

City Council Regular Meeting Transcript – 09/03/2020

Title: City of Austin

Channel: 6 - COAUS

Recorded On: 9/3/2020 6:00:00 AM

Original Air Date: 9/3/2020

Transcript Generated by SnapStream

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[10:03:29 AM]

. >> Mayor Adler: It is September 3rd, 2020. City council is convening here by videoconference. It is 10:03. We have a quorum present with us, councilmember Ellis, alter and kitchen and mayor pro tem. Mr. Flannigan. Councilmember tovo. Councilmember pool. I know that councilmember harper-madison harp is with us but maybe just with us by voice today. .. I see po space but not po. Pio .. And I don't see Greg yes. There is Pio. Okay. Colleagues -- >> Mayor, you didn't mention me

[10:04:30 AM]

but I am here Kathie tovo. >> Mayor Adler: I did mention you. >> I am sorry, I missed it. >> Mayor Adler: That's okay. Right before I mention odd councilmember pool. Changes and corrections for today's meeting. Item number one, we are approving the minutes of the city council discussion of August fifth, special called meeting on the 7, the work session on the 25th and the regular meeting on the 27th. There was another item in there that we are not approving. Item number 16 is withdrawn. Item number 13 -- 33, a ballot petition has been filed opposition to the zoning request. And number 35 is in district 5. Item number 39 postponed to October 15th.

[10:05:30 AM]

Item 40 is withdrawn. We have three items that are going to be pulled. They have been pulled just so I can fill in numbers in the blank. And so that it is clear that we are not making decisions in executive sessions I am going to pull those items and call them up for discussion an now read in the numbers at

that point. Those are the only pulled items. We have late backups in 5, 6, 11, 19, 21, 32, 34, 35, 36, 37, 38, 40, 43, and then 46 . We have some speakers that are signed up both this morning and

[10:06:32 AM]

this afternoon on zoning we are going to take all of the speak in other words the morning again first. We are going to give all of the speakers three minutes to speak, with the stoning it we will give members three members to speak again. Councilmember tovo we will have citizen communication next meeting, not meeting, they are still trying to figure out how to do the zoning speakers at the zoning cases. They have not figured that out yet so people will speak to zoning all at the same time, but the applicant representative will be able to speak and be available with us when those items are called up. The consent agenda for today is items 1 through 25 and items 37 through 44. Again, pulled 22, 23, and 24.

[10:07:34 AM]

Again, the consent is 1 through 25 and 37 through 44. Ford -- for the record, councilmember harper-madison will be abstaining on items 7, 8, 9, and 15. 7, 8, 9 and 15. Colleagues, we have some speakers that would like to speak on this morning's nonzoning agenda. Does anybody have knowing say before we go to speakers? Councilmember tovo? >> Mayor, thank you, thank you for the good news about citizen communication and thanks too the clerk's office and -- to make that happen. That's great to be able to offer that element of our meetings again. I need to pull 13 and 14 for some questions, and I have

[10:08:35 AM]

a question about 6 too that I think is fast. So I guess I need to pull that one as well. >> Mayor Adler: Okay. Being pulled is six, 13 and 14, in addition to 22, 23, and 24. Mayor pro tem. >> Can you showing me abstain from item 7, please. >> Mayor Adler: Yes. The record will show that. Councilmember pool. >> I wanted to just make a comment on an item that we discussed in work session Tuesday. Can I do that now or should I do that -- >> Why don't you hold that for now and let's get the speakers spoken and then we will come back. >> That would be great. >> Mayor Adler: Are we ready for speakers. >> Yes. Councilmember Ellis. >> I would also like to be shown as abstaining on 7, 8, 9, a, and

[10:09:37 AM]

15. >> Mayor Adler: Okay. All right. Staff, would you go ahead and call the speakers this morning. >> Sure. For the speakers in queue that have yet to press zero please do so now. The first speaker is Wendy Gonzalez. Hello. I just want to thank you guys for your covid response. I think you have done a great job there. I just have a few other issues I would like to address. I live in Delia's district and today is my birthday, but I didn't get the present I was hoping for last night, I was actually looking up -- a few houses down. So I am just requesting that you guys please boost police morale and open up the academies for more recruits and more police officers. I know we have some bad steeds but not all of them are bad, so I just hope that you guys do focus on the good ones and hope, get them where they need to be

[10:10:38 AM]

in order to better police our community, and I appreciate that. And I also request you guys please help with the open camping situation. It is really, really bad here. And I think sleeping under bridges and creeks is just not acceptable and you need to get these people to a rehab or out of harm's way or away from harming others and away from like drug habits and things like that. So I just really would like it if we could help get those areas cleaned up and make our city safe again and I really appreciate you guys listening to what I have to say. Thank you, guys, for your hard work. >> Mayor Adler: Thank you. >> Anita pitarra. >> Hi, can you hear me? >> Yes. Go ahead. >> Thank you. My name is Anna, and a native Austin night in district 5.

[10:11:39 AM]

I signed up to speak on item 5 because there are issues with the map not being specific about exactly what land is taken for right-of-way. A representative told me they are not purchasing entire properties but only slivers of property consisting of five to ten feet for right of ways. Item 5 does not state this information. I was told they were seeking approval for over 2,000 yellow partial acquisition properties in addition to the over 150 acquisition green, so they could have flexibility to change the plans and wouldn't have to go, keep going back to the council for approval each time. This flexibility makes me nervous. They should have to be very specific regarding the exact properties and provide accurate mapping indicating the exact slivers of property they intend to obtain. Item 5 cast as wide net and the maps list entire properties for potential acquisition in case they need to be included.

[10:12:40 AM]

If they only want to take a sliver of land then why department the maps reflect that? I know the plans have been drawn and the construction planners know where the sidewalks -- will go. We should not be okay with vague, nonspecific approvals for flexibility with with the trust me attitude. Where is the transparency? This is nothing but a blanket carte Blanche approval request. The information is too vague

and gives too much leeway on too many properties. If certain properties were not currently part of the planned construction, then why were these listed? The details should be in writing. Transparency and details matter. Are they requiring five feet? Ten feet? Taking ten feet from some businesses would completely eliminate their ability to provide parking to their patrons. How much of the -- in south Austin music parking lot will be in their sliver? What about the broken spoke?

[10:13:41 AM]

Will -- patio seat something for the huge heritage oak trees by -- or the broken spoke be at risk? I was told these properties were not in the design to be included. Where does this explicitly state that information? I like sidewalks. And support bike lanes. I am not comfortable with our city leadership approving a nonspecific cart blamp agenda item simply for flexibility without very specific maps of what properties are included in the slivers to be claimed as right-of-way. I believe if a plan changes and the new item needs to be brought before the city council for public input, there should not be a broad, unspecific, blanket inclusion ahead of the time. The citizens of Austin should be provided clear and detailed maps and be given an opportunity to provide input on these actions. Giving blind permission to a list of entire properties simply

[10:14:42 AM]

for flexibility can adversely affect our at risk businesses and homeowners. This item should not be passed without major revision. >> Mayor Adler: Thank you. Thank you for your -- >> Thank you for your time. >> #02: Mayor -- >> Mayor Adler: Councilmember kitchen. >> I just want to give a heads-up to our staff. I will have a question about this item, so I was going to ask -- consent but maybe I should pull it quickly. I know that the information that is being requested by the speaker is available, and I want to have the staff speak to that. So I'm just giving a heads-up to the staff. So I'll be asking that at the right time. >> Mayor Adler: Okay. >> Yeah, mayor, I neglected to pull it. I have a question, too, so maybe we do just need to pull that one. >> Mayor Adler: Okay, we'll pull

[10:15:43 AM]

m34. Next item? >> Mayor, I think it was item 5. Sorry. >> Mayor Adler: Oh, you're right. Sorry. Thank you. Item 5. Next speaker. >> Elizabeth Kerry. >> Good morning, mayor and council. My name is Elizabeth Kerry. I live in district 9. Everyone has brought up great questions and points throughout this code amendment process and I hope everyone has had time to review the information that city staff Christopher Johnston and Brent Lloyd presented last month. Just to recap, land status is a process by which the city acknowledges certain older tracts of land that were defined by deed to allow

development without going through the planning process. The code provision at issue is one that has always been interpreted as literal compliance with the code, not

[10:16:43 AM]

compliance with variance. Because that interpretation has been used for so long, it is preferred to change it with this amendment. Addressing the top concerns, first, street frontages. This doesn't make any changes to the baseline frontage requirements in the lands development code, and there are no impacts on forming new lots. This is specific to on plotted tracks, and prior to 1995 that already had city utilities. This gives a little more flexibility for tracks of land that otherwise qualify for land status, but because they don't literally meet frontage, the board of adjustment variance process will provide some level of review as well as public input to help acknowledge these older tracts. Second, the court ruling. This is not a zoning regulation. It's not being presented in a context of a code rewrite that includes zoning regulations. It is a narrow text amendment to the non-zoning provisions of the code. State law gives cities the ability to adopt plotting exceptions. I hope that all of your concerns have been or will be addressed

[10:17:45 AM]

during your discussion later today and that you can confidently vote in support of item 27. Thanks. >> Beth Muffet. >> Hi. My name is Beth Muffet, and I wanted to speak on items 7, 8, and 9. I'm part of Paige Ellis's district. And Paige, I am disappointed in your choice to on stain. This does not absolve you. It makes you complicit. Choosing silence is choosing the side of your oppressor. When I went to give the homeless people water in front of the police station as I respectfully watched from yards away, as police arrested a homeless man for playing his music too loud, then 15 officers turned towards me. As they walked past me, I stood

[10:18:45 AM]

on the sidewalk. Eight of them in body armor chose to not go around me, but purposefully hit me on the shoulder, and that's why I'm here to talk. Last year -- last week, you handed out 1.7 million in police grants. No one was watching, but we are. You thought that we weren't, but we are. And we're getting beat up by the police daily. Clearly, the community is against more policing. Stop giving APD money. Reject the body armor grant. Reject the drone and aerial surveillance grant. There are no more new things the police need until they can prove that they can do their job without killing people with their racist policies and policing. The community is watching you and the community is watching all of them. How all of you vote, when you vote, when you don't vote, and especially when you don't stand for the vulnerable in our community, your voices are made loud and your community hears

[10:19:46 AM]

you. Disappointed in Paige's decision to abstain, and that is not how I voted you to get things done, and this type of governing where you are placating people and then giving money behind the backs of police is not what your community wants. >> Mayor Adler: Next speaker. >> Paul robins. >> Council, I'm an environmental activist and consumer advocate. I'm speaking to item 43, the electorate franchise extension. The backup material from this item stated that the franchise fee was less than half of what it currently is, and such a cut could lead to a significant loss

[10:20:49 AM]

in revenues for the city during a time of great economic stress. Since I protested on Tuesday, this issue has been clarified to my satisfaction. The office of telecommunications and regulatory affairs gave you a poorly worded summary of this issue, but I no longer have an objection to the approval of the franchise fee itself. However, my protest does bring up a significant issue of an endemic problem with this city department. It's seeming immunity from oversight. There is no commission, to my knowledge, that regularly reviews the department's actions. It should not be the job of one skinny activist to be its watchdog. In the case of this franchise extension, for example, Austin's electric utility commission should have reviewed it, since it comes close to its purview of reviewing Austin's electric utility. Had the commission reviewed this

[10:21:51 AM]

issue prior to council, the wording that created my protest would have probably been corrected and I would not have brought the matter to council at all. The recent gas utility rate case poorly managed by telecommunications and regulatory affairs had very little commission oversight. I am not sure if council realizes that this rate case was settled without its consent. This was a rate increase by any estimate of over \$51 million over a five-year period. No commission scrutinized this rate case, and it was settled without a vote of council. In over 40 years of being involved in public affairs of this city, I have never seen a rate increase of this size approved without a vote of council. Again, this department coasts, to use the expression "Under the

[10:22:51 AM]

radar" because of its immunity and impunity from oversight. Again, you need to designate a city commission or commissions for oversight in the future. Thank you. >> If there are any speakers in the queue that have yet to press zero, please do so now. The next speaker is Carlos Leon. >> First and foremost, gracias for letting me speak to items 22, 23, 24, and 44 in order. Fire, municipal court clerk Mary Jane grub for cases 8129140 and 856052, boss electronic records were allegedly tampered with on her watch to defraud and harm me by creating an online anti-reality falsely legit organized with multiple fake court seals to try convicting me

[10:23:51 AM]

of a crime I did not commit in offline true reality. Then, after I legally won, a notice for an illegal new trial was electronically posted, potentially generating an illegal warrant for my arrest for legally not attending it. To retaliate against me. All documented with the city auditor, reference I.D. 2612, because Grubb belongs behind bars for her alleged crimes. As for city clerk Goodall, make sure she treats me like all the time, because a few months ago, Goodall handed me a handwritten wrong call-in number, because of two transposed adjacent digits, allegedly to stop me from speaking at a joint city council cap metro number. But Rios handed me the right number just in time to stop the sabotage. Real access in equity in realtime to help me upon my

[10:24:52 AM]

request. A public servant's legal duty, not passive-aggressively attacking me. Therefore, keep city auditor stokes, because she and her staff consistently treat me and my request to investigate respectfully and seriously, following constitutional law and city code, then following up and through, documenting official responses and communicating them to me in writing in a timely manner. Next, adding more metrics for project connect implementation will not matter if voters rightly reject it in November. Raising property taxes to generate \$7 billion for it is absurd and wasteful. The proposed blue line light rail from the airport to downtown and UT was previously well-served every 30 minutes by the much less expensive, more flexible route 100 flier shuttle buses before cap remap wrongly

[10:25:55 AM]

removed the route and them. Cap metro going in the wrong direction should be punished, not rewarded, especially if the con is so big you have trouble seeing and believing it for what it is. In Jesus name I pray, amen. Thank you, lord. God bless Texas, the united States of America, constitutional law and troops, and above all, god's word. >> If there are any speakers in the queue, please press zero now. Mayor, we have one speaker who is calling in now. So if you can give us a few minutes, or one minute.

>> Mayor Adler: It's fine. We'll wait a second. >> Okay, Marcus Rosen. >> Mayor Adler: Our last speaker.
>> Hi, city council, mayor, good

[10:26:58 AM]

morning. I want to speak on items 7, 8, 9, and 40. I know 40 was rejected, and I want to say I'm very happy about that. I think targeted enforcement, and then more police presence is really not the way to stay in a safer community. There's a clear piece of evidence to show that. There's mountains of evidence, not just in Austin, but the country. As for 7, 8, and 9, I don't think the police really need more money. I understand the resistance body armor. I mean, we want to bring that in public safety, but we do want to keep our police officers safe. I think that might be okay. But things like the -- like the aerial units, the helicopters. We've had council members who have already publicly opposed

[10:27:58 AM]

this. What they have right now seems to be effective, and we don't need to add much more to that. So I think overall, they really don't need much more money really. I mean, they're still acting very aggressively towards people, protesters, and it's clear that their leadership doesn't really care much about changes, and I think we need to see more change in their police department, and that doesn't mean rewarding them with more money. This isn't really a good time for that, and the community is really looking diligently at how, you know, the kind of money they're being given and how they're spending that money. So keep that in mind. And once again, thank you for nixing item 40. I think that was a pretty good call. Thank you very much.

[10:28:59 AM]

>> Mayor Adler: Are those all our speakers? >> No, mayor, we have one more, and we are calling them now. If they're watching, please pick up. There they are. Jenny Thomas. >> Hi. My name is Jenny Thomas. I am a member of district 3. I am calling about the three grants that are being proposed to the Austin police department. Calling to see if you guys could please vote no on those. I know recently, you guys made a really historic decision to defund the police department, and I know that was really just step one, and I think this would step us back in a really big direction. So I urge you to listen to your constituents and please vote no on these. Thank you. >> Mayor, that concludes all the speakers. >> Mayor Adler: Great. Thank you, speakers.

[10:30:00 AM]

Colleagues, back up to the dais. The consent agenda is items 1 through 25 and 37-44. The pulled items are 5, 6, 13, 14, 22, 23, and 24. Any further discussion on the consent agenda? Council member pool. >> Pool: Thanks. Just two comments. On item 39, I see that it's postponed to October 15th, and there was some discussion about this, like the master plan at our work session on Tuesday. I didn't take the opportunity then to thank the community and the stakeholders for all of -- for giving their vision to us for what they see the future of this property to look like. And especially to park staff, for all the diligence that they brought to holding those meetings and documenting their vision, and putting it into really comprehensive report for

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our consideration. I'm glad to see that this has only been postponed. I do believe that we -- that the people who have put this much work into this have earned our consideration on their work. Simply accepting it. This is a long-range vision, and to be respectful of all the efforts that everybody put into it, especially since it was direction from council to go out and do this master planning exercise with the community, I really support our cheerful consideration of this item, even though it is being postponed into the middle of October, and I do support approving the work that is done out of the support of the community to put those into play, and answering some of the long-term requests for folks on the east side, that they have a recreational space comparable or maybe even better, so that there are more options, and we

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-- and the other thing I wanted to mention for item 43 in response to Paul Robinson's comments, I do think it is important that great cases of all types have some kind of overview, and I know that telecommunications and regulatory affairs staff do a really good job. I appreciate their work. But if, indeed, this was an item that ought to have gone in front of either the telecommunications commission -- I can't remember what it's called today, but the telecommunications commission, or the euc, then that definitely should have happened automatically. So, I'm supportive of that item, and I vote to approve item 43 today. But I would like to see additional input from staff with regard to our various citizen commissions. Thanks. >> Mayor Adler: Further discussion on the consent agenda? Council member Renteria. >> Renteria: Thank you, mayor.

[10:33:07 AM]

I agree with my colleague, Leslie Poole. This should have been brought to us in two parts. You know, the long-term vision is what it is. It's a long-term, and we have a master plan here at town lake that, you know, passed about three years ago, and we're getting a restroom here, a picnic table there. And that's the way these type of programs and projects work. But the \$3.5 million should have been brought to us with the exact plan of what they are going to be doing to the main entrance area. And that's what I wished we'd have seen, so we could go ahead and pass the long-term vision for it. And let them start working on that project. So, I hope when the parks department comes back with their recommendation next time, the next meeting, they'll come at you with photos and where they're at now and what they're

[10:34:10 AM]

planning to replay. So that would be my request for the staff. >> Mayor Adler: Any other discussion on the consent agenda? Is there a motion to approve the consent agenda? Council member Poole makes the motion. Seconded by the mayor pro tem. Let's take a vote. Those in favor of the consent agenda, please raise your hand. Those opposed. Council member Harper Madison, are you with us to vote? >> I'm here, and I'm voting. I would like to echo the commentary from my colleague about needing more time to make a decision, but yes, I'm a yes. >> Mayor Adler: And I understand you're on stalling on items 7, 8, 9, and 15; is that correct? >> That's an appropriate understanding. Thank you very much. >> Mayor Adler: Okay. Then it is a unanimous vote of the council subject to those announcements. All right, colleagues, let's go ahead and handle the pulled

[10:35:15 AM]

items. Council member toho, you pulled item 5. And council member kitchen, you both pulled those. Council member kitchen, you pulled it first. Do you want to ask your question? >> Kitchen: Yes. I have two questions for staff. I guess the staff is available. Is that Mr. Trimble? >> We have both Mr. Trimble and Alex available for questions on this item. >> Kitchen: Okay. My questions are for Mr. Trimble. The first question is -- I'll tell you both questions. You can speak to them both. The first one is, if you could respond to questions about the locations of the areas that are proposed for acquisition, and appoint us to a document that

[10:36:16 AM]

people can see publicly. You might speak specifically to south Lamar. I have seen a document that indicates the small slivers of land that are being considered, but there's a question from the speaker and others in the public about where they can see and understand exactly what that is. And part of speaking to that is, it's my understanding, and could you please confirm that the intent is not to take parking lot space for the Saxon pub, the broken spoke, or to impact the trees. So if you could speak to those things,

that would be helpful. >> Yeah, absolutely. Mike Trimble, director of the corridor program office. I also have Alex Gill, head of real estate. On your first question, the answer is yes, that information is available.

[10:37:16 AM]

As a matter of fact, if anyone from the public wants to go to austintexas.gov/2016bond, we have a corridor page, and we actually have each corridor broken down, and we have some of the schematic information that you had referenced available at those -- at that website, and links under those corridor pages. And so if anybody needs some help getting to those pages, we're happy -- my staff is leapt to help direct them. But also, keep in mind, too, for more detailed information about specific, you know, slivers or partial parcels, that's a part of our real estate acquisition process, which includes survey work and a more detailed proposal and getting to acquisition. Alex, you might be able to speak a little bit more to that. >> Thank you. Alex Gayle. As Mike alluded to, for those specific tracts and specific

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acquisitions that we will be moving forward, those will be offers made to the individual landowners, and what this action does is just allow us to move forward with those specific acquisitions. If for some reason we aren't able to move forward with negotiations with them, we will have to bring an item back to council on a case by case basis, specifically. >> Pool: So these are the items that were agreed to by owners, and if they're not, you'd have to bring it back to us; is that correct? >> That's correct. We'll be making offers and in negotiations with individual owners, and if we aren't able to reach an amicable agreement with them, we will have to come back to council for a separate item. >> Pool: Okay. Can one of you, Mr. Trimble or Mr. Gayle, could you speak to the Saxon pub, the broken spoke.

[10:39:17 AM]

I know that the corridor office has been very mindful of the needs of the wonderful small businesses and venues that we have along south Lamar, and there is no intent, at all, to impede the ability of these small businesses to operate. So if you all could speak to those. >> Absolutely, council member. So the answer is absolutely not. We're not -- our intent is not, excuse me, to impact in any substantial way the businesses, parking lots, et cetera for those businesses along the corridor. Our first and foremost strategy when it comes to looking at real estate was to mitigate any impacts to property owners, and a real credit to our real estate team. We've been able to actually mitigate down to a small number of parcels that are actually in play across all the corridors. I think we're down to about 160 parcels from, you know, a couple hundred that we had started out

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with. So we've really done our best to really mitigate those impacts. And Alex, feel free to speak to this, but that's absolutely not our intent to impact, you know, those businesses or other local businesses along the corridor as per the contract. >> That's correct, Mike. And I really do appreciate the work that your team and our team have done to help with that mitigation. What we're really looking at is slivers of land to help with bike lanes, to help with sidewalks and trails, as well as relocate utilities where we need to do that. So we are really looking to minimize any impact to the businesses. >> Pool: Thank you. That's all my questions. >> Mayor Adler: Did you have any further questions on this item?

[10:41:19 AM]

>> Tovo: Just one more. We got questions and calls from emails -- I mean, emails from constituents, and some of the iconic businesses in my area, including others. Thank you for that information about where people can find those more detailed maps, because that was creating, I think part of the challenge was the backup materials didn't completely identify that. You clarified that it's just slivers, and that there is a process that we would be initiating where you're working with those property owners on, you know, exactly what portion of their property, if any, would be impacted. The other question -- the only question I think you haven't addressed yet is the relationship between this and project connect. Some of the questions that have been coming into my office are asking whether this in any way is about the project connect item that's before the photo. >> Yes, council member.

[10:42:20 AM]

So, the answer is no. >> If you could just clarify that. >> Sure, council member. No, this is not related to project connect. The real estate analysis that we've done is strictly related to us looking at getting our improvements in place for the corridor program, based on what we presented to council and got approval on and trying to get our multi-mode of mobility and improvements in place. That being said, we have been coordinating very closely with capital metro and the project connect team, and so we are working very closely together to see what they're anticipating in the project connect plan, and for implementation, and making sure that we are staying coordinated moving forward. But, no, that's -- no actions we're taking now are related to project connect implementation. >> Tovo: Thanks for that clarification. >> Mayor Adler: Thank you. Council member Poole? >> Pool: Thanks for that. I was getting the same concerns especially from folks in the northern portion of my district.

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I know the pathway veers off and goes over to the tech center station and it doesn't go up as high as the changes on north Lamar, for example, that I was wondering. Is there an overlay in one of our gis maps that shows -- that puts the corridor improvements on the map, and people can add in a layer that shows the potential routes for project connect so they can see where there is alignment and where there isn't? >> We don't have that information available, but now that that has been finalized moving forward, that is something we can look as to how to show that information in the future. >> I think that would be really helpful for the community, because there was kind of a natural conflation in -- for a number of folks and I was hearing about that as well. Thanks for helping us sort through that and separate it out.

[10:44:25 AM]

Thanks. >> Absolutely. >> Mayor Adler: Thank you. Motion to approve item 5? Council member kitchen makes the motion. Is there a second? Seconded by council member Renteria. Any discussion? >> Yes. I have one more comment. >> Mayor Adler: Go ahead. >> Pool: I wanted to also thank the folks in district 5 that we've been talking to about this. You know, there's a strong interest in protecting our local businesses. We have some very special businesses along south Lamar. And so I really appreciate making this information specifically available so people can see it. And then I appreciate the explanation. I know there's been a really strong effort to make sure that these businesses are protected,

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while allowing us to have some amenities along south Lamar with the sidewalks. To make it much more possible and accessible to reach these businesses for people. Thank you. >> Mayor Adler: Let's take a vote. Those in favor of item 5, please raise your hand. Those opposed. Unanimous on the dais, 5 passes. Let's move to item number 6. >> Mayor, can we have council member Harper Madison confirm her vote? >> Mayor Adler: Oh, I'm sorry. Do you want to vote on this item 5? >> Yes, I'm here, and confirmation. >> Mayor Adler: Thank you very much. It is unanimous then. Thank you for that reminder. Council member tovo, you pulled item number 6. >> I did. Thank you, council member alder, for asking for the information that made its way into the back of the question and answer about the getting kind of an overall view of the spending so far and

[10:46:27 AM]

the isolation facility. And where that money is coming from. That's really been very -- and where those facilities are located. That's very helpful for the public as well as for the council to just kind of track our spending on that. In looking over this, I mean, this isn't a new conversation. We've had it now multiple times. I want to say I'm really so grateful to our staff for their proactive action on this front, making sure that they secured the facilities that were needed to make sure that our neighbors experiencing

homelessness had places to go, those who are at most high risk had a place to go during this pandemic. I do just want to mention again, I know it's an interest and a goal of yours to identify protective lodges that might be available for purchase, and I just want to urge that that be uppermost in mind as we're looking for facilities that would qualify, because in the end, we are renting these

[10:47:31 AM]

facilities for anywhere from a fourth to less of the cost of actually purchasing them. And so, I wanted to ask a specific question about -- about the one that's on today. I understand from the backup, and from our discussions that this is just a lease, but can you let us know if there's any option here to purchase that you're able to talk about, or no? >> Yes, council member tovo. This is Alex Gayle, for the office of real estate. For this specific item, we have not negotiated a purchase as part of this, this agreement with the owner. We are specifically looking at this, you know, in our coordination with public health on this. This facility, we've only eyed as a protective lodge. This item does only -- it's an option. So we aren't opening this

[10:48:31 AM]

property as a protective lodge number 6 at this point. It really is just an option in case, you know, for some reason, things -- numbers tend to get worse or something like that, and we do turn this facility on. But for the specific answer, no, we have not negotiated a purchase as part of this negotiation. >> Tovo: And so given that we won't be using it right away, you know, I know that you and I have had this conversation and I feel pretty confident that this is already your perspective, but I hope that we'll continue to make that a goal to identify possibly a different protective lodge that could serve as a long-term facility as we continue forward in that hotel/motel strategy of having that -- having those facilities available for longer-term housing. Again, just because we're spending -- you know, we're spending good size amounts in the leases, and I would love to

[10:49:34 AM]

see that lease -- most effective for would be for that lease to go toward the purchase of that facility in the long run. Al -- again, I think that's been your strategy. Is that accurate? >> I keep trying to unmute and get muted. Yes. That is our strategy. In working with public health and neighborhood housing as part of the motel conversion strategy, we are continuing down that path to identify those hotels that are ideal for this strategy. Those hotels that we are identifying for that strategy, the motel convergence strategy, are a little bit different than the hotels we're identifying as protective lodges. But that being said, as we continue down that path of the motel conversion strategy, you know, in my conversations

with the homeless team is, do we -- you know, making sure that if we need to negotiate a lease as part of a purchase, to continue

[10:50:38 AM]

those conversations, but we are continuing to negotiate additional facilities as part of the motel conversion strategy. >> Tovo: And I understand the setup for each are a little -- the ideal setup for each of those facilities are a little bit different, but knowing the scarcity of resources that we have, to the extent that we can identify facilities that would serve both purposes well. You know, I would just encourage you to bring those forward. So that we could use it in the interim as a protective lodge with the longer-term and have that money go toward that longer-term purchase. But anyway, thank you for your continued work on this. Both of those goals are very important. Having that temporary housing, but also having those longer-term strategies.

[10:51:39 AM]

>> Thank you. The direction this is going is one of the reasons I asked for an overview in q&a. My understanding that today's motion is really to give us the option to use that facility. But we're not necessarily using it unless we deem it necessary. Is that correct? >> That's correct. >> Alter: And we have one protective lodging that we have purchased already. Number four, we are under contract to purchase for permanent supportive housing. >> That's correct. >> Alter: And at some point, there is a limit to the services that we are -- to the contractees who can perform the board of housing services, so we also have to keep that in mind. Is that not correct as we're moving through this process? Because that has to be stood up and we have to have contractors to do that; is that correct?

[10:52:39 AM]

>> That's my understanding. I leave that a little bit more in the hands of public health, but that is my understanding. >> Alter: And I would underscore that to the extent that we can leverage these funds and move forward where we're able to use these as kind of down payments on these purchases, that would be my preference as well. >> Mayor Adler: I just wanted to reiterate both of the points made by my colleagues, council member tovo and council member alter. We've been pointed in this direction since before December of last year, and just to reurge both those points. One is getting the permanent support of housing so we can help people move off of the streets and tents and into homes, because we don't want anybody camping or having to camp anywhere in our city. And to the degree that we can

[10:53:41 AM]

leverage the money that's coming in, so that the money that we're spending now to rent or money that's coming in from covid long-term use clearly the best option to the degree that you can do that. So, thank you for this work, and I hope by the end of the year, we have hundreds of these units that are permanently available to us in this community to help us with providing everyone a good and safe place to be. Is there a motion to approve item number 6? Council member tovo makes the motion. Council member alter seconds the motion. Discussion? Is anyone opposed? I can no longer see the screen. Those in favor, please raise your hand. >> Council member harper-madison here.

[10:54:41 AM]

Affirmative. >> Mayor Adler: Okay. I'm looking unanimous, but I don't see faces on the screen. Ann, can you see faces on the screen? >> Kitchen: I cannot. >> Mayor Adler: Okay. Let me ask for a roll call vote here. Council member alter is voting aye. Council member tovo is voting aye. Mayor pro tem, I can't see you. >> Aye. >> Mayor Adler: Council member Casar, I can't see you or hear you. >> I can see him. But I don't see his hand up. >> Casar: Hand is up. Sorry. >> Mayor Adler: Council member Flannigan. >> Flannigan: Aye. >> Mayor Adler: Council member pool. >> Pool: Yes. >> Mayor Adler: Council member

[10:55:43 AM]

Ellis. >> Ellis: Yes. >> Mayor Adler: Council member Renteria. >> Renteria: Yes. >> Mayor Adler: Okay. I think that gets us to a unanimous vote on item number 6. Let's move then to -- loyal? >> Just said that was correct. Sorry. >> Mayor Adler: Gotcha. Okay. Item number 13. Council member tovo, you pulled this item as well. >> Tovo: I did. I pulled this item, and 14. And I'll just provide a little bit of context. I think it was our -- well, I guess it was in our social service committee, but we've been kind of following along the need -- this is going to seem unrelated, but I'll bring it around to the point here in a minute. You know, one of the amazing programs that we've been able to roll out during this period of time is to pick up the caregiver meals piece of aisd's food distribution, and as I

[10:56:45 AM]

understand, we may soon be able to do that in Maynor. We've been engaged in conversations the past week about where the caregiver meals at aid could be extended through the fall. I know the Austin Ed fund is actively fundraising to continue those meals as well. That private fundraising is going to be critical to keeping them going. We had asked our staff to see whether the city's contribution to that could be extended beyond next week when the money will run out. This has been a program that not just feeds the caregivers of students in our district, but also has been organized in such a way that it is

using those contracts. Those contracts are with local restaurants who have been able to either reemploy or keep employed some of their staff, so it served an important economic development purpose as well. And the program -- our

[10:57:46 AM]

contribution will run out next week. It's my understanding that at least in those initial conversations with our budget staff, there are not funds -- other funds available. I'm going to continue those conversations and get a little bit more information and see. So I come into today's meeting looking for funding and really trying to make sure that every expenditure on this agenda, as we always do, but with a particular scrutiny today, given the need to try to find some additional funding. So, that's the context under which I ask the following questions on 13 and 14, but I would also ask my colleagues -- I know sometimes we have extra money in our budget, and to the extent that you might be in that position, if you would consider putting it toward that need, that might also help. I know my office funded nearly the first week of the aid program, because we had some funds and I'm going to look at that and see if there are any additional funds as well. But anyway, with regard to 13.

[10:58:46 AM]

I'm not understanding from the backup exactly, number one, what amount would be expended in fiscal year 21. I see funding in the amount of about 21,000 is available from 2019-2020. But I'm not clear on what the anticipated spend would be for fiscal year 21. And I need somebody to help me understand, you know, whether this is -- whether this is something that is essential to our functioning as a city or whether it's something that could get and the other pressing needs in our community be deferred for now. >> We're going to have someone from procurement come over in just one minute. >> Tovo: And I see I'll just talk to -- I see it went before the water & wastewater commission. There is a pretty wide range of departments that are utilizing, Austin energy and aviation are

[10:59:47 AM]

enterprise funds. So I assume their piece of it is covered by the revenue that they take in. But the other - and the water utility. The other departments are not, but again I don't -- it's Y really not clear from the backup to what extent these are providing mission-critical storage space or whether it's kind of an important but potentially expendable expense, if you will. >> Good morning, this is the purchasing office. I think that I can answer your questions -- at least I believe I understand what you're wanting to know. For year 21 our estimation on 13 is around 250,000. Again, it's always important to remember that when you're approving authorization amounts, that's just the maximum that can be spent depending on the approved budget. So even if you approved 250,000

[11:00:48 AM]

a year, that they only had 50,000 approved in the annual budget, they could not spend more than that 50,000. The majority of the 250,000 is for those enterprise departments. The estimates I have are annually Austin water is 150,000 of that amount. Austin energy is 30,000. And so the majority of it are those enterprise funds. I did get some information from Austin water, this is important to them. They are making significant capital improvements. There are aged service centers and they are using those while those improvements are taking place. >> Thank you, Shawn and you always have good information and present it so clearly. Can you tell me what piece of aviation -- >> Aviation is 10,000 annually. >> So that brings us up to 190 of enterprise funds. So we're really looking at beyond the enterprise funds about

[11:01:50 AM]

60,000 out of fiscal year 21. Is this a contract we have had in the past? >> It is. We currently using about five departments and this contract is expanding it to seven departments. >> What are they exactly? It sounds like what you described are like a mobile unit, almost like we have for mobile voting where staff could interact with consumers, is that kind of what they are? [Indiscernible] What the range are. >> Everything from one that actually functions as an office site to some that are actually used for storage. I believe Kevin Mcneely can speak more clearly to it. They are used for storage for their equipment at a lot of their facilities, but most of the Austin energy and the Austin water utilizes it for actual mobile office spaces. >> I guess I would invite -- so to be clear, that's about 190

[11:02:53 AM]

of the 250, but we're also talking about 21 from this year. So there is about an 80,000 -- about \$80,000 in nonenterprise general fund expenses here. I wonder if any of the departments who are utilizing it -- and maybe Kimberly Mcneely can speak to how it would be used in part. What would be the impact of not moving forward with this contract today? [Indiscernible] >> [Indiscernible] (Audio distortion) Not mobile -- are more like connect boxes, that's the type of amenity that we use. And it's to store the programmatic -- the summer programmatic items, equipment and supplies that we need for the summer playground program or when we have athletic programs that are not associated with recreation centers, but are off-site or when we have outreach programs

[11:03:55 AM]

for our parks system where again recreation centers or built environment facilities are not available. We store our equipment in those types of locations so that they are easily accessible and we can run the program on a daily basis. And so we're not necessarily using them year-round, but we're using them for a specific period of time in the summer to be able to offer these programs. There are a few programs that we -- there are a few spaces that we do use them year-round for forestry equipment and also in some cases for our swimming pools just because we don't have a maintenance space to be able to store all of our equipment. But the majority of our uses are seasonal for summer programming for youth. >> That answers that question. I don't think -- I think those are necessary expenses really. Thank you for that explanation. Okay, I'll let it go. Thank you very much. >> Mayor Adler: Okay, is there a motion to approve this item

[11:04:59 AM]

13? Is that the one we're on? >> It's 13. >> Mayor Adler: Motion to approve item no. 13. I'll make the motion. Is there a second to approve this item? >> I think you're going to have to speak out loud today. >> I'll second it, mayor. >> Mayor Adler: Okay, that was -- >> Ellis: Council member Ellis. >> Mayor Adler: I'm going call names, all right? Council member harper-madison? >> Harper-madison: I'm here. I do have some concerns but I don't have the capacity in terms of my voice to express them. In which case I will be a yes. >> Mayor Adler: Okay. >> Ellis: But I'm text my concerns. >> Mayor Adler: Council member Renteria? I need a vote? >> Renteria: Yes. >> Mayor Adler: Thank you. Council member pool. >> Pool: Yes. >> Mayor adler:flannigan?

[11:06:08 AM]

>> Flannigan: Yes. >> Mayor Adler: Council member Casar. >> Casar: Yes. >> Mayor Adler: Council member kitchen? >> Kitchen: Yes. >> Mayor Adler: Council member alter. >> Alter: Yes. >> Mayor Adler: Council member tovo. >> Tovo:yes. >> Mayor Adler: Council member Ellis. >> Ellis: Yes. >> Mayor Adler: And I think that gives us a unanimous vote. So item no. 13 passes. >> Mayor, for future items, I can see everybody. Do you want me just to tell you -- glad that would be . >> Mayor Adler: That would be great. Thank you. I'll see if I can fix this over the lunch break. Council member tovo, you pulled item no. 14. >> Tovo: Yeah, the same basic framework and context and similar questions. So this is a multiterm contract for collateral materials and I need to preface this by saying that my office has been an active user of collateral materials. I have really enjoyed and love going to role model days at various elementary schools and so I appreciate that we have

[11:07:10 AM]

those kinds of rulers and pens and the kids are always really excited to get those products about the city that have the city emblem on it and it always provides a good talking point to some of the different departments that make up our city. But again, the kind of backup to the framework, I'm feeling really that our top priority should be to see if we can find some funding for -- to continue those caregiver meals and so weighing and balancing it, this is another contract that I just had to really understand better whether -- how mission-critical it is to have those collateral materials. But also just to understand some of the funding. So there is a figure in here for how much is available from the fiscal year 19 budget. I'm sorry, the fiscal year 20 budget, that 65,000. And this may be Shawn again, if you could provide us with the information for how much is contemplated to be spent in

[11:08:10 AM]

fiscal year 21 and if you could give us a sense of -- or the collateral -- our collateral materials as describes in this the kinds of things I'm talking about, some of them I know are like the little hangtags that talk about the benefits of taking a five-minute shower and other things that are also providing information to the public that's educational in nature. But my assumption about this was that it was also those kinds of other things I'm mentioning like the rulers and pens and pencils and water bottles and things of that sort. >> Good morning, again, this is the purchasing office again. Yes, these are the type of items that you were describing. It's everything from educational materials to water bottles, et cetera. This is an as needed contract. So there is no guarantee of any purchases on it. Just so we have a contract available if the departments have a need to purchase. We do -- the annual amount based on estimates that provided to us from each

[11:09:12 AM]

department, on this one the largest departments as far as use would be Austin energy, and Austin resource recovery. Those are the most significant -- Austin energy estimated at around 200,000 a year. And arr is about the same amount, 198,000 a year. >> Tovo: Thank you for that. So those are both of course a response as well. What is the estimated amount for fiscal year 21? >> Our estimated amount is 789,000 for fiscal year 21. >> Tovo: Okay, so more than half of it though it sounds like is not coming out of enterprise funding, it's coming out of general fund, is that correct? >> Yes, ma'am. We have several departments that use -- not near that amount, but this contract we have estimates from about 15 different departments that might use this contract. And, again, that's kind of why

[11:10:13 AM]

this amount is really an estimate and it's just as needs come up they could use it. It includes some funding from the convention center, from APD, from Austin public health, from building services, cpio,

ems, fire, it runs the whole gamut. >> Tovo: So if there is a willingness on the part of council, I would be interested in doing a little -- getting a little bit more information on this one. Because that is a big chunk of money. Again, some of it is enterprise funds, but quite a bit of it is belt-tightening and frankly most of those kinds of collateral materials are given out in public spaces at festivals and other kinds of community gatherings that we'll likely have a delay in seeing happening again. So, manager, I don't know if it's something that you could

[11:11:14 AM]

take a look at, whether there is an opportunity to trim this a bit or whether -- what would be the impact in doing so? And if there is no [indiscernible] To not taking it up today, I would ask that we get that second level of review and bring it back. The other thing I wanted to ask about, I saw what is the mbe/wbe participation. I was surprised to see this had been reviewed for subcontracting and there were no subcontracting opportunities. Anyway, that, too, is something I'd like a little bit more information about. About why there were no subcontracting. I would think that there would be opportunities to break this kind of a contract down so that there are opportunities for other businesses to bid on pieces of it.

[11:12:16 AM]

>> Council member, certainly [indiscernible] The council to get some more information on these related questions you raised. We can do that and bring this back in the next cycle. I will just note that, as was said, this is something that departments, including general fund departments could use and they may not even have the funding to use it. And so I would just caution us in saying we can't take funding that isn't necessarily there to another purpose, but that can be part of the follow up information that we would be providing you by going forward. Thanks for that clarification. I thought there was \$789,000 budgeted for these kinds of marketing materials. >> If that's available for them to use, but, again, budgets change over the course of the year, but as you mentioned, we are in very -- a challenging time and the plans for those departments may adjust, but

[11:13:18 AM]

unless there is additional clarification on that. >> I'm sorry, that's correct. [Multiple speakers] >> Mayor Adler: I'm sorry? >> It looks as if council member alter has a question. >> Alter: So did I understand what you just said, manager, that if we're actually trying to find dollars, we need to go to the department that would be accessing this contract to take money out of their department. That might have been put aside for this contract? And we don't know whether that amount of money in each of the departments has been put aside for this total or not. It's just available to them if that department wants to spend money

in this way? >> That's correct, mayor. >> Mayor Adler: I think I understand that. Council member alter.
>> Alter: So I have two questions: One, can you just

[11:14:20 AM]

help us understand the consequence of not approving it now? It's my understanding that there is a contract that allows them to get better AIDS if they choose to move forward with promo materials, but it doesn't obligate them to spend that much and they may or may not have designated pots of money in their budget for that or they may not find that to be the most pressing need at this point, but without this contract then they would be paying more if they did need it, so can you help me understand the consequences in the short run of delaying approval? Is there a contract in place? Whatever else you could tell me on that. >> Council member alter, good morning. You are correct, this is a contract which just allows a department to kind of get the benefit of aggregating our spend into one to get better rates. So by not approving this, it would -- if a department were to need to purchase something, they would need to go out and

[11:15:22 AM]

individually get bids for that individual item which often ends up with a much higher cost important the city. And sometimes not as good as far as favorable terms and conditions. I'm trying to look up really quick to see when this -- the contract we had expires. But it would not mean a department couldn't buy anything, it just mean that we would pay more for something. And again this current contract as the city manager stated is just there if they can or want to use it. It doesn't obligate them to use it at all. >> Alter: So I think it would be helpful if you can get back to us with when the other one expires. Because I think that's relevant and I don't know if -- not knowing that, I am wondering if it's -- there might be a scenario where we do this in two parts where this is an option with the contract so if they do have to purchase it,

[11:16:22 AM]

it's at the lower rate, but that we want to ask the city city manager to come back and tell us what's in these budgets and scrutinize that and see whether those are payments that we want to continue to allow to make. I'm not sure how we do that, but absent knowing -- that would make sense if it was sort of like expiring in the next week or so and we couldn't wait two weeks. I just don't know where we're at with that. The second question I hope I can talk about this since it was the context within which this was broken up, with respect to the food program, I would like some follow up because I'm wondering to what extent we could be able to use FEMA so that we paid like 25% and maybe Austin Ed fund was able

to raise the 25% and then through FEMA we were able to get the 75% match. I don't know if there is a way to get sort of preclearance if

[11:17:23 AM]

something is okay. I also would like more information now that the school year will be starting over what funding the schools would have. So over the summer they didn't have the funding to do it and we needed to step in, but now that school is starting, are there options there? And I don't have all of the background. We've been trying to ask some questions related to this that I haven't gotten answers and I wasn't expecting it to be brought up today, but I think it would be useful to explore that. I don't know that the school district has the opportunity to do the FEMA part of it, but maybe we can do that as a food expense. I don't know what falls under FEMA in that regard, but we may even be able to do that and have the Ed fund-raising the 25%, but using our ability to get that 75% match.

[11:18:26 AM]

>> Mayor Adler: Council member, I certainly like the creativity and we'll get back to you and your colleagues on answering some of those questions. >> Mayor Adler: Council member tovo. >> Tovo: May I suggest -- thank you, council member alter, for suggesting that path forward today if we needed to take one. My preference would be to postpone it if we're able to and just try to work through some of the details of it, but I would just like to suggest for the moment that we lay it on the table pending the information from Shawn about whether it would need to be executed today or approved today or whether we have some time. And just to clarify, and I don't want to make Ann Morgan nervous, I know we're not posted to talk about caregiver meals, I'm just talking about it in the context of why -- well, I already explained that. >> Objection, vague. [Indiscernible] Laying this on the table giving staff time to tell us whether there is any prejudice to not acting on this contract today. >> Mayor and council, this is Shawn again, I apologize for

[11:19:27 AM]

the delay. We're okay. The current contract is still active for another two months and so we can go ahead and talk about this further so we can make sure your questions are addressed. >> Mayor Adler: Any objection to this item be postponed to our next council meeting? If anyone has an objection needs to speak up. >> There is no objection on the part of council member harper-madison. >> Mayor Adler: Thank you. So with that objection this item is -- >> Mayor, I don't know if you can see me. >> Mayor Adler: I cannot, but go ahead, council member pool. >> Pool: And Ms. Willett, if you could, when you bring it back -- I'm supportive of postponing this -- I'd be happy to make that motion if council member tovo doesn't want to. I would like to have a little bit more information on the minority women-owned

business portion of the question that was raised earlier and if it's a matter of simply we don't have vendors certified for this or where that would go.

[11:20:27 AM]

I do agree that this seems like something that would be broken up into smaller pieces to give more opportunities to some of our minority businesses. So Ms. Willett, could you do that when you bring it back? >> Yes, ma'am, I'll make sure that is in there. >> Mayor Adler: Sounds good. With that objection, this item is postponed to the next council meeting. That gets us into the next item which is items 22, 23 and 24 colleagues, I'd recommend that we fill in the blanks on those items. Item no. 22, municipal clerk, the blank would be filled in with \$153,462.40. On item no. 23, the city clerk would be filled in with \$149,136. I would note that we intend to have continuing conversations on this item. Or this topic.

[11:21:29 AM]

On the auditor, filling in with \$174,720. With those blanks being filled in that way, is there a second to approving 22, 23 and 24? >> I'll second that. >> Mayor Adler: Council member pool seconds the motion to approve those three. Which I brought. Is there any discussion? Okay, those in favor, please raise your hand. Mayor pro tem, is everybody's hand raised? >> Garza: Yes, everybody. >> Mayor Adler: Harper-madison -- >> Harper-madison: Hand raised. >> Mayor Adler: It is unanimous, items 22, 23, 24. All right, colleagues, we're going to move to the Austin housing finance corporation item. To do that, I am going to recess our city council meeting here at 11:22 A.M. And I am going to convene the Austin

[11:22:31 AM]

housing finance corporation here today on September 3rd, 2020. The time is 11:22 A.M. This meeting is happening by teleconferencing. We have a quorum of the directors present. Is staff here today to walk us through the consent agenda? >> Yes, we are. Mandy Austin housing finance a corporation. Two things on your agenda today, item no. 1 is to authorize the one service agreements between the city of Houston and the Austin housing finance corporation in an amount of \$75.6 million. Item no. 2 is to authorize the negotiation of a loan agreement with espero Austin at Rutland. You'll recall that this is a 171 unit permanent supportive

[11:23:31 AM]

housing proposed project at 1934 Rutland drive and it's a partnership between keritsa of Austin and the [indiscernible] Group. That is in the amount of \$2.5 million approximately. >> Mayor Adler: Thank you. Those are the two items on the agenda. Is there a motion to approve those items on consent? >> Council member pool has her hand up and council member Ellis have their hands up, mayor. >> Mayor Adler: Council member pool makes the motion and council member Ellis seconds. Any discussion on the consent agenda? Hearing none, let's go ahead and take a vote. Council member harper-madison, how do you vote? >> Harper-madison: Aye. >> Mayor Adler: Everyone else raise your hand. How does it look, mayor pro tem? >> Garza: I see everybody's hand up. >> Mayor Adler: All right, consent agenda is approved. Staff, thank you very much. Mandy. With that, the Austin housing

[11:24:32 AM]

finance corporation meeting is adjourned at 11:24. I am reconvening the Austin city council meeting here on September 3rd, 2020 at 11:24. So we can continue with our business. I'm going to call item no. 27 which is the amendment to the subdivision code. We earlier had the opportunity for the public to speak on this. We have no further speakers on this point. Is there a motion to approve this item no. 27 and to close the public hearing? >> Council member tovo has her hand up. >> And I make the motion to second, council member a harper-madison. >> Mayor Adler: Council member tovo makes the motion and harper-madison seconds. Any discussion? Then let's take a vote. Those in favor, please raise your hand. Council member harper-madison, how are you voting? >> Harper-madison: I am an

[11:25:34 AM]

aye. >> Mayor Adler: How does it look? >> Garza: Everybody has their hand up. No, council member Flannigan. >> Mayor Adler: Council member Flannigan voting no and the others aye. This item passes. That takes care of item no. 27. Colleagues, I think that is all that we can do today with the exception of the executive session. So I would propose that we go into executive session now to take up the item no. 45. After executive session, we'll come back out at two o'clock, which is the time when we can then take up the zoning matters. So without objection, the city council now will go up into executive session to take up one eye stem. Pursuant to 55071 of the government code we'll discuss legal matters related to item 45, which is the zoning and

[11:26:34 AM]

property at 218 south Lamar. Without objection, here at 11:26, we'll go into executive session with the anticipation we will be back out on this dais at two o'clock to take up the zoning items. Colleagues, I'll see you in executive session.

[12:12:46 PM]

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[12:46:12 PM]

[1:45:54 PM]

[executive session]

[2:04:36 PM]

>> Sorry, you were muted so we did not get to hear your comments. >> Mayor Adler: Hi, today is September 3rd. It's 2:04 P.M. This is the continuation of the city council meeting that was begun this morning. This meeting is being handled by video conference. We have a quorum present. We've handled everything on the agenda with the exception of the zoning cases. We're going to call the people and the public that would like to speak. When we're done with the speakers, we'll work our way through the consent agenda and then handle any pulled items. Clerk, are you ready to take us through the speakers? >> Mayor, excuse me, will you just bring us back from executive session. >> Mayor Adler: I will. And while we were gone, we

[2:05:38 PM]

discussed legal matters related to item 45. In executive session. All right. Do you want to -- I think we have about a dozen or so speakers? >> Yes. >> Mayor Adler: 15 speakers at three minutes each. >> Okay. Sorry. Go ahead. >> Mayor Adler: I didn't mean to interrupt you. I'm ready for you to call the speakers when you are set. >> For all of the speakers on queue, if you have yet to press the arrow, please do so now. The first speaker is Connie Kirk. >> Hello. Thank you, city council and the mayor, for granting us the opportunity to voice our wishes for our district. I am in favor of item number 34 for historic district preservation in the Rogers Washington holy cross

[2:06:38 PM]

neighborhood. We have so many historical leaders that came from this neighborhood. My mother was the civil rights champion of east Austin and integrated -- teacher to teach at a Mexican school and a white school. And she is the first black woman to have a library named after her, the Willie Mae Kirk. Secretary of state of Texas and also the U.S. Ambassador of trade during the Obama administration. My sister was on the planning commission and I am a civil rights leader and I represented -- I was inducted into the hall of honors at Austin high for singing competitions during segregation and so forth. And we marched and protested segregation in the '60s. My father was the first black employee at the post office and a great grandson

[2:07:40 PM]

of a Buffalo soldier and an electoral judge. Dr. John King across the street was a -- one of the four black four star generals in the United States and president of Huston-Tillotson for over 25 years. We have so many wonderful people who have led the community in equal rights for over a period of 50 years, and we're still fighting for the same thing. But in this district, this is a very -- very important to us to get the historic preservation because we deserved it. And as the other speakers will speak on behalf, Brenda Malik was the first anchor woman on channel 24, and we have Mr. Oscar Thompson, deceased, who was the first black biologist instructor at U.T.

[2:08:40 PM]

And the list just goes on and on and on of so many historical people here from this neighborhood. And we are hoping that you will vote in favor of our preservation. God bless you and keep all of you safe from this pandemic that is phenomenal all over the world. Thank you. >> Mayor Adler: You too, Ms. Kirk, thank you. >> Pool: Mayor, could Ms. Kirk could tell us is it item 34 that she is -- >> Mayor Adler: Yes. >> Pool: Thank you. >> Mayor Adler: Next speaker. >> Jen Agiles. >> Thank you for the opportunity to speak with you today in favor of item 34, the Rogers Washington Holy Cross historic district. I live on the corner of Cedar and Givens in a house originally owned by Valerie Cannon who is with the Shamrock restaurant and bars. She also managed the historic Victory Grill, was

[2:09:41 PM]

like a mother to Bobby blue brand who would pull up in our neighborhood and stay with his whole band in this modest house which was their home on the road in central Austin. When Mr. Cannon passed, Bobby paid for the funeral. The next family to live here was the Wright family. Stella Wright left the home to the woman who raised six children. My family moved here in 2013 and the house which had a reverse mortgage was sold to someone who renovated and flipped it. I want to speak specifically about how our historic district. Part of sustaining living memory. When historically black neighborhoods dissuades never happened at all, it's erasure. Our neighborhood is part of the rapidly disappearing black heritage of east Austin. Displacement of black people

[2:10:42 PM]

is an ongoing problem. East Austin lost 66% of its black residents in the decade before this one, unconstrained development is a big reason why. In our neighborhood what's been happening is as elders pass away, financial circumstances drive their families to sell the family home, developers buy the property and put up new high-end single or multi-family housing with each unit priced 200,000 to \$300,000 or more above the cost of existing homes in the area. We've seen this over and over again in the past five years contributing to a huge drive in property values and increased property taxes that drive even more original black families out of the neighborhood even when their homes are long paid off. For us development has led to less affordability, not more. We have to stabilize this situation. Our application for historic preservation district is in part to put people over profit. Our design standards do include encourage the increased density and a way

[2:11:46 PM]

to keep our neighborhood affordable. Wadu degrees -- and the additional income stream will help homeowners stay in their homes as well. Creating an historic preservation district within Rogers Washington holy cross will help slow demolition, prevent the erasure of this area's history and we hope maintain racial diversity and economic accessibility here. Our vision is a vibrant, multi-generational, multi-racial community and renters and homes living in the portion of the neighborhood comprising the proposed historic district. We envision generations of the families who founded this neighborhood -- [buzzer sounding] -- Staying or returning to raise children here with new residents putting down new roots in our case we see historic preservation as a key for dynamic [inaudible] For our neighborhood. Thank you. >> Mayor Adler: Thank you. >> Norman scales. >> I'm Norman sales, Jr.,

[2:12:48 PM]

2509 Webber avenue, Austin, Texas. Speaking on behalf of my father, captain Norman Willford scales. He was born in Austin, Texas, also went to school here in Austin at Brackenridge elementary, went to

kealing junior high school and the old Anderson high school and started at tilt son where he did not finish because he didn't have enough money. He volunteered for the army and then was able to get into tuskegee airmen for the army air corps. Norman scales was Austin, Texas first fighter pilot who fought in World War II from this area. He was stationed in Italy and where that was an all black base and they were able to fly -- he flew over 70 missions in that area in northern Africa, Italy and Germany. One of the things that I

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recognize that happened with him is that as I lived in Fort Worth area was that Meacham for an air show and walking through there with my wife and there were a couple of couple white men asked was I a tuskegee airman and I told them no, but my dad was and this man told me, quote, his family would not be here, as his grandfather said because his grandfather was a b17 bomber pilot, and if it was not for them escorting them on their missions, his whole lineage would not be here. So therefore we were honored to hear that firsthand information. However when my dad came back here he could not get a job, he was only offered the same job that he left when he was here, being a short order cook is what they called them. However, he went on back to

[2:14:48 PM]

huston-tillotson, got his degree but was not able to do what he wanted to do in electronics and whatever. He also ended up working and dying early, working for the university of Texas. On his occasion I also became a pilot. Could not get into fighter school because I was in the wrong major. So that still existed, but I still have my pilot's license which I paid for. My brother is music, I've been in music also which he was in. My mother started out as a one-room school teacher, however she fought here to make sure Il Campbell would be in this area where we are here now by spending time to outweigh the Austin independent school district who did not want to put that school over here. So between both of them, my father being the first, the first, not the oldest but the first black fighter pilot to fight for a country that didn't want him to come

[2:15:49 PM]

back. [Buzzer sounding] But they were able to build a house here where we grew up in this part of town. So we're also fighting for designation of the historical designation for this area for people who have helped develop Austin and fought for its existence and we pray that you would consider the same. Thank you very much. >> Mayor Adler: Thank you. >> Malcolm Yates. >> Mayor Adler: And I can't hear the timer when it goes off. >> Okay, mayor. >> This is Malcolm Yates. >> Mayor, before Mr. Yates begins. >> Mayor Adler: Yes, councilmember harper-madison. >> Harper-madison: The last speaker, I sent you a

text, maybe you haven't received it yet, my hope was you would receive it before I had to let the world hear my scratchy allergy voice. The last speaker who was saying things that are very

[2:16:52 PM]

important and we're very interested as an office in taking the opportunity to collect as much data and information as we can about east Austin history. So if I can encourage the last speaker, I know they are probably gone by now, but if I could encourage them and anybody else who has that kind of east Austin history to reach out to us at district 1, that's district and then the number one, at Austin, texas.gov to give us more in terms of your information around black east Austin history. That would be very helpful. Thank you very much. >> Mayor Adler: Thank you. Next speaker. >> Malcolm Yates. >> Yes. This is Malcolm Yates. I'm the chair of the contact team. I'm speaking on council item 36, the ali south shore zoning case, and I

[2:17:52 PM]

understand that it's probably going to be postponed until September 17th, but what the contact team wants to have city council understand is the understanding we have now with the ali group is that there is going to be a private restrictive covenant that will offer 10% of the 70 new units as affordable housing at 60% of the mfi for Austin. We would like this read into the record so that it is part of the record. Thank you very much. >> Mayor? >> Mayor Adler: Yes. >> Tovo: Mr. Yates, I have a question for you if you are still on the phone. I got your email and I wonder how that -- how that commitment has been codified at this point. Is it something that there's a restrictive covenant indicating that commitment to affordable housing?

[2:18:56 PM]

>> All right, right now there is a public restrictive covenant for that property that the city of Austin is enforcing, but the owner wants to remove the requirement for owner-occupied units, and in exchange there is going to be a new private restrictive covenant. And currently what the contact team and ali are doing is we're looking for another organization that will be a partner in this private restrictive covenant. Does that answer your question? >> Tovo: Yes, I think the answer you are saying is that that component of the agreement is not yet in, has not yet been codified. And I guess I would ask you -- I don't know if we're scheduled to hear it on all three readings today, but typically if there's a

[2:19:57 PM]

private restrictive covenant in progress, we usually don't hear it on three readings until those private restrictive covenants have been executed. Is there any -- I can maybe correspond with you about this off line, but I guess I'm wondering since you mentioned it why the contact team wouldn't be -- wouldn't be the private party. I know other neighborhoods and other neighborhood planning teams have been the private party to those restrictive covenants. >> Yes. We have been party to private restrictive covenants. The problem is if at some point in the future we need to actually litigate, we have no resources to do that and that's why we're looking for another partner for this. And the agreement that was reached at the planning commission was that by third

[2:20:59 PM]

reading the -- the private restrictive covenant would be in place and that's why there has been a postponement request. >> Tovo: Okay. Thank you. That's helpful. And I don't want to -- I know this is -- we may have -- I can -- I would be happy to share with you or my staff could the way some of the other neighborhood groups I'm aware of have handled that question of resources. If you would like to -- >> I would be very -- yeah, I would like to know of any other private restrictive covenants with contact teams because I thought we were kind of alone on that. So if you've got some information on that, please send it to me. >> Tovo: I do. I do have some. And now that I'm talking it through, I think it's neighborhood associations rather than contact teams, but, you know, that may also be a possibility. Okay. Thank you. >> All right. Thank you. >> Mayor Adler: Thank you.

[2:22:00 PM]

>> Renteria: Mayor? Malcolm, can you -- >> Brenda Malik. >> Yes. Can you hear me, mayor and council? >> Yes, they can hear you. >> Hello? Yes. Great. All right. It's such a honor and pleasure to come before you today. We know you work long hours and get little respect for what you do. I won't belabor you with inconsequential information, shower, you need to know -- however, you need to know a little about the folks asking for this historic preservation. We have a small but unique community. We have an architectural cohesiveness, but our real uniqueness is in the culture and heritage much our community. We are bordered north and south by chestnut and cedar avenue and mlk boulevard and manor road. Our black neighborhood association. We go way back, back to an

[2:23:01 PM]

era where our black world War II veterans were trying to gain a foothold in a segregated society. A time when our fathers and mothers were determined to get their hard earned education to open their own

doors. Doors that had so long been shut tight and marked closed opportunities for blacks. They took it upon themselves to build a community, to educate, provide medical care, establish places of worship and guide our oppressed families to a better, more prominent standing. Am I still on? >> Yes, you are. >> Hello? Okay. We became preachers, doctors, nurses, lawyers, teachers, professors, church builders, school superintendents, store owners, construction workers, cemeteries, gas station owners and everything our community needed to build us up

[2:24:01 PM]

stronger and more united. I stand proudly to tell the story of the Rogers Washington holy cross neighborhood and their many firsts. We have the only austinite to lay claim to being a pilot in the flying brigade and received the distinguished iron cross. A head of university of Texas. And whose family has ties with president Thomas Jefferson. The first black mayor pro tem and Travis county commissioner, the first black to establish a teachers credit union for African-American teachers who could not obtain credit elsewhere. The first black employee of U.S. Postal system, the first black to receive a master's degree in zoology from U.T., the first black female to receive a master's in education and the first black to be appointed to the humans rights commission and the first black to be

[2:25:02 PM]

elected mayor of Dallas, Texas and serve as trade minister for the U.S. Government under the Obama administration. One of the first black supervisors at aid -- [buzzer sounding] -- The first black to become a high school principal of the first integrated school in the state. The first university of Texas ombudsman, the first to sink a hole in one at the Austin municipal golf course when many others were off limits and receive a shiny red convertible as his reward. We have many stories in this neighborhood with a deep and historical connection to this city and to this nation. Thank you, mayor and council, for hearing our story and we ask that you grant this application in acknowledgment of the great history and significance of some truly great heroes who built the legacy of love and tenacity and decency. Thank you so much. >> Mayor Adler: Thank you. Next speaker.

[2:26:04 PM]

>> Mayor, were you able to hear the buzzer? >> Mayor Adler: I was. >> Okay. Great. >> Mayor Adler: Thank you. >> Marilyn pool. >> Thank you. I'm speaking for item 34. The Rogers Washington holy cross neighborhood was home to east Austin leaders and educators. Thousands in this neighborhood which was designed by us for us were just beautiful. -- Houses were. On my little half block are three of the four homes was in the neighborhood that were designed by John shape. The first African-American to receive a degree in architecture from U.T. And the first black architect in the state. Shaped the first

residential design after being licensed is located at 1906 maple avenue. It was created for his best friend's widow, Irene Thompson, who was the widow of Oscar L. Thompson, the

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first African-American to receive a degree from U.T., a master's in zoology in 1951. Irene is sister of Dr. James Hill, the first African-American vice president at U.T. Austin. Irene herself was the only certified school secretary in Austin school district for many years. Even after the district desegregated. She built her home next to her best friend and bridesmaid Willie Kirk. Another Chase design is the beautiful modern home at the northwest corner of MLK and Maple Avenue, originally built for businesswoman Della Phillips who under Phillips Upshaw funeral home in east Austin. That home is a community landmark. A third Chase home in my little section is located at the corner of Maple and Givens and built by Dr. John King, the president and

[2:28:06 PM]

chancellor of Huston-Tillotson College. He is also owner of King Mortuary. Across the street from Phillips home is our custom built single story ranch home that is overshadowed by his award winning yard art that featured the ten-foot statue of Liberty in painted oak. The unique yard has been featured nationally on television, in news, book publications, dissertation and local newspapers. He is also renowned as the flag bearing black cowboy leading the Travis County Sheriff's posse on horse back in the 70s and 80s. Other houses on my half block are owned by Robert and Ruth McCallister. Ruth was the first African-American to get a masters from U.T. in special education. Her husband owns and operated one of the very few grocery stores in east

[2:29:09 PM]

Austin. Washington a well known librarian is also in my little half block. Our neighborhood represented and inspired success -- [buzzer sounding] The investors who are destroying the character of our homes do not bother to know this history or seem to care. Our application is asking you to protect that legacy. Thank you. >> Mayor Adler: Thank you. >> For all the speakers in queue, if you have yet to press zero, do so now. The next speaker is Kate Mills. >> Good afternoon, my name is Kate Mills and I'm speaking in support of agenda item 34. One of the first people my family and I met three years ago was Lavonne Jackson Marshall who can't be here today to share her history. She is a native Austinite and product of the Austin

[2:30:10 PM]

independent school district and Huston-Tillotson College, later university. Her parents, Marion and some fee from a Jackson, long-time Austin residents, became interested in building a new home in the spring of 1958 in the area known as Holy Cross. It was a rapidly developing area with large lots and diverse population, educators, entrepreneurs, people with growing families who were seeking stability. They met with the builder, Travis Cook, who offered the lot and construction at 2508 Givens Avenue for \$15,000. Ms. Marshall's father was one of the first African-American postal employees at the downtown facility and her mother was a home economics teacher at Huston-Tillotson College. As well as Manor Independent School District and Prairie View A&M. When they returned to Austin in 1966, they became residents on Givens Avenue which is where their children grew up. Ms. Marshall's husband, Dr. General Marshall, was employed at Huston-Tillotson College first as mathematics

[2:31:14 PM]

instructor, then department chair. He was an avid golfer more than 60 years. Dr. Marshall made four holes in one in his lifetime. One of which won him a shiny red Mazda convertible which I would often see parked on the street. After his passing in June, he was remembered by many of Austin's outstanding golfers during his vision station and funeral including Tom Kite and Ben Crenshaw. The Maple Avenue home, who built three houses in the neighborhood, and whose widow supported this application and lived in the home until her death last year at the age of 105. Jimmy Snell was district manager of Atlanta Life Insurance Company and later became city council member and Travis County Commissioner. His wife Joanna was a registered nurse at Holy Cross Hospital which would later build in the area. These histories we tell in our neighborhood and to our families don't just affect

[2:32:14 PM]

their past, they shape our present and our future and they need to be preserved. My family and neighbors want the storied history of the Rogers Washington Holy Cross neighborhood to continue to be part of our present and future. We don't want to see our neighborhood razed bare by developers. We want this piece of the rich black heritage of East Austin to be preserved for generations to come. Thank you for your time. >> Mayor Adler: Thank you. >> Barry McBride. >> Okay. Hello. Thank you very much for being with us today and allowing us to speak. I'm speaking on item number 34 for the Rogers Washington historic designation request. Again, my name is Barry McBride and I'm at 1900 Cedar Avenue which is on Cedar Avenue and MLK in East Austin, and this is my property now and I want to let you know that this is a

[2:33:14 PM]

property that I now own but it was owned originally by my aunt and uncle, Maxine Johnson and Garvin Johnson. Maxine was a long-time teacher at the original Ic Anderson high school and she was also very active in the community as well as her husband, my uncle, Garvin Johnson, who was a businessman in Austin for a number of years. This property, this neighborhood and all that you've heard today is enormously important from a number of different perspectives and not to go over so many things that you've already heard, one of the major items that I want to mention that has not been talked very much about is that this neighborhood was a catalyst, a major catalyst for the development of the holy cross hospital which was here for a number of years. It is directly in front -- the site is directly in front of the property that I know own. And that particular hospital was so important to us because a number of our

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physicians in east Austin, Dr. B.E. Conner, doctor Givens, Dr. Quander, for a number of years could not practice anywhere in as a result. And the practice they were allowed would be holy cross hospital and all of them uniquely qualified. Several of them went to [inaudible] Medical college. Dr. Quander came here later after Dr. Givens, but they were very active in our community and this community flourished in many ways because of the existence of holy cross hospital which has a rich and unique history itself. The number of firsts here that you heard also need to be ahead. We need to ask who is -- 2 this neighborhood produced some of the folks who grew up here and some of the very first people who integrated

[2:35:16 PM]

the public high schools. It is on the other side of east avenue where many of us cannot even go for a number of years. Well, a number of us not only went to university, we ingrated Austin high school and ultimately university. I am one of the first graduates of the business school of university of Texas in the accounting program where I became a cpa and worked for one of the largest cpa firms in the world, Arthur Andersen. The same can be said of many other families who produced young kids who went on to be a number of firsts. [Buzzer sounding] This history needs to be preserved and we would ask your favorable decision to help preserve its history. Thank you again very much. >> Mayor Adler: Thank you. >> Patricia Calhoun. >> Good afternoon. Thank you, mayor and council

[2:36:16 PM]

members. For this opportunity to speak in favor of our historic district designation, Rogers Washington holy cross, item number 34. I am Patricia Calhoun, born and reared in Austin, growing up on cotton street between comal and San Bernard. Another area of great African-American noted residences and a daughter of PC Calhoun and Thelma Calhoun who designed and built their home on the corner of maple

at 2401 Givens Avenue in 1959. They purchased their property from a large subdivided parcel of land owned by a Black physician, Dr. M.J. Washington. My father, the second principal of Kealing Junior High School, retired after 40 years of service. My mother, a supervisor of African-American county schools, later retired in the '80s as the reading specialist for aid. She also worked with Simon

[2:37:20 PM]

to publish her books and was the basis of a curriculum that she wrote. Including the founding and operation of a teachers credit union for African-American teachers. I returned to Austin in 2016 to my parents' home only to have the shock of property taxes going from about \$3,000 to about \$8,000 as I returned to live in the home. The \$3,000 I had been paying previously on behalf of my mother and, of course, the shock of now having to pay almost \$8,000 just because I -- my name was now on the deed. I immediately became a member of the neighborhood association with two missions in mind, a vehicle to address the tax burden for heirs and two, to prevent the random

[2:38:23 PM]

demolition of properties that have no architectural relationship to the community. The neighborhood association had already begun deliberations with various entities to address these issues, and in 2016 formed a design committee which began actively working to integrate the data from the east Austin city survey with design standards for our application which you now have under your review. The committee met with Preservation Austin, the city of Austin and other entities on a regular basis from the spring of 2016 to -- spring of 2016 to present, all the while distributing flyers door to door apprising each household of the meetings and planning underway, including invitations to be active in that planning. Just some of the activities are as follows. Distribution of fliers monthly to each household -- [buzzer sounding] -- Public open house at the neighborhood center in 2017.

[2:39:26 PM]

Invitations to each household. Fliers distributed at each national night out. Noting frequently asked questions. Neighborhood spring league held at the vortex three Ater. Application packets with all details of design standards were hand delivered to each local household and mailed to those out of town. Invitations for conference calls were extended to those out of town, also addressing individual concerns, many of which resulted in design standards modifications. As you have heard, our association has reached out to all at every opportunity to include and engage everyone in this process. >> Mayor Adler: Thank you. >> We look forward to your unanimous approval. Thank you. >> Elizabeth Clarkson. >> Hello.

[2:40:28 PM]

Thank you. I'm here to speak on item 36. I live on 9109 vision circle and would like to voice opposition on the the regrowing of Colin and slaughter. Cullen street is a substandard street feeding into one of the most dangerous intersections at slaughter and Cullen. While the applicant and the law will tell you that the restrictive covenants negate all of the issues that we have, it in fact does not. We don't want restaurants and our zoning has that, but were willing to compromise with the developers on hours of operation and adherence to the city council resolution to increase access to healthy foods. The proposed zoning area is already in stage 4 of the health challenges in Austin and the new covenant that

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the neighborhood association proposed was denied. >> Because -- [inaudible] One homeowner. With these in mind, the dangerousness of the street and the way that we want to reimagine Austin, I ask that you please vote no and do your part to reimagine a healthier and safer Austin. Thank you very much. >> Taylor Mcdowell. >> Hi, can you all hear me? >> Yes, go ahead. >> My name is Taylor Mcdowell. I am speaking in favor of agenda item number 34 in the proposed draft ordinance. I'm really just speaking as just want to commend all of the other speakers that have presented on this agenda item and the neighborhood association for Rogers

[2:42:32 PM]

Washington holy cross for their efforts in reaching out to the entire community and new homeowners such as myself to keep them apprised of what's going on, to hear all the various viewpoints and perspectives of the people in the community. And I also wanted to just formally commend Carl Bertram who is in the historic preservation office because she's been exceptional in all heavy work as part of this local historic designation process. I just wanted to praise the -- personally affirm my experiences with the neighborhood association and also just shower Cara with some praise because she more than deserves it. Thank you. >> Julia woods. >> Hello.

[2:43:32 PM]

I'm Julia woods and I wanted to speak about item 35 which is upzoning on prater street right next to the school for government leaders. I'm not strictly speaking in opposition to the project. What is planned for the lot is to retain the existing home and add two additional units in what is currently a very large backyard. My concern is that -- and something I have reached out to the owners' agent about is asking for conditional overlay requiring the owner to develop the property as described in their plan. As you

are probably aware, very often an owner will buy a property and plan something like this that will fit very nicely in the neighborhood and then they get an offer for a lot of money and once the upzoning

[2:44:33 PM]

has been acquired, they've -- they throw all the pieces of the nice house and build something that looks like a collection of [indiscernible]. Anyway, I want to say that -- wanted to say that I'd like to start a conversation about using urban infill that doesn't tear down existing homes. For the reasons that I'm sure you're all aware. There are areas where the lots are large enough to add one or two additional homes. The current zoning doesn't lock that in so that money pressure that comes along later can't usurp those good intentions. I would like to point out that this property is next to a middle school and high school and ordinarily one likes to see development near schools except that Ann Richards does not draw from the neighborhood but has students from all over town

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who go to this school based on an application process. So they have more buses than usual going up and down this street. There's a lot more traffic because a lot of the students are driven that school. It's not typical in that way and my daughter goes to this school and I can tell you the pickup and dropoff is kind of hectic because of the large numbers of buses and the large number of cars. Again, I have reached out to the owner hoping they would agree to a conditional overlay or perhaps a restrictive covenant, but that was not considered or I haven't heard back. So please consider this as part of the city's commitment to encouraging building in Austin without losing the old homes that fit in their neighborhoods that are good quality

[2:46:34 PM]

housing and that help keep Austin affordable. Thank you. [Buzzer]. >> Suzanne ahnbright. >> Good afternoon, mayor, mayor pro tem and councilmembers. Wow, what inspirational and touching stories you're hearing today. It's really touched my heart. I am a 20 year resident of park ridge neighborhood and a member of the board. Many of the affected numbers were part of this process, but unable to join today. Unfortunately we remain in objection to agenda item 46, the Renne zoning of Cullen and slaughter for all the reasons set forth in the presentation we sent to you on August 31st discusses in more details. First, the current zoning and restrictions are proper and have merit. They provide adequate protection for the neighborhood and they should remain. We are willing to discuss other restrictive uses but applicant was not.

[2:47:35 PM]

Applicant has no commitment or interest from any prospect 75 tenant for this property and actually has the property listed for sale on several online sites. It seems applicant does not have long-term goals for this property but seeking to get the highest uses in zoning so it will have a higher resale value. Tool has investors who got the notice that effectively place as lien on the property. Third, the intersection at Cullen lane is already overwhelmed. Cullen is a substandard road that is two lanes and no shoulder, no sidewalks. It does not meet the mobility requirements of imagine Austin and all responsible city entities tell us there is no money for improvements to Cullen. Fourth, imagine Austin corridors, page 106, says new businesses should improve mobility along an access corridor by reducing car usage and reducing walking, bicycling and transit use. A fast food restaurants depends almost exclusively on automobile traffic and

[2:48:35 PM]

therefore does not contribute to keeping Austin green or healthy. A also the city has recently placed large warning signs that slaughter is a dangerous thoroughfare and one of the signs ironically actually sits on this property. Fast food restaurants are the manufacturers of one of the most heinous industries in our country, animal farms and the cruel conditions that the animals live in to bring food products. Austin is better than this. It is time for us to say no more. The neighbors and applicants met for over two hours on August 11th. We were not able to come to an agreement about the impact of a fast food restaurant and we remain in disagreement that the existing restrictive covenants will provide protection from these things. For these reasons and more we ask that you deny this

[2:49:36 PM]

application and let the existing zoning and all those restrictions stay in place. They are proper and have merit. Thank you very much. >> To all the speakers in queue, please press 0 if you haven't already. >> Can you hear me? >> Yes, please proceed. >> Cool. My name is Mesa Ramirez and I want to thank the council for hearing from our neighborhood in favor of item 34 for Rogers Washington holy cross historic designation. I want to tell a personal story of my experiences within it. Some background on myself, I originally moved to Austin from Dallas in '06 and moved back to Dallas in 2011 only to return back to Austin in 2014. Just couldn't stay away. Upon my return I decided to

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take some time with my search and put together some criteria because I knew my next location would be a place I wanted to plant some roots. I was looking for a neighborhood that had -@potential walkability to restaurants, the university, downtown and parks while still maintaining the most important thing, community. After exploring many neighborhoods throughout the city, I somehow always found my way back to Rogers Washington holy cross. From day one the neighbors of rwhc have always been willing to open their doors and hearts to new neighbors in hopes of building a community accepting of everyone. During the historic designation process pre-covid it was not out of the ordinary for neighborhoods, for our neighborhood to meet at someone's house if they had any issues with the design standards and talk through Adu heights with them over iced tea and leveled degrees or have special called conference meetings with any neighbors concerned about setbacks so that all felt included in this long

[2:51:37 PM]

process. This type of community outreach and engagement has always been a part of this neighborhood, whether it's partnering with other neighboring communities to combat displacement, advocating for teachers' rights or simply organizing people for hot dogs and sodas for our legendary national night O our neighborhood has always treated neighbors as an extension of their family. The 1928 plan that has popped up in much recent conversation, we're seeing again the systemic removal of African-American house woulds from east Austin in which African-Americans subsequently built thriving schools, homes and businesses only to be pushed to you the outskirts of the city, destroying our traditions from our past. You are not only helping to preserve the look and feel of a designated area, you're preserving a rich legacy steeped in black excellence and numerous black firsts. When we say black firsts we're talking about the first black architect not only to get accepted to UT,

[2:52:37 PM]

but to graduate from the school and build houses in east Austin too. The first black UT law student. And the airmen who went to serve for their country only toll return back to develop and serve their community. Your vote is not only for preservation, but also a vote for a neighborhood steeped in acceptance, love, the urge to do what's right and most important of all community. Thank you and god bless. [Buzzer]. >> Mayor, that concludes all of the speakers. >> Mayor Adler: Okay, thank you. Thanks to all the speakers. Jerry, do you want to take us through the consent agenda? Will do, mayor. The first item I can offer for consent is item 32, case c-14-2020-0049. I can offer this case for consent approval on second and third readings. For those cases where the public hearing is still ope, the first one I have is item 33, this case has

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been withdrawn by the applicant. Next is item 34, case c-14-h-2020-0069, this case I can offer for consent approval on all three readings. Next is item 35, case c-14-2020-0071. This case I can also offer for consent approval on all three readings. Next item number 36, case c-14-050112-rca2 this, is a postponement request to September 17th. On the addendum we have item 46, case c-14-2019-0162. I can offer this for consent approval on all three readings. And item 47 will be a discussion case. >> Mayor Adler: Okay. So the consent agenda is 32 through 43 and 46 -- and 46

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and 47 -- no, no. And 46 because 47 has been pulled for discussion. So the consent 32 through 43, and 46. Is that correct? >> No. >> Mayor, I believe it's items 32 through 36 and item 46. >> Right. >> Mayor Adler: I see. Yeah. Thank you. >> Pool: I'll move that, mayor. >> Mayor Adler: 32 through 36 plus 46. It's been moved by councilmember pool, seconded by councilmember tovo. That's the consent. Does anyone want to speak on the consent agenda? >> Tovo: Mayor, I had a quick question. 36 on the consent agenda is for postponement, correct? >> Yes. >> Mayor Adler: Postponement to 9-17, that's correct. And 33 is being withdrawn. Okay. Discussion on the consent

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agenda? Councilmember Flannigan. >> Flannigan: I would be shown voting no on 32. >> Mayor Adler: Okay. Further discussion? Councilmember kitchen. >> Kitchen: I just have a question for the applicant on 35. I can leave it on consent, but just wanted to ask a question of him. I don't know if I can do that on consent. >> Mayor Adler: Why don't you pull it and we'll go back. 35 and 47 are pulled. Any further discussion on the consent? Mayor pro tem. >> Garza: I would be shown abstaining on 46 and just provide some brief comments. This is the Cullen slaughter case. And a good example of an issue that councilmember Flannigan often brings up with co's and we work with the neighborhood to get, you know, a wide list of

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prohibitions and the neighborhood comes in good faith to those and then future councils can always take those away. So while there are still over 20 prohibitions on this site, I understand the concerns from -- excuse me -- from the neighborhood. It is also a major corridor and as I said when this came up before, it's interesting that there are parts of my district that are begging for restaurants and amenities and then there are parts that are asking that we not add those kinds of things. So I would just like to be shown abstaining. >> Mayor Adler: Okay. The record will reflect that. 32 to 36 and 46, any further

discussion? Councilmember kitchen? >> Kitchen: I'm sorry [overlapping speakers]. >> Mayor Adler: 35 is pulled and 47 is pulled. >> Kitchen: Mayor pro tem,

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I'm sorry, I didn't quite understand what you were saying. So there's a -- this is to take off a condition, is that correct? Is that what you said? >> Garza: Yeah, it's to take off the prohibition of a restaurant. >> Kitchen: I see, okay. Thank you. >> Mayor Adler: Okay. Let's take a vote. Those in favor of the consent agenda please raise your hand. Those opposed? Councilmember harper-madison is present. I'd also like to read a statement from councilmember harper-madison with respect to item number 34. Councilmember harper-madison says that Rogers Washington holy cross is a neighborhood that is the embodiment of black excellence in Austin

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and it has been our pleasure to work with its residents on creating this historical district. An impressive list of community lead easiers, educators and business professionals made their home here. This neighborhood was developed by black professionals, for black professionals. It features homes designed by John C chase, the first black student to attend graduate school at the university of Texas and the first black architect to be licensed by the state of Texas. With the rapid growth of our city, east Austin has been hit particularly hard with the erasure of historically and culturally significant places developed in an area of explicit racial segregation that actually prevented black home ownership in most of Austin. Rogers Washington holy cross represented a beacon of hope and opportunity. Working towards a more equitable and inclusive

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Austin of the future doesn't mean we have to reject everything in our path. We must also recognize, celebrate and protect the legacies of those who struggled against the currents to prove that no challenge is too great to overcome and the long journey towards equity, equality and access to true opportunity. With that the consent agenda passes. Councilmember Renteria? >> Renteria: Yeah, it really brought a lot of old memories to me growing up there by 11th street and I could see Charlie's playhouse from my house. I had a lot of fun growing up in the neighborhood and the sad thing about it growing up seeing sections after sections after sections being lost. We lost a lot of history,

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amazing talent that was down on fifth and sixth street, those places are basically almost all gone. There's a few locations there that still exist, but -- it was a sad time in history when all of that demolition that was going on through urban renewal that we -- you know, we saved as much as we could, but it was very difficult to stop the destruction of our neighborhood. I grew up in the neighborhood that was the border between the Mexican-Americans and the African-Americans. So I had a lot of great opportunity. I went to university junior high and Austin high and I know exactly what -- what some of the speakers were saying. You know, even at Austin high when I was there, the first day my world history class a teacher came up and

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said if our forefathers had not been so stupid and brought you people over here we wouldn't be having the trouble we're having. And that was in '67 -- '66 and '67 that all that -- that the civil rights and everything else that was going on in Austin. So I am really proud to support this. I think we should have done something sooner than now, but we just need to really keep it in our minds the contribution that people in that area did for our city. It's very significant and we should never forget it. Thank you. >> Mayor Adler: Thank you. Let's go on to the pulled items -- >> Excuse me, mayor, I heard councilmember Harper-Madison say present, but I didn't hear her vote. Did she vote on that last item? She said present. >> Harper-Madison: I said present and that was my vote in the affirmative.

[3:02:46 PM]

>> Mayor Adler: Let the record reflect a yes vote and a unanimous vote from council. Let's do the pulled item. Councilmember Kitchen, you pulled 35. >> Kitchen: Yeah. I can leave it on consent -- I'm not opposed to it, I just have a quick question for the applicant. I'm assuming -- >> Mayor Adler: Is the applicant present, with us? >> Yes. Ron Thrower is here, yeah. >> Kitchen: Okay. I wanted to just quickly reiterate what the speaker had said. As she said she is not opposed to what is being proposed on this property. She was concerned about the fact that the way our zoning categories work right now there's not an assurance that this will -- that the home that's there will stay. And so she's concerned about we having a zoning category

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and to be clear that what is being proposed would be built and would be -- would stay that way in the future in the sense that it could protect the existing housing that's there as being more affordable. So I just wanted to ask Mr. Thrower, I understand that is the intent at this point. This is not one of those

properties that is being developed -- to immediately sell and flip. Could you please help us understand what the intent is? >> Yes, councilmember kitchen, Ron thrower again representing the landowner. The intent for the property is to develop it with just two additional units, the plan is to keep existing house that was constructed in 1998. And we had our very first meeting this week with the architect that's involved with the project, so the land is assuredly to move forward with just keeping

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the house and adding two additional units to the year. >> Mayor Adler: [Inaudible]. Are you okay? >> Kitchen: Can you hear me? >> Mayor Adler: Yes. >> Kitchen: So thank you, Mr. Thrower. I just wanted to establish what I understood to be the intent. And this is the kind of thing that when we get back to talking about the land development code we can work on ways to ensure in our zoning categories different ways to protect existing housing, just something we've talked about previously. So at this point I just wanted to put the intent on the record. So -- >> Is there a motion to approve item 35. Councilmember kitchen makes the motion. Is there a second? Councilmember Ellis seconds. Any discussion? Those in favor please raise your hand?

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Councilmember harper-madison, do you vote -- >> Harper-madison: My hand is raised. >> Mayor Adler: So we are all unanimous on that item. That passes. Gets us to the last item, item 47. >> Mayor, item 47 is case c-14-2019-0061, the property located a 13313 old Gregg lane, a nine acre piece of property. The applicant filed a request for clo-co zoning. The permitted uses would basically be the w/lo uses would be administrative and business office and limited warehousing and distribution. The applicant's intention, the name of the company is this old wood and they're a reclaimed lumber company so they plan to build between a six and 8,000 footwear house. We did have this case last week and the issue was the conditional overlays. And Gary, if you could pull up that PDF that I emailed you earlier. The applicant's submittal

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letter did indicate that they were filing for w/lo-co with the only w/rlo being the warehouse and identify and therefore we're obligated to notify for the application. There were letters from applicant signed by the nearby property owners and these letters identified the -- their support for the w/lo-co zoning. Obviously the applicant had already spoken to the nearby property owners and had gotten their support for the request. As I said, the city is obligated to notify as requested and also the issue that we discussed last week is that the council cannot approve something that is less restrictive than the requested zoning.

The reason for that is that a person may receive a notice and say I'm okay hypothetically, let's say, with sf-6 zoning behind my house, receives a notice

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saying the applicant is going for sf-6. They are on okay, they don't write a letter of opposition, don't show up to any hearings, the council cannot approve, say, gr zoning because the people have been notified that it would only be sf-6 and nothing more. Likewise this is a similar issue with co's, just a little bit morphinely grained. If the applicant requests a co upon their initial submittal whether they did it for support or not, we are not able to take away these restrictions if they are initially requested by the applicant if we've notified as the applicant has filed. So the issue really came down to whether the co can be lifted or not and as notified the case cannot be approved without the co's. With that I'm free to answer any questions. >> Mayor Adler: Councilmember Flannigan. >> Flannigan: I will say for my part when we discussed this last week my issue was not the

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conditional overlays, my issue was that this is an area that is designated in imagine Austin as a neighborhood center and near the intersection of two corridors so I think warehouse zoning is appropriate or compliant with the comprehensive plan. The conditional overlay was a separate conversation. That's my issue and so I'll be voting no today because it wasn't about that for me. >> Mayor Adler: Okay. Further discussion on this item? Is there a motion to approve item 46? Councilmember pool makes the -- 47 rather. Councilmember pool makes the motion. Is there a second to the motion? Is there a second to this item? Councilmember Renteria seconds. Any further discussion? We'll take a vote. Those in favor of item 47 please raise your hand. Councilmember harper-madison, how do you

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vote? >> Harper-madison: Present and affirmative. >> Mayor Adler: Mr. Flannigan voting no and the others voting aye. The item passes. >> That concludes your items today. >> Mayor Adler: And that concludes everything on our agenda, is that correct? It is? So with that, congratulations, guys -- yes, councilmember Renteria. >> Renteria: I am having a little concern about item 35. I don't believe it's in my district, but I just wanted to make sure the record is clear. >> I had to double-check that too. >> Mayor Adler: It was in the earlier changes and corrections it's actually in district five as shown in changes and directions. >> Renteria: Thank you. >> Mayor Adler: That's all our council meeting at 3:10 P.M., this meeting is adjourned.

