: Thank you, what was your first name.

>> Carlton Willman.

>> Ms. Ingle, you want to talk to us, you have three minutes.

>> Mary Ingle, citizen from district 9. Since there have only been six business days to review this plan and the mapping, I have some very general statements to make, but please extend the review time. This was not enough time to look everything over carefully. Please remove the transition

[12:13:23 PM]

Zones and the density that are impacting our neighborhoods negatively, such as Duval street, which is not a corridor. It doesn't go anywhere. These entitlements that are on Duval rm 1 which allow group residential are not appropriate next to university areas. Group residential means fraternities and sororities, he have already done this. I know, I have survived this kind of planning. Please defer to our councilmember tovo for what is best about what's happening in district 9. She's been respectful to y'all. The preservation incentive, is not good planning and it's a farce because it doesn't require structures to be preserved. The code is not helping east Austin by deceitfully upzoning properties there and then equating them with three categories that -- that are similar, ha-ha to

[12:14:23 PM]

sf 3. There is a Latin word that describes this broken process. It's nefas. Which means unspeakably bad or wrong. It is the root word for their nefarious.

-- Nefarious, thank you.

>> Next panel. Joyce, you have time donated by Rick Iverson. Is Mr. Iverson here? No. So you will have two minutes. Austin Talbert. Okay. Scott turner, Scott turner here? No? What about -- what about Michael Fossum? Is Michael here. Come on down. Zolavega [indiscernible], come on down.

[12:15:25 PM]

David Sullivan? Mr. Sullivan here? No? What about -- Adam Greenfield. Adam Greenfield here? No? What about Fred Lewis? Mr. Lewis, come on down. And then I think there's one more spot at our table. Here's Mr. Sullivan, come on down, too. All right. Let's begin with Ms. Bagiano. .Hang on. Your microphone needs to be.

>> Good afternoon, mayor and city council. This process, like the original codenext process, is broken. More time is needed to review the second draft. Six business days is not enough time to review 1300 pages of code and the matching which has changed. Eliminate the transition Zones. The one size fits all approach, used across the city, is not going to give us the affordable housing we need.

[12:16:26 PM]

If the rm 1 zone entitles a developer to build six market units on a lot that was previously zoned single family, there's no incentive to build affordable bonus units, especially true in west Austin. The reduction or elimination of on site parking coupled with the absence of sidewalks will make the walk to our neighborhood schools and bus stops more dangerous. In the 1980, the authors of the current land development code took a neighborhood substrate and topography into consideration. That helped them to identify infrastructure capacity in areas of localized flooding. The proposed code shows little consideration for the environment. Example transition Zones in my neighborhood, which is bryker woods, are on the highest ground. The increased in impervious cover and building heights will not only exacerbate existing localized flooding by increasing the runoff, it will also leave little or no room for the critical root Zones and canopies of Matthew shade trees. Focus on real solutions for displacement instead of

[12:17:28 PM]

catering to the development oligarchs who are trying to displace all of us. It isn't planning, it's plundering. Austin is still a divided city. Many believed codenext was withdraw that city council would direct the new city manager to create a real community driven planning process based on valid data that would produce a reasonable, easy to understand and use code. That didn't happen and now many feel betrayed. Thank you.

>> Thank you.

>> Austin Talbert, two minutes.

>> Hello, I'm weird Austin from district one. I have weird feedback. We're going to cross --

[indiscernible] The medical million person. It could be somebody born in one of our hospitals, on a mega bus. They think, one of the reasons that they are coming here is we have a wonderfully unique,

[12:18:29 PM]

beautiful place. But the surprise that they will be in for, is there's nothing weird or unique about being the fastest sprawling metro area in the country. About being the most suburban of all metro areas in Texas. Which is the most suburban of all states in the country because everything we do is bigger in Texas, right? So I'm not going to say there's anything wrong with the single family home. I live in one. A lot of people live in one. No one has ever said that. Single family homes are amazing, but nothing weird about it either, right. The pattern is mostly world War II sprawl, we're a young city. So we have a very limited number of traditionally developed neighborhoods. We don't need to just protect it in Hyde park, we need to relegalize Hyde park, both in Hyde park but all over the city. Walkable to businesses, mixed use, talking about incremental density where local people can add units

[12:19:31 PM]

for multi-generational housing. To add units to help defray their costs. Add units to allow neighbors and artists to live with them. This is the weird kind of housing that I've been talking about for months, right? Reserving the majority of your city only for single family homes with high minimal lot sizes is the most unweird thing that you can do. It is literally cookie cutter. It is Levitt town post world War II. We can fix it now. We elected you to make the hard choices. Please in this week do that. It would be uncomfortable, but give us a chance to be weird again. Thank you.

>> Mayor Adler: Thank you. I think Scott turner, is Scott turner here? I think he was not. Michael Fosson, you have two minutes.

>> Good morning, council, my name is Michael Fosson with the Austin heritage free foundation, I live in south Austin. We thank councilmember Ellis for her amendment for

[12:20:32 PM]

heritage tree preservation and ask council to approve it. We support this amendment because the only way to support the hundreds of heritage trees that will be removed administratively in corridors with the change in the ldc, hundreds of the largest and oldest heritage trees will be affected since corridors take a large area of the city. Please change the name from heritage tree preservation bonus to supplemental heritage tree preservation program. Staff responded that a preservation bonus is not requires preservation and that a tree preservation bonus would conflict with the affordable housing bonus. But they did not try at all to develop this bonus and they did not explain the conflicts. This

program is not a bonus, but a critical tool to save heritage trees in high density conditions, it is needed as a supplement to the heritage tree -- staff is also reluctant to develop this program because they are currently very busy with the Idc, but this is the only tool that will

[12:21:33 PM]

allow staff to preserve heritage trees in corridors. Please approve the amendments condition that staff develop a supplemental heritage tree preservation program after Idc approval. And also make three changes to the amendment. Delete that it applies to activity centers because of high density development will be along the corridors, not the centers. At a timeframe to complete the program within three months from code approval, add for the urban forestry committee to form a working group with staff to develop this program or at least for this committee to -- bring my slide up, please. Provide leverage to staff when they negotiate preserving heritage trees with the applicants. Staff has not restored the public process but limited the administrative variance to only transit priority network corridors instead of all corridors, but the transit priority network corridors are 75% of the

[12:22:34 PM]

corridors, hundreds of trees will be removed and you can see that on this slide.

>> Mayor Adler: Thank you. Ms. Vega.

>> I'm [indiscernible] With the Austin heritage tree foundation. We can have high density and corridors and preserve heritage trees but not the way staff proposes. Please restore the public process. The supplemental heritage tree preservation program should be managed and R administratively but the public variance process needs to be restored. Similar to the current public variance process where staff manages administratively the review

[indiscernible] Please correct these two changes from first reading. Staff changed the requirement for preservation use from 75% to 50% because of the [indiscernible] Recommendation, but council approved 75% per staff's recommendation. 75% should be required since the intent is to provide housing. The staff change from affordable housing to lower income housing, which is not defined in the Idc. The staff claims that the

[12:23:35 PM]

variance will affect only a few heritage trees because the heritage tree ordinance condition will still have to be met. However the Idc is removing the protection of heritage trees in corridors, preservation will no

longer be required by code for those heritage trees because now zoning regulations will take second place to high density. The staff created administrative

[indiscernible] For largest heritage trees to facilitate the removal and not delay the process when

[indiscernible] Hearings for variances. The staff says that very few heritage trees will be affected because -- will be affected because they are requiring that a tree be transplantable and the development be 50% residential and provide at least 10% for low income housing. However the truth is staff will not even look at any of these conditions because the tree prevents reasonable use of [indiscernible] Corridors -- prioritized over zoning regulations.

[12:24:36 PM]

The last -- reduce the number of heritage trees affected because they are easier met. There's no place to transplant them to and most developments are mixed use and meet the 50% residential use and developers can provide 10% of affordable on site units with a hardship --

>> Mayor Adler: Thank you very much.

>> Thank you. Mayor, council, city manager, I support the code rewrite process and look forward to the final version. The second reading draft has implemented new affordability elements and a new reserve section that may help boost the arts and music in Austin, for which I'm very much -- I very much appreciate. I encourage you to look at the housing works recommendations for additional affordability ideas. In particular, I think it is important to look at allow new market rate and below market rate housing, along corridors and on streets near the corridors and active centers in high

[12:25:36 PM]

opportunity areas in west Austin. I encourage you to continue to protect Austin arts and music culture by supporting the mayor's idea to create a live music venue land use that is separate from bar and nightclub. With regard to safety and the environment, I remind you this code has new requirements that will lead to the capture of millions of gallons of storm water. A simple calculation that shows one inch of rainfall over a square mile is 17 million gallons. And that's just a .3% of the city. So I believe staff is going to bring forward some numbers about how much storm water capture will be -- is in the new code. And in addition, by creating new housing and transit rich and mixed use areas, this can reduce driving per capita. There's a lot of data showing that in areas that you have more housing and commercial uses, vmt per capita drops. Also by allowing shared

[12:26:37 PM]

walls with missing middle, condos and apartments, that leads to reduced energy use because of the increased fact that you have more insulation. Lastly, I encourage you to keep on working on compromises. To ensure a unanimous vote or at least getting close to that. As we achieved with the imagine Austin comprehensive plan. Thank you very much for all of the hard work on this.

>> Mayor Adler: Thank you.

>> Thank you, mayor an council and city manager. My name is Adam Greenfield, Austin. Walk Austin supports a new land development code and we thank you from the bottom of our hearts for the vision, the bravery, the courage, the commitment you put into this code. We -- we are all in our debt of gratitude for that. There's been rightly so a strong focus on number of units and affordability in this code. We also need to -- to

[12:27:39 PM]

dovetail that with walkability. If your city's walkability is an indicator city that you have done the right thing with your development. Walkable cities are sustainable. They are affordable. And they facilitate the social exchange, which is one of the key reasons that we move to cities in the first place. We know what that looks like. We've been doing it for thousands of years. It's buildings that touch each other. It's buildings that touch the sidewalk. It's off-site parking. It's narrow streets for the most part. That's what we need in this code. We have been really grateful to y'all for considering walk Austin's recommendations. And those include the recommendation to eliminate or reduce front set back requirements in residential mixed use and main street Zones. Christopher Alexander in the best selling urban design book of all time wrote building set-backs have helped destroy the street as

[12:28:40 PM]

a social space. The more we can move buildings back to the street, the more walkable, the more beautiful, the more affordable they will be. We thank councilmember Flannigan for sponsoring an amendment to require bike and pedestrian mixed use parks going through large new developments. That's a great one. We hope to see that in there. We look forward to parking in buildings, counting towards far, if we have far everything should count towards itment and you can it and you can see our recommendation document with the other recommendations. Thank you so much for your work.

>> Mayor Adler: Thank youment

>> Mayor Adler: Let's get the next panel up here. If I call your name, could you raise your name? Fred Louis? Theresa Holmes? No? What about Anthony Strahan? No? What about Chris Allen?

[12:29:42 PM]

No. What about Gina Allen? What about William Quinn? Come on down, thank you. Angela Garza. No. William Barnes, come on down? Alicia? Come on down. Pat Nagel, why don't you come on down. I think I have one more seat at my table. Is Megan Meissen Bach here? Come on down. Mr. Louis, you have two minutes.

>> [Inaudible - no mic].

>> Mayor Adler: Why don't you press the button.

[12:30:42 PM]

I don't think you're being recorded.

>> Okay. Whatever label you put on the land development code, that it's Progressive, that it promotes did he segregation or is -- desegregation, whatever theories you promote, the housing markets are going to determine what happens under the land development code. And we know some things about the market or at least we should. One, housing markets never have and never will produce low and modest income housing. This is the new deal bible, 75 years old, on housing. It says it doesn't provide low and modest income housing. Didn't then, won't now. The second thing is that displacement is caused by the market, aided by the government. So the only way to prevent displacement is to take things off the market by making them public or subsidized or restricting

[12:31:43 PM]

the market. That means downzoning. However, in east Austin when you cut through it all, whether they're transition Zones or whatever, you have up zoned the vast majority of it. You have give he enmore entitlements. Sf-2 and sf-3 are not the same thing as r2 and r3. There will be three units instead of one. And the whole purpose of that is redevelopment. So at the end of the day you can call it Progressive, you can call is socialist, but you will be pushing people of color and low and modest people out of this city because you are relying on the market. Thank you.

>> Mayor Adler: Thank you. I think Chris -- Theresa Holmes is not here. Neither is Anthony Strahan or Chris Allen or Gina Allen. Is William Quinn here? Go ahead.

[12:32:43 PM]

You have two minutes.

>> Good morning, my name is William Quinn. And I am on the biology faculty at St. Edwards university, however I represent myself and I appreciate mayor, mayor pro tem, city manager and city councilmembers the opportunity to speak to you. I returned to Austin in 1983 after earning advanced degrees in the lab of the late nations -- in the nation's leading urban forestry expert. By happy accident when I returned I was reintroduced to a woman who used to sit not in your chairs, but she served on the city council. Her name was Margaret Hoffman. I have a visual aid to try to stimulate you and wake you up. You don't need to push any buttons out there. If you look out the windows across the street and Cesar Chavez you will be looking at Margaret Hoffman oaks park. She helped to establish, no,

[12:33:44 PM]

as a councilmember she was the Austin tree ordinance force. And through her work we have protected your urban forest, our urban forest, with some diligence in a way that is the envy of many cities across the world. A few years ago I was in France speaking to the mayor of the city while he praised your work and the difficult things you have to do, he also said that Austin's tree ordinance is a foundation that many cities across the world should follow. I ask you to consider your predecessor's legacy and I ask you to consider the value that the urban forest offers to this city and modify the proposed code rewrite to protect heritage oaks -- I'm sorry, heritage trees, all trees, to the maximum extent possible. The investment -- the return on your investment will be inconceivable over the

[12:34:45 PM]

long-term. I thank you for your time.

[Applause].

>> Mayor Adler: Thank you. Angela Garza is not here. William Barnes. You have two minutes.

>> Hi. I have a few things. I'm going to try to be terse and concise in order to fill up my two minutes. I was born and raised in Dallas. I moved here in 1983. At the time rush hour lasted from about 5:10 to 5:30 and it meant you had to slow down about 45 or 50 miles on mopac. Now see where we have come now. We have become a bunch oning -- burgeoning metropolis. I don't think it's in the best interest of the character of our city to true things that try to attract more people to come here. We don't have the infrastructure to support the people that already are here, much less trying to get more. Bigger is not better. I'd loose like to say -- I'd also like to say that for a

[12:35:46 PM]

code of the size and complexity that we're presented with, it's a travesty to try to vote on this any time real soon. This is going to require a lot of review by citizens and citizen advocacy groups in order for us to be able to understand exactly what it does mean for us. I believe in the neighborhood I live in its an older historic neighborhood, that the effects of such building such multi-family dwellings would just be devastating to our neighborhood. The amount of cars parked on the street will preclude two-way traffic in our narrow streets and it would just be terrible. So I urge you to postpone finalizing any sort of actions such as this for at least several months, but not any time this week or next. And finally to say if you are indeed a transparent and

[12:36:47 PM]

representative government agency that you would require the input of your constituents to guide you in your vote. Thank you.

[Buzzer sounds]

>> Mayor Adler: Thank you.

>> Tovo: Mayor? Would you mind -- I'm sorry, I missed your name. I had to step off the dais for a minute.

>> I'm William Barnes, I'm one of your -- I sent you an email not long ago.

>> Mayor Adler: Speaker number 71. Alush is Shane Johnson, you have two minutes -- Alicia, you have two minutes.

>> Thank you, mayor, mayor pro tem, councilmembers. My name is Alicia, I'm a member of the human rights commission, but I'm here representing myself and the overwhelming majority of the youth here in Austin who either have jobs or are in school and so can't come to a hearing in the middle of

the day like today: I'm a member of district 9, councilmember tovo's district. I'm sad to have missed living in Austin when it was still weird. It sounds like it's a pretty cool place.

[12:37:47 PM]

I've heard a lot of fun stories. However, as a relative newcomer who has only been here for three years I still think I've contributed a lot to this city, both as a human rights commissioner and otherwise, fighting for paid sick leave for all of our residents, increased access to reproductive rights, decreased sexual assault and more. So rather than demonizing outsiders or nimbys, I would hope that we could stop the inflammatory rhetoric and start really hearing each others' concerns. This involves acknowledging where we are today as a city and I'd actually like to agree with Fred Louis on something, which is that developers are going to develop. And so if where we are now isn't working with us and hasn't been working for us, then I'm not sure why we wouldn't try to protect ourselves? And as someone who kind

of unintentionally worked from the inside for a minute and saw how existing affordable housing is being demolished

[12:38:48 PM]

to make way for new housing, I know we need to do better by our people. And so we need incentivize these developers to be more moral because unfortunately with they've proven time and again that they're only going to do the bare minimum of what's required. And so that's why I really do think that we need to finally get around to updating this code. Along with my neighbors and neighborhood association members --

[buzzer sounds] , I also fear the condos coming in next door, but more pressingly as someone terrified of my future because of climate change we don't have the luxury anymore of the status quo.

>> Mayor Adler: Thank you.

>> Our one on and off attempts to kill projects and maintain the Austin that once was aren't going to be as effective as curbing problematic development with the new code.

>> Mayor Adler: Thank you very much.

>> Let's work together in working better.

>> Mayor Adler: Okay. Thank you.

[12:39:48 PM]

Pat, you have two minutes?

>> Good morning, mayor. Am I on now? Good morning, mayor, councilmembers and mayor pro tem. Thank you for all the time you've spent. This is a marathon project. I really appreciate it. And I really appreciate the time you're looking into and hearing from all the experts around here. I'm learning a lot too. I've lived in Austin for 35 years. My husband and I have been in the same little bungalow south of the river and we plan to age in place, 10, 20 more years hopefully. And then pass our home on to our grandson. We really would like to do that. So we're asking that you not upzone our home so that he can afford to live there. We have filed a provost along with thousands of

[12:40:48 PM]

other austinites who have filed a provost so my background is a -- filed a protest. My background is a mediator and so how about not upzoning those of us who have filed a protest for 10 years? Your land

code is for 10 years. See what your building needs are in 10 years. I also want to address solar. I sent all of you an email yesterday which I know you haven't had time to look at. It's an article from the "New York Times" about our city's electrifying and why can't we put -- now that you're starting all this new development here, why not require solar panels to be put on all these hi-rise buildings so that we could begin to wean off coal-fired

[12:41:49 PM]

power plant. Can you show that national geographic.

[Buzzer sounds] Yes, I wanted you to notice this. It's a wonderful special addition of national geographic about cities of the future.

>> Mayor Adler: Thank you.

>> April 2019.

>> Mayor Adler: Thank you very much.

>> Oh, I'm done?

>> Mayor Adler: Yeah, time went.

>> That's okay. Musicians make only 10 to 15,000 a year so --

>> Mayor Adler: So the next speaker that we have is Megan meissenbach. You have two minutes.

>> Actually I have time donated by Mary sangar, but I don't believe that I'm going to need it.

>> Mayor Adler: Okay, two minutes.

>> Good morning, councilmembers, mayor. Thank you for your hard work. I live in district 9, Kathie Kathie's district. I'd like to ask you as many people have to please slow down this hurried process. Six business days is not

[12:42:50 PM]

adequate for you to understand the repercussions, the consequences of what's already written and now there are new amendments. How can we know what this all adds up to. Probably it adds up to over 900,000 units as Ms. Macarthur said. So I'd like to ask you also to use the people's plan and the people as a resource to avoid displacement in the first place, not just mitigate it, but avoid it. And then I'd like to echo what so many people have said about heritage trees. It takes many, many trees many, many years to equal the removal of carbon dioxide from the air in a one heritage tree can do. And if we take those off of the corridors, we won't have a walkable city, I don't think. Many people walk in my neighborhood that has many, many trees.

[12:43:50 PM]

We walk their dogs, it's shady. If you remove them it won't -- not that we have a corridor, but if the heritage trees are removed from the corridors, it won't be as nice. So please slow down your process. Thank you.

>> Mayor Adler: Okay. The next panel, if I call your name, would you please raise your hand? Phyllis Warner? Come on down. Edwin Spradley, come on down. Rick Russell? Rick Russell? Okay. Rebecca Reynolds. Come on down. David foster, come on down. And I think we might have one more spot here.

[12:44:52 PM]

Is pat bukta here? Come on down. Edwin, you have two minutes.

>> Good morning, council. My name is Edwin, I'm from the castlewood forest, oak valley neighborhood. It's located in district 5 approximately 300 plus homes tucked away between William cannon and slaughter, manchaca and Westgate. You wouldn't find it unless you were looking for it because it existed before south Austin existed. It was founded in the '60s, farmland converted into third of an acre plots of land filled with Bergstrom air force base retirees. Wide streets, big yards, homes big enough for multiple kids and today with oak trees 50 feet tall. The nearest grocery store back then was on Ben white. I know all this because this is a very close and tight knit community. The current demographics of our community are old retirees and young families. As the older folks pass on

[12:45:53 PM]

or move away, young families flock to this little oasis in south Austin as did my family and I. Homes are not on the market long. It was through my military service that we were chosen among the many bidders for our home. I've served the Navy for 20 years of active and reserve service. In that time I've had lots of experience in well-intentioned plans having unintended consequences. The future of castlewood forest oak valley community will be one of these unintended consequences. Our new zoning of 300 plus homes is designated r2-a which recommends replacing the homes with duplexes. Our greatest worry is that our lots could be split allowing for two duplexes to be built where there was once a single home. The big yards, big trees will be gone, and so will the families. And with them the Halloween far raids, the spring and fall picnics, the neighborhood Christmas party. On our street alone, half full of 80 and 90-year-olds, with completely transform in

[12:46:53 PM]

five years. Single families will not be able to out bid the developers who flock to our community. Affordable housing incentives won't be able to compete. I applaud your efforts taking on a new land development code and I do not envy your task.

[Buzzer sounds] But I urge caution so you will not cause the unintended consequence of wiping away communities that are worth saving that won't even accomplish your objective.

>> Mayor Adler: Is Phyllis Warner here? Why don't you go ahead. You have two minutes. Hang on a second. You need to press the button. There's a button on the base. That's it, thank you.

>> I'm here to speak in opposition to Casar 9 amendment, which is about the downtown density bonus program and inclusion of the northwest district. I'm a property owner in the panhandle portion, which is part that is north of 15th street, south of mlk, and east and west of the where

[12:47:55 PM]

the boundaries are San Antonio and Rio grande. This is an area where increased density makes good sense and where property owners actually favor it. The group's consultant and stakeholders did not represent panhandle property owners. Judges' hill is in the judges hill -- the judge's hill neighborhood association represents people who live in judge's hill and that's in the judge's hill district, not the northwest district. Owana is in the northwest district, but its membership area is south of 15th street. And da in a's members need to be residents of the downtown and most of the property in our part of the northwest district are offices. As discussed in my September 18th letter, the downtown Austin plan severely limited development in the panhandle, especially -- ostensibly to protect single-family homes in judge's hill, but that area is already well protected by the topography and by buffering by

[12:48:55 PM]

structures on west Austin and Rio grande, most of which are two or three story offices, apartment buildings or condos and those two streets are actually a transition to the residential part. The residential part is west of west avenue. The highest parts of judge's hill are along west and the residential part slopes down to Lamar. Our panhandle is east of west avenue and the boundary is Rio grande, which is 34 feet below street level on west, although some of the buildings along Rio grande are restricted to 40 feet.

[Buzzer sounds] Nueces at 16th street is 60 feet below.

[Buzzer sounds] Is that the end? Let me say what I want to say. The amendment that's being proposed by councilmember Casar is even more restrictive than the downtown Austin plan. It leaves out -- we are a

[12:49:58 PM]

half block from nueces to Rio grande. What's in the bonus program, that takes everything out. And what we hope is that you will include all of the area --

>> Mayor Adler: Thank you.

>> -- West. And also increase zoning to 120 feet.

>> Mayor Adler: Thank you very much.

>> And please read my letter. I've sent it to you about a million times.

>> Mayor Adler: Thank you. Next speaker, Rick Russell.

>> My name is Rick. I live in Paige's district and I want to talk about an infrastructure that nobody has spoke about today. If this council does the wrong thing and passes codenext new, y'all will devastate the public education in this city. Imagine trying to tell teachers they're going to have to work 12 hours a day, seven days a week grading papers because they've got 40 or 50 kids in a classroom, per class. Has anybody thought about that? Okay. I see one.

[12:50:59 PM]

Thank you. The other thing I want to talk about is the majority of the people in this city can't afford to buy these houses that are come up for sale, pay 3, 5, 700,000 to tear them down, another million to buy a house. But Mr. Mayor, you can. With the businesses you and your wife run, correct me if I'm wrong, but I think you hold over \$10 million in real estate. No? Okay. Then I stand corrected. But I want to ask y'all not to approve the new codenext because it will devastate the public education in this city. Thank you.

>> Mayor Adler: Thank you. Next speaker is Rebecca Reynolds.

>> Good afternoon. Thank you, everyone, for having us and listening to all of our points of view today. We did send over -- sorry, I'm Rebecca Reynolds with the music venue alliance and the non-profit advocacy group music makes Austin. We did send over a letter

[12:52:00 PM]

yesterday of gratitude for all of the hard work that you're doing and we understand how much of a challenge this is and we do believe that everybody has the best of intentions to come out with the best outcome. We want to be a partner in that so just consider us a resource ongoing. We also want to thank

you for considering the music community specifically and making these difficult decisions. We sent over a list of all of the reasons why we think creating a new land use distinct from bar nightclub is necessary and viable and important so I'm not going to go through all of those arguments with you today, just in the interest of time. But we're always open for conversation around those things. I just had two things I wanted to add to what we sent in our letter and one was to convey to you a sense of urgency. We do have several legacy venues who are nearing the end of their current lease term and if we don't do something very, very soon we will lose them. And I don't want us to be surprised were they to close when we could have done something to prevent that.

[12:53:01 PM]

Number 2 is I know that there may be concerns about creating a new land use, how do we I am implement it, how do we regulate it, what does the oversight look like? And I want to make sure we use those as opportunities to come to a solution rather than using those as reasons not to do this. So let's just work together to find ways forward rather than being stymied by how are we going to do something new. Thank you very much for hearing us out.

>> Mayor Adler: Thank you. David foster.

>> Thank you, mayor, councilmembers and staff. My name is David foster here to speak on behalf of clean water action. And I want to begin as I did last time by thanking you for all your hard work and in particular the staff at watershed protection for continuing to meet with us and discuss some of our concerns. But it does feel like we've made some progress there although we still have some distance to cover. I sent you an email this morning highlighting what we like about the second draft

[12:54:03 PM]

as well as some of the amendments we like and some of the other amendments we have concerns over. I believe you will receive similar emails from Barton creek association and save our springs. Quickly, one of the things we do like is a new requirement that developments of four to 11 residential units of 50% or more impervious cover will have to submit a drainage plan demonstrating that the runoff is not going to flood their neighbors. This is something we were pushing for for quite awhile and I'm glad to see that's made it into the second draft. I also want to express support for councilmember kitchen's amendment number 6 which would in the landscape section allow more retention of infiltration of storm water on-site by requiring that -- enabling that to go to more vegetative areas. This is not something we've been able to get into the residential Zones unfortunately, but at least we think it can be beefed up here in the commercial Zones. One amendment that I have to speak against, councilmember Flannigan, and that's your amendment number three,

[12:55:06 PM]

would loosen detention requirements that would require fee-in-lieu instead of on-site detention that. Should make sense from a drainage point of view. It should be easy to convey that water to the lake, but it does not make sense from a water supply perspective and I believe undermines the city's water forward goals, part of which is after all to enable more retention of storm water and other kinds of water on-site so you can use that water inside the buildings to offset affordable use. So this is not only critical to the long-term well-being of our water supply, but also an affordability issue because buildings that do that are not having to pay for potteddable water, water that's treated to potable standards.

[Buzzer sounds] There's more to say. I don't know how many more seconds I have left, but I look forward to working with you in the coming weeks. Thank you very much.

>> Mayor Adler: Thank you. Mr. Bukta.

>> Yes, thank you very much. I am pat bukta, I am the executive director of Austin Texas musicians, a

[12:56:08 PM]

non-profit. I would like to start commending over on the dais today for all the historic work you're going to our music community. I can tell you it's being noticed and talked about and appreciated throughout our music community. Austin Texas musicians board stands in support of a land development code rewrite that includes a music venue definition for the following

reasons: Venues and musicians share a symbiotic relationship that makes up the very backbone of our live music economy. When venues do better, musicians do better and the very tourism infrastructure of our city is supported. Music venues are currently treated the same as bars and nightclubs while having significantly higher operational costs. Without the added benefits that theater and other cultural arts spaces enjoy. An added music venue designation will open the gateway for other tools through which our music community supported such as venue best practices and

[12:57:08 PM]

standards, a music friendly business decision which we're -- designation, which we're currently working on and venues in which business practices are rewarded. Recent input for musicians attending music commission meetings and Austin Texas musicians' weekly night shift community building event highlight areas for improvement within business dealings between venues and musicians. We feel that this designation will allow all stakeholders to begin developing tools in which all are represented and all musicians, including underrepresented and low income artists are able to rely on fair pay and transparent business practices. The work we do together now to support our creative class not only builds a more robust local economy --

[buzzer sounds] Owe.

>> But also sets Austin's place as a trend setter of being a shining example of a music city on the national

[12:58:09 PM]

level. Thank you very much.

>> Mayor Adler: Thank you. Colleagues, we're down to the last three. Everyone has had a chance to speak? I'll call the next panel. We're down to the last few. When I call your name would you please raise your hand? Is Mary sangar here? No? What about Jordan Scott? Jordan Scott? No? What about Jessica? Why don't you come down. Is there anybody else that has signed up to speak that has not been called? Why don't you come down as well. Anybody else that signed up to speak that hasn't been called? Would you give the clerk your name so she can make sure it's on the list? Mr. Olson, have you two minutes. Press the button on the base.

>> Thank you, mayor and councilmembers for all your efforts and engagement over

[12:59:10 PM]

the years. I'm Jessica. I live in an apartment complex in district 9. Hi, Kathie tovo. And I love my home here in Austin very much. My goals are to provide the homes we need while developing responsibly and sustainbly. We have to prioritize equity and opportunity. This means more housing and it means more units. How do we do this while preserving trees and critical watersheds? We need more height, we need smaller units, smaller lots, and less parking. Why do I care about more housing? People are coming regardless and we can't stop urbanization. It's a probably trend. Lower ecological footprint per capita is also something I really care about and that comes with density. I also care about affordability and diversity. Walkability and public transport. All things that are supported by more density, more units, more housing and

[1:00:11 PM]

more diverse kind of product as well. So please, I just ask my plea is to make this more meaningful and inclusive. Let's make Austin's character, opportunity, equity, inclusion and justice.

>> Mayor Adler: Thank you. Would you please introduce yourself? Would you press the button on the bottom?

>> My name is [inaudible - no mic].

>> Mayor Adler: Hang on a second. I don't think your speaker came on. Press the button again.

>> Is that better?

>> Mayor Adler: That's on now.

>> Okay. My name is Claudeette Lowe. I live in district 9 just south of the river. We initiated the first neighborhood conservation combining district in the city. It was a brand new thing back then. We studied every piece of our neighborhood, every

[1:01:11 PM]

portion. We know where everything is and where we can put things. Then we had our neighborhood plan and we did it again. So what I'm asking you to do again is to consider Kathie Tovo's motion it to have the neighborhoods help you in planning this endeavor. And this has been said over and over and over again, but I'm going to say it one more time because you hope you hear it. We need to be equal and put the density in the entire city and not just dump it in the middle of Austin. Thank you.

>> Mayor Adler: Sir, would you introduce yourself please. You have two minutes.

>> My name is Phil Peri, I live on Pearl Street northwest of the university and I work in construction, small housing construction here in town. At the moment over on Castle Hill. My main concerns are that

[1:02:12 PM]

while I agree with some of the goals, particularly in terms of allowing a bit more density along potential future transit corridors, at the moment we don't really have transit, as it exists the building code already allows for a great deal of increased density, which we don't have at the moment. There are numerous sites I've worked on which are in central city locations where they are either vacant or very underutilized. And there's a good deal of leeway for existing property owners to build reasonably dense and personal housing, which would be to the appropriate scale, which would be below the tree line, which would allow for the existing trees to be undisturbed. And much of the changes in the current proposal are about creating much larger scale six-unit plus

[1:03:12 PM]

developments which would probably be more of a corporate endeavor, not your local small scale construction or property owners' involvement. And they could dramatically change the neighborhood character. And there are a number of other issues which are frankly kind of hard to keep track of because the proposals have changed frequently. And there hasn't been very much time to study those changes. And there are also changes that are hinted at, which are not being offered in this particular

amendment, which may come in the future, but may also change because they're not up for this particular motion. That's all.

[Buzzer sounds]

>> Mayor Adler: Thank you very much. Thank you. Those are all the people we've had signed up to speak. It is 1:03. We're going to go into executive session to --

[1:04:14 PM]

under 551.071 of the government code to speak with legal counsel concerning this land development code and then after break we'll come back and do the presentation.

[Executive session].

[1:28:20 PM]

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[1:29:33 PM]

[executive session]

[3:04:31 PM]

>> Mayor Adler: All right. We are out of closed session. In closed session we discussed legal matters related to the adoption of the land development code. It is 3:04. We had one person who had signed up to speak that did not speak. I'm going to let that person speak now. Did someone sign up earlier to speak? Come on up. We'll give awe chance to speak. You have two minutes.

>> [Inaudible - no mic].

>> Mayor Adler: Hold on one second. It's not on. The mic's not on.

>> I'm [indiscernible] And thank you for all that you do in. The land use is a best to figure out in Austin, Texas

[3:05:31 PM]

with all the different areas. And thank you, I don't think y'all get enough gratitude for all the work you're doing. In 1928 it was written that people of color could not enter west Austin and purchase land. We have a chance of a lifetime to shift that with these land use decisions and now make an Austin, Texas where you come into the city you can tell immediately that we are no longer segregated understand all parts of the city. We have -- segregated in all parts of the city. We have a wonderful time to do that now especially in black history month because it has happened to people of color and people of black color as well. I'm here on to ask that west Austin quit removing codes from one draft to another. I'm asking that we leave the codes in play that are affordable across middle housing as well so that when people do come in that you can no longer tell that we are segregated. Because if you have hispanics in one corner and blacks in one corner and whites in another side of

[3:06:32 PM]

town we're still segregated at that point. So we would like to have affordable codes placed there. And mayor, thank you and manager thank you for coming into our area to help us feel included in east Austin. We need to break the doors open now and need to make it fair. In celebration of black history month to make that deed right. We can make it right with the land use landing now. Thank you so much.

>> Mayor Adler: Thank you very much. All right, colleagues, before we get the base motion let's turn it over to staff. They want to make a brief presentation to us.

>> Yes, thank you. Brent Lloyd with the Idc team and annick and Peter also have some brief comments to make. We're here today as professional staff to assist you in considering the second reading draft code and related comprehensive plan amendments as well as next steps moving forward to third reading. Throughout your

[3:07:33 PM]

deliberations over the next few days, we'll be prepared to answer questions about council's proposed amendments that have been posted, and if an amendment is consistent with your existing direction and presents no significant challenges, staff will register our agreement. If we believe an amendment basically meets that test, but should be approached a bit differently or requires more further review, we'll be neutral. Only if an amendment presents intractable significant challenges or legal issues will staff be recommending against it. We're here to help council move forward and to claim this code as your own and to find the right balance among all the Idc's different policy priorities. With that let's briefly summarize the items that are before you before turning our attention to the next steps.

>> Annick Beaudet, land development code revision team. Number one on your agenda is a proposed amendment to the

[3:08:34 PM]

imagine Austin comprehensive plan growth concept map and related text. These amendments seek to implement missing middle housing types as a growth concept applicable citywide. It helps create missing middle throughout the city. It has a new land use designation that supersedes land use maps for the sole purpose of allowing missing middle housing. At the same time the amendments affirm the continued applicability of future land use maps outside of the new citywide land use designation and clearly specifies the requirement that zoning cases in the future must be consistent with existing future land use maps. As proposed by staff, the final map of the missing middle land use designation would include the original transition area boundaries as well as missing middle designations in high opportunity areas. Based on your action on third reading the zoned criteria for applying rm1 and r4 is likely to result

[3:09:35 PM]

in less than the total land area included in the missing middle designation. That would mean that future zoning requests for rm1 or r4 in these areas could be considered without further amendments to the imagine Austin comprehensive plan growth concept map. And as you all know, the growth concept map is proposed to be amended every five years, the imagine Austin is proposed to be amended every five years. And with that Brent is going to go over item number 2.

>> Yeah. In item number 2 is Brent Lloyd land development code team, is just talking about the code amendments and the map that are before you. As we mentioned we're here to answer questions. We're familiar with all your amendments. We've studied them as best we can and we're prepared -- we issued a staff report that I think you all have seen that summarizes what we did in response to your first reading amendments and we're not going to go over all that in detail. We tried to do that at our

[3:10:35 PM]

work sessions last week, but we will be prepared to answer any questions you have about what we did at first reading as well as diving a little deeper into all of your amendments and helping you craft them in a way that will be workable. And before we talk about kind of the next steps and the process going forward, our chief consultant Peter park I believe has a few words.

>> Thank you, Brent. Good afternoon. I just would like to reinforce that stating the obvious, this is an ambitious project. And with each of the conversations that we've all been involved in on this journey, there are a lot of questions which also create the need for more information and more data. And

through this process the staff across the board have been diving deep into more and more information sets and more and more data to

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bring to council more facts and more data for your decisions to be made from. As much as we can we're trying to align those findings in the data to your direction that you've provided. So I just would like to reinforce that the recommendations that you see that we'll be discussing further have had the benefit of additional analysis and additional datasets. And those same sets of information sets will be available as we continue our discussions.

>> Finally, before you all begin and start talking about your amendments, we just want to discuss the path forward from second reading to third and address several important issues that we know are of interest to council. First, regarding the code text, we recommend that you continue to try to find the

[3:12:39 PM]

right balance between being specific in your intentions without being too prescriptive in the means of implementation. As a result of the work that the council did at first reading the issues have become more clearly defined, which will help us to focus your second reading amendments on the issues of most important to council and the community. Second, regarding the zone map, we want to expand on an important concept discussed at first reading and in the most recent supplemental staff report as well. Specifically we want to talk about the zone conversion table. Zone conversion tables, sometimes called translation tables, are a tool used in comprehensive code revisions to reflect how old Zones are being converted to new Zones. In many cases a current zone is simply converted in entirety to a new zone with updated site use and development standards. In other cases Zones are converted to one or more different Zones based on clearly defined criteria or

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conditions. A sample conversion table was provided in the third supplemental staff report, which establishes conversion rules proposed for the development reserve zone. After second reading we'll be providing a comprehensive zone conversion table that will show how all of the current titled 25 Zones are proposed to be converted into the new Idc Zones. The table will list comparable equivalent new Zones for each of title 25's existing categories and in those cases where an existing zone may be converted to more than one new zone, the table will establish citywide criteria of broad applicability defining the conditions in which particular Zones apply. In finalizing the conversion table, staff may identify cases where previously discussed outcomes for particular Zones don't lend themselves to broad

citywide zone criteria. In those instances, the best practice is simply to apply comparable equivalent zoning and defer further

[3:14:41 PM]

refinements until after code adoption. We will identify those cases as well as our recommendations at the time we provide the draft conversion table. We don't anticipate a large number of these situations, but there probably will be cases where on further review some of the zone criteria previously discussed are too site specific to be applied through the Idc revision process. Those situations can be addressed following Idc adoption in one of two possible ways. The first way is really for simple cases, situations that recur in the same way throughout the city. And in those situations it may be possible to use a zoning refinement process that applies appropriate new Zones to particular categories or situations all at once. Examples may include an ordinance addressing sentences of -- instances of split zoning or certain types of nonconformity or situations where council wants to focus on the uses

[3:15:44 PM]

occurring on properties. We believe that those situations, many of which have been daylighted throughout the situations that have occurred up to now, we believe that there are many of those situations that can be dealt with without an extensive on the ground planning process and can be handled hopefully in a reasonably efficient manner. The second approach is what we refer to as small level and next level planning where more specific detailed planning is necessary to determine how new zoning classifications should be applied. And as our work continues and as we move forward we look forward to proposing more detailed processes for each of these types of zoning procedures and identifying based on your feedback and your amendments and the deliberations that have occurred, the types of cases that fit -- would most appropriately fit within those two different procedures. As you consider amendments for second reading, we will help keep these principles in mind and will identify

[3:16:44 PM]

cases where we believe from a best practices standpoint application of new zoning categories should be deferred into after code adoption. And that concludes staff's opening comments and we're available for questions.

>> Kitchen: Thank you. Do you have that in writing somewhere. I'm sorry if you sent it out already. And if you could write it out -- the reason I'm asking for that, it's important information for the public to understand and so if you can put it on your website that might be helpful.

>> We will provide a memo to council kind of outlining the process and highlighting some of the key considerations that we've tried to summarize.

>> Kitchen: Yeah. I mean, I'm not asking you to go ahead and do all the detail work. I understand that that may -- that you may have to spend some more time doing that. I'm just talking about at a level of what you just explained to us.

[3:17:49 PM]

>> Mayor Adler: Okay, thank you. Councilmember tovo.

>> Tovo: A couple of quick questions. Thank you for the maps that we received on Friday. I appreciate those paper copies of the detail. Are we able to get -- are we able to get a file for our entire district so that we could have one map that we can show to our constituents? And if so do you know when those PDFs will be ready? And just one thing I noticed on this latest in looking at the PDFs it requires people on some computers to sign in to box. We might just consider putting -- have it on two different devices. We might consider providing some instructions to users how to do that.

>> So noted, yes.

[3:19:00 PM]

So the>> So the one PDF of each district rather than breaking them into the four or more areas that we have would be time consuming. So we would prefer to work with individual offices to see if we could print out maps in the tile version and mount them for you. It's about a 20-hour process is in order to convert to create the larger map rather than the smaller maps that we've done.

>> Tovo: I'm not sure we have any printers up in city hall that print to -- that print to a size that would allow us to then tile them. We can talk about it after, but as we've discussed, I know -- I've brought copies of those full maps to lots

[3:20:02 PM]

of neighborhood meetings and other gatherings and I think people need to be able to see -- to be able to see the district in context. My office got maps for other districts as well so we could get a picture of what was going on around the city. So I would hope to be able to have that one PDF rather than kind of the six individual small maps that it's challenging for constituents I think to try to get a sense of the whole picture and the particular district if they're looking at just the detail, though the detail is obviously also very important.

>> Councilmember, lacy

>> I do want to ask, are you asking for full-district PDFs before the adoption of second reading or first reading or second reading.

>> Tovo: My hope is to have them before secretary reading. Obviously we're in the middle of second reading so that's probably going to be achievable but if we could at least work toward getting those so I could go to my constituents and show them, you know, where we are on second

[3:21:02 PM]

reading that would be helpful.

>> So as we work to -- we can definitely work to create them with the third reading map and try to work, create ones for second reading retroactively also.

>> Tovo: Okay. Maybe we can time afterward about the timing on that. I'm happy to use the tiling thing. We had to outsource these. We don't have the capacity here to print huge maps, not here at city hall. Then my second question is -- thank you for the information by -- I think it was in response to councilmember alter's question about how many properties district by district had been rezoned, proposed for rezoning to r4 and rm1 I looked at -- to the extent I'm familiar with some of the other -- the areas in districts other than my own, it looked like some of that

[3:22:03 PM]

in certain areas is actually just equivalent zoning versus, you know, changes from sf-3 to rm-1. Do you have ability to provide us with counts on how many of those were equivalent zoning versus actual upzonings?

>> Yes. We can follow up on the council question portal with that specific roll down of information.

>> Tovo: That would be great. Thank you. Do you have any sense of how long that might take to get?

>> We can likely do that tomorrow. That's not an intensive query.

>> Tovo: Thank you very much. That would be really useful.

>> Mayor Adler: Okay. Leslie.

>> Pool: I'd like to get the maps files, too, and if we have to outsource it to Miller blueprint or something that would be fine. Then we could have it printed on fiber so that it could be rolled up and

[3:23:03 PM]

unrolled and it would be a lot more useful that way. So if staff would work with my staff. I'm happy to use my staff budget for that, but I do think that's something that all of us would benefit from having. On the capacity numbers, I would like to request a briefing. I think we mentioned it at the break to the city manager, and I think maybe some other councilmembers have dug into these numbers more than I've had time to, but I'd like to get an explicator briefing on the capacity numbers. Then I wanted to give staff an opportunity to maybe -- Mr. Lloyd, could you unpack a little bit more on what you just talked to us about? On the further refinements and so forth. I get the sense that in the conversion tables and the translation and the balance between the general and the specific, I get the idea that there's a lot of import in what you are saying so I wanted to unpack that a little bit and give you a chance to kind of translate

[3:24:05 PM]

what you just said. So we could hear it again.

>> Sure. I think there's been several occasions in the process where we've emphasized the importance of having criteria that guide the zoning decisions, and I think that as we start to finalize the conversion table, which is the table that shows sort of the circumstances and conditions under which an existing zone is converted into one or more new Zones, I think that as we start to finalize that table for your consideration, we will identify some situations where from a best practices standpoint it makes sense to defer some of the zoning until after code adoption and to err on the side of a simpler approach that defers some of the more detailed site-specific context-specific sorts of zoning decisions until later. And there's not a bright line. There's not a specific defined standard, but we -- I think as we've started to -- as we've had the benefit over the last

[3:25:05 PM]

several months of working with you and hearing your amendments and considering them, I think that some general principles have presented themselves, and I think we will be well-positioned in the next few weeks to present council with a proposed translation table that reflects and memorializes a great deal of what you've already voted on, but in a new instances we will be suggesting some modifications and some deferral of some of the zoning until later in the process.

>> Pool: So would I be right to say that the table will tend to eliminate where we've seen consistent -- the zoning changes applied consistently or inconsistently across the city?

>> I think that there are going to be situations where, you know, the conditions that determine whether one zone converts to -- whether an existing zone converts to one new zone versus a different new zone, I think those nditions will be ones that invariably are going to be

[3:26:07 PM]

different in particular areas, for example corridors, that's a defining planning concept that has informed a great deal of your work. And corridors are not located exactly in the same places throughout the city. So I think that there will be some situations where the criteria are realized on the ground in different ways, in different areas. But I think definitely, councilmember pool, we anticipate that the recommendations that we provide in the coming weeks will simplify some of the criteria and result in a slightly more streamlined set of conversion rules that has emerged so far.

>> Pool: Like if r2 were in this part of the city, the way r2 is defined and is part of the city and the kind of zoning impacts it would have here would be the same no matter where the r2 would be placed throughout the city?

>> I'm not sure that I follow -- exactly follow

[3:27:07 PM]

your question, but, yes, r2 is going to be the same zone.

>> Pool: I just picked that out of the air. It's a proxy.

>> Yeah. But definitely I think, you know, there are some of the Zones that are -- where council has articulated criteria that are tied towards proximity to corridors, other features, and those are things that are just as a practical matter going to vary depending on location based on the -- you know, the presence of corridors. But definitely the Zones are the same wherever they're applied, and, again, we think that a lot of what council has voted on and the criteria that you laid out for us are ones that are gonna be perfectly amenable to the approach that we're describing. But we want to be candid and clear that there probably will be some instances where we're going to propose some changes, some simplifications, and some deferral of some of the zoning until after adoption.

>> Pool: Okay. That's great. I know a number of the

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amendments that I had been contemplating are more to try to bring into my district treatment of the particular zoning the way it is being treated in a different part of town. So I was looking for that consistency as well. And so amendments that I have been contemplating would be to restore that consistency and standardization. I look forward to seeing those conversion tables. That was if you remember an ask that I made -- I think it was during codenext that we have a crosswalk to show where

old code becomes new code and what would be the -- what would be similar, and what would be different, including the terminology. So I'm glad that we are getting the translation table. I call them a crosswalk, but I think it's the same. It's the same concept. So thank you for bringing that to us as soon as possible. Thanks.

>> Mayor Adler: Sounds good. Let's get going here.

>> Alter: I have some questions as well.

>> Mayor Adler: Okay.

>> Alter: Thank you. Mr. Lloyd, can you give an example of if you defer the zoning to the next stage

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what then you would code it this time? Would that then be an f25 or is it -- how should we be thinking about that?

>> It would be what we're referring to as comparable equivalent. And that doesn't mean it's exactly the same. You know, this is a process of updating and modernizing the code so we use some development -- the use of development standards are definitely going to be a little bit different but for each zone there's sort of a comparable equivalent default category. In those cases where we determine deferring some of the zoning makes more sense, it would simply be defaulting to the comparable equivalent and deferring the application of the more complex zoning categories until after code adoption.

>> Then I wanted clarification with respect to the f25. So when you were speaking, when you were talking about those instances that you were going to explain when those F25s were rezoned to

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new categories, or were you talking about situations where we said they need to be f25 because they're complicated special agreements and our new zoning categories don't fit them? How are you treating those?

>> So f25 is a new zone. It's a new zone that incorporates the old standard as they existed -- as -- they're not old yet, but as they exist today. With some modifications. F25 doesn't simply incorporate everything that exists today. It makes some changes to compatibility, for example. So f25 is a new zone, but we have developed criteria in response to council's direction for when f25 is appropriate and when it's not. And definitely the more we have -- are confronted with situations where -- where there's not a workable comparable equivalent category, those are the types of situations where f25 has been proposed to be applied. A lot of the -- and it's not an exact match. A lot of the Zones, as they

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exist today, are not, you know, reflected in their exact form in the new code. But if the new Zones generally regulate the types of issues that the -- that are related under today's code -- regulated under today's code then we have not proposed f25 zoning. But where a zone category is so unique like a plan development agreement, those sorts of things, and it's a zoning category that we're not proposing to be used on a going-forward basis, plan development agreements are an old tool that the city used to use and they're not best practices for a variety of reasons. They're not proposed to be an authorized zoning district under the new code. So those are given f25, that would incorporate those standards as they exist with some modifications. So f25 has its own set of rules that have been used to determine when it's applied. And that may also be a

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situation where as we start to finalize the draft translation table for your consideration, where we propose some streamlining, some simplification. If you could point me in the right direction to see what some of those changes are in f25 that you mentioned, compatibility, where we would review those moving forward. And if there's also a way if there are properties that are changing from f25 to something else that are at this point not changed if we have some way to surface those in case we would miss some of those in the process that you're setting up. And then my last question is for Ms. Boudeax. For the comprehensive planning I wasn't sure I was totally following. I think what you said was we were going to be adopting in the comprehensive plan the larger transition area from draft one even if we don't zone -- for that now even if

[3:33:11 PM]

you don't have to make changes to amend it every time? Is that what you just set?

>> Yes, councilmember alter. What did I laid out for item number 1 is the staff recommendation, which is the map we recommended on October 4, and that has -- that is in the backup for second reading. With the addition of the missing middle that's been mapped in high-opportunity areas, as per the current second reading draft. So comprehensively that makes up the growth concept for missing middle and transition areas. And it is of course the council's decision on whether to keep that as a growth concept or to vote to direct staff -- city manager and staff to have those match what is approved on second reading and we would revise a new map for you for your third reading, for your

[3:34:16 PM]

third reading decisions.

>> Alter: Okay. Thank you, all. I want to talk about that more but probably won't resolve it during second reading.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: Yeah. This may be more for a later conversation. I'm not sure. I thought the idea was to have a match between what we end up mapping and the mapping and imagine Austin. So we can talk about that more later.

>> Sure.

>> Kitchen: I do have a different question.

>> Mayor Adler: Okay.

>> Go ahead.

>> Kitchen: Okay. So you had talked a minute ago about the translation tables and the translating of -- new Zones and about f25. So I would just ask you to either speak to it now or include in those tables how you are handling certain circumstances that in the past have been handled by

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cos. I know we're not continuing with cos and I know the attempt has been to -- to do comparable zoning and fit those into new zoning categories. But I want to understand in what circumstances are they fit into new zoning categories and what circumstances are they f25? Because -- and in what circumstances are we just losing certain aspects of a property's zoning because we don't have any comparable way to do it.

>> Sure. Councilmember kitchen, I know that we want to have a meeting with you off-line so we can talk about that further, but just very briefly to touch on a few of the points, in general, as the new Zones were developed, staff looked at all the universe of cos that are out there and looked at common themes, common ways in which the cos demonstrate a preference for certain mixes of uses, for certain mixes

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of building form, for certain mixes of heights, those sorts of things. And to the extent that common themes were discernible in the cos, those themes were used as a basis for developing the new Zones. So in those cases where the cos really were capable of being addressed through the new zoning categories, maybe not precisely or exactly but generally, then it was proposed for comparable equivalent zoning. It was really in those instances where the cos get into highly context-specific conditions, which generally is

not a best practices tool for zoning, that's one of the reasons why cos are not recommended to be used going forward. But in those situations where the comparable equivalent zoning simply doesn't get at the types of things that are embodied in the cos and those instances -- in those instances we have proposed f25 and we'll be clarifying, refining, and presenting to council in more detail sort

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of that logic chain and how those decisions were made, as well as potentially some refinements.

>> Kitchen: Okay. Thank you.

>> Mayor Adler: All right, colleagues. What we're going to do now, I'm going to entertain a motion to approve items 1-3 on the agenda as recommended by staff plus the amendments that have been handed out less the items that are pulled. That will then become the base motion that we'll eventually vote on. I'm just going to make the motion. We're not going to vote on the motion until we get to the very end of the process. Will someone make that motion? Councilmember Casar makes that motion. Is there a second to that motion? Go ahead.

>> Kitchen: My question is, you're taking the motion on all of the items, right?

>> Mayor Adler: Correct.

>> Kitchen: Would it not make more sense to take them separately because we will probably end up dividing them later.

>> Mayor Adler: We can

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certainly divide them later. Councilmember Flannigan seconds the motion. That's the same motion in front of us. Let's go through and let's pull from the amendments the items that we want to discuss or further amend. I handed out two documents this morning. There's a regular one and a v2. Is there any objection to proceeding with the v2 document? Hearing none, that's the one we're going to go with. If anybody doesn't have a hard copy in front of them let me know. I have an additional copy. Handed it out this morning. All right. Let's go through this. It's one of 19 pages. Let's see which items are pulled. Okay? I began with harper-madison one. Anybody want to pull that? Okay. That is pulled by kitchen and alter. Harper-madison two. Pulled by alter. Kathie -- councilmember tovo, did you pull that too?

[3:39:21 PM]

Did you indicate?

>> Tovo: Yes.

>> Mayor Adler: Okay. Casar one, pulled by kitchen. Tovo 4, harper-madison and Casar pull. Adler r2a -- colleagues, I'm going to pull this myself to have it come back a little bit later. I will tell you that the intent of this was to address the -- basically the tract home developments that happening in our city outside of downtown, the smaller lots with medium-sized homes built on them. That's the current product being developed. I'm a little concerned about forcing that development outside of the city because that just increases commute

[3:40:22 PM]

times, people coming in. So I'm going to pull this to rework this. Since the language is going to change I wanted to let you know probably what I'll focus on here is just green field and talking to staff. There are protection that's if it's green field development it kind of means it's not in the areas downtown, but just saying green field. And that comes to with such a -- guarantees from development right now that I think having the higher F.A.R. Works. Right now it's unlimited F.A.R. I have .75 in here. I think .6 might be better but without being prescriptive, the question is just try to maintain the and to have that product somewhere in our city. I'm pulling that myself right now. I'll be pulling that up for tranche two or later, so that one is pulled as well. Continuing on. Harper-madison 3. Pulled by councilmember alter. Harper-madison 4.

[3:41:22 PM]

Kitchen pulled that. Casar 2. No one is pulling -- come to -- councilmember tovo pulls that.

>> Garza: In the interest of time, why don't we just start going through them and then if there's agreement when we get to it, there would be agreement and we could move to the next one. Okay, sorry.

>> Mayor Adler: We'll just go through real fast. Kitchen 1, I'm going to pull that. I like that but I'm going to do a simple amendment I think to that so I'm going to pull that. Kitchen 2, Casar pulls. That gets us to page 4 of 19. Kitchen 3. Casar pulls. And harper-madison pulls. Kitchen 4, same two pulling.

[3:42:26 PM]

Flannigan 12. No one pulling that -- I'm sorry. Okay. Alter and -- alter pulled that -- tovo and alter pull that. Flannigan 13. Tovo pulls that. Pool 1. Harper-madison pulls that. Tovo 5. Mayor pro tem pulls that. Tovo six. Harper-madison and mayor pro tem pull that. Tovo 12, same as alter 6, same two pulling.

>> Tovo: Mayor, I didn't understand who you said pulled.

>> Mayor Adler: Harper-madison and.

>> Tovo: Number 12.

>> Mayor Adler: Number 12.

>> Tovo: As a side note some of these I would have jumped

[3:43:28 PM]

in and pulled. I don't know that it's meaningful. We'll all have an opportunity to ask questions.

>> Mayor Adler: It's helpful to the degree that the sponsor can know what people are thinking. Tovo 13. Same two pulling those. Alter 6. Same two pulling those.

>> Alter: Mayor, I just want to clarify that alter 6 and tovo 12 are not the same.

>> Mayor Adler: I didn't mean -- point well-taken. They're not the same. Getting to section number 3, centers and corridors, harper-madison 5. Kitchen pulls and pool, kitchen and pool. That gets us to page 6. Casar 3 is withdrawn. Casar 3 on page 6 of 19 is

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withdrawn. Casar 4 on microbreweries, alter pulls that. Casar 5. No one pulling that. Councilmember tovo pulls that. Casar 8. Casar 8.

>> Casar: Almost made it.

>> Mayor Adler: Ask your question real fast.

>> Kitchen: It says -- I'm not sure what it applies to because it says only allow a portion of the pedestrian uses -- what properties are you talking about?

>> Casar: Exactly. This is something we actually worked together on last time where we wanted the bottom of vmu to sometimes be residential uses. However, the new code that came back sometimes allows the bottom floor to be part residential use and then the other half would be the residential lobby which eliminates any sort of public coming in and out use so this would reserve some portion to still be retail or something else.

[3:45:31 PM]

>> Kitchen: Okay.

>> Casar: Unless they go to staff for a waiver because it's just an unworkable place.

>> Kitchen: Okay.

>> Mayor Adler: People okay with that? All right. Casar 5 is in. The base motion. I'm sorry, Casar 8 is in. That felt good.

[ Laughter ] Casar 9. Northwest district. Councilmember Tovo pulls that. And Harper-Madison pulls that. Okay. That gets us to 8 of 19. Kitchen 5. Flannigan and Harper-Madison. Flannigan 14. Kitchens pulls that. It's close.

[3:46:32 PM]

Flannigan 15. Flannigan 15 is in. I'm sorry -- hang on one second.

>> Flannigan: I'm going to make a change to it.

>> Mayor Adler: Okay. So that one is pulled by councilmember Flannigan. Okay. Pool 2. Mayor pro tem and Harper-Madison. Pool 3. Same two. Pool 4. Same two. Ellis 1.

>> Ellis: I was going to amend this one. It's posted on the message board so I guess I'll pull my own.

>> Mayor Adler: Let's pull that one. And then everybody should review -- I don't know if you had that to hand you had. You might want to consider doing that at some point. Doesn't have to be right now.

>> Ellis: We've got it. We'll send it along.

[3:47:32 PM]

>> Mayor Adler: Sounds good. Tovo 2. Harper-Madison and Mayor pro tem. Tovo 3. Same two. Tovo 9. Same two.

>> Tovo: There's no need to pull that one because I'm going to withdraw it. It's identical to councilmember Ellis'. This is an issue that had been raised with our office as well as other offices, and ordinarily I would work with the councilmember who represents that area but we're in different

[indiscernible] Given that it's identical to Ellis one, which did that get pulled or was it pulled by the same two who are pulling minor was it just pulled by councilmember Ellis.

>> Mayor Adler: She pulled it herself.

>> Tovo: Interesting. Because it's the same amendment.

>> Mayor Adler: Councilmember Ellis pulled her own on Ellis 1. Tovo 9 has been withdrawn.

>> Kitchen: I have a question.

>> Mayor Adler: Yes.

>> Kitchen: So were you saying that Ellis 1 is the same as this one, and so --

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but that's -- you're bringing it back with amendment. Is that right?

>> Ellis: Yes, I had shifted the language a little bit. We've got pronounce but it's also on the message board if you have that window open.

>> Mayor Adler: Okay. Alter 3, mayor pro tem pulls that. Adler cc1. Goes in. That gets us to 10 of 19. Harper-madison 6. I have a question about this one so I'm going to pull this one. Casar 6. Kitchen pulls that one and tovo, kitchen, tovo. Casar 7. Casar seven goes in -- no?

[3:49:37 PM]

>> Tovo: Sorry. No, I need to pull that one as well, please.

>> Mayor Adler: Tovo pulls Casar 7. Kitchen 7.

>> Kitchen: We probably should pull that. I think that one and Casar 6, I wanted to talk about some potential adjustments and they probably need to go together.

>> Pool: And mine is also similar.

>> Mayor Adler: Pool 5a and 5b looks like there's overlap on some subject area so let's pull those. Kitchen 7, Casar 6 and 1c and pool 5a and 5b but here it's kitchen 7 which we are pulling. Okay. Pool 5. Looks like we're pulling that. It's all part of that. Okay. Pool 6. Harper-madison and the mayor pro tem.

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Page 12. Ellis 2. Councilmember alter. Tovo 1. Mayor pro tem pulls that. Tovo 14. Mayor pro tem and harper-madison. Tovo 15. Same two. That gets us to non-zoning. Harper-madison 7. Tovo pulls that. Harper-madison 8. Tovo pulls that. And councilmember pool pulls that one as well. Okay. Harper-madison 9. Tovo and pool. Harper-madison 10. Pool, kitchen and alter.

[3:51:53 PM]

Kitchen 6. Kitchen 6. Harper-madison pulls that. Okay. Flannigan 6. Pool and kitchen pull that. Flannigan 7. Tovo, kitchen, alter. Flannigan 8. Tovo pulls that. Flannigan 9. Tovo pulls that. Flannigan 10. Tovo pulls that. Flannigan 11.

>> Flannigan: Mayor --

>> Mayor Adler: Tovo pulls that.

>> Flannigan: I think that's

[3:52:54 PM]

a programmatic.

>> Mayor Adler: In this -- okay, so let's withdraw that as part of this process. Okay. Withdrawn. Okay. Ellis 3. Pool pulls that. Tovo 7. Harper-madison pulls that. Tovo 10. Harper-madison pulls that. Alter 1. Casar pulls that. Alter 2. Councilmember Casar pulls that. Adler nz1. Alter pulls that.

[3:53:58 PM]

Page 16 of 19 in the process section. Harper-madison 11. Councilmember pool and tovo pull that. And Mr. Flannigan. Harper-madison 12 came to.

>> Harper-madison: Mayor Adler, may I ask a question. I'm finding you're putting specific emphasis on who pulled what. There were a couple times you didn't recognize me where I indicated I'd like to pull an item. Is it of any importance --

>> Mayor Adler: It is only for the sponsor to know. You don't have to do it.

>> Harper-madison: Okay.

>> Mayor Adler: If you want to give that heads-up to the sponsor it's not a bad thing to do.

>> Harper-madison: Thank you.

>> Mayor Adler: It doesn't change anything procedurally. That gets us to kitchen 8.

[3:54:59 PM]

Casar, okay. That gets us to kitchen 9. Harper-madison. Flannigan 1. Alter.

>> Alter: Hold on.

>> Mayor Adler: Okay. Yes? Alter is pulling that. Flannigan 2.

>> Flannigan: I'm not -- I withdraw Flannigan 2.

>> Mayor Adler: Flannigan 2 is withdrawn. That gets us to Flannigan 3. Kitchen, alter, and pool. Flannigan 4. Tovo pulls that. Tovo and pool pull that. Flannigan 5.

>> Alter: If I could, I want to say some of these I just need examples because I don't know exactly what problem we're solving and so we haven't had a chance to

[3:56:01 PM]

have conversation.

>> Mayor Adler: That's fine. Flannigan 5.

>> Flannigan: I'm going to withdraw 5. I'm going to work with harper-madison on this.

>> Mayor Adler: 5 is withdrawn, Flannigan 5 is withdrawn. Ellis 4. Harper-madison pulls that. Okay. Ellis 5. Kitchen pulls that.

>> Kitchen: Again, that's just one I want to talk about. I don't know that I have any changes. I just want to talk about.

>> Mayor Adler: Okay. Tovo 8. Casar and harper-madison. Tovo 11. Casar and harper-madison and Flannigan. Alter 4. Harper-madison and Flannigan.

[3:57:07 PM]

Alter 5. Harper-madison. All right. That's all the documents. We got a couple in there. But our work is cut out in front of us. It is 3:57 now. We have about an hour, which we can get started in this if we're going to break about 5:00, as we had intended to do. Let's see if we can knock out the residential section. First one of these is adjusting the duplex F.A.R. To .5, pulled by kitchen and alter. And, staff, don't feel like you need an invitation. If there's stuff you think that the council should know on any one of these, please raise your hand and help us in the process. Okay?

[3:58:07 PM]

Councilmember alter.

>> Alter: So as I understand this amendment, it increases the floor to area ratio to .5 for duplexes where it would otherwise be lower in r1 to r3. So it's essentially allowing us to make bigger duplexes. Is that correct, staff? In my view, we're already creating pretty big duplexes with rules that don't allow to you separate the walls as much. And so I would really like to understand from harper-madison why we need to be able to do bigger ones than we're already able to do. I'd like to know from staff if this creates a disincentive with having a third unit.

>> Harper-madison: If you don't mind -- if you want to respond to the latter, I'll respond to the former.

[3:59:11 PM]

>> So in the testing that we did -- let me go back. We looked at, in terms of data, we tried to understand the median lot sizes, right? And so for areas that were mapped are two, the median lot area is 8500 square feet. And so we found that .4 would yield units at 16 -- I'm sorry -- 1700 square feet, and so our analysis of duplexes that had been permitted in the last ten years showed us a median average size of 1900 square feet. So we were on the one hand trying to find a number that is pretty close to what the

[4:00:12 PM]

market has actually been delivering over the last ten years. And one of the things that we do recognize -- so there's the size of a unit that could result. The F.A.R. For a single unit in an r2 is .4, right? And if we keep it at .4, then we aren't really introducing an incentive to get duplexes in two unit Zones. There's no difference in terms of potential F.A.R. If one was doing a one-to-one replacement or if one is moving to do a duplex. And so that's what we understand the intention, is to add an additional .1 F.A.R. So there's a differential between the single unit development and a duplex. In the math that we did and understanding the lot sizes,

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one thing that we had discussed is possibly coming a .45. So there's a little bit of a bump beyond the single unit. But it isn't as large as .5.

>> Alter: And the-- you know, with the .4, that doesn't include the exemptions which is also livable space, which in the examples that you gave could be 400 square feet of additional livable space beyond the 1700. And they're building those already right now.

>> That's correct. Yeah.

>> Alter: I just don't see -- what about the graduated F.A.R.? How does that impact? Because if you go up to .5, then what do you have to do for getting a triplex? Or three units?

>> So when we are in r3 we're at -- we have a .6,

[4:02:20 PM]

right? So we did find that there was a -- to get to three units on both a minimum size lot, especially on a minimum size lot of 5,000 square feet, the additional F.A.R. Would be needed to actually create a unit of some size. Still smaller than what has been built in the last ten years, but as you mentioned, if it was designed such that one could take the garage exemption and there was an attic space, there could be additional 400 feet of attic space and the 200-foot exemption for the parking that could be translated to livable space in that unit.

>> Alter: Okay. I just think we're getting bigger and bigger units with everything we do, and I think we're disincentive dis--disincentivizing the number

[4:03:20 PM]

of units there.

>> Harper-madison: Essentially what I think we are doing is incentivizing single-family homes over duplexes. I think with the floor to issue ratio not increasing, means you get a 2,000 square feet really expensive house as opposed to a duplex that two people could split ownership of, so that was the intention there. In fact looking through some of our history, there was a time in Austin's history where we built lots of duplexes and then there came a time where we stopped building so many duplexes and a lot of that had to do with the appeal of building a single-family home over the duplex and the F.A.R. -- the minimum F.A.R. Shift I think would make it more productive. The 8500 square foot lot is so uncommon in Austin just in general but especially in east Austin, being able to make the necessary shift I think comes with this very, very slight increase in floor to area ratio. And you can certainly correct me if I'm off-base.

[4:04:23 PM]

>> Well, I might also offer, when we looked at all the lot sizes that are mapped from r2 to rm1, there is opportunity and the rest of the areas, vulnerable areas, the vulnerable areas, the median lot size was 8,000 square feet. Then areas of high opportunity, the median lot area is 9200 square feet. So in those

scenarios, if the F.A.R. For the 8,000 square foot lot is .5, one would have 2,000 square foot -- feet of building area or averaging to a thousand square feet per unit. Again, plus the garage potentially and additional 400 square feet in the attic. On the 9200 square feet, the

[4:05:27 PM]

.5 would create the pocket of 2300 square feet unit. So that's pretty big.

>> Mayor Adler: Councilmember tovo.

>> Tovo: I would love the opportunity to actually read some of what you're describing, Mr. Parks. Is there a chance that we could table this, maybe get that in writing and review it?

>> Mayor Adler: Where are you reading that from? I mean, that's just from the --

>> Tovo: It's a lot of numbers coming at us.

>> So this is -- again, as I mentioned earlier in terms of the data, this is just some of the information that staff has been working within calibrations of the Zones. Right? Again, it's -- it is clear to us that if we keep .4 at -- for single or for two units, then we are missing sort of the incentive of

[4:06:31 PM]

trying to get duplexes, right? So, again, directionally, in terms of the .5 increase, that would help to privilege the duplex rather than one home.

>> Mayor Adler: Councilmember tovo has asked for us to table this. Is there a --

>> Tovo: I'm okay. That's fine.

>> Mayor Adler: Okay.

>> Tovo: I can review this later.

>> Mayor Adler: Okay. Further discussion on this amendment? Councilmember pool and then councilmember kitchen.

>> Pool: Yeah. I'd just like to say we're seeing the duplexes currently being built at the .4 F.A.R. And so I don't understand how the .5 F.A.R. Would be smaller than what's being built now at .4. That was a question to Mr. Park.

>> I don't really understand the question. Could you repeat it?

>> Pool: Well, when you were describing what we are getting now, you were saying

[4:07:32 PM]

that the .5 would incentivize for duplexes and it needed to be -- and the .5 would be smaller than what we're getting now. Unless I misheard you, I wanted to understand why you thought the .5 F.A.R. Would be a smaller unit than the units that are being built now under the .4 F.A.R.

>> So under the minimum lot size we definitely would be. Again, that's why we have the 1300 square feet.

>> Pool: Can you say that? I -- can you say that louder?

>> So in the zone, we have a minimum lot size of 5,000 square feet. Right? And so in that scenario, if you did -- if you did a .5 F.A.R. Right --

>> Pool: That's 2500.

>> Total divided by two. Right.

>> Pool: Okay. 1250 each, which is larger than many of the homes that

[4:08:33 PM]

are in the central part of the city.

>> Right. Of the last -- again, the last ten years of data, of permit data, these units are around 1900, 1800, 1900 square feet. I mean, again, that's what the unit size -- new unit size based on the permit data ends up being. So, again, we would -- we were trying to calibrate to something that allows something comparable that has been -- the products that have been built in the last ten years.

>> Pool: Okay. So the permit data would also have information on the lot size for those 1900 square foot units and also the zip code of the general area of town. It's possible you and I are talking about completely different parts of town.

>> That could be. Again, in areas of high opportunity, the median lot size is 9200 square feet,

[4:09:35 PM]

right? So with that, that would -- at a .5, that would allow 2300 square foot units.

>> Mayor Adler: Okay.

>> Pool: That's --

>> Mayor Adler: So my understanding of this, for me, by going to .5 we reward someone who is building a duplex as opposed to building a single-family home, and the policy behind this is to encourage people to build duplexes as opposed to single-family homes, which happens when you let them get additional F.A.R. Associated with that. Discussion? Councilmember Casar.

>> Casar: You know, I'm going to support this. Then on third reading we can figure out exactly the right number, if it's .47 or .48 or .5. In my view, my understanding is we are encouraging smaller units by going to .5 because at .4 on an 8,000 square foot lot, you have two options to max out at.

[4:10:36 PM]

3200 square foot one unit or 1600 square foot two separate units. It's the same square footage, but one is a much bigger unit at -- so when we're asking for the numbers on one or the other, it doesn't actually answer the question, are you encouraging smaller or bigger units.

>> Right.

>> Casar: If you leave them both at .4, then you've got two choices, 3200 or 1600 and 1600. I would like to get -- be getting more 1300 square foot product, but the fact of the matter is if we want to try to modify our existing regime some, then having a little bit more of an F.A.R. For multiple units actually gets you smaller units because people are more likely to do the multiple smaller units with that. So that's my intent and that's why I'll support this and then we can try to figure out on third reading if the exact number is .48 verse .5 and I think we can work on those numbers.

[4:11:38 PM]

>> Mayor Adler: Councilmember alter.

>> Alter: So on a 9200 square foot lot, then you'd get 4600 plus if you had two units you would get 400 of exempt attic space. That's 5400. And there's nothing to say that that has to be divided in two. I could have a really big -- as long as I have a duplex, I could have a 3500 square foot house and if I count my attic in that and then the balance is still, you know, another unit that's almost 2,000 square feet of living space. So, you know, when you take into consideration that we have this 400 square foot attic exemption and you start doing this, you're getting really -- really quite big units here. And I'm not understanding why we're trying to replicate the unit sizes we've seen in our market over the last ten years when everyone has been arguing that our current code is

[4:12:38 PM]

incentiving houses larger than what we're trying to facilitate. We have to take into consideration all of these pieces together.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: What I'm hearing is sort of two, you know, roughly bucketted two different policy approaches that I think we've all agreed on. And so this -- you know, one of them being that, you know, we want to encourage duplexes, and I do support that. And if I heard you right, that was the main thing. And then one of them being to disincen the large single-family homes, and the concern I'm hearing about this is that this may inadvertently and unintentionally do that in some parts of town. So I'm wondering if instead of -- instead of designating this as a just duplex F.A.R.

[4:13:39 PM]

To .5 if we might make it broader to ask the staff to consider a way to adjust the duplex F.A.R. So you could get some larger units. But it may require some more, let's see -- some drilling down more. So maybe it's for the smaller square foot lots urges you do a .5. I'm making stuff up here. Maybe you can do a .5 for smaller lots but once you get to bigger lots you don't do that. Or there may be some other kind of -- I realize that makes it more complex, but what I'm hearing is a desire to make sure that we are really getting there in terms of inceniting duplexes but doing that in a way that in parts of town where you might have a larger square foot, where you're really just -- it's really just another way to have a larger single-family home.

[4:14:43 PM]

So I don't know, councilmember, if you would consider broadening the language here to get at what you're trying to get at and then -- so that the staff has some opportunity to kind of think through that or -- I don't know what you --

>> Harper-madison: I appreciate you trying to find a compromise but the truth of the matter is we've already done the modeling, which is how we landed on what we landed on. I feel like we definitely went through the exercise of considering all of the implications and the -- in the various parts of town and considered multiple lot sizes and at the end of the day I put forward the amendment that we did because I feel like it's the way to go.

>> Kitchen: Okay. I'd like to ask a question then.

>> Harper-madison: Sure.

>> Kitchen: May I?

>> Mayor Adler: Yes.

>> Kitchen: The concern that I'm hearing is -- the concern that councilmember alter is raising. So if you have a larger square foot lot, you could end up with a single-family home that's much larger because you don't have to split the square footage and in some parts of town that

[4:15:43 PM]

just accelerates what is happening in some parts of town where you're tearing down older homes and building much larger single-family homes. So it is creating -- you know, I support duplexes, and I support the effort that you're trying to get at. But I see what's happening in some of the areas that I work with, and this really is -- has the potential -- very serious potential to do what councilmember alter is talking about. And so whereas I'd like to be able to support you, I can't -- we're going in the wrong direction in terms of accelerating what we're seeing in some of these neighborhoods. So --

>> Harper-madison: I would like to ask staff to confirm or deny the validity of that concern. Because what I'm not hearing you guys say is -- you said median lot size, but you didn't say common lot size. And those are two different

[4:16:45 PM]

sizes. And so I think we need to talk about common so that we can accurately represent how frequently we're talking about the median as opposed to the common. I mean, to -- I think to speak to councilmember alter and councilmember Casar's concern about inadvertently creating the opportunity for additional, larger single family -- I guess maybe the comparison, the cost benefit. If you could just offer some clarity there.

>> Sure. I mean, in any scheme, maintaining the point F.A.R., which is under current code, is always going to allow more potential square footage in a single unit, single-family house. Right? Than if one were to do the duplex. Again, but so we -- the staff does agree, we are interested in finding a way

[4:17:46 PM]

to try to incentivize the two unit in an r2 zone, that is to, right, at least get to more units. So I don't know that, you know, carrying the .4 for the single-family house is necessarily incentivizing a larger single-family house. It's simply carrying forward kind of what you can do today under the current code. The .5, what the .5 does -- I mean, there's -- the .5 does allow for more square footage in a building. The distribution of that square footage might be one is bigger than the other. That's true. But it is two units. Right? Again, with -- council's intention to create the opportunity for more units. And we are just simply trying to point out how big potentially these units could be in a duplex format. Again, I think the staff would be very interested in

[4:18:46 PM]

pursuing a way to create a difference between the single unit F.A.R. And the duplex, and the two-unit in order to encourage the development of two units in those areas.

>> Mayor Adler: Councilmember Casar.

>> Casar: My understanding of this amendment is that it would create no more entitlements for a single-family house. It only would create more entitlement for a duplex. So there would be no way that you can do a bigger single-family house. In fact I would be surprised if the staff read this in any way that would allow you to do a single-family house over .4 and then, you know, a single-family house at .45 and then do a last .5 as your -- .05 as your duplex to get there. I would anticipate that you guys would write the code in such a way that you couldn't do your single family over .4. You could only go over .4 to your .5 as a duplex and that you wouldn't let any one side go over .4 because that

[4:19:48 PM]

would make the rule irrelevant. Did my question make sense?

>> Yes. So councilmember, we currently don't have anything related to duplexes that speaks to apportionment of square footage per side, but --

>> Casar: But it would make sense that somebody -- that one side shouldn't be over .4 if we have a .4 cap on a single-family home.

>> I think that would make sense. We might have to write something in the code to clarify that if this passes.

>> You didn't have to have that before because you didn't have this differentiation, but once you did it would make sense to clarify that.

>> Mayor Adler: But that is the only way you could write it. If you got the direction that says far if you want duplex goes up to .5, but we don't want single-family homing to up to .4. If you want it up to .5 you

[4:20:48 PM]

have to write it in a way that meets both policy considerations. So duplex gets you up to .5, but we don't want families to go up to .4. So to Greg's point I think think if you got this you would have to draft it that way.

>> I think that that's right, but the way -- I just want to clarify the way it's written today in the draft code you can have a duplex product and you can apportion the square footage however you want to so that F.A.R. Can be distributed in any way.

>> Mayor Adler: We understand that under the code that's written now, but you weren't writing to this situation. So the only way for you to reconcile the two policy statements that were given is one, don't let a single-family home go above the .4, we have that or whatever that number is. If you have a duplex you can go to a total over .5. The question is how much writing of this do we have to go through on the dais or can we give you this direction.

>> Not much.

>> Mayor Adler: And since you have the policies drafted in such a way that

[4:21:48 PM]

meets those two as opposed to us now trying to draft it for you?

>> Right. I think what you've said here is clear. We understand what you're looking for.

>> Mayor Adler: Okay. Councilmember kitchen.

>> Kitchen: I appreciate what you're saying, mayor. I think we need to write that into this so that it's clear. Not the specifics, but just adjust duplex F.A.R. And add a phrase to add what you just said, which is to consider language to address the apportionment of F.A.R. And to set a maximum -- to consider a maximum on the single-family home or something to that effect, but I think we need to write it in here because I don't think it's fair for staff for us to pass something and then just talk about what we think it means without actually putting some language for them. If that makes sense.

>> Mayor Adler: We're protecting against the abuse and the question is how

[4:22:49 PM]

specific do we need to be? We're trying to incentivize the building of duplexes. We don't want a .49 one side and a .01 on the other side. So to the degree you need direction, councilmember harper-madison, is it okay to add to that without allowing a larger single-family unit size?

>> Yeah, the .4 -- do you mind if I ask a question? Is that necessary? Is that direction specific direction that you all would need?

>> I think if it was just so that one -- any side of the duplex could not exceed what is allowed for a single-family, that is clear, then we know that neither side would be larger than what a single-family would get.

>> Harper-madison: Okay.

>> Mayor Adler: Are you okay with that?

>> Harper-madison: Sure.

>> Mayor Adler: Any objection to that being added? Hearing none, that's added to this. Continuing discussion on harper-madison one.

[4:23:50 PM]

Councilmember alter?

>> Alter: I can't speak to the current code situation, but if we have a duplex we have two units. They don't have to be together, they could be separated. They have to be on the same lot. We also get this 400 of attic exemption and we're modeling another 180 of square feet for stairway. That's 580 square feet. That's counted when you go

to market: In places in my district it's \$400 per square foot, that's what they're getting for these duplexes. That ends up to a change of over \$200,000 difference between doing a single-family versus a duplex. That is a lot of incentive right there to do the other unit. Soic there's already built in incentives on the way we do the code in some of these areas where you're going to have plenty of incentive to do the duplexes in that way. Ther thing is that -- the

[4:24:50 PM]

other thing is that I will guarantee you you will have people who will build their single-family house, they will build a pool and then they will call the other unit their pool house and then they will effectively have a single-family house that is larger than the .4. And that will happen. We have huge demand in our city and there are a lot of people with a lot of money who are coming in. And you will not have the impact that you think you're going to have from setting this up. I'm totally sympathetic to the notion of we want to find a way to incentivize duplexes over single-family, but these loopholes will be exploited and we already have baked in there because now you will be able to separate your duplexes. We haven't seen that before being able to do that in a lot of parts of town. And you have these other exemptions which on 580 square feet that gets used in the market analysis and is priced is over

[4:25:53 PM]

\$200,000 in some of these areas on duplexes. I would be much more comfortable in trying to consider a way do this than actually following this particular specific direction.

>> Mayor Adler: Okay. Harper-madison 1, further discussion?

>> Harper-madison: If I may, just respectfully recognizing that all our districts are different. Pool houses are not a d1 problem. Lack of housing supply is. And so I think we're at the point now where we're probably not going to come to consensus if we could just move forward.

>> Mayor Adler: Okay. Any further discussion on harper-madison 1? Councilmember kitchen.

>> Kitchen: I would just like to say one thing. I respect the fact that -- I'm glad that you said that not all of our districts are the same because they're not. And -- but we can do a code that works for the whole city if we take -- if we take the time to actually

[4:26:57 PM]

consider something that drills down and addresses concerns for different parts of the city because we're not disagreeing on the goals at all.

>> Harper-madison:

[Inaudible].

>> Kitchen: I in addition you would, but we're taking care of what would happen in your area of town without addressing what would happen in councilmember alter's area of town.

>> Harper-madison: I disagree with that.

>> Kitchen: I respect that you disagree. I would ask that we take the time to consider and take down and address the policy matters that we all agree on and understand that it impacts different parts of town differently. I'm willing and interested and I want to support additional duplexes which I understand is important for a lot of the city, including district 1. I would just ask that you consider that the kinds of situations that councilmember alter is talking about is pretty important too. And it's not necessary to do one or the other.

[4:27:59 PM]

>> Mayor Adler: I'm going to support this amendment as it's been proposed, but certainly, councilmember alter, if you can come up with a further amendment that addresses the situation that you have raised as a potential abuse, then please bring it back for consideration. Further discussion on harper-madison 1? Yes, councilmember alter.

>> Alter: Can you I would like to amend it so it's a .45 F.A.R. Instead of five.

>> Mayor Adler: It's been moved to amend it to .45 F.A.R. Is there a second to that? Councilmember kitchen seconds it. Any discussion to going down to .45? Then let's take a vote. Those in favor of the amendment to take it to .45 please raise your hand. Kitcher, at aer, tovo. Those opposed in the balance of the dais. Harper-madison 1 is in front of us. Any further discuss?

>> Kitchen: Can you read it to us again? Does it have the amendment?

>> Mayor Adler: Yes, it has the amendment that we

[4:29:00 PM]

agreed to. Let's take a vote. Those in favor of it as amended please raise your hand? Those opposed? Alter, pool and tovo voting no. Councilmember kitchen?

>> Kitchen: I'm abstaining and I'm abstaining based on the point that I really would like to make. And I appreciate we all really need to address the concerns that we're seeing, I'm just asking people to listen and allow for the space to address the whole city. So on this one I feel torn so I'm going to abstain.

>> Mayor Adler: All right. That one passes. That gets us to harper-madison number 2, minimum lot size. Pulled by alter-tovo. Discussion? Councilmember alter.

>> Alter: Can staff speak to why you decided not to include this recommendation after draft 1?

[4:30:03 PM]

I think it's the general minimum lot size.

>> Sure. Brent Lloyd, ldc team. There were a handful of amendments, I think 10% or less of the first reading amendments that we found more challenging to implement than was initially apparent at first reading. And this was one of them. And I think part of the issue was that we read it as being broadly applicable to the overall lot size, and in working with councilmember harper-madison's office we've determined that its intent was actually really more focused on particular product types. And we believe while there still are some issues that we need to work through, we believe that this is something that we can work with and what we will like be proposing in response is something that is targeted to particular use categories and not just a broad general reduction of the overall minimum lot size. I think we want to try to propose something that

[4:31:04 PM]

speaks to the councilmember's goals and is workable within the fabric of the overall zone. So I think we will use -- look to the townhouse regulations as a point of reference for that. Regular, do you have anything to add?

>> Just that for the townhouse use and really the councilmember can speak to this. I don't want to make any assumptions, but for the townhouse use, you get to use the townhouse site as if it were a lot so that

you get the graduated F.A.R. For the number of townhouse units that you have. And I think this would work the same way. So that imagine on an r2-b lot you get graduated F.A.R. By unit. In this case if you have a site that was divided into three lots you would have that graduated F.A.R by lot in that same way.

>> Alter: You're dividing -- I guess I'm not totally understanding the

[4:32:05 PM]

scope of this. I think there's somewhere elsewhere there's minimum lot size reductions to use. So this one -- I'm not understanding what we're applying no N for and how this works in practice if you can go over that again, please.

>> I'll defer to the councilmember to explain it.

>> Harper-madison: Smaller lots allow for smaller, more affordable homes is the intention.

>> Alter: And what I'm trying to understand is how this works in practice when you have said it is difficult to do smaller lots within the construct in multiple responses to draft 1. So far it seems like there may be a particular scenario that you may have identified in the conversations where you can do this, but I'm not understanding how that plays out in practice in a specific example. I'm not totally familiar with how townhomes works currently. It's not something that we see frequently coming to council. So I'd like to understand

[4:33:06 PM]

better what we're talking about here.

>> Councilmember, we believe that as framed we can work with this amendment. I think one of the challenges was with the initial amendment, and it might have been our misinterpreting or not, sort of taking into account the discussion that occurred on the dais in first reading. I think we saw it at least with respect to the missing middle, r4 and rm1 Zones, as being sort of against the goal of not facilitating new single-family homes. You know, protecting the rights of existing ones and including a lot of protections for those, but not sort of incentivizing new ones and having smaller lots and allowing more - - facilitating more single unit structures would kind of work at cross purposes with that. But we can -- this amendment is focused on the r2 B zone. It references specifically the town home regulations

[4:34:06 PM]

and we think that we can work with this amendment and deliver something to the council that will further some of those goals and identify some of the problems that we identified with the earlier attempt.

>> Mayor Adler: Councilmember Casar and councilmember tovo.

>> Casar: I appreciate the smaller lot idea and voted for us to reduce the lot size in lots of areas upon -- in the may direction. On this I -- it's a tough one, but my sense is that I could support it only like we did on first reading in the missing middle Zones. I think we've worked really hard, many folks here on the dais sort of explained how the smaller lot and the townhouse would work in transition Zones and the missing middle Zones, but have largely communicated to the public that in these r2 Zones additional units would be by Adu primarily or by preservation bonus as opposed to the townhouse

[4:35:07 PM]

use. So I probably can't support -- I can't support this one as written. I can support it if we were talking about the missing middle Zones, which sounds a little bit more like what we're hearing from the staff. Not because I am against the idea, but because we've kind of gone down this long path trying to communicate expectations in the community and generally the expectations have been set that the 1400 square foot lot or 2,000-dollar square foot lot of townhouse use would be in the missing middle Zones. So I can't support it as written here, but I could support it in the missing middle area.

>> Mayor Adler: Councilmember tovo.

>> Tovo: I'm sorry, I just can't get a read on what this amendment is directing. And especially if it worked around to be amended as councilmember Casar is suggesting. So if someone could please explain what precisely this is doing. I heard Mr. Dutton, you talked about the completion of three lots.

[4:36:07 PM]

Is this assuming that r2-b can could be subdivided into three lots with a preservation house on one and the other two lots being smaller than the minimum lot size and townhomes on two of the three? I just don't -- it's entirely unclear to me whether it's really not clear to me what this direction entails.

>> Harper-madison: If I may offer a little bit of clarity, the may 2nd direction that we had staff take into consideration, it wasn't for the whole city, it was only current substandard lots and so that's at least one part of the intention, but I'll read to you from staff wrote -- the policy direction document. It reads, we are seeing displacement now on large lots single-family. We can't blame tomorrow's solutions for today's problems. By reducing the minimum lot size we can reduce the one to one single-family home replacement on large

[4:37:08 PM]

expensive lots which guarantees the creation of million-dollar single-family homes in central Austin. So in many ways that was sort of the guiding principle is how do we encourage more units on the lot as opposed to the one to one replacement, and specifically townhomes came up as -- I'll let them sort of speak to the technical, practical application of it.

>> So -- so it's my understanding that you can build on a substandard lot and also this proposes a reduction to lot size over what we currently have in the existing code. So what -- again, I just have to go back to my original question. Is the intent here -- maybe this is for you, councilmember harper-madison, is the intent here to allow townhomes -- are you using town home as an example or are you proposing that townhomes be allowed on r2-b lots?

>> Using the townhomes as an example for the purposes of getting at the scale, ultimately at the end of the

[4:38:08 PM]

day. The whole point of the direction and of the amendment is to use our limited urban spaces as efficiently as possible. Something that I think we don't talk about enough during the climate of land use is us sprawling our city out and really looking to accomplish that tighter, more compact, urban city center. And I think by way of offering people more flexibility. I think this speaks to that.

>> Tovo: Just to be clear about what the entitlements are that you're proposing here, I'm looking over the site development regulations for townhomes and it's about a .6 F.A.R., is that correct? Are we proposing site development regulations that are currently envisioned for townhomes on r2-b and how would that vary, if the staff could tell us how that would vary from what is in the new code? And Mr. Dutton, I want to come around to the conversation that you were

[4:39:11 PM]

having about three lots from one lot. So I guess, councilmember harper-madison, the first is for you --

>> Harper-madison: The same wing we did earlier where -- [overlapping speakers].

>> Tovo: Are you suggesting site development regs for townhomes be applied to r2-b.

>> Harper-madison: I think it would be better answered if you first let them talk about the technical component if for no other reason then it's easier for the general public to follow. And then we can talk about what I specifically thought we needed to do in order to accomplish the goal.

>> Councilmember tovo, the way we were thinking about this amendment was just that it would entail a reduced lot size for the zone. We currently have r2-c, which is 3500 square feet, and the other r2-a and B are 5,000 so maybe somewhere in between there. But regarding the townhouse I was simply pointing out and maybe it was too much

[4:40:12 PM]

information, but there are specific to use requirements for townhouse that allow multiple townhouses on one site that a townhouse site can be treated as one lot. And in that way when you have multiple townhouses on a lot, they are able to take advantage of the graduated F.A.R.

-- Sorry, impervious cover. And so what we were thinking is that if we shrink the minimum lot size for this r2 zone that similar provisions could apply for that zone.

>> Tovo: So that would be a citywide change because r2-b has been mapped citywide. So citywide if this passes you would interpret that direction to be that r2-b could be a smaller lot size. Question will not I have a provision that allows small lots to redevelop, which is r2-c, right, but r2 B -- so if you had a lot that was, say, 7,000 square feet, you

[4:41:13 PM]

might be able to divide it, subdivide it into two and then do three units on each, getting six from where you could currently have maybe two, possibly one in certain parts of town.

>> Sure. The reduction in the minimum lot size just would mean that a lot that couldn't be subdivided today could possibly be subdivided tomorrow if the minimum lot size is reduced.

>> Tovo: So again in the part of town I represent can primarily have two units per lot, but this would take tracts that can currently in some areas of town, can currently have one unit, potentially two, might be able to subdivide and have as many as six if they preserve the existing structures. And those other new structures could be townhomes, which have higher impervious cover because of the graduated approach.

>> So the first part of your question, yes, it would just depend on the lot size whether or not they could subdivide, but the scaled

[4:42:13 PM]

impervious cover applies in the proposed code based on the units per lot. This just makes it equivalent if they've got multiple lots on a site, so each lot is treated as if it's a dwelling unit and it gets the scaled

impervious cover. It never allows the impervious cover to go over what's currently proposed. It just allows the entire site to take advantage of the graduated ic.

>> Tovo: And that graduated ic would increase from what to what?

>> It wouldn't increase over what's being proposed in the r2 Zones. It would stay 40, 45, 50, depending on how many dwelling units you had.

>> Tovo: I see. But if you were able to subdivide it would certainly increase the impervious cover looking collectively at the tract, right? Because it could allow you to subdivide an r2-b property into two and then have the impervious cover on

[4:43:14 PM]

either tract.

>> It would still be overall impervious cover would remain the same. If it's one lot with three units and it's a very large lot it gets 50% for the entire lot. If you subdivide it into two, 50% on each of those two result in smaller lots.

>> Tovo: Okay, thanks.

>> Mayor Adler: So I'm looking at this. All these questions are hard. My sense of this is we debated before making the lot size smaller, we came to a place that has enabled us to move forward. I understand going to smaller lot sizes throughout the city. I'm for that reason, I'm inclined to support your harper-madison three amendment, which serves to do that. On this one for me given the collective kind of where we've been and where we've been operating kind of collectively, I'm going to vote no against this one,

[4:44:15 PM]

probably yes on three, not because at some level I don't believe we should be making smaller lots because I understand that policy, but more because I think that it's the right place for this document to go at this time in our city. I'm going to vote no on this one. Any further discussion on this? Let's take a vote on the amendment-- councilmember harper-madison?

>> Harper-madison: Just to be clear, the only difference between r2-b and C are one is suburb and one's urban. At this time setbacks and frontages, that's the ditches. But -- I'm sorry, you -- that's the differences.

>> The minute difference is the minimum lot size.

>> Harper-madison: So I wanted to make sure to go on record as saying I also believe it's my understanding that the minimum lot size offers more opportunity for fee simple ownership, which is frankly better for owners. And so I just wanted to make

[4:45:16 PM]

certain to highlight that as well.

>> Mayor Adler: Sounds good. Let's take a vote. Those in favor of harper-madison 2 please raise your hand F harper-madison, Renteria, Flannigan and Elvis. Those opposed? The balance of the dais. This one does not pass.

>> Garza: I'm abstaining.

>> Mayor Adler: And the mayor pro tem abstains. It does not pass. The vote was four yes -- four yes, six against, one abstention.

>> Mayor, can I get some clarity real quick? It's my understanding that r2-a and B have the exact same lot size. Did I read something wrong there?

>> Yes. At this time r2-a and B have the exact same site development standards for lot size. The only difference between those two Zones are in

[4:46:17 PM]

setbacks and private project requirements in r2-b.

>> Harper-madison: Thank you.

>> Mayor Adler: Okay. Let's move then to Casar number 1. I think kitchen pulled this one. Councilmember kitchen?

>> Kitchen: I have a question just about B. I don't have any concerns with the other ones. So if I could go straight to that. So I'm just trying to understand, the amended plat process, and so you might start by -- if staff could perhaps explain this process and then councilmember Casar, if you could let us know what you're trying to accomplish with that.

>> Brent Lloyd. The amended plat process is instead of sort of submitting a new plot or replot that will require great deal of engineering and submittal fees and preparation fees, surveying, you're simply changing and amending an existing plot.

[4:47:18 PM]

And state law includes limitations as to what you can do by amended lot, including that one of the paramount ones is you can't use it to remove deed restrictions. A lot of times deed restrictions are referenced on the face of a plot. You can't use the amended plot process to remove that, but one of the tools that's authorized under state law, it's not automatic, a city has to choose to adopt T but cities can adopt a process by which amended plots can be used to actually create lots. And we -- this does present some challenges, but we believe that with some creativity and having the benefit of having looked at it previously, you know, we think we can find a way to make it work. It would be something that would not potentially be available in all cases. There may be situations where due to lot configurations or the need to dedicate easements or

[4:48:19 PM]

whatnot, it may not be a tool that every property is going to be able to utilize, but if council passes this amendment, we're committed to delivering some code language that we think would apply this process and make it available at least in certain situations.

>> Kitchen: Okay. So does it have any impact at all on how the ordinances related to impervious cover applied, specifically the S.O.S. Ordinance and grandfathering? My understanding right now is that if you went through a subdivision process, you couldn't use that process to -- you could not use that process to -- you could go back to the S.O.S.

[4:49:19 PM]

Limitations. So I need to understand if using the amended plat process would change that in any way. I may not be saying -- I see Matt Holland back there. I may not be understanding correctly what I'm asking about. I want to make sure that --

>> Councilmember kitchen, I think if Matt or Andrea wants to come up and speak they're welcome to. I will just respond from my perspective is that that is an issue that we have not looked at. And it's a very legitimate issue to raise. And definitely one of the protections that's available in the S.O.S. Area is applied. The directions are applied through the subdivision process and how this would relate to that, and whether we would need to fashion something different for the springs zone. I think these are all questions to raise and I don't think we're prepared to answer those right now. At least I'm not. But we would certainly look

[4:50:20 PM]

at that, if this amendment passes we would look at how it applies in the context of the Barton springs zone.

>> Kitchen: Councilmember Casar, would you be open to just adding a sentence that says -- something to effect that this provision does not apply in circumstances where it impacts the S.O.S. Ordinances?

>> Casar: I think the language that Mr. Lloyd mentions, considers if there are modifications to this in the Barton springs zone versus not is fine with me.

>> Kitchen: I'm sorry. May I --

>> Casar: I'm happy to be as specific as we need to be, but since we don't know what the answer is, we don't actually know if there's a problem or not, I just want to give staff the flexibility to that aredo that.

>> Kitchen: My only point would be that I would want the language to be clear that we didn't want it -- that we wanted to be sure that we weren't impacting the S.O.S. Ordinance.

[4:51:20 PM]

>> Mayor Adler: So let's state it this way, it couldn't trump the S.O.S. Ordinance, is that correct?

>> That's correct. And I think the team I've spoken with, our watershed protection leadership and core team, and they -- they're committed if this amendment passes, to making sure that we ensure that S.O.S. Level protections are available if the amended plot process is used. So this may require some creativity and some specific language, but it's something that we would fold into the amendment whether you guys specifically direct us to or not.

>> Casar: That's fine with me.

>> Mayor Adler: Okay, that language then is included. Further discussion? Councilmember alter.

>> Alter: So can staff speak to part a and why you recommended 30 years and not 15 years in your version? Of the preservation bonus.

[4:52:20 PM]

What are we losing if we go from 15 years to 30?

>> I think it's less likely that the preserved structures will have naturally organically become more market rate affordable.

>> Alter: So the point of the preservation bonus is to be preserving the stock that we have that's affordable at this time this point. And when you change that number of years, you're giving bonuses to less affordable lots. You're not really achieving your goal. Is that my understanding that correctly?

>> We think that there are a lot of policy goals behind the preservation incentive. And I think the one that Greg touched on is one of them. But if this -- if it's council's desire in recognition of other policy goals to lower it to 15 years, we can work with

[4:53:20 PM]

that. I think -- I can't remember how the first reading amendment was worded, but it was something I think when it was initially passed that we felt we had -- were given the license to kind of make a recommendation on it and we focused on the goal that Greg mentioned, but I think there are other goals in play as well so we are going to just defer entirely to council's wishes with respect to this. And if council wants to lower it to 15 years, is certainly something that we could work with.

>> Alter: So I have problems with lowering this and then you combine it if you have the preserved unit, what is your F.A.R.? You have to F.A.R. Unit or you -- on your --

>> On the preserve you're limited to the F.A.R. In the zone.

>> Alter: And then the other units that get built what are?

>> Also limited to the F.A.R. That's prescribed by the zone.

[4:54:20 PM]

>> Alter: So let's say I have .4 -- can you give me an example that -- I'm trying to understand what we're incentivizing now on houses that are relatively new, which are going to have a whole new economic structure. And again, I'm sorry, my frame of reference is my district and these things will look really different --

>> So an example might be that the house that's preserved is limited to .4 F.A.R. And if they wanted to expand or add square footage they could do so up to that point. And then the new unit, say they add one new unit in the back that's another single-family house, that single-family house is also limited to .4. So it's almost as if each house exists on its own on the lot irrespective of the other house.

>> Alter: So I don't see this as a preservation tool for the affordable housing, it's being used to generate a lot of other units and we've already created a lot of incentives to have two

[4:55:23 PM]

units on the lots, and we're getting a lot of big houses through that. I'm not going to be able to support a. For B, I know that councilmember kitchen raised some issues, but I'm not totally understanding what

you would do with what this says. Can you explain what this means to you in terms of what you would be doing? In terms of simplifying the subdivision process by allowing the creation of lots through the amended plot process and reducing minimum lot sizes.

>> We would look at creating -- utilizing a provision of state law that allows if city's opt into it and there are some restrictions on it you can't use it to remove deed restrictions. You can also like have it be where you get a variance from a zoning regulation in order to do it. So there are some restrictions that we're very cognizant of, but if this passes we would work to find a way to incorporate the amended plat process into

[4:56:23 PM]

our regulations on to try to facilitate I think broadly the intent of are greater fee simple ownership, smaller lot sizes, but specifically in connection with preservation bonus where a landowner is preserving a house, building an additional structure and finding creative ways to allow the subdivision process to occur as simply as possible and facilitate fee simple ownership. And I think that there are going to be totally candid, there are some issues we would have to work through. There are some challenges. It may not be something that would work in every development type, but we think if this amendment passes that we can work with it and deliver a code provision that will further a lot of these objectives.

>> Mayor Adler: Okay. Any -- go ahead.

>> Alter: I'll come back.

>> Mayor Adler: Councilmember tovo.

>> Tovo: I have a lot of questions. With regard to number b-2,,

[4:57:31 PM]

is b-2 intended to be the minute numb lot size through -- minimum lot size through the lot process or is this an amended point?

>> The amended plat process would not have the effect of reducing the minimum lot sizes so we would need to -- we would need to look at kind of the fabric of the regulations and determine how to reduce minimum lot sizes for particular product types as we've indicated, not all of the -- the new code utilizes in a few instances lot sizes that are tied to a particular development type as opposed to just being general throughout the zone. So I think we would need to be creative and find ways to tie lot sizes to particular development scenarios and make the plat process available in those situations. And I think we're not going to be able to all the issues

[4:58:34 PM]

that have to be worked through as part of this discussion, but I do think that if this amendment passes we would be able to work through the issues and offer council something that at least in certain circumstances would allow this process to be used.

>> Tovo: And with regard to E, so the code as currently drafted does not allow the relocation of the preserved unit. And I would assume that doing -- that relocating it adds to the cost. Do you think that's a reasonable assumption that if you're undertaking utilizing the preservation incentive, part of which was to keep as -- to keep the cost down on that existing structure and maintain it as affordably priced as possible, I'm assuming relocating it adds to those costs considerably.

>> Yes. Relocating the structure would add to the cost of the

[4:59:35 PM]

development.

>> Tovo: And could you help me understand or maybe the councilmember could, number D, letter D rather? What would be examples of structures that need amnesty co's? I assume they all have a co otherwise they can't be occupied, right?

>> So the -- a little background on amnesty co ass. They are authorized under current code and they're -- they were adopted I think when the last code was adopted, so they're limited to structures that existed on a particular date in '84, '86, I can't remember, but they basically what it says is that if you're a structure that existed on or before a particular date and it meets health and safety standards, it complies with technical codes, then it can receive a co even if it doesn't meet all applicable

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site development standards. So in effect an amnesty co is a process by which older structures that have existed for awhile that might not meet all site development standards, they may encroach into a setback, but they are safe, they're sound, there's a path forward to get co ass. And my understanding of the intent behind this is that it would be to allow older structures that qualify for the amnesty co process to not be prevented from using the preservation bonus process. I think that's what the intent of it is. And then one other point I'll just make is we in this code, and this was true in draft 3 as well, we've proposed an update to the amnesty co process, we proposed some clarifications, some limitations to it, and additionally we've moved the date from 1980 -- I forget whether it's '84 or '86, but we've moved the date to 2008. So under the new code the

[5:01:40 PM]

amnesty co process would be available for structures that existed, 2008 or earlier. And again, they would have to meet a set of requirements.

>> Tovo: But I didn't understand the preservation incentive as currently drafted to applying to only those structures that are up to current code. It's not clear to me what change D would effect.

>> I think I would need to reread the original language, but I think that the original language, the structure would have to be one that has a can co or is non-complying or legally non-complying and I think that this would clarify that structures which are able to obtain amnesty coos, my might have minor code violations would be eligible to participate. And again, I would have to

[5:02:40 PM]

go back and re-read the original language, but I think that wasn't entirely clear in the initial version. And we can -- I can -- if this item doesn't get resolved this afternoon or tonight, we can follow up with more information tomorrow.

>> Mayor Adler: On that issue can you confirm that was the intent?

>> Casar: I'll hit all three of the issues quickly. I think that 15 years is better because -- in talking to folks in the community about the preservation bonus, I think it's useful to different people for different reasons. So somebody who lives in a house that was built in the year 2000 and wants to have the ability to stay in place and add additional units and agrees to not tear down their front house, I think then their house eventually will be 30 years old instead of -- so I think bringing those folks in makes sense from a -- bringing more people in to use the bonus on the amnesty co's issue, the intent is to make sure

[5:03:41 PM]

if somebody does own an older house and does want the ability to rent out another unit or sell a unit off the back of their property that if they are in an older house that may be the code enforcement says hey, it doesn't have a health and safety issue, but because it's older and because things have changed over time the porch goes into somebody's setback and a person doesn't want to rip off a side of their porch that's not unsafe, for example, in order to participate in the standards. I want people whose house meets the health and safety standards to have the greatest opportunity to participate. And the smaller lots here I think creates the opportunity as councilmember harper-madison mentioned in the last amendment for more fee simple ownership where someone might have a wide lot and do the preservation bonus, keep their house, add a couple of units on the side and have an easier opportunity even if they don't really live on a big lot to sell those and stay -- sort of be able to capitalize on that asset and stay in place. So that's the intention

[5:04:42 PM]

behind each of these.

>> And if I can just clarify, just very briefly, what could happen, councilmember tovo, to your question, just to be a little bit more concrete in the explanation, is somebody comes in to do the preservation incentive and the house that they want to preserve has some illegal additions. It has some construction that has been done that wasn't properly permitted and maybe it does not fully comply with current code. This would simply say that if that can be permitted through the amnesty co process which has some limitations to it, it's not unlimited, then it would be eligible for participation in the preservation incentive.

>> Mayor Adler: Okay. For me I'm going to support the amendment as we move forward. And I recognize that moving a house costs more than not moving the house, but by moving the house might save some expenses too. You might be able to put in driveways that cost less or decreased distance. You might be able to save trees and avoid the cost of

[5:05:43 PM]

mitigation. So it could result in a cost savings as well.

>> Preservation Austin I think suggested being able to move the house further to the front.

>> Mayor Adler: For those reasons, I think. Yes, councilmember Ellis.

>> Ellis: I have what I hope is a quick clarification question. On part E about being able to move the unit on the property, but not obey from the front street oh, would this affect on a corner lot? I just want to make sure if single-family needs more direction on you can move it away from the side street?

>> Casar: That's why we specifically spoke to street frontage rather than the address of the house so that the house isn't hidden away from the street, but moves towards either street frontage.

>> Ellis: Okay. Just wanted to make sure. I'm glad that we had this chat.

>> Mayor Adler: Councilmember tovo.

>> Tovo: Thank you for talking through D. I now understand that and I'm comfortable with that. I want to talk about the F.A.R. And get back to that for a minute. I'm looking back at the text

[5:06:44 PM]

and it's my understanding the preserved structure doesn't count towards the maximum allowable F.A.R. In the base zone.

>> That is correct. The structure that's preserved does not count towards the F.A.R. Of the site any longer, but it is still capped at the F.A.R. That would be allowed by the site. So it can't be expanded beyond the .4 F.A.R.

>> But if subdivided the existing two -- the additional two lots would actually be subject to the graduated approach and be allowed additional F.A.R.? For having multiple units? I'm just looking through the text. Additional units are not subject to minimum parking requirements. And within r2-a, r2 B, r3,

[5:07:47 PM]

development cannot exceed a maximum impervious cover of 45% if it contains two units, 50 if the site contains three. 55 if the site contains four units. So I'm trying to go back and understand how that graduated approach works or if it's a moot point if the lot is subdivided as I assumed as contemplated by B.

>> I think since both structures are preserved and the new are limited to the F.A.R. In the zone, if it was subdivided, if the lot was subdivided subsequently, then they would be at -- they might be at their limit for the zone, but they wouldn't be over what would otherwise be allowed in the zone.

>> Tovo: I guess I'm trying to understand how. And you're talking about the second unit, but it's m.d.ing in be if you're an r2 B you could actually achieve three if you preserve the existing structure. So if you have a site and

[5:08:50 PM]

you utilize the preservation incentive and build three units, you can achieve that higher impervious cover through the graduated approach. You could achieve 50% and then you could subdivide and then those lots would be -- would have potentially more on their lot than would have otherwise been permitted.

>> Well, in that case if you had one lot with three units and 50% impervious cover and then you subdivided that lot, assuming one of the units went with one lot and two went with another, the total impervious cover on each one of those resulting smaller lots -- I'm trying to imagine it being at 50% or between 45 and 50, which -- I think you're saying that you think it would have higher impervious cover than would otherwise be allowed?

>> I think so. Each of those lots

[5:09:50 PM]

individually would have exceeded the impervious cover that would be allowed with one lot per house. One house per lot.

>> So in the subdivision if you did the preservation incentive and you had three units and 50% impervious cover and then you subdivided after that, the house that -- the lot that had the one house might have more impervious cover than would be typically allowed for one unit. That's something that we're going to need to work with our watershed team on about how subdivision post-preservation incentive would work and how that can be monitored. But the site itself would not exceed the impervious cover allowance for those three units. So as a total the 50% would be maintained, which is allowed, but per lot they might -- one lot might exceed the impervious cover that would typically be allowed for that number of units.

[5:10:51 PM]

So that's just a Loy just Ta kel thing -- low logistical thing that would need to be worked out with the watershed team.

>> Tovo: I look forward to hearing more on how it would be worked out and I think I'm in the same position I was in last time, which is there are other amendments that seem to be minimum lot size and it's not entirely clear how those are going to interact in such a way as to potentially impact this one. But anyway, if you don't mind following back up on that once you have some more info from watershed.

>> Mayor Adler: Okay. Casar number one is in front of us. Do you want to take a vote? Councilmember alter.

>> Alter: I'm going to make it easy and vote no on all of it. There's C and E that I would probably support, but I'll just make it simple.

>> Mayor Adler: Okay. Councilmember kitchen.

>> Kitchen: I want to confirm the language we're adding to B. I would suggest we just add a number three that says ensure that S.O.S. Protections remain applicable.

[5:11:51 PM]

>> Mayor Adler: Any objection to that? Hearing none, it's added. Let's vote on Casar 1. Those in favor raise your hand? Those opposed. Alter voting no. Those abstaining?

>> Tovo: I'm not abstaining. I'm going to support the provisions with the -- I'm not going to make it easy, I guess. Sorry about that. But I am going to support all of them except for B.

>> Mayor Adler: Okay. Record will so note. Councilmember pool? Councilmember pool is a no. Alter is a no. Tovo is both no and yes as she indicated in the record. The others voting aye. Casar 1 passes. What about tovo 4?

>> Kitchen: Mayor, I thought we had a hard stop at 5:00?

>> Mayor Adler: I'm willing to come back toward the end with Adler rs one so I'll table that for now and bring it back when we have the language and which means we have only some one thing remaining in residential? Do we want to take care of the one thing we have left

[5:12:51 PM]

in residential? Seems like most people are shaking their head yes. Let's see how long it will take. Tovo number 4, --

>> Harper-madison: Mayor Adler, I'm sorry, I only have childcare until 5:00. I really need to get going.

>> Kitchen: I think we need to stick to the times we said.

>> Mayor Adler: Let's stick to the time. Colleagues, we don't start tomorrow until 3:00. Let's see if we can start promptly at 3:00. I would urge people if you have amendments make sure that you post them. I've handed out an amendment to kitchen 1, which is at the bottom of page 2. Also posted it. So that one is there. But if you have anything, pass them out. If anybody can pass out new amendments or post them, we'll try to create a tranche 2 packet because again we're going to go through first all the ones that were filed last Friday in the amendments there to,

[5:13:51 PM]

but we will start pulling together a tranche 2 packet if people will go ahead and post those.  
Councilmember kitchen.

>> Kitchen: Could you remind us all of the schedule for tomorrow? Because we have a start time, we have an end time and I think we have a break in the middle, backup I'm not sure.

>> Mayor Adler: We're going to start at 3:00, go until 5:00. We're going to take a dinner break until 5:00 to 7:30. We'll reconvene at 7:30. I suggest that people be available through like 11 and we'll work as fast as we can. Again, if people can post stuff preferably by noon tomorrow we'll try to prepare and hand out a tranche 2 packet. So post new amendments for the tranche 2 packet, post amendments to these amendments so that people can look at them ahead of time. Anything before we break? Yes, councilmember pool.

>> Pool: And maybe we can get some time tomorrow too to talk about the capacity numbers that we got from staff.

>> Mayor Adler: Okay. With that, here at 5:14,

[5:14:53 PM]

this meeting is adjourned.

[6:00:22 PM]

>> Flannigan: All right. I think we can go ahead and get started. So we'll go ahead and call the meeting of the judicial committee to order. We are at 2:04 P.M. In the boards and commissions at city hall. I am councilmember Flannigan, chair of the committee. Councilmembers Casar and the mayor pro tem are present. Councilmember harper-madison is now approaching the dais so we are all here. We're going to go ahead and start with citizens communication. So I think we have a few folks who have signed up to speak so I'm going to call up four people at a time so we can move through this pretty quickly. Primitive Gibson, Gus Pena,

[calling names of graduates] Pena...

[Call names].

>> I don't see primitive.

[6:01:23 PM]

Kathie Mitchell, would you like to take the fourth seat here? Gus, why don't you start us off. Press the button on the -- there you go. Got it.

>> Got it.

>> You have three minutes.

>> Good afternoon, my name is Gustavo, Gus Pena, native east austinite, former irs investigator, works as a bailiff in the courts. I wanted to set a predicate for all this going on. I too am concerned about some -- several issues here that are ongoing in the city of Austin. I ran for judge in 1993 and here's the endorsement from the Austin police association. Having said that. We want to remain cognizant that our things are going on. I love my officers, I love

[6:02:23 PM]

my deputies, I love my dps, but there are some problematic issues and problematic people or officers that need to be corrected. One of the things that we as -- as a person need to remind themselves of first and foremost look at the person first, do not judge them because I have been judged by a lot of cops a long time ago and they called us wetbacks and we have to fight for the right to become an American. And I can tell you, chief miles, Tom Miller was the mayor at the time so I got arrested for crossing east avenue. And so mayor Tom Miller at the time, he said you release that young man. He is a human being. So I know about being profiled and I know about being arrested, but I will tell you this much, there are some things that are going on that have to be

[6:03:25 PM]

corrected as far as the officers. I love my officers, I have good friends in the deputy, but there are some problematic officers over there that really are not doing their job appropriately. And so what I want to say is this, is that please I want to thank judge coffey and my beautiful judge from municipal court. She has helped out a lot of people that -- anyway, I'll leave it at that. So anyway, chair and members, remember, first and foremost people are human beings. Don't foreprofile. I'm still being profiled. Don't profile and watch what you do because the community, my community is looking at everybody closely, not just the police department, but others. Remember this, I was endorsed by the Austin police department for a judicial position. Here it is right here? Do you want to see it? I'll give you a copy of that, but things are going on that shouldn't have been going on. Humanistic issues. Remember the person. Because I've been profiled

[6:04:27 PM]

also. And they would say oh, my, Gus, I didn't know it was you. Don't go profiling me because I'll go back to federal. Just remember, irs investigator, I had a lot of power, but I treated people with respect and professional. Thank you for allowing me to speak.

>> Flannigan: Thank you, Mr. Pena. Mr. Moore. Good morning, it is also good to see you. We have been talking about the [indiscernible] Program. We have issues with the racial profiling within the police department and I think at least from box, and I haven't talked to chief Manley yet, but I think it's definitely that they want to fix, it's something that we all want to fix so we've been looking closely at independent app list program called lights out

[6:05:27 PM]

Indianapolis to where instead of cops giving you tickets or citations or anything wrong with the car, they will give you a voucher. And it has worked tremendously. I also think it would be a great pr move for the

police department, honestly. But you know, it's something to allow officers to stop wasting so much time because I think Kathie talked about yesterday at policy meeting it takes on average three or four hours for any type of booking or a citation like that. So we can literally reduce that tremendously by an officer giving a voucher to get your broken tail light fixed or broken whatever. I think that's a good idea. That's all I really wanted to add to the conversation. I think it's something that would be fruitful for the community. I think it would save cops time to actually go to serious crime work, right, like we're wasting hours or even more than two minutes on broken taillights and

[6:06:29 PM]

things that shouldn't take that long, let's get them back on the streets to do some real cop work.

>> Flannigan: Thank you. Chris Harris, if you want to come up and take a seat. Ms. Garrett.

>> Thank you. My name is Emily Garrett, attorney at the defense project. I'm thankful to this committee for bringing this item on racial disparities today, I think it's a really important item and I want to thank the office of police oversight, office of innovation and the equity office for this report. Racial disparities are really prevalent at all levels of our criminal justice system and this report focuses on what I think is the most important part of that, which is the front end where people actually enter into the criminal justice system in the first place. This report shows what many of us have already known for very long. It shows the effects of racial bias and overpolicing in lower income neighborhoods and communities of color. I want to say I think the only way that racial disparities can actually be

[6:07:30 PM]

meaningfully addressed is to stop overpolicing and I hope this report has the information we need.

>> Thank you. Ms. Mitchell.

>> So y'all be about to get on presentation on report so I'm going to assume that all the data, details you will be able to get all your questions answered. I just wanted to put this a little bit in the context of the racial profiling reporting system, if you want to call it that. We've had almost 20 years now since the racial profiling law was put in effect. Various departments have been doing reports for a long time, including ours, and generally they find racial profiling. This was a very good report. In the context of all these

[6:08:31 PM]

years, I'm going to ask that you all try not to be led down the path of what have really become kind of dead end debates over statistical questions like baselines and what percent of what should count as what. It's hard to describe all the different ways that this data has been diminished by departments over the years. It takes a lot of data to produce a regression level analysis. I want to point out at least for data available, regression analysis in this state has been produced and constantly showing racial profiling. Austin is one of many jurisdictions that you can look at that are aggregated. In the case of the report that I just pulled upcoming

[6:09:33 PM]

over here, an academic out of North Carolina was hired a few years back to look at all of the dps data, which gives you millions and millions of stops and millions of -- and enough searches to be able to dig. I want to point out that there are two kind of key things they found when they look that deep into racial profiling data. And one was that there are certain kinds of shops kinds of stops. Racial profiles stops are far and away than other kinds of stops. Stops that are disproportionately stopped by police officers, going to find themselves racially profiled. Management in Austin can and should dig deeper into the

[6:10:35 PM]

data that has already been analyzed for us, where we've got very robust results, and identify what kind of stops are a red flag.

[Buzzer sounds] And whether there are any individuals who seem to be accounting for more of that disproportionate outcome and use those factors to identify and address the profiling in the department. Thank you.

>> Thank you, Ms. Mitchell. Mr. Harris.

>> Thank you so much for having me. Appreciate the time. So yeah, also I want to echo the gratitude to the Austin of police oversight, the equity office and the office of innovation. I think it contributes significantly to our community. If we look at the data there's racial disparities as it concerns basically

[6:11:37 PM]

every aspect of enforcement from the point of a traffic stop and onward. And I think it's important to look at it both based in many -- these disparities, particularly as it relates to each segment. But I think where it most shows itself is in the search component. So with stops, without diving a into the specifics of each individual report about the reasons for the stops, we can see from the numbers that it looks wrong and it shouldn't be that way. But when we look at searches and we see a hit rate that's very

similar across racial groups, but still black and brown folks subjected to much more often that, a very key indicator that this is a factor in that decision. Given an equal chance of finding some contraband in a

[6:12:37 PM]

certain stop, if certain races are consistently subjective to searches more often despite there not being a reason for that, then there's really only one thing that you can conclude from that. So I think with the other parts of it when we're talking about stops, we're talking about citations, we're talking about even field warnings and what have you, it's very likely to assume based on the degree of the disparity that race is a significant factor, but I think when we look at the searches, which then obviously drive arrests, it really comes into play. I also want to highlight the extent that poverty is also a role in this, right? And the degree that we have disparate poverty levels in our community among racial groups diving this piece, not to absolve police because I think there are both individual and systemic racism at play and what we see in this report, but clearly driving a car is an expensive endeavor and it takes a lot of money to maintain a vehicle and to do so lawfully.

[6:13:38 PM]

And so it is constantly people are subjected to potential motor vehicle stop on the basis of some of the things and that just require money. So by virtue of folks not having it, if police are then decide into areas where black and brown people are, predominantly then it's going to only exacerbate these disparities that we see. And I think it's owe you -- you know, it's something where we have to look beyond the individual officers that there are issues with and also systemically, especially when we look at the race unknown data.

[Buzzer sounds] I'll say this and finish up. There was also disparity when the officer claimed they didn't know the race of a person. So that would only happen if the officers were actually targeting areas where there was already a disparity in the people that are driving that area. So that means that they're overpolicing certain areas and they're doing so under a priority of motor vehicle stop, which is contributing to that number. So we have to look systemically at well as

[6:14:39 PM]

policing priorities and practices. Thank you.

>> Flannigan: Thank you, Mr. Harris. That is the end of our citizens communication so let's go on to our first item, approving the minutes. Do I have a motion to approve the minutes from the last meeting? Second from councilmember Casar, second from mayor pro tem. With that reapprove the minutes from

the last meeting. Item number 2, core facility update. I think you are quacking us through a -- walking us through a presentation on this? Excellent.

>> I'll dead and get

[6:15:40 PM]

started. Alex gale from the real estate offices. Looking at the municipal court and other offices that we're trying to find property on. We've briefed the committee several times on this, but want to give another update on where we're at with everything. Just a quick recap of where this came from, it was a resolution from February 15th, 2018, to talk about identifying properties #U to lease, build or purchase with the Austin municipal court, creating one regional facility north and one regional facility south. Item 2 is to develop recommendations from the future use of the Austin municipal court on east seventh and then also discuss future space for the downtown Austin community court. To give a quick update of where we're at for the new space for Austin municipal court, council did provide

[6:16:40 PM]

direction to staff to move forward with a lease, 10 year lease, 96,000 square feet of office space located at 6800 Burleson road. The planned completion and move-in to this lease space is scheduled for March 2nd of this year. And the first jury duty at the first location is scheduled for March 23rd later that month. We are still looking for a north payment center to be relocated from the current police substation due to some overcrowding and efficiencies that are in that current space and we have paused right now looking for a long-term for the north regional facility, but we plan on bringing that back up once the term of the south facility starts to come closer to being ended. So five to seven years down the road is when we would want to bring something

[6:17:40 PM]

back. For the north payment center we are currently looking for space. What we're looking for is something with a courtroom and a place for the public to come and pay, make payments for some of those items that that municipal court handles and also we've reached out to the county to see if there's any cross functionalities that we can provide with them as well. So we can provide some feedback from that once I hear a little bit more from the county on that. Specifically progress on the new municipal court space at 6100 Burleson, the shell is 1% complete, all the courtrooms are nearly 100% complete and we have a punch list to do those walk through items on the interior permits are approved, final inspection and closing of the permits are scheduled for March 14th, 2020. A little bit of confusion,

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or building another facility, but there's a longer term. We think this pathway with the lease to purchase option may be the best path forward for us so we're continuing down that path currently. That really is all three items that I wanted to go over, and sorry, I tried to go pretty quickly with you, but I did just want to throw up the downtown Austin community court jurisdiction map. The jurisdictions that we have been looking for to find this dac space are

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limited to those jurisdictions and of course we are-- it has been challenging to find space that meets dac's requirements, but also has a reasonable rate to pay for, whether we're buying, leasing, building. And so the star on the map is just where the facility is currently located on east sixth, and then the east Austin in the green would be where the potential lease space that we're in negotiations with would be located at in the green highlighted area on the map there. But with that, that was -- tried to go as quick as possible. I know you guys have a full agenda, but would go into any discussions or questions that you may have.

>> Flannigan: Did you say that the proposed site is marked on that map?

>> It is not marked on the map, but it is east second. I don't have a pointer.

[6:23:55 PM]

It's in east Austin.

>> Flannigan: Approximately how many blocks east of I-35?

>> I want to say maybe six or seven? 1.1 miles from the current facility?

>> Judge coffee, do you want to come up? I don't want to extend this too long because we have other stuff to get to. First, Alex, to the extent that this east second site is the choice, can when does that come before council for approval?

>> So the current landlord is working on buildout costs for us. We're working with dac staff to determine what the courtroom specs might look like, but we need to work through the architectural buildout so that the landlord can tell us what the costs will be for the rent. So we're still several months away before that might come back to council.

>> Flannigan: Just briefly I want to give you a chance to kind of weigh in.

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>> We have a meeting tomorrow. We're hoping that's the final meeting of a design, most of the design that needs to be done, where they'll be able to give us a cost estimate back. So what you're asking was where that was and -- it's 1719 east clinic. It's very near the medical clinic out there and very near an integral care facility, both of which are positive things. It is much farther than where we are from our hub of our activity right now. Maybe more difficult to get people to actually make it there without help. We're trying to avoid getting there without help is where it is right now. So I think it's a great

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facility if we could move it closer it would be wonderful. The other facilities that we had identified apparently may not be available. So I'm not certain that real estate has been able to locate that might work.

>> Flannigan: Anyone have questions on the facilities? Thank you. I want to say I went back to the presentation of the last judicial committee meeting which you said April 2020, so congratulations on bringing it up a month from the last time you spoke.

>> Did you already address the item on our next Thursday's -- there's an item -- is that specifically for the childcare?

>> The item on the 20th?

>> Garza: Yes.

>> Yes. That's specifically for the childcare, not at the municipal court facility, but at the building next door. Still in the Bergstrom tech area. So that is for the childcare facility in the building next to the municipal court building.

>> Garza: Has there been an rfp out for the operator

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of that?

>> I don't believe the rfp has gone out yet, but I know public health has been working with their childcare consultant to make sure to get that out in a timely manner.

>> Garza: Thanks.

>> Casar: I may have some options offline, but I don't think I want to take up time with it now.

>> Flannigan: And judge coffee, let's keep talking. I know our offices has been working with you and figure out the pros and cons on the dac question. Thank you, judge. Thank you, Mr. Gale. We'll move on to item number 3 if you want to come up and give us our metrics update.

>> Good afternoon, I'm Mary Jane grub, I'm the clerk of the court for Austin municipal court.

[6:27:59 PM]

>> I am Peter Valdez, the court administrator for the downtown Austin community court.

>> So we are here to give you a brief update on the metrics that R. Used to support the eight council driven goals. The first is to provide . Quick administration of all cases in the court. These are standards with the national center for state courts. They're good indicators of just the overall effectiveness of moving our caseloads forward. The top chart on the left you can see these are all cases that were adjudicated within case processing time standards. So the top chart on the left is municipal court. The one on the right is dacc. So you can see the majority of our cases are adjudicated within 90 days. That means from the date they get their citation until they come in and their sentences are complete. Dacc is pretty much the exact opposite. They take about six months. I'll let Pete speak more to that.

>> Because the majority of our cases are associated

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with homeless individuals and those individuals are connected to case management, those activities take much longer, and they're much more intensive so on average an individual could be on case management from anywhere from six months to two years. That's the average. That's why there's that big difference.

>> Flannigan: Is there a different metric we should be using for the dacc in terms of prompt, efficient, effective and impartial?

>> Yes. We've started that internal conversation because the majority of the individuals in case management aren't necessarily connected to case management through court. We have a large number of individuals that are assigned to us voluntarily and through host. So we have no court cases whatsoever. So all of their successes or completions aren't even being captured in this

[6:30:03 PM]

measure.

>> Flannigan: I think that's an interesting conversation for another date to think about what the right metrics are for dacc.

>> The two charts on the bottom are for dacc only. Our target is 1015 days and you can see that fiscal year 2018 we were right under that. A little higher in '19 and looks like probably going to be a little bit higher in this year as well. The reason for that is a lot of cases are getting reset more often for changes in the legislature, backdating to 2017. Restricting bonds. So cases are taking longer to be disposed because they're going to court multiple times, which is a good thing. People having hardships can come and get their cases reset. It just takes longer to close the cases. Case closure rate,, you should always be disposing as many cases that are coming in, so that

[6:31:04 PM]

percentage should always be at least 100% and you can see that we'll still above that in every year. Goal number 2 is just about having effective information through multiple channels in regards to our procedures, rights and duties of defendants before the court and alternative sentencing options. You can see we have multiple pages on our website and all of our notices have information on what you can do if you cannot pay and what your options are to get new court dates. That's pretty straightforward. Goal number 3 -- I should have said this in the beginning of this. A lot of stuff we discussed last year, but councilmember Casar had requested some additional data and some segmentation, so you will see that in this presentation. Goal number three is minimize jail commitments for nonpayment of fines whenever effective alternatives are available. This is a busy chart, but if you look at it you can see it's broke out for three

[6:32:04 PM]

fiscal years. You've got individuals who are arrested on class C charges only, individuals who were remanded, meaning committed to jail on class C charges only. Total remands, which includes class C's and higher charges. And then average day of remands. It's also segmented by demographics, racial demographics. I will give you just a moment and take a look at that and happy to answer any questions that you may have here.

>> Flannigan: Is there a reason which is a bar chart in this way? It seems like not the right way to express this information, unless I'm not understanding it?

>> Well, it was the easiest way to get as much information that councilmember Casar requested last year, but the next slide might make it a little bit easier. Let me show you this. This the the remand details and this includes AMC and dacc both. You can see this is for the entire reported period,

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segmented by racial. First chart there is class C's only, second chart is total. And average days remanded. So on average anyone who is remanded is about two days. I looked at the data and it is important to note that there's very few remands, maybe 37 a year. That includes people with higher charges. That means if they have higher charges and being held on the higher charges, the judges will let them, if they choose to, sit their time for their class C's as well. When you look at it for remanded for class C charges only it gets much, much lower. It's less than one percent of all people who are arrested. Going back to this chart, it's also got -- you know, if they -- no, I think that's on another chart. I'll explain that in minute. But anyway, so this chart right here in terms of demographics might be easier for you to see.

[6:34:05 PM]

>> Flannigan: I might work with our office for that chart because I don't think it is the right chart to work with this information.

>> Okay. Goal number four is make alternative sentencing options available whenever appropriate under the law. First chart on the left is dacc, that's the rehabilitation sentences.

>> Yes. What I'd like to say about that is you can see the huge decrease in dacc sentences and that is associated with the huge decrease in sentences. In our peak year we were processing 16,000 cases and that was in fiscal year 2014. Last year we closed out at 2,000 cases overall, where police filed new cases. That being said even though our rehab sentences were significantly decreased, we had still a waitlist of 140 individuals that want case

[6:35:06 PM]

management, so we have an increase in voluntary request of case management assistance. Alongside the referrals coming from host. So so again, I think that's the most important highlight is that we're relying more on a proactive approach through outreach, host and our own case management outreach. So those -- the fact that there aren't as many rehab sentences doesn't -- isn't significant in that. We're still helping a lot of people.

>> Flannigan: Okay.

>> And the next chart just displays the fact that when there are cases that somebody has to respond to, the majority of them are addressed through alternative options. So again, case management and community service and even when somebody is

[6:36:06 PM]

assigned community service, especially an individual experiencing homelessness, judge coffee will allow them to do case management activities in lieu of actually doing community service work. So they'll get credit for their community service, but they're not having to do any work for that.

>> All right. The chart on the right is for AMC and that's just the number and percentage of payment plans and extensions. That hovers around 20% of all of our dispositions each year, so it is a small amount. The next slide is -- let me go back a little bit. For community service municipal court our current case management system, we're not capturing that update on municipal court side, meaning when a judge orders it we don't capture it then, we capture it when it's completed. So we know how many people have completed community service, we just don't know how many have been ordered. Dacc on the other hand actually occurs it upfront

[8:30:02 PM]

>> Flannigan: All right. I think we can go ahead and get started. So we'll go ahead and call the meeting of the judicial committee to order. We are at 2:04 P.M. In the boards and commissions at city hall. I am councilmember Flannigan, chair of the committee. Councilmembers Casar and the mayor pro tem are present. Councilmember harper-madison is now approaching the dais so we are all here. We're going to go ahead and start with citizens communication. So I think we have a few folks who have signed up to speak so I'm going to call up four people at a time so we can move through this pretty quickly. Primitive Gibson, Gus Pena,

[calling names of graduates] Pena...

[Call names].

>> I don't see primitive.

[8:31:03 PM]

Kathie Mitchell, would you like to take the fourth seat here? Gus, why don't you start us off. Press the button on the -- there you go. Got it.

>> Got it.

>> You have three minutes.

>> Good afternoon, my name is Gustavo, Gus Pena, native east austinite, former irs investigator, works as a bailiff in the courts. I wanted to set a predicate for all this going on. I too am concerned about some -- several issues here that are ongoing in the city of Austin. I ran for judge in 1993 and here's the endorsement from the Austin police association. Having said that. We want to remain cognizant that our things are going on. I love my officers, I love

[8:32:04 PM]

my deputies, I love my dps, but there are some problematic issues and problematic people or officers that need to be corrected. One of the things that we as -- as a person need to remind themselves of first and foremost look at the person first, do not judge them because I have been judged by a lot of cops a long time ago and they called us wetbacks and we have to fight for the right to become an American. And I can tell you, chief miles, Tom Miller was the mayor at the time so I got arrested for crossing east avenue. And so mayor Tom Miller at the time, he said you release that young man. He is a human being. So I know about being profiled and I know about being arrested, but I will tell you this much, there are some things that are going on that have to be

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corrected as far as the officers. I love my officers, I have good friends in the deputy, but there are some problematic officers over there that really are not doing their job appropriately. And so what I want to say is this, is that please I want to thank judge coffey and my beautiful judge from municipal court. She has helped out a lot of people that -- anyway, I'll leave it at that. So anyway, chair and members, remember, first and foremost people are human beings. Don't foreprofile. I'm still being profiled. Don't profile and watch what you do because the community, my community is looking at everybody closely, not just the police department, but others. Remember this, I was endorsed by the Austin police department for a judicial position. Here it is right here? Do you want to see it? I'll give you a copy of that, but things are going on that shouldn't have been going on. Humanistic issues. Remember the person. Because I've been profiled

[8:34:07 PM]

also. And they would say oh, my, Gus, I didn't know it was you. Don't go profiling me because I'll go back to federal. Just remember, irs investigator, I had a lot of power, but I treated people with respect and professional. Thank you for allowing me to speak.

>> Flannigan: Thank you, Mr. Pena. Mr. Moore. Good morning, it is also good to see you. We have been talking about the [indiscernible] Program. We have issues with the racial profiling within the police department and I think at least from box, and I haven't talked to chief Manley yet, but I think it's definitely that they want to fix, it's something that we all want to fix so we've been looking closely at independent app list program called lights out

[8:35:07 PM]

Indianapolis to where instead of cops giving you tickets or citations or anything wrong with the car, they will give you a voucher. And it has worked tremendously. I also think it would be a great pr move for the police department, honestly. But you know, it's something to allow officers to stop wasting so much time because I think Kathie talked about yesterday at policy meeting it takes on average three or four hours for any type of booking or a citation like that. So we can literally reduce that tremendously by an officer giving a voucher to get your broken tail light fixed or broken whatever. I think that's a good idea. That's all I really wanted to add to the conversation. I think it's something that would be fruitful for the community. I think it would save cops time to actually go to serious crime work, right, like we're wasting hours or even more than two minutes on broken taillights and

[8:36:09 PM]

things that shouldn't take that long, let's get them back on the streets to do some real cop work.

>> Flannigan: Thank you. Chris Harris, if you want to come up and take a seat. Ms. Garrett.

>> Thank you. My name is Emily Garrett, attorney at the defense project. I'm thankful to this committee for bringing this item on racial disparities today, I think it's a really important item and I want to thank the office of police oversight, office of innovation and the equity office for this report. Racial disparities are really prevalent at all levels of our criminal justice system and this report focuses on what I think is the most important part of that, which is the front end where people actually enter into the criminal justice system in the first place. This report shows what many of us have already known for very long. It shows the effects of racial bias and overpolicing in lower income neighborhoods and communities of color. I want to say I think the only way that racial disparities can actually be

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meaningfully addressed is to stop overpolicing and I hope this report has the information we need.

>> Thank you. Ms. Mitchell.

>> So y'all be about to get on presentation on report so I'm going to assume that all the data, details you will be able to get all your questions answered. I just wanted to put this a little bit in the context of the racial profiling reporting system, if you want to call it that. We've had almost 20 years now since the racial profiling law was put in effect. Various departments have been doing reports for a long time, including ours, and generally they find racial profiling. This was a very good report. In the context of all these

[8:38:12 PM]

years, I'm going to ask that you all try not to be led down the path of what have really become kind of dead end debates over statistical questions like baselines and what percent of what should count as what. It's hard to describe all the different ways that this data has been diminished by departments over the years. It takes a lot of data to produce a regression level analysis. I want to point out at least for data available, regression analysis in this state has been produced and constantly showing racial profiling. Austin is one of many jurisdictions that you can look at that are aggregated. In the case of the report that I just pulled upcoming

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over here, an academic out of North Carolina was hired a few years back to look at all of the dps data, which gives you millions and millions of stops and millions of -- and enough searches to be able to dig. I want to point out that there are two kind of key things they found when they look that deep into racial profiling data. And one was that there are certain kinds of shops kinds of stops. Racial profiles stops are far and away than other kinds of stops. Stops that are disproportionately stopped by police officers, going to find themselves racially profiled. Management in Austin can and should dig deeper into the

[8:40:15 PM]

data that has already been analyzed for us, where we've got very robust results, and identify what kind of stops are a red flag.

[Buzzer sounds] And whether there are any individuals who seem to be accounting for more of that disproportionate outcome and use those factors to identify and address the profiling in the department. Thank you.

>> Thank you, Ms. Mitchell. Mr. Harris.

>> Thank you so much for having me. Appreciate the time. So yeah, also I want to echo the gratitude to the Austin of police oversight, the equity office and the office of innovation. I think it contributes significantly to our community. If we look at the data there's racial disparities

[8:41:15 PM]

as it concerns basically every aspect of enforcement from the point of a traffic stop and onward. And I think it's important to look at it both based in many -- these disparities, particularly as it relates to each segment. But I think where it most shows itself is in the search component. So with stops, without diving

a into the specifics of each individual report about the reasons for the stops, we can see from the numbers that it looks wrong and it shouldn't be that way. But when we look at searches and we see a hit rate that's very similar across racial groups, but still black and brown folks subjected to much more often that, a very key indicator that this is a factor in that decision. Given an equal chance of

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finding some contraband in a certain stop, if certain races are consistently subjective to searches more often despite there not being a reason for that, then there's really only one thing that you can conclude from that. So I think with the other parts of it when we're talking about stops, we're talking about citations, we're talking about even field warnings and what have you, it's very likely to assume based on the degree of the disparity that race is a significant factor, but I think when we look at the searches, which then obviously drive arrests, it really comes into play. I also want to highlight the extent that poverty is also a role in this, right? And the degree that we have disparate poverty levels in our community among racial groups driving this piece, not to absolve police because I think there are both individual and systemic racism at play and what we see in this report, but clearly driving a car is an expensive endeavor and it takes a lot of money to maintain a vehicle and to do

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so lawfully. And so it is constantly people are subjected to potential motor vehicle stop on the basis of some of the things and that just require money. So by virtue of folks not having it, if police are then decide into areas where black and brown people are, predominantly then it's going to only exacerbate these disparities that we see. And I think it's owe you -- you know, it's something where we have to look beyond the individual officers that there are issues with and also systemically, especially when we look at the race unknown data.

[Buzzer sounds] I'll say this and finish up. There was also disparity when the officer claimed they didn't know the race of a person. So that would only happen if the officers were actually targeting areas where there was already a disparity in the people that are driving that area. So that means that they're overpolicing certain areas and they're doing so under a priority of motor vehicle stop, which is contributing to that number. So we have to look

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systemically at well as policing priorities and practices. Thank you.

>> Flannigan: Thank you, Mr. Harris. That is the end of our citizens communication so let's go on to our first item, approving the minutes. Do I have a motion to approve the minutes from the last meeting?

Second from councilmember Casar, second from mayor pro tem. With that reapprove the minutes from the last meeting. Item number 2, core facility update. I think you are quacking us through a -- walking us through a presentation on this? Excellent.

>> I'll dead and get

[8:45:20 PM]

started. Alex gale from the real estate offices. Looking at the municipal court and other offices that we're trying to find property on. We've briefed the committee several times on this, but want to give another update on where we're at with everything. Just a quick recap of where this came from, it was a resolution from February 15th, 2018, to talk about identifying properties #U to lease, build or purchase with the Austin municipal court, creating one regional facility north and one regional facility south. Item 2 is to develop recommendations from the future use of the Austin municipal court on east seventh and then also discuss future space for the downtown Austin community court. To give a quick update of where we're at for the new space for Austin municipal court, council did provide

[8:46:20 PM]

direction to staff to move forward with a lease, 10 year lease, 96,000 square feet of office space located at 6800 Burleson road. The planned completion and move-in to this lease space is scheduled for March 2nd of this year. And the first jury duty at the first location is scheduled for March 23rd later that month. We are still looking for a north payment center to be relocated from the current police substation due to some overcrowding and efficiencies that are in that current space and we have paused right now looking for a long-term for the north regional facility, but we plan on bringing that back up once the term of the south facility starts to come closer to being ended. So five to seven years down the road is when we would want to bring something

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back. For the north payment center we are currently looking for space. What we're looking for is something with a courtroom and a place for the public to come and pay, make payments for some of those items that that municipal court handles and also we've reached out to the county to see if there's any cross functionalities that we can provide with them as well. So we can provide some feedback from that once I hear a little bit more from the county on that. Specifically progress on the new municipal court space at 6100 Burleson, the shell is 1% complete, all the courtrooms are nearly 100% complete and we have a punch list to do those walk through items on the interior permits are approved, final inspection and closing of the permits are scheduled for March 14th, 2020. A little bit of confusion,

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>> Flannigan: Did you say that the proposed site is marked on that map?

>> It is not marked on the map, but it is east second. I don't have a pointer.

[8:53:35 PM]

It's in east Austin.

>> Flannigan: Approximately how many blocks east of I-35?

>> I want to say maybe six or seven? 1.1 miles from the current facility?

>> Judge coffee, do you want to come up? I don't want to extend this too long because we have other stuff to get to. First, Alex, to the extent that this east second site is the choice, can when does that come before council for approval?

>> So the current landlord is working on buildout costs for us. We're working with dac staff to determine what the courtroom specs might look like, but we need to work through the architectural buildout so that the landlord can tell us what the costs will be for the rent. So we're still several months away before that might come back to council.

>> Flannigan: Just briefly I want to give you a chance to kind of weigh in.

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>> We have a meeting tomorrow. We're hoping that's the final meeting of a design, most of the design that needs to be done, where they'll be able to give us a cost estimate back. So what you're asking was where that was and -- it's 1719 east clinic. It's very near the medical clinic out there and very near an integral care facility, both of which are positive things. It is much farther than where we are from our hub of our activity right now. Maybe more difficult to get people to actually make it there without help. We're trying to avoid getting there without help is where it is right now. So I think it's a great

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facility if we could move it closer it would be wonderful. The other facilities that we had identified apparently may not be available. So I'm not certain that real estate has been able to locate that might work.

>> Flannigan: Anyone have questions on the facilities? Thank you. I want to say I went back to the presentation of the last judicial committee meeting which you said April 2020, so congratulations on bringing it up a month from the last time you spoke.

>> Did you already address the item on our next Thursday's -- there's an item -- is that specifically for the childcare?

>> The item on the 20th?

>> Garza: Yes.

>> Yes. That's specifically for the childcare, not at the municipal court facility, but at the building next door. Still in the Bergstrom tech area. So that is for the childcare facility in the building next to the municipal court building.

>> Garza: Has there been

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an rfp out for the operator of that?

>> I don't believe the rfp has gone out yet, but I know public health has been working with their childcare consultant to make sure to get that out in a timely manner.

>> Garza: Thanks.

>> Casar: I may have some options offline, but I don't think I want to take up time with it now.

>> Flannigan: And judge coffee, let's keep talking. I know our offices has been working with you and figure out the pros and cons on the dac question. Thank you, judge. Thank you, Mr. Gale. We'll move on to item number 3 if you want to come up and give us our metrics update.

>> Good afternoon, I'm Mary Jane grub, I'm the clerk of

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the court for Austin municipal court.

>> I am Peter Valdez, the court administrator for the downtown Austin community court.

>> So we are here to give you a brief update on the metrics that R. Used to support the eight council driven goals. The first is to provide . Quick administration of all cases in the court. These are standards with the national center for state courts. They're good indicators of just the overall effectiveness of moving our caseloads forward. The top chart on the left you can see these are all cases that were adjudicated within case processing time standards. So the top chart on the left is municipal court. The one on the right is dacc. So you can see the majority of our cases are adjudicated within 90 days. That means from the date they get their citation until they come in and their sentences are complete. Dacc is pretty much the exact opposite. They take about six months. I'll let Pete speak more to that.

>> Because the majority of

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our cases are associated with homeless individuals and those individuals are connected to case management, those activities take much longer, and they're much more intensive so on average an individual could be on case management from anywhere from six months to two years. That's the average. That's why there's that big difference.

>> Flannigan: Is there a different metric we should be using for the dacc in terms of prompt, efficient, effective and impartial?

>> Yes. We've started that internal conversation because the majority of the individuals in case management aren't necessarily connected to case management through court. We have a large number of individuals that are assigned to us voluntarily and through host. So we have no court cases

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whatsoever. So all of their successes or completions aren't even being captured in this measure.

>> Flannigan: I think that's an interesting conversation for another date to think about what the right metrics are for dacc.

>> The two charts on the bottom are for dacc only. Our target is 1015 days and you can see that fiscal year 2018 we were right under that. A little higher in '19 and looks like probably going to be a little bit higher in this year as well. The reason for that is a lot of cases are getting reset more often for changes in the legislature, backdating to 2017. Restricting bonds. So cases are taking longer to be disposed because they're going to court multiple times, which is a good thing. People having hardships can come and get their cases reset. It just takes longer to close the cases. Case closure rate,, you

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should always be disposing as many cases that are coming in, so that percentage should always be at least 100% and you can see that we'll still above that in every year. Goal number 2 is just about having effective information through multiple channels in regards to our procedures, rights and duties of defendants before the court and alternative sentencing options. You can see we have multiple pages on our website and all of our notices have information on what you can do if you cannot pay and what your options are to get new court dates. That's pretty straightforward. Goal number 3 -- I should have said this in the beginning of this. A lot of stuff we discussed last year, but councilmember Casar had requested some additional data and some segmentation, so you will see that in this presentation. Goal number three is minimize jail commitments for nonpayment of fines whenever effective alternatives are available. This is a busy chart, but if

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you look at it you can see it's broke out for three fiscal years. You've got individuals who are arrested on class C charges only, individuals who were remanded, meaning committed to jail on class C charges only. Total remands, which includes class C's and higher charges. And then average day of remands. It's also segmented by demographics, racial demographics. I will give you just a moment and take a look at that and happy to answer any questions that you may have here.

>> Flannigan: Is there a reason which is a bar chart in this way? It seems like not the right way to express this information, unless'm not understanding it?

>> Well, it was the easiest way to get as much information that councilmember Casar requested last year, but the next slide might make it a little bit easier. Let me show you this. This the the remand details and this includes AMC and dacc both. You can see this is for the entire reported period,

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segmented by racial. First chart there is class C's only, second chart is total. And average days remanded. So on average anyone who is remanded is about two days. I looked at the data and it is important to note that there's very few remands, maybe 37 a year. That includes people with higher charges. That means if they have higher charges and being held on the higher charges, the judges will let them, if they choose to, sit their time for their class C's as well. When you look at it for remanded for class C charges only it gets much, much lower. It's less than one percent of all people who are arrested. Going back to this chart, it's also got -- you know, if they -- no, I think that's on another chart. I'll explain that in minute. But anyway, so this chart right here in terms of demographics might be easier for you to see.

[9:03:46 PM]

>> Flannigan: I might work with our office for that chart because I don't think it is the right chart to work with this information.

>> Okay. Goal number four is make alternative sentencing options available whenever appropriate under the law. First chart on the left is dacc, that's the rehabilitation sentences.

>> Yes. What I'd like to say about that is you can see the huge decrease in dacc sentences and that is associated with the huge decrease in sentences. In our peak year we were processing 16,000 cases and that was in fiscal year 2014. Last year we closed out at 2,000 cases overall, where police filed new cases. That being said even though our rehab sentences were significantly decreased, we had still a waitlist of 140 individuals that want case

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management, so we have an increase in voluntary request of case management assistance. Alongside the referrals coming from host. So so again, I think that's the most important highlight is that we're relying more on a proactive approach through outreach, host and our own case management outreach. So those -- the fact that there aren't as many rehab sentences doesn't -- isn't significant in that. We're still helping a lot of people.

>> Flannigan: Okay.

>> And the next chart just displays the fact that when there are cases that somebody has to respond to, the majority of them are addressed through alternative options. So again, case management and community service and even when somebody is

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assigned community service, especially an individual experiencing homelessness, judge coffee will allow them to do case management activities in lieu of actually doing community service work. So they'll get credit for their community service, but they're not having to do any work for that.

>> All right. The chart on the right is for AMC and that's just the number and percentage of payment plans and extensions. That hovers around 20% of all of our dispositions each year, so it is a small amount. The next slide is -- let me go back a little bit. For community service municipal court our current case management system, we're not capturing that update on municipal court side, meaning when a judge orders it we don't capture it then, we capture it when it's completed. So we know how many people have completed community service, we just don't know how many have been ordered. Dacc on the other hand actually occurs it upfront so they have more details on that. And this is the community

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service.

>> So again with the focus on the decrease that's associated with the decrease in cases that are filed at the court through APD. But when they are filed at the court and they are assigned community service with us, the pie chart on the right shows that the majority of them complete the community service within 90 days. What this doesn't capture is completions of -- completions of community service hours through our Travis county partners. If you recall, we supervise Travis county probationers that complete community service hours with our crew leaders. So those aren't reflected here because they don't have a sentence with our court. All we're doing is supervising those hours.

>> Flannigan: So just to make sure I understand the decrease in cases, is from a

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high point in 2014, is that right?

>> Correct. And every year since 2014 there's been a decrease.

>> Flannigan: But is there a related increase in voluntary, is that what you were saying?

>> Right, right. So there is a related increase in voluntary requests for case management, yes.

>> Flannigan: I see, but we can't fill all of those requests, resource constraints and the like.

>> Correct.

>> All right, the next slide is goal number five, which is to minimize the issuance of warrants whenever alternatives are available and through imposition of alternative sentences. The top chart is for both courts and this is just the number of warrants issued for each year. And the percentage of those warrants that are for failure to appear. So you can see the largest majority of them hovers between 65

and 69% of warrants that are issued are folks who have received citations or cases filed against them and never come to court at all. Which leaves about 30% that are for individuals who have

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had a judgment, but fail to comply with court orders. The bottom chart on the left is the percentage of active caseload and warrant status for AMC only. That hovers around 35% each year. Which we're doing a little bit better than industry standard. Industry standard is usually about 70%. So -- let me clarify, usually about 30%, 70% compliance rate, meaning 30% goes to warrant. And then average age of active warrants you can see that the majority of ours, 33% of our active warrants are in the three to five-year range. This was an interesting exercise and I'll talk about it a little bit a few slides from now, but we have what we call an administrative closure procedure each year that's got certain parameters if cases haven't had activity on them we close cases in the fourth quarter of each year. And so it was very surprising to find that 25% of our warrants are older

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than seven years. Obviously there's a gap in the parameter so we're looking at that. So we expect to get that fixed and that will be reduced. All right. A little more detail on the warrant clearances. Last time it was asked to break these out by arrest and non-arrest so we've done that and I've broken it out by quarter. I want to draw your attention to quarter four. You can see that's the highest percentage for non-arrests. The case closures again that has to do with the administrative closures each year. So quarter four is always going to be really high because eight of those cases get closed. But you can see that quarters one through three the majority of warrant clearances due to non-arrests. That means someone is voluntarily coming in and taking care of it and not being arrested. That's about 90% or maybe a little higher than 90%. And then the bottom two charts are just pie charts on cleared by arrest and cleared by non-arrest.

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And let's see. All of these charts are for both courts. All right. Goal number six is minimize unintended adverse consequences of class C fines and fees on low income individuals and families. So these are the number of cases that either received reductions or waivers. Those are judges reducing fines or completely waiving them. It also has the number of cases wherein indigency was determined and then -- where indigency was determined and then the total amount of reductions and waivers. If you look at fiscal year 18 and 19, those are really high compared to quarter one of fiscal year 20. This does take into consideration all the fines, fees and costs that are waived in that administrative closure process that we

have, so when you look at it quarterly compared to fiscal year, it's going to be much lower quarterly. So at the end of fiscal year '20, it will be more equivalent to '17 and '18.

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'17 and '18 were also significantly higher in terms of money than previous years and that was because of warrant amnesty, there's a significant amount of fines and fees in that period, typically February or March. We'll say we're not doing warrant amnesty in February or March of this year because of the moving. But we'll look at doing it later in the year. We also have the driver's license recovery clinics that we have participated in, walk-in dockets where individuals can come in everyday twice a day other than Fridays and see a judge on demand. And hardship dockets for those folks who are arrested and specifically have hardships and are released to come back to that docket. Goal number 7 is related to performing timely arraignment at the Travis county central booking facility and minimizing the time frame between a person's arrest and their opportunity to be released. It also talks about prioritizing release on

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personal bonds when possible. So you can -- these are all the bonds that were done at Travis county booking facility. You can see each year it's about 80% of them or close to 80% of them are released on personal bond. Councilmember Casar, last year you asked if we could get the average surety amounts. I was not able to get that. That's not our data and Travis county doesn't track it. Goal eight is treat all people with respect and dignity. That chart is from the citizens survey that the city does once a year. We do not have the fiscal year '19 results yet. Those are set to come out mid month this month. So this is from last year. It's usually around 80, 85%. I will say that this does take into consideration people who are satisfied or also said neutral. That's how the city calculates that. But because this is rather outdated we also do departmental surveys. These are internal when our customers are there we have customer comment cards. So the chart on the left you

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can see is AMC and chart on the right is dacc. AMC's side is rating one to five, five being best. And you can see generally above 95% are rating us as a five with two and three percent as being one, least satisfied. I do want to point out on the chart on the left-hand side right in the middle, fiscal year 19 '19, it looks like it's 171%, I didn't recognize until after I printed it, it's rounding. It rounded up to two. Do you want to explain yours?

>> First I want to start by saying that the -- the citizens survey, the majority of our clientele doesn't respond to that because that survey '78 is randomly sent to addresses, home addresses. So our clientele isn't -- their responses aren't captured on that survey. Which is why we started collecting our own internal data also in response to

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sd23 we started collecting that data internally last year, last fiscal year. We haven't received many responses between last year and this year we've only received 20 responses, so this is reflective of 20 responses. We've had some challenges with getting people respond. We made it available electronically at the court when people are leaving. Also when they're in case management, with a case manager they have the opportunity to fill that out. But our clientele is very hesitant at doing so. So we're continuing to tweak our process to try and get more people to respond without also influencing how they'll respond.

>> That's all. Any questions?

>> Flannigan: Greg?

[9:15:59 PM]

>> Garza: On goal number 6 6, you said that generally the-- I think you said the cases at the dacc had gone down. Is it the same -- you said that, right? And you said since 2014, what was the phenomena that created that continual --

>> So in conversations with APD over the years, since 2014 their focus has been less on class C misdemeanors and more on higher charges. So that's in general what the what they've told us when we've had those conversations.

>> Garza: And does the same trend apply at the municipal court?

>> It does. The five-year trend, I think the case reduction is about 47%.

>> Garza: So for fiscal year '18 and '19, there was a -- looks like a dramatic increase in -- looks like a dramatic Chris in waivers,

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am I reading that right, for fees and so findings of indigency went up and more fees were waived when -- and I'm assuming that relines with the resolution to define indigencies, so it wasn't as arbitrary as it felt like.

>> It was a combination of the resolution and changes in state law. And remember fiscal year '17 and '18 is the whole fiscal year, which includes the end of year closure process, but the warrant amnesty programs play a big part into that as well.

>> Garza: Okay. This might be more APD, but since 2014 has violent crime, anything more than a class C misdemeanor increased -- that's more of an APD question?

>> That may be a more APD

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question.

>> Garza: I can ask that later.

>> Casar: Will you say that number one more time, overall it has gone down by which percentage?

>> 47% the last five years. I think that's probably got 2014 included in it. At the same time our revenue has decreased by around 23% so it correlates pretty well. But also at the same time cases are getting extended. So one would naturally think your caseload, even though your caseload is shrinking, what are you doing? The cases are taking longer to process now and they're a lot more involved. They're being touched more and where most of them were closing -- about four years ago most of them were closing in 180 days, but because of the changes in the legislature we had to change our target to 215 because that's become more of the norm. So it's a trade-off. Even though cases are down,

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the time required to process those cases are longer.

>> Casar: And it best case for us not to fund all of many court operations with fees because it can create an adverse percentage. I think it's a good thing and we're happy to fill in the gaps so we don't have to charge -- for budget purposes we should charge tickets because it's the right thing to do. I think it's a good point raised by the mayor pro tem that seems that between 2015 and 2019 we found that folks weren't able to pay about three times more, and I think that likely has to do with a lot of the work that y'all have done internally, that the judges have done, that the direction the council has set to try to really find when folks are indigent or not. And I appreciate that. And if we're finding folks to be indigent three times as often and the number of cases is about half, then per capita it's -- it really is finding that a lot of the folks that are getting wrapped up in class C's often times can't pay and

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our judicial system's ability to recognize that and for us to work together to figure out how we deal with that better makes a lot of sense. So thank y'all for very clearly making some pretty significant change year after year on this. So it's useful to see that laid out here.

>> A big factor in that is just getting people to come in to actually take advantage of the services that the court offers. A person can't be found indigent or offered alternative sentencing offers if they don't come to court to take care of their ticket which goes back to that earlier slide, about 69% of our warrant issued are for failure to appear. And I don't mean an additional charge, but just not appearing at all. A lot of our efforts are focused on coming up with initiatives and making sure that our processes are making it easy for people to come in and take care of their business. Removing those barriers have traditionally been in place.

>> Flannigan: Councilmember harper-madison.

>> Harper-madison: Thank you. I wanted to get some

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clarity. Did you say there were 140 people actively on a waitlist for case management?

>> Correct.

>> Harper-madison: What does that look like to be able to reconcile that issue and how can we be supportive of that?

>> Well, going back to I think fiscal year '16 is when we started managing a waitlist because we weren't able to assign everybody that wanted case management to case management. It also correlates with the creation of host that year. And then funneling through referrals to us as well so that's really where the increase in referrals and requests for assistance began. So every year since council has provided us with funding for hiring new case managers and enhancing our social service contracts for those individuals that are needing those services. We just -- it hasn't happened at the pace where

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we can address it all at once. We did get as low as 40 people at one time and then it fluctuates between 40 and -- 140 has been the most we've had actually.

>> Flannigan: All right. Mayor pro tem.

>> Garza: You said there were 69% of warrants or failure to appear. Do you have data on what the original like ticket was?

>> I can get that for you. It's in the dataset. I just didn't segment it by charge type, but I can.

>> Garza: Thanks.

>> Of the 69%, do we know how many of those were able to get resolution because of the am it necessity periods that you provide and I guess -- amnesty periods

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that you provide and I guess the alternative ways to take care of things after hours or on weekends?

>> Well, let me make sure I'm understanding what you're asking. The 69% are currently outstanding, people who still have warrants. Because the 69% is for fiscal year 20 quarter one, so right now. I can run statistics on the cases that -- the warrants that were cleared during the amnesty period and tell you if those were failure to appear on warrants or cap just profile warrants which means they had a judgment. I can get that to you and tell you the percentages there.

>> Garza: That would be helpful. Thank you.

>> Flannigan: Okay. Thank you so much for the presentation. Let's move on to item number 4. Ms. Guzman will come up. I believe you're making the presentation on this item?

[9:24:18 PM]

>> Thank you for this -- director of office of police oversight. I'm joined by my colleagues, Kerry o'connor and Brian oaks, equity officer. Thank you for this opportunity to report to you to give a brief presentation on this report rho. It's something our offices are very proud of and I'm proud of the fact that we're able to work together on this analysis. I want to start off by saying this is very high level. I did bring a copy of the report for you, but I wanted to keep the presentation at 10 slides or less, so it is really kind of the main points of the report. So when we look at this report, I really want to point out that it aligns very well with sd-23 and the fair administration of justice. Obviously when we're looking at the strategic direction of the city, and primarily under this particular outcome, strategy number 1, which talks about develop and act on recommendations to ensure that all community members are treated fairly

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and equitably in the enforcement of laws. So this conversation is timely and in alignment with the direction that the city wants to go in. And then obviously this report primarily looks at stop data from 2015 to 2018. So when we look at the -- kind of the main points of this report, it's primarily about disproportionality. So, for example, when we look at the African-American population, the African-

American population is approximately 8%. But then when we look at stops and arrests for African-Americans, they are 15% stopped and -- and 25% of Alex. When we look at latinx community they make up 31% of the population but their stops are at 33 arrest and arrested at 43%. We're looking at desist proportionality and how that

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relates to how communities are -- experience policing in Austin. This particular chart basically says the same thing but it looks at it over the 2015 to 2018 period. And what you will see is specifically when you look at the numbers for African-Americans from 2015 to 2018, that number has increased in terms of the disproportionality from 4% to%. What is also interesting to note is that when we look at our caucasian population that number has increased when we look at the underrepresentation as it relates to their percentage of the population, their share of the population, in Austin. Here we look at, again, the theme here is disproportionality. When you look left to right race stops and the percentage -- when the police department issued their racial profiling report in February last

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year, they talked about the first three columns. And where this report is different is that we expounded upon their research to look at percentage of the population and the share of the respective population. So this is another way of showing the disproportionality. Again, we're looking at particularly with African-Americans and latinx, their percentage of stops as compared to their share of the population. So, again, it is just another way of showing the disproportionality that we found in the data. Here what is important to note is that we talk about low and high discretion searches. I just want to quickly define what that means. Low discretion means that, for example, if someone is stopped and it results in an arrest or the car is towed by policy naturally the officer has to search the vehicle. High discretion is where the officer has the discretion to determine whether or not a search is warranted.

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For example, a frisk for safety or probable cause or looking for contraband. Here when we look at the numbers, African-Americans received more of the high discretion searches than any particular group. And in this particular chart, when we've discussed this, it pretty much speaks for itself. When we looked at the data as a whole and, again, we looked at A.P.D. Data, data available on the open data portal, and we looked at stops and arrests, you can see particularly when we look at Austin as a whole where stops or arrests are more likely happening and where individuals who are stopped on north and northwest part of the city are receiving warnings and field observations. So we concluded the report with recommendations, and I think part of the recommendations is

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acknowledgment that we do have disparities, we do have disproportionality, and I think, you know, our - the offices here together are working together is an indication that we have to work collaboratively to address it but we can't unless there's acknowledgment, right? So we found that first and foremost is important, is an acknowledgment that there are disparities. We want to work with the police department to eliminate the disparities over time and in alignment with the strategic direction, and these are just a few recommendations that we've included in the report but there's I think a page and a half worth of recommendations but it is worth noting implicit bias testing, particularly when we look at recruits before they -- while they're in the training academy and continuing on with racial equity training. This is not something that can just be done once. It needs to be something that's ongoing. We have to continue this conversation. And with continuing this conversation, we want to involve the community, right? Obviously, the community is

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impacted by what we found in the data, and so we are hosting a community conversation on February 22 at the north wyca to talk about this further. And, again, with the theme of a collective inclusion to address the disparities.

>> So we were really excited to be a partner with this project with the innovation office and office of police oversight and it really is the embodiment of the equity work we're trying to do across the city and it really brings those principles into practice. So through the equity assessment process we really are trying to get our departments to look at their policies, their practices, their procedures, and really sort of scan for where these racial disparities exist, but then also going that extra step to sort of look at what's the root cause and why do they exist and why do we sort of see this way out in the data.

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And, you know, for us we defined equity and particularly we lead with the racial equity lens of an Austin where race no longer predicts your quality of life outcomes and what this report does is that it clearly defines that race and ethnicity is a very strong and reliable predictor unfortunately over who gets stopped, searched, arrested, field observations and all those things as well.

>> Carrie o'connor, chief observation officer. I'd like to make a note of how we have supported the office of police oversight and the equity office in this, and that's looking at the methodology. We used the census voting age population as a proxy for driving age. That's data freely available. Then we're

checking for the over and underrepresentation of a racial group's experience based on their share of the overall population. When we're looking at that

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methodology and maybe why we have chosen that methodology, you can look at a legally available framework of disparate impact, title 6 and 7 of the U.S. Code. In the department of justice legal manual, it suggests that an investigator looking at disparate impact when they reasonably include everybody in a jurisdiction is potentially affected, investigators can look at that entire jurisdiction as a relevant population base. We have reasonably concluded that that -- we're looking at the driving age population or the voting age population for that data denominator. However, we're not necessarily looking at a legal liability framework. What we're doing is we're setting a goal. We are setting a performance measure. We're saying through the strategic direction, sd-23, that we are hoping to eradicate this disproportionality and the proportion of people experiencing these stops is one of the indicators of

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sd-23. When we take this as a measure and set it as a tool for problem solving, we're saying how can we move the needle, let's look at a systems-wide approach, institutional policies and practices as Brian was saying, and looking through -- all the way through to individual decisions, and that's saying the weight of all of these factors is creating an aggregate outcome, and we have to ask ourselves if it's worth it.

>> We're happy to answer any questions. I know that was a lot of information very fast, but I know that this is something that warrants probably some discussion so I wanted to leave some room for that as well

>> Mayor Adler: Councilmember harper-madison.

>> Harper-madison: To a point you just made I'm curious from a systemic approach, I've had some questions and concerns about processes, including recruitment and training, and so I just wonder if during the course of that assessment if there's been specific thought as to,

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like, what system particularly needs to change in this way, like, you know, what would be the approach to the recruitment effort and how would we I guess sort of build in safeguards. So I have questions about how it's structured or if there's structure already and, if not, how we can work together to express some concerns that we have about the various systems and processes.

>> Absolutely. And I'm going to maybe tee that up for you, Ferrah. The recommendations after the analysis is opening up these lines of inquiry and the idea is it would be up to Chief Manley and the Austin police department to do some of the deeper dive into exactly what is going on as Brian said with the practices, policies, and procedures. And we would create a theory of change. Like, if we changed these practices, these procedures, this is how it's going to overall impact this performance goal that we've set. So I believe that as you

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have suggested, this is the next step, is looking into those things that need to change in order to move the needle on this top line indicator.

>> I think that this data also informs the strategy and the lens when we're looking into the audit and the investigation of the police department, as it relates to the resolution passed on December 5. And so I think this report provides more information about that because the recommendations that, you know, we put in the report definitely align with that, and I think it indicates that we just have to go a little bit further.

>> Harper-Madison: Mind if I ask one last question? Do you believe that Chief Manley and A.P.D. are the appropriate body and/or individuals to do the necessary assessment? And I'm not sure who that question is for. I just --

>> Let me start and I'm sure -- my partners will have an opinion. I think that they are a stakeholder, maybe not the lead, but definitely a

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stakeholder. I mean, Chief is responsible for the police department. I mean, he's the head of it, in the same way I'm responsible for police oversight so I would want to be at the table if someone was talking about the office of police oversight. We want to lead by example and we are leading by an example of partnership so we need to be at the table. Offend help the police department help these these issues so I would say they are definitely somebody who should be at the table as a stakeholder to solve this.

>> Harper-Madison: Thank you.

>> I was going to say I echo that but I also believe there needs to be a strong community component as a partner that -- part of this work is around -- we like to -- when we work with our departments we talk a lot about what are your blind spots? What are the things that -- because you may function and operate on a daily basis a certain way, it's almost blind to you that you can't see it? And one of the ways we can

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disrupt that and control for that is really bringing community in, people with lived experience that can really sort of help us sort of see within the processes that we have where does it sort of go wrong, right? Then what happens? So for me I also feel like there needs to be a strong community component as a part of how we problem solve around addressing this did issue.

>> From the office of innovation perspective we are set up to help support our colleagues which they're trying to do an ambitious project. We believe in lived experience. As Brian has said everybody needs maybe an outside lens to see what they're missing and that's how we've poised to help all our colleagues when they're looking to do something ambitious.

>> Flannigan: I know chief Manley is here. Chief, do you want to come up and join us for this conversation?

>> Good afternoon.

>> Flannigan: Do you have anything to add?

[9:38:29 PM]

And we'll do more questions?

>> In particular to reviewing recruiting and training standards?

>> Flannigan: I mean to the report in general.

>> Oh, certainly. I had to make sure I understand what your question is. Yes, we were interested in the results and, again, this is based on data that we as the police department have had and analysis that we have done for many years now. I think the new wrinkle and the new development in this is that we've compared this now to population, and we've given the proportional analysis to the data, and I think that that provides us a lens into the -- what the data shows. That is important that we haven't had before. I think it shows where we need to do with additional data analysis to uncover more of what that tells us. If you've had an opportunity to look at the report that we have issued, this is an area we've done a lot of work as a police department over the many years. We have opened ourselves up to outside review in years past from the center for policing equity. We have brought in a

[9:39:31 PM]

multitude of trainings for the police department, whether it be making sure that all command and executive staff has gone through doing racism training or making sure every officer has gone through fair and impartial police training. This is an area very important to us as a department, us as a community and something that challenges police departments across this country so we welcome this

work, look forward to additional analysis on the data to hopefully point in some directions I think that will better inform the decisions that we will make based on this.

>> Flannigan: Mayor pro tem, did you want to --

>> Garza: In your, I guess, analysis, have you -- because I agree with councilmember harper-madison's line of questioning. You know, you're -- anyone's reaction is to defend their policies, defend their -- the people that work for them. I mean, it's like a family, right? I'm gonna defend my family. Were you able to find

[9:40:33 PM]

examples of when the police chief is not the lead and how that was able to change, you know, findings like this and make them be less disparate than they are?

>> So we have -- this is in context of our work with trying to address the resolution that was passed on December 5. We have looked at other police departments who have done similar analyses in looking at training -- or assessments, I should say, training the academy. And for the most part outside entities were brought in to do the analysis.

>> Garza: I don't know if this is a city manager question, since you came up here. Is that what we're doing for the investigations that were called for by the ifcs the that have been passed recently?

>> Good afternoon, rey

[9:41:35 PM]

arrelano assistant city manager for the safety outcome. In answer to I think your original question about who is taking lead, I'm taking lead for this effort that responds to the resolution that was passed in December. And so working very closely with the police oversight equity office and innovation office which has specifically roles that provides for them to oversee and provide some information to this effort, and certainly with the police department providing information and as they take a deeper look, I certainly will be overseeing the effort and making sure it's responsive to the resolution.

>> Garza: Do you have information on -- I think it's on slide -- it's not numbered. But the second disproportionately of what the motor vehicle stops were for? Is that in the report?

>> I think it might be in the footnote, and I think it's -- if I remember correctly, I may have to follow up with you, I think

[9:42:38 PM]

they were minor traffic. But I may have to take that as a follow up.

>> Garza: Okay. That would be interesting to know, was it, like -- you didn't turn your blinker on, that kind of thing would be interesting to know.

>> Flannigan: Councilmember Casar.

>> Casar: So, first of all, I recognize that this is, you know, an important topic and there are lots of folks working hard at this for a long time through many reports and a lot of time to get this one together. I thought the recommendation section was really clear, and so my questions are primarily going to be focused on that. So first the authors of the report, thanks for coming out today. So I thought it was striking that you have -- that the goal should be zero racial disparity by 2023 and motor vehicle stops, zero disparity in arrests, field observations by 2023.

[9:43:40 PM]

Is that --

>> Yes, that's correct.

>> Casar: baseline goal you all V set? Is that a goal you see as achievable between here and 2023 I'm not implying the answer should be yes or no.

>> I feel like we have to, right? And --

>> Flannigan: One more time. Nope. One more --

>> One more time.

>> Flannigan: Press it again. The light, Brian. The light is on the mic. You can't see.

>> Oh.

>> No. I think that that's the goal, right? I think that's what's bold about this report, is the goal. And it's the goal to say that, as a city, when do we really have the expectation to meet the strategic direction, which is the fair administration of justice? And we would say that as long as we can have this reliable predictor by race within the stop, searches and arrests then we don't meet the strategic direction, right? And so that's all in the definition of it.

[9:44:40 PM]

So I know it's aggressive. It's bold. But that's the thinking that we have to have if we ever want to visualize or dream in Austin where we actually achieve it and get there.

>> Casar: I know the 14 -- and I appreciate setting a clear goal that people can understand. Of the 14 recommendations, are there some that really stand out to y'all as the most important or the ones that are gonna have the biggest impact on closing that gap or the ones that we really need to start working on today if we want to get there by 2023? I mean, I'm sure all 14 are important since you included all 14, but if you were to really highlight three or four of them, which would you pick?

>> So I think we talk about this all the time. You know, I think we agree to disagree on whether or not we need additional research. I think that the research is out there. I think this report is obviously substantive, and so I think there just has to

[9:45:41 PM]

be a clear acknowledgment of what this report says and how it impacts communities in Austin. I also think that, you know, there are things in the recommendations, things that can be implemented sooner than later. I do think that looking at implicit bias testing in the academy, I think that's something that can be -- you know, we can work towards that. And have that be part of some of the outcomes in the resolution. I also think one of the things we looked at very briefly was identifying officers that may or may not have a propensity for disproportional stops and immediately recognizing that and putting interventions in place. I think that's something that can be done fairly quickly. But I think primarily it's really kind of getting on

[9:46:42 PM]

the same page and working in the same direction to eliminate the disparities. So if we are looking at an 8% population for, you know, African-Americans that primarily should be their percentage of stops in searches. So I think it also -- and I know it's a little scary for people. It also may change a little bit how we look at policing or how policing is done. You know, just a different conversation and different framework to really get at addressing the disparity. Those are just a few. Because I know this is what I've talked about since we started doing this research, is, you know, we didn't get here quickly and we're not gonna resolve it quickly. So I think that it is something that obviously we have, you know, an ambitious goal with aligning the strategic direction but this is going to take some time to address because primarily we are also talking about a cultural change in terms of how we do policing in the

[9:47:43 PM]

city.

>> Casar: And on the searches number, because you did highlight that with its own slide, when there was high amounts of discretion, the -- your data found that the searches were just as disproportionate,

if not more, did y'all find any reason within the study about why there was such a -- why there was broader -- why that applied even in high discretion searches given the similar hit rates?

>> I mean, what came out in looking at the data was really just looking at the race and ethnicity. So when we looked at the searches, it was just -- it stood out that for African-Americans they were more likely to be searched in a high discretion situation. That was milligram we can look more into but that was

[9:48:44 PM]

glaring in the data.

>> Casar: In a search that's not relative to I can't remember cav, the worth of your car or the -- it's high discretion either way.

>> Right.

>> Casar: That's useful. I may come back to you some more but I wanted to hear the same thing from the assistant city manager and from the chief. So I do think that the -- our departments here have laid out a pretty straightforward goal of trying to have a report like this in 2023 that says there is no racial disproportionality in arrests, zero innovator in stops and arrests. Do you think that is the right goal for council to set in our strategic direction?

>> This is where it goes into the need for additional analysis from my perspective. We absolutely understand and we're not surprised to see that that disparities exist,

[9:49:44 PM]

but to dig deeper, and when we look at the disparity that shows that -- whether it be African-Americans or hispanics are arrested at a higher rate, when it comes to traffic stops, that doesn't necessarily indicate that was a discretionary decision that the officer made. We need to dig deeper and find out how many of those arrests were based on warrants versus how many of those were at the officers' discretion. That's going to put the disparity in better context. The other issue, just as we are a data-driven police department and we map where crime occurs around the city, we know we have hotspots where crime is occurring. Crime not occurring equally across the entire city, at least not the crime reported to us and that we track so we don't dispatch our officers evenly across the city as well. So I know that Mr. Harris refers to it as overpolicing. For us it's data-driven policing. We're putting officers in places where crime is

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concentrating so if we have more officers in certain parts of the community the likelihood of an interaction is greater just as a byproduct of that. So we've got to dig deep near the data to understand how much of it is truly driven by officer discretion and how much of it is based on our policing practices of deploying officers to crime hotspots and other factors of the criminal justice system that may relate to where warrants are coming from higher rates in one group versus another. Again, not at all suggesting that this is going to eliminate the disparities that exist, but to ensure that we're putting our time and our efforts towards the appropriate root causes so we can see the best gains. Yes, we are committed to absolutely minimizing and working towards eliminating those disparities, but I think we need to understand the underlying issues here to make sure that we're approaching it appropriately.

>> Garza: I understand that -- the explanation, chief. But my assumption would be

[9:51:45 PM]

warnings -- giving a ticket versus giving a warning is entirely a discretionary decision. And when you look at the map, how do we justify or explain that -- and say that we need additional information when you look and you see stark differences in whether you were given -- one part of -- east of 35 you're probably not going to get a warning but west of 35 you're significantly more likely to get a warning, which is totally discretionary.

>> There's another chart in there, and I don't have it in front of me, in the report that I brought with me. But it is in the opo's report, in this joint report, and it talks about that, the likelihood of getting a citation once stopped. And I do believe that -- I'll have to go back and look that African-Americans were less likely to get the citation. But that could be because they're more likely to be arrested. So there's more analysis that has to be done. I understand what you're saying, geographically, looking at that one map, but

[9:52:46 PM]

there are other charts in there that put the data in a different perspective. And we've all been around statistics long enough to know you can twist them and bend them to say what you want them to say. That's not what I'm trying to do. I'm suggesting we just need deeper analysis so we truly understand what's being driven by officer discretion and what's being driven by the practices of deploying officers to crime hotspots or to other issues in the criminal justice system.

>> Garza: So is that deeper analysis being done?

>> Well, that's one of the resumptons that we have, and -- recommendations that we have, and as we go forward we both I believe mentioned it in our reports. I think we even talked about Stanford did something with Oakland police department I believe it was. That's not something necessarily being done

at this moment but something we each discussed as we were producing these reports, the need to better understand that. Again, we're putting the limited resources, time and effort towards addressing the appropriate root causes.

>> Garza: Okay. Sorry I interrupted you.

[9:53:47 PM]

You know, I know these are -- it's an incredibly difficult conversation to have, but it's a necessary one, and I'm glad that we're having it. You know, I understand having to dig deeper, but I feel like when I hear that it feels like it's -- it dismisses very real, in my opinion, findings here and very real optics when you look at these maps. And we -- and the coincidence of the four of us are sitting up here and where each of us lives and you look at this map and the districts that we each represent and then looking at the color of our skin. And I think that there has to be a recognition, and I feel like to some degree you have taken on that acknowledgment, but just hearing some of the comments from the public and things that have been said in the public it feels like there's always a "But" afterwards. I acknowledge this, but.

[9:54:48 PM]

And so I just -- it's never easy to take any kind of criticism. We all know that. But we really need to try to work to change these, and, I mean, I hope we can do it before 2023, but just these -- it's really -- I don't even know what the word is to describe seeing a report like this and knowing of the people that we represent and the challenges that they face. So I just hope we can really solve these issues as quickly as possible.

>> Mayor pro tem, if I may, I'm not at all suggesting that we wait for the results of more reports. And I hope that the work that we've done over the past several years shows this is something we've been paying attention to and working on, just as recently as last year we created a very high-level position out at our training academy and hired a ph.d. Out of the world of academia look at how we're training our cadets, trying to ensure we are providing the best training not just by the content but by the adult learning environment that's free of bias. And so we will continue to do things that we believe

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are best practices along the way, whether it's things we've come up with on our own, things we've come up with in conjunction with our partners in the community. I just think the additional data will help peel back additional layers and really get towards root causes. Again, not at all suggesting at the end of the day that's going to eliminate the disparities because they're facing police departments across this country.

>> Flannigan: I just -- I just want to add, chief, you and I have had a couple really good conversations over the last couple years. Although I think one point of contention we have had is when direction to the department that you're hearing from, is it coming from the council or is it coming from advocates? And I would really hope that we can keep this conversation with those of us who are in these positions and not be citing individual advocates in this conversation. I don't really think that's super appropriate to do that and to call folks out and to target them because I think others interpret that as

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targeting so I want us to be careful about how we do that. As the mayor pro tem said, my constituents look at this map and the word that pops into their mind is underpolicing. Because they're asking for a lot more presence in my district. And for reasons. The -- you know, it's always explained to my constituents, well, there isn't as much crime so we don't send the officers to your part of town. When I look at this map, if you only give warnings, it doesn't look like there's any crime because the warnings don't show up as a crime statistic. So there is a weird kind of, like, tail wagging the dog question on if those decisions are being made because the warnings were given so those numbers look smaller so we send police resources into areas where there are arrests and that gets bigger and reinforces itself, gets into interesting data that I think is worthwhile. To be fair a map of arrests and warnings is not necessarily measuring the same thing at the same time. I think that's a fair thing

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to say. Well, what would the warnings and citations map look like? There are other ways to look at this and we should continue to be looking at that and the search discretion one is almost more shocking to me than the map. This is the only one where the numbers are reversed. That's pretty stung. I have many, many more questions about this that we can work with you, chief, and work with opo and equity office as we dig into it. Councilmember Casar, do you have more?

>> Casar: Sure. Can we -- chief, will you give us your thoughts on the searches question? Because I recognize that if you make a traffic stop under state law, if one person has a warrant and one person doesn't have a warrant, under state law our interpretation of it here at the city is you don't have discretion on that issue. But in the case where the department is putting together this report found that on searches where there

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was high levels of discretion, we had a different outcome in your mind what additional research needs to be done on that issue, for example?

>> In that area it would just be the purpose for the search, probable cause search, was this a circumstance we had received multiple complaints in a neighborhood there was drug dealing going on at a particular house so we were stopping every vehicle leaving that house, to determine if there was drug trafficking going on versus if this was just an officer on a random traffic stop who just chose to ask for -- or develop that probable cause in another way. I think that there is additional work that could be done there. This is something that we track also through the work with Dr. Alex del Carmen who does reports on us involving our traffic stop data, racial profiling data and he's one of the ones who helped write the law here in Texas. He tracks that as well. Although he references it in a different way, that is the

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fact that the hit rates are similar means that the searches are appropriately engaged. It's a different way of looking at the same set of data.

>> Casar: Understood. As far as the other 13 recommendations I asked you about one of them, which is setting that zero racial disproportionately goal, there's at least 13 others enumerated here. Do you all either from the manager's side or from the police department side disagree with any of the other 13?

>> Let me look at them here.

>> Casar: I don't need to you -- if in the end you all don't actually have an agreed to list like auto reports of yes and no, I don't have to put you on the spot now. But if there are some that stick out please do let me know?

>> It may be best to report back to you. There are some we were in absolute agreement with and some we were having back and forth on whether we agreed

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exactly as written or whether we agreed maybe with modification. But if it meets your interests, we can report back to you on that.

>> Casar: I think that in part if all of these recommendations are trying to get us to a goal, I think it would be really important for us to agree to what the goal should be. I think that a goal of having no racial disparity I think is the right goal, and then we should find out how much it is that the police department can could to achieve that goal versus other departments versus changes in state law, what it takes for us to reach that goal. I think the question is how much is entirely within your control and will what is not, but I think setting a bold goal that everyone can understand makes sense, and what it sound like we have to do is get to a place where we can have consensus on how to achieve that goal and who has control over the different variables.

[10:01:54 PM]

Director, when you mentioned that you didn't think that -- what areas do you think that -- you had mentioned that there's some level of disagreement about whether there needs to be additional research and where there doesn't. Can you walk us through? Where is it that you feel like we already have the information that it is that we need? Because I think that's something council is going to keep struggling with, where is it we have to keep digging up information where as where is it we already have the information?

>> I think where the disagreement lies is primarily -- we can study this until we're blue in the face. I think we have to get to a point where we just start implementing solutions and having conversations on how we get to that goal and will that's really where we're kind of at with it. I think a previous speaker had mentioned we've been ceiling racial profiling, I know opm issued it several years, but at what point do we say, okay, we're gonna really start addressing, taking steps to address the issue. That's what our goal is with

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this report, is to be the catalyst or impetus of finding real solutions as opposed to next year doing another report and then the police department doing a counter report. And so that's really kind of where we're at. But in terms of additional analysis, I mean, I think we really could drill down to the sectors. That is probably gonna give us a lot of information that, you know, we're happy to do. But, you know, I don't think we have to wait to do that before we start really thinking about how we address the disparities.

>> Casar: And on issues raised by the chief, like how do we not know that in one neighborhood there might be more folks with warrants than in another and that that might be driving some of the arrests and that may not have a discretionary component offend it, how do y'all take that into account in what it is you've done here? IST just well, we can't deal with those, we have to deal with the ones we can deal with, or how do we take

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that into -- I'm sure y'all have been talking so as he mentions things like why officers don't currently have discretion, how do y'all take that into consideration in your recommendation?

>> So I think we respectfully disagree about about the plumbing of greater crime in particular areas and how this relates to this particular report. I think it perpetuates stereotypes that we try to avoid and dismiss. I think that -- and I think this is where we kind of keep being redundant about the acknowledgment that there is clear disparity. I mean, we can drill down further if I think we could

probably drill down further to the bone but does that necessarily get us to the goal of addressing why there are disparities? And that's really where we are at. We want to address them. So I don't know if that really answers it, but, I don't know, do you want to --

>> Right. I think and if you look at

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the pattern of the data, it shows that the initial pipeline for the racial disparities starts with the stop and then from the stop you see that disparity widen with the search. You see it widen even more in terms of, like, citations. And so for me the entry point for this data doesn't really sort of support that. It supports that the pipeline begins with the initial stop and at that time we sort of see the racial disparities grow through all the other categories that we're looking at. So for me I think that that's sort of the challenge around this work, is that we can't be a partner with you to help solve a problem that we can't get you to fully admit that there's a problem there, right? And so so much of this is going to be rooted in do we really sort of accept the data as a city? Do we own it? And do we sort of be bold to make the goal that we won't

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tolerate it anymore for our community, right?

>> I would also say when it comes to problem solving on a really complex topic, you know, as Fara was saying we don't want to write a report and have a counter report. We like to establish maybe an if this then that statement. If we do this, then we expect it should do that. And we start breaking down these problems into smaller things so we have a bias towards action. But it's informed action. So it's a way to kind of have a little bit more information on specific angles to a specific part of the problem in order to make sure that your action is directed. And if we think about some of the ways that we operate in the innovation office we'll have a one or two-week sprint where we do a deep dive to make sure we've got all the angles covered. We come up with if we do this, then we think this will happen, and then how do we know? And we take this kind of bite-sized measured progress with a bias towards action

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in order to chew down some of the audacious goals we have over the next couple years. So I think the cadence of our work matters and how we chunk down pieces of knowledge more quickly, if that's in fact what we need to be doing in order to solve the problem in bias

[indiscernible] Towards action.

>> Casar: Chief, any last thoughts from you? I think this has been a really important conversation for us to start having here in public, and I appreciate our departments sort of pushing on each other and doing -- everybody doing their job. My sense from some amount of reading is that folks are more likely to speed on a street based on how wide the street is more than what neighborhood the street is in. That this report is looking so much at traffic violations that these other issues of how 911 call

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volume or other things in areas don't seem to me to fully explain how you could have disproportionate numbers of stops for things that are largely auto-related. I'd be interested, again, as you all bring back maybe your answers on these 14 things, I think one of the most important things we're hearing is for us to try to get to a shared understanding of what the problems really are, what the data really says, and some level of joint mission and purpose, which ultimately the council has to decide what -- you know, where it is that we are headed but it's so much that of course is -- that of course is going to be so much more successful if we can get everybody to acknowledge one set of problems and sort of with a shared purpose tackle those. So, you know, my sense is we're starting to wrap up here and I'm dragging this out so I wanted to give you --

[ laughter ]

-- A chance of any last thoughts here knowing we're going to keep on talking about this in the community.

>> I think it's important we not only continue to talk

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about it but, again, we continue to act on it, as we've been doing for years. And I don't want to make it sound like we're challenging all of the data. We're not. And as we approach this, you know, our own data, although it's self-reported data, the officers have only reported knowing the race of the individual they're stopping and these traffic stops I believe 5% of the time. I'd agree it's not that traffic violations are occurring more frequently in different parts of Austin but, again, it goes back to the number of officers we may have in differing parts of Austin, that they're at different levels based on what the data tells us.

>> Casar: Have y'all looked into this voucher program that was mentioned in Minneapolis?

>> No. That was the first I've heard of it so I'm sure we'll follow up on that.

>> Assistant city manager.

>> Yes, I'd like to respond and provide my own comments as well. I want to say certainly on behalf of the city manager this is a significant and very important piece of the safety outcome, fair administration of justice, the work that the coauthors have done is important,

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certainly provides a different lens that we have not yet looked at in terms of the proportionality of stops by A.P.D., and so we're clearly going to be interested in how can we, as you say, as a goal get to zero disparities in this regard. I do think setting a goal of zero is the aspirational goal. I don't know if 2023 is gonna be that marker, as I think Fara was saying it took us a long time to get here and it's gonna take a long time to move to that goal of zero disparities. I do think your characterization of the way -- there may be some things that may not be in our control will have to be taken into consideration. One of the important questions I think I heard is for a specific bit of information we're talking about was the why. Why was that occurring? Why was that disparity happening? I think it's nuanced by the fact that some of the information that the chief was mentioning that's deeper dive has to be made, not to analyze it to death, so to

[10:11:00 PM]

speak, but really to inform the work that perhaps with the innovation office, if then what? If then, then that, excuse me, can be informed by a little bit of background information about the why. So bringing this all together, I think working as quickly as we can and thoughtfully as we can will help get us to that goal zero disparities.

>> Casar: I'm glad -- and I think it's right to say that that -- zero disparities is our goal, and then to figure out who controls what and what it is we can get to to get there, zero disparities should have been our goal 150 years ago, 250 years ago.

>> Flannigan: All right. So thank you all for that. Lots more work to be done there. Let's move quickly, if hrd will come up, we are quickly running out of time. We still have an executive session to do. While hrd is coming up let's talk about future items. Mayor pro tem, I think you had a few. This is item 7 on our agenda, the future items.

[10:12:04 PM]

>> Garza: We received a memo, I believe it was Thursday, from judge statman, and it was about the county courts had issued a standing order with regards to I guess an attempt at bail reform, and I think there's still some questions about whether we -- what exactly -- how to exactly interpret that order as it relates to if it is allowing more pr bonds. And so I would ask that we have an agenda item on our next

judicial meeting about that, about that standing orders. There was a lot of I guess comparisons and discussions with what Harris county is doing and how we -- how our policies can line up with Harris county and, you know, just the fact that getting people quickly out of the system as quickly as possible leads to better outcomes when it comes to their jobs and getting back to their families and of course we want as

[10:13:05 PM]

Progressive a policy as possible for these misdemeanor level crimes especially so I'd ask that to be on our next agenda item.

>> Flannigan: Sounds good. Did you want to do body camera?

>> Garza: Oh, yes. Then we had discussion last council meeting about the body cam policy and we were told by the city manager that we'd have something this month -- in a month. So if we can have that as an item to make sure --

>> Flannigan: Fail safe item for may? Sounds good too. Also in may we'll get an update from judge statman on judicial evaluations. The code requires biennial evaluations and we are up. This is item number 6 related to judicial appointments. We are rapidly running out of time so warp speed please.

>> Rebecca Kennedy with the human resources department.

[10:14:06 PM]

When an judge announces candidacy for effective office they effectively resign from the position. We had judge engineers announce candidacy for the next office. So this week we're considering this week one, we're presenting to the judicial committee, and we are planning to post a position for around three weeks. Once that occurs we will screen applicants, we'll work with the presiding judge to put together a screening panel, and then we'll schedule dates for those applicant reviews. After that we'll have an interview panel based on how those candidates have fallen in the screening process. They will interview those candidates, and then we'll bring those individuals back to the judicial committee. Once we do that, the judicial committee can see all of the process that's gone on and they can either choose to accept that recommendation and pass it forward to council or at that point they can make more -- they can interview

[10:15:09 PM]

further. And so then we are hopeful to bring back a potential candidate to -- for the full council to vote on in April. I can go through the rest of the presentation, but it pretty much is this page right here.

>> Flannigan: And this is the same process we followed when we did the larger full appointment process, but it can be abbreviated because there's only one position.

>> Correct.

>> Flannigan: There's more to this presentation if the public would like to see, let's make sure that's posted to the agenda if it isn't already. Colleagues, any objection to doing executive session the committee will go up to executive session to take 2002 items. The committee will discuss the following items, item jc005, legal issues regarding enforcement of council resolution 2020-123-159, and judicial appointments. There's no objection to going into executive session. Hearing no objection the

[10:16:09 PM]

committee will now go INT

>> Flannigan: All right. Great. We are back from executive session. Do I have a script for this part too? I have to say something.

>> [Inaudible - no mic].

>> Flannigan: I think I left it. Hold on. It may be in my pocket. St. On pocket. Is it on my thing? Real professional governments here. We are out of closed session. In closed session we discussed related items discussed to jc05 and 06. Do I have a motion to proceed with the hr process as presented? Any opposition? That item passes unanimously with the three of us. This meeting is adjourned.